2014 City Code

City of The Village

November 18, 2014

Ordinance #699

THE VILLAGE CITY CODE

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CITY CHARTER

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PREAMBLE

We, the people of the City of the City of The Village, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City of The Village, Oklahoma.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS

Sec. 1. Incorporation, annexation, merging.

When this charter goes into effect, the Town of The Village, Oklahoma, shall become a city, and within the corporate limits as now established or as hereafter may be established, shall be a municipal body politic and corporate in perpetuity under the name of the "City of The Village, Oklahoma", the city shall be the legal successor of the town and as such, it shall succeed to and possess all the property and rights belonging to the town, and shall be liable for all debts and other obligations for which the town is legally bound at the time of the succession in government.

The City of The Village, Oklahoma, may not be annexed by any other city or be merged into a combined county-city government or other governmental unit unless a majority of the qualified electors of the City of The Village voting on the question at an election approve such annexation or merging.

Sec. 2. Form of government.

The municipal government provided by this charter shall be known as the "council-manager government'. All powers of the city shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe.

Sec. 3. Powers of the city.

The city shall have all powers, functions, rights, privileges, franchises and immunities granted to cities by the state constitution and law, and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the state constitution and law, the city shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever.

The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation or other legal means and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of, such property as its interests may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law. It shall have power, within the limits prescribed by the state constitution and law, to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals and property, for the prevention and summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law.

The enumeration of particular powers by this charter shall not be deemed to be exclusive or limiting and in addition to powers enumerated herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this charter specifically to enumerate.

Provisions of state law relating to matters which may be regulated by cities operating under charters, shall be in effect only insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE II. THE COUNCIL

Sec. 4. Council: Created, number of members, qualifications.

As soon as practicable after this charter goes into effect, the council by ordinance shall create five (5) wards, and by ordinance may change the ward boundaries from time to time. There shall be a council of five (5) members, which shall consist of one councilman from each of the five (5) wards of the city. Only qualified electors residing in the city and, at the time of their election, in the respective wards from which they are candidates, shall be qualified for the offices of councilman. Removal of a councilman from one (1) ward or

precinct to another within the city after his election, or a change in ward or precinct boundaries shall not disqualify him from completing the term for which he was elected. No councilman may hold any office or position in the city government by appointment by the city manager.

Sec. 5. Mayor and vice mayor.

At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen, or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice mayor, who shall serve until the time prescribed for the beginning of the terms of the next newly elected councilmen and until their respective successors have been elected and qualify.

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 the 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 such written obligations of the city as the council may require. As a councilman, he shall have all powers, rights, privileges, duties and responsibilities of a councilman, including the right to vote on questions.

The vice mayor shall act as mayor during the absence, disability or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council from its membership for completion of the unexpired term and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its membership another vice-mayor for completion of the unexpired term.

Sec. 6. Councilmen: Compensation.

Each councilman shall be paid a salary of twenty-five dollars ($25.00) per month.

Sec. 7. Council: Powers.

Except as otherwise provided in this charter, all powers of the city, including the determination of all 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 in this charter

(2) By ordinance, enact municipal legislation

(3) Raise revenue and make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city, subject to the provisions of the state constitution and law and this charter

(4) Establish or adopt a pension, retirement and/or social security system or systems for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with the state or federal government or both

(5) Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs.

(6) Appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial or advisory officers and authorities, now or when and if established, or prescribe the method of appoint or electing and removing them

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

(8) Regulate elections, the initiative and referendum, and recall, within the limits prescribed by the state constitution and law and this charter

(9) Regulate the organization, powers duties and functions of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the state constitution and law and this charter

(10) Create, change and abolish all offices, departments and agencies of the city other than the offices, departments and agencies created by this charter and assign additional powers, duties and functions to offices, departments and agencies created by this charter.

Sec. 8. Council not to interfere in appointments and removals.

Neither the council, the mayor nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council not any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

Sec. 9. City clerk to be clerical officer of council.

The city clerk, hereinafter provided for, shall also serve as clerical officer of the council. He shall keep the journal of its proceedings, and shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it shall be custodian of such documents, records and archives as may be provided by applicable law or ordinance shall be custodian of the seal of the city and shall attest, and affix the seal to, documents when required in accordance with applicable law or ordinance.

Sec. 10. Council: Induction into office, meetings.

The terms of office of councilmen shall begin at 7:30 p.m. on the first Monday in May following their election. The council shall hold a meeting at that time, and those whose terms are beginning shall be inducted into office. If a councilman-elect fails to qualify within one (1) month thereafter, his office shall become vacant and the council shall fill the vacancy. The council shall hold at least one (1) regular meeting every month at such times as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection.

Sec. 11. Council: Absences to terminate membership.

It the mayor or any other councilman shall be absent from more than one-half of all the meetings of the council, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Sec. 12. Councilmen: Removal.

The mayor or any other councilman may be removed from office for any cause specified by applicable state law for the removal of officers and by the method or methods prescribed thereby and may also be removed by recall as provided in this charter.

Sec. 13. Council: Vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms provided that, it a vacancy occurs before the beginning of a regular filing period for candidates for councilmen, and the unexpired term extends beyond 7:30 p.m. on the next first Monday in May, then a councilman for that place shall be elected at the election of that year to serve the rest of the unexpired term beginning at 7:30 p.m. on said first Monday in May.

Sec. 14. Council: Quorum, rules, yeas and nays.

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Sec. 15. Ordinances: Enacting clause.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of The Village, Oklahoma," and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of The Village, Oklahoma,"

Sec. 16. Ordinances: Passage, when in effect.

Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten (10) days after its passage, every ordinance except an emergency ordinance shall be published in full or by number and title in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so passed and published, shall become effective thirty (30) days after its final passage and publication unless it specifies a later time provided that an ordinance granting a franchise to a public utility shall not go into effect until it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Sec. 17. Ordinances: Emergency.

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency': and in a separate section, herein called the emergency section, shall declare the emergency. The council shall vote on the emergency section separately, and must adopt the section by a vote of at least four-fifths of all the members of the council, which vote shall be by yeas and nays, and shall be entered in the journal. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Sec. 18. Ordinances: Adoption by reference.

The council by ordinance may adopt by reference codes, ordinances, standards and regulations relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulations so adopted need not be enrolled in the book of ordinances but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of all such codes, ordinances, standards and regulations in force for distribution or sale at their approximate cost.

Sec. 19. Ordinances: Codification.

The ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by uses of a loose-leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code and temporary and special ordinances and parts of ordinances, which are to be repealed by the code, shall be omitted from the code. The ordinances and parts of ordinance included in the code may be revised, rearranged and reorganized and the code may contain new matter, provisions of the state constitution and

law relating to the city and provisions of this charter. A copy of the published code shall be filed in the office of the city clerk after the council adopts the code by ordinance, but the code need not be enrolled in the book of ordinances.

ARTICLE III. CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Sec. 20. City manager: Appointment, term, qualifications, removal.

There shall be a city manager. The council shall appoint him 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. At the time of his appointment, he may not be a resident of the city or state but, during his tenure of office, he shall reside within the city. Neither the mayor nor any other councilman may be appointed city manager or acting city manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Sec. 21. Acting city manager.

If the city manager is absent from the city or is unable to perform his duties, if the council suspends the city manager, or if there is a vacancy in the office of city manager, the council may appoint an acting city manager to service until the city manager returns, until his disability or suspension ceases, or until another city manager is appointed and qualified as the case may be. The council may suspend or remove an acting city manager at any time.

Sec. 22. City manager: Powers and duties.

The city manager shall be chief executive officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefore to the council. He shall:

(1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city, except as otherwise provided by this charter, and except as he or the council by ordinance may authorize the head of a department, and officer or an agency to appoint, lay off, suspend, demote and/or remove subordinates in such department, office or agency, subject to such merit-system regulations as the council may adopt

(2) Supervise and control, directly or indirectly, all officers and employees whose appointments are provided for above in this section

(3) Prepare a budget annually and submit it to the council, 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 as of 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 on matters of policy and other matters to the council as may seem to him desirable.

(6) Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe.

Sec. 23. Administrative departments, offices and agencies.

There shall be a department of finance and such other administrative departments, offices and agencies as this charter establishes and as the council may establish.

Sec. 24. Public library.

The public library or libraries, when and if established, shall constitute, or be a part of, an administrative department and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the city manager, as the council may ordain. Also, the council may authorize, or enter into arrangements for, a joint or cooperative library service with other units or agencies of government.

Sec. 25. City attorney.

There shall be a city attorney, who shall be an officer of the city appointed by the council for an indefinite term, and who shall be head of the department of law. He shall have such powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance.

ARTICLE IV. DEPARTMENT OF FINANCE, FISCAL AFFAIRS

Sec. 26. City clerk. Office created, duties.

There shall be a city clerk, who shall be an officer of the city.

The city manager shall be ex officio city clerk unless the council by ordinance provides that the city manager shall appoint another person city clerk. The city clerk shall be director, or head, of the department of finance, and shall have supervision and control thereof. Except as the council may provide otherwise by ordinance, the city clerk shall collect or receive revenue and other money for the city, and shall deposit the same with

the city treasurer or for the city treasurer in an account or accounts maintained by the city treasurer in a depository or depositories. The city clerk shall maintain or have maintained a general accounting system for the city government. He shall have such other powers, duties and functions as may be prescribed by the charter, applicable law or by ordinance.

Sec. 27. City treasurer: Office created, duties.

Within the department of finance, there shall be a city treasurer, who shall be an officer of the city appointed by the city manager for an indefinite term. Subject to such regulations as the council may prescribe, the city treasurer shall deposit funds received for the city in such depositories as the council may designate. He shall have such other powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance.

Sec. 28. Purchases and sales.

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

Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations, and with such exceptions, as the council may prescribe, shall be given but the council shall not except a particular contract, purchase or sale from the requirement of competitive bidding.

The council by ordinance may transfer some or all of the power granted to the city manager by this section to an officer appointed by and subordinate to the city manager.

Sec. 29. Sale of property valued at more than $25,000.00.

The sale of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than twenty-five thousand dollars ($25,000.00), shall be made only (1) by authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election, or (2) by authority of an special non emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten (10) days after its passage, and shall include a section reading substantially as follows: "Section _____. This ordinance shall be referred to a vote of the electors of the city if a proper referendum petition is properly filed within thirty (30) days after its passage and publication otherwise it shall go into effect thirty (30) days after its passage and publication."

Sec. 30. Public improvements.

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements provided that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. Every contract for public improvements of more than one thousand dollars ($1,000.00) shall be awarded to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

Sec. 31. Personal interest.

Neither any councilman nor the city manager shall sell or barter anything to the city or to a contractor supplying the city or make any contract with the city or purchase anything from the city other than those things which the city offers generally to the public (as for example, utility services), and then only on the same terms as are offered to the public. Any such officer violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the city manager or the council.

Sec. 32. Fiscal year.

The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Sec. 33. Independent annual audit.

The council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

ARTICLE V. MUNICIPAL COURT

Sec. 34. Municipal court.

There shall be a municipal judge, who shall be an officer of the city appointed by the council for an indefinite term. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the city provided that the council by ordinance may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and

parking violations, on request of accused persons who desire to plead guilty and pay fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The style of all processes shall be in the name of the city. The municipal judge may issue subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTICLE VI. ELECTIONS

Sec. 35. Overlapping terms of two years--Elected at large-- Nonpartisan elections.

The terms of the councilmen from wards 1, 2 and 3 under this charter, shall expire at 7:30 p.m. on the first Monday in May in every odd-numbered year. The first councilmen from wards 4 and 5 shall be elected in 1960 and the terms of the councilmen from wards 4 and 5 shall expire at 7:30 p.m. on the first Monday in May 1962 and at that time in every even-numbered year thereafter. Each year the successors of those whose terms are expiring shall be elected for overlapping terms of two (2) years.

All councilmen shall be elected at large, by the qualified electors of the entire city but candidates for councilmen must be qualified electors of their respective wards.

There shall be no primary election, but only a general election, herein called "election".

The election shall be nonpartisan and no party designation or emblem shall be placed on the ballots.

Sec. 36. Election: Filing.

Any qualified person may have his name placed on the ballot for the election as a candidate for councilman from his ward by filing, not more than forty (40) days and at least thirty (30) days prior to the election, with the secretary of the county election board, a sworn statement of his candidacy.

Sec. 37. Election: Time, who elected, etc.

An election shall be held on the first Tuesday of April every year to elect councilmen to succeed those whose terms are about to expire. If only one (1) person is a candidate for an office, he shall be elected ipso facto and his name need not appear on the ballot. Every qualified elector in the city shall be entitled to vote for one (1) candidate for each office to be filled. The candidate receiving more votes than any other candidate for an office shall be elected. In case of a tie, the election shall be determined fairly by lot from among the candidates tying, by the county election board in a public meeting.

Sec. 38. Registered qualified electors.

Only electors residing in this city should have the qualifications prescribed for electors by the state constitution and law, and who are registered as required by law, may vote in city elections.

Sec. 39. Political activity of officers and employees.

No officer or employee of the city except the councilmen, may work actively for or against, or attempt to influence, the election or defeat of any candidate for councilman provided that this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote.

Any person, who violates this provision, shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars ($20.00) including costs. Such violation shall constitute cause for removal from office or employment.

Sec. 40. State constitution and law to govern.

The provisions of the state constitution and law applicable to city elections shall govern such elections in this city insofar as they are applicable and are not superseded by this charter or by ordinance.

A proclamation of the mayor calling a special election need not (but may) set forth the names of the precinct officers who are to conduct the election, but shall give the locations of polling places.

ARTICLE VII. RECALL

Sec. 41. Recall authorized.

The incumbent of any elective city office may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided herein.

Sec. 42. Recall petition.

To initiate recall proceedings, a written statement in duplicate proposing the recall of the incumbent of an elective office, shall be made and sworn to by twenty (20) or more registered qualified electors of the city, and shall be filed with the city clerk after the incumbent has held the office at least four (4) months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred (200) words. Within five (5) days, the city clerk shall mail a copy of such statement by registered, certified or similar special mail to the officer at his residential address. Within ten (10) days after the statement is mailed to the officer, the officer may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not

more than two hundred (200) words and the city clerk on request shall deliver one (1) copy to one (1) of the persons filing the statement proposing the recall.

The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL", and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL". The two (2) statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one (1) month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

A number of registered qualified electors of the city equal at least to twenty (20) percent of the total number of votes cast for governor in the city at the last general state election at which a governor was elected must sign the petition. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred (100) signatures may appear on a single copy of the petition. One (1) of the signers of each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the city.

The circulated petition shall be filed with the city clerk not later than one (1) month after the filing of a copy as provided above. Within one (1) month after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the city have signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and /or lacks a sufficient number of signatures, the petition shall have no effect and recall proceedings may not again be initiated against the same person within six (6) months after the date of the certificate. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting.

Sec. 43. Recall election. Council to order.

The council by resolution or ordinance passed within ten (10) days after receiving the petition and certificate of the city clerk, shall order and fix the date for a recall election, which shall be held not less than forty (40 days nor more than fifty (50) days, after passage of the resolution or ordinance. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the city within ten (10) days after its passage and such publication shall be sufficient notice of the election.

The qualified electors of the city may vote in a recall election on the election of successors to more than one incumbent of an elective office.

Sec. 44. Recall election: How held.

The recall election shall be an election to fill the office held by the incumbent sought to be recalled. Any qualified person, including the incumbent, may file as a candidate for the office and candidates must file at least fifteen (15) days before the recall election. There shall be no primary before the recall election, and the candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. The said successful candidate must qualify within one (1) month thereafter and if he fails to do so, the office shall be vacant, and the council shall fill the vacancy. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption and recall proceedings may not again be initiated against him within one (1) year after the election.

The provisions of this charter relating to city elections shall also govern recall elections insofar as they are applicable and are not superseded by the provisions of this article.

Sec. 45. Person recalled or resigning.

No person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may hold any office or position of employment in the city government within one (1) year after his recall or resignation.

ARTICLE VIII. MISCELLANEOUS PROVISIONS

Sec. 46. Feminine gender.

When the masculine gender is used in this charter, it shall also mean the feminine unless the masculine alone is clearly indicated.

Sec. 47. Initiative and referendum.

The powers of the initiative and referendum are reserved to the people of the city. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

Sec. 48. Merit system.

Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness and layoffs, suspensions, demotions and removals shall be made solely for the good of the service. Better to achieve these ends, the council may establish a merit system and provide for its proper organization and functioning and for proper personnel administration.

Sec. 49. Qualifications of officers and employees.

Officers and employees of the city shall have qualifications prescribed by this charter and such additional qualifications as the council may prescribe but the council shall not prescribe additional qualifications for councilmen.

Sec. 50. Nepotism, holding more than one office or position.

Neither the city manager, the council nor any other authority of the city government, may appoint or elect any person related to any councilman, to the city manager, or to himself, or in the case of a plural authority, to one (1) of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government but this shall not prohibit an officer or employee so related from continuing in the service of the city.

Except as otherwise provided by this charter or by ordinance, the same person may hold more than one (1) office or position in the city government. The city manager may hold more than one (1) such office or position, through appointment by himself, by the council or by other city authority having power to fill the particular office or position, subject to any regulations which the council may make by ordinance but he may not receive compensation for service in such other offices and positions. Also the council by ordinance may provide that the city manager shall hold ex officio designated administrative offices subordinate to the city manager as well as other designated compatible city offices.

Sec. 51. Official bonds.

The city manager, the city clerk, the city treasurer and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Sec. 52. Oath or affirmation of office.

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed and kept in the city clerk's office.

Sec. 53. Who may administer oaths and affirmations.

All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the heads of all other administrative departments, the municipal judge and such other officers as the council may authorize, may administer oaths and affirmations.

Sec. 54. Removal, etc., of officers and employees.

Except as otherwise provided by this charter, the power to lay off, suspend, demote and remove accompanies the power to appoint or elect and the city manager or other appointing or electing authority at any time may lay off, suspend, demote or remove any officer or employee to whom he or the other appointing or electing authority respectively may appoint or elect a successor.

Sec. 55. Acting officers and employees.

The appointing or electing authority who may 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 case of a vacancy, until a successor is appointed or elected and qualifies, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases.

Sec. 56. Officers to continue until successors are elected or appointed and qualify.

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

Sec. 57. Publicity of records.

All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

Sec. 58. Separability clause.

If a court of competent jurisdiction should hold any section or part of a section of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparable connected in meaning and effect with that section or part of a section.

If a court of competent jurisdiction holds a part of this charter Invalid or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

Sec. 59. Legal notice or process.

Every legal notice or process to be served upon the city shall be served upon the city manager, or in his absence upon the acting city manager if any, or in the absence of both, then upon the mayor.

ARTICLE IX. AMENDMENT

Sec. 60. Amendment: Proposal, ratification, approval.

This charter may be amended by proposals therefore submitted by the council, or by the mayor upon initiative petition of the people as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one (1) amendment are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such a manner that the electors may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part or parts of the charter or of a proposed new charter.

Sec. 61. Amendment: Board of freeholders.

The Council by ordinance may provide for the election of a board of freeholders to prepare and propose amendments to this charter. When an amendment proposed by a board of freeholders shall have been submitted by the council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution, it shall go into effect.

ARTICLE X. SUCCESSION IN GOVERNMENT

Sec. 62. When this charter goes into effect.

If a majority of the qualified electors of the town voting on the question vote to ratify this charter, the charter shall go into effect immediately upon approval by the governor as provided by the state constitution and law and the government of the city provided by this charter shall succeed and replace the government of the Town of The Village.

Sec. 63. Ordinances continued.

All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Sec. 64. Officers and employees continued, etc.

When this charter goes into effect, the incumbents of the offices of trustees of the town shall become the first councilmen of the city, and the incumbent of the office of

president of the board of trustees of the town shall become mayor of the city and each of said officers shall serve until 7:30 p.m. on the day when his term as trustee would have expired if this charter had not been adopted.

Furthermore, if this charter goes into effect before 7:30 p.m. on the first Monday in May 1959, the persons elected trustees of the town at the election on April 7, 1959, shall become councilmen with two-year terms beginning at 7:30 p.m. on the first Monday in May 1959, replacing those serving prior to that time.

Prior to 7:30 p.m. on the first Monday in May 1960, and notwithstanding any other provisions of this charter, the council shall consist of only three (3) members, special meetings may be called by the mayor or any two (2) councilmen, and emergency ordinances may be passed only by unanimous vote of all members of the council.

The incumbents of all appointive offices and positions of the town government, including the town marshal who shall become chief of police, shall continue in the offices and employments which they respectively hold, after this charter goes into effect. All officers and employees referred to in this paragraph shall serve until their services are terminated in accordance with the provisions of this charter relating to the creation, change and abolition of offices, and removal of officers and employees.

Sec. 65. Pending actions and proceedings.

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.

CHAPTER 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of The Village," and may be so cited.

Charter reference-Ordinance codification, 19.
State law reference-Ordinance codification, 11 O.S. 14-108.

Sec. 1-2. Titles of chapters, articles, divisions and sections.

All titles of chapters, articles, divisions and all catch lines of sections are unofficial and intended only for convenience in arrangement and as mere catchwords to indicate the contents of the chapters, articles, divisions and sections. They shall not be deemed to be part of the contents of the chapters, articles, divisions and sections, nor shall the titles and catch lines alter the otherwise intended meaning of any provision of this Code.

Sec. 1-3. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-4. Provisions as continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as ordinance provisions previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-5. Definitions and rules of construction.

In the construction of this Code and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

Charter. The words "charter" or "city charter" shall mean the Charter of the City of The Village.

City. The words "the city" or "this city" shall mean the City of The Village in Oklahoma County, Oklahoma.

Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances,

City of The Village as designated in section 1-1 of this chapter.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall not be counted in the computation.

Council, city council. The words "council" or "city council" shall mean the council of the city.

County. The term "county," "the county" or "this county" shall mean Oklahoma County, Oklahoma.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize such department head, officer or employee to designate, delegate and authorize subordinates to perform the required act, or perform the duty, unless the terms of the provision or section specify otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health department. Whenever in this Code the terms "health department", "county health department", or "city health department" are used, such terms shall be deemed to refer to the city-county health department authorized by sections 1-210 through 1-218 of the Oklahoma Public Health Code.

State law reference-Oklahoma Public Health Code, 63 O.S. 1-101 et seq.

Health officer. Whenever in this Code the terms "health officer" or "director of the department of health" are used, such terms shall be deemed to refer to the director of the city-county health department authorized by sections 1-210 through 1-218 of the Oklahoma Public Health Code and such director's designees.

State law reference-Oklahoma Public Health Code, 63 O.S. 1-101 et seq.

Heretofore and hereafter. Whenever the word heretofore appears in any ordinance, it shall be construed to mean any time before the day when that ordinance shall take effect whenever the word hereafter appears, it shall be construed to mean the time after the ordinance shall take effect.

Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the city, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or

other person, unless it is otherwise declared.

May. The word "may" is permissive.

Mayor. The word "mayor" shall mean the mayor of the city.

Month. The word "month" shall mean a calendar month.

Must. The word "must" is mandatory.

Nontechnical and technical words. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases and such others as may have acquired a peculiar or appropriate meaning in law shall be construed and understood according to such peculiar or appropriate meaning.

Number. Any word importing singular number shall include the plural and any word importing the plural number shall include the singular.

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

Officer, departments, etc. Except as otherwise specifically provided, whenever any officer, department, board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the City of The Village, Oklahoma."

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

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals. Whenever used with respect to any penalty, the word "person," as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Personal property. The term "personal property" shall include every species of property, except real property as herein defined.

Preceding following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" shall include personal, real and mixed property.

Public grounds or public places. The terms "public grounds" or "public places" shall be construed to mean any park or open place adjacent thereto, any lake or stream, any and every public ground, public square, public park, street or sidewalk, or other public place within the city.

Real property. The term real property shall include land together with all things attached to the land so as to become a part thereof and all rights thereto and interest therein.

Shall. The word "shall" is mandatory and the word "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature or subscription. The term "signature" or "subscription" shall include a mark when a person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Oklahoma.

Statutory references. Reference to the statutes of the State of Oklahoma means the statutes as they now are or as they may be amended to be, and a reference to the 1981 statutes also means the comparable provision when included in future codifications or supplementations of the statutes.

Street. The term "street" shall include any highway, alley, street, avenue or public place, square, bridge, viaduct, underpass, overpass, tunnel or causeway in the city dedicated or devoted to public use.

Tenant, occupant. The words "tenant" and "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense shall include the future as well as the past and present, unless the context clearly indicates otherwise.

Written or in writing. The term "written" or "in writing" shall be construed to include any representations of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

(Code 1976, 7-1-1--7-1-4)

State law reference--Similar provisions, 25 O.S. 1 et seq.

Sec. 1-6. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any appropriation or budget ordinance;

(2) Any ordinance authorizing or relating to the issuance or redemption of bonds;

(3) Any ordinance approving or authorizing specific contracts;

(4) Any ordinance authorizing a specific sale, lease or purchase of property;

(5) Any ordinance levying or assessing taxes not inconsistent with this Code;

(6) Any ordinance granting rights-of-way, franchise or easements;

(7) Any ordinance annexing territory to, or excluding territory from, the city;

(8) Any ordinance calling specific elections or providing for special elections;

(9) Any ordinance making special assessments for local improvements;

(10) Any ordinance creating or relating to specific sewer and paving districts or other specific improvement districts;

(11) Any ordinance establishing the grades of specific streets and other public ways;

(12) Any ordinance naming or changing the names of specific streets and other public ways;

(13) Any ordinance creating, dedicating, vacating or closing specific streets, alleys or other public ways;

(14) Any ordinance amending the zoning map or approving or disapproving a subdivision plat;

(15) Any ordinance rezoning property;

(16) Any ordinance dealing with the compensation, retirement, pensions or other benefits of city officers and employees;

(17) Any ordinance which is temporary although general in effect;

(18) Any ordinance which is special although permanent in effect;

(19) Any ordinance the purpose of which has been accomplished.

Sec. 1-7. Ordinances in effect in outlying real property 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 said 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 said outlying real property belonging to, or under the control of, the city, unless the context clearly indicates otherwise.

(Code 1976, 7-2-1)

Sec. 1-8. Effect of repeal or ordinances revival.

(a) Neither the adoption of this Code nor the repeal hereby of any ordinance of this city shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at the effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.

(b) Whenever any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

Sec. 1-9. Penalties for violations.

(a) Whenever in this Code or in any other ordinance of the city, or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him, or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful, or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provisions of this Code or any other ordinance of the city or such rule, regulation or order shall be punished as indicated below:

(1) If the violation is a Class A offense, it shall be punishable by a fine not exceeding Seven Hundred and Fifty Dollars ($750.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment Title 11 O.S. Sec 14-111.C

(2) If the violation is a Class B offense, it shall be punishable by a fine not exceeding Two Hundred Dollars ($200.00).

(b) If any act or omission is declared a Class A or Class B offense, it shall be punishable as provided in subsection (a). In the absence of any penalty or classification being specified, an offense shall be a Class B offense, except as provided in subsection (c) below.

(c) The provisions of subsections (a) and (b) notwithstanding, no penalty, including fines and costs, shall be greater than that established by state statute for the same offense. Exceptions to the provisions of subsections (a) and (b) above include, but are not limited, to the following offenses:

1. The maximum fine for improper transportation of a firearm shall be $70.00.

2. The maximum fine pertaining to license and registration of vehicles shall not exceed $500.00; provided however the maximum fine for “no current licensing” of a vehicle shall not exceed $100.00.

3. The maximum fine for traffic related offenses, including parking and speeding, shall not exceed $200.00. (Class B Offense)

4. The maximum fine for alcohol or drug-related traffic offenses shall not exceed $800.00.

5. The maximum fine for public intoxication shall not exceed $100.00.

(d) Except as otherwise provided, every day any violation of this Code or any other ordinance of the city or any rule, regulation or order shall continue, shall constitute a separate offense.

(Code 1976, § 7-7-1 Ord. No. 549, §1, 8-17-99; Ord. No, 644, §1, 10-06-2009)

Cross reference--Orders of no imprisonment or maximum fine, 14-23.
State law reference--Penalties for ordinance violations, 11 O.S.14-111.et seq.

Sec. 1-10. Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, City of The Village, is hereby

amended to read as follows:...." The new provisions shall then be set out in full as desired.

(b) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, City of The Village, is hereby amended by adding a section, to be numbered_____, which said section reads as follows:...." The new section shall then be set out in full as desired.

Charter reference--Adoption of ordinance, 16-19.
Cross reference--Amendments to air pollution ordinances, 3-3.

Sec. 1-11. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall include all amendments to the Charter during the period. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code, which have been repealed, shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement of this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions,

(2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings and titles,

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers,

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to

_____, (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Codes), and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the code but in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-12. Severability of parts of Code and ordinances.

If a court of competent jurisdiction should hold one or more sections or a part of a section of this Code or of an ordinance passed hereafter invalid, such holding shall not affect the remainder of the Code or ordinance nor the context in which such section, sections or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section, sections or part of a section so held invalid.

(Code 1976, 7-3-1)

CHAPTER 2

ADMINISTRATION

Art. I. In General, Sec. 2-1--2-15
Art. II. Retirement System, Sec. 2-16--2-30
Art. III. Finance and Fiscal Procedures, Sec. 2-31--2-47
Div. 1. Generally, Sec. 2-31--2-40
Div. 2. Trust and Agency Fund, Sec. 2-41--2-47
Div. 3. Purchasing and Approval of Invoices, Sec. 2-60--2-99
Div. 4. Deposits and Investments, Sec. 2-100--2-124
Div. 5. Budgeting, Sec. 2-125--2-149
Div. 6. Facsimile Signatures, Sec. 2-150--2-174.

ARTICLE I. IN GENERAL

Sec. 2-1. Wards.

New lines for the five (5) wards in the city are hereby established as follows:

WARD 1

Beginning at a point in the middle of the intersection of Britton Road and Waverly Avenue; thence south along the middle of Waverly Avenue to a point immediately east of the rear lot lines of the lots facing Andover Court to the north; thence west along the rear lot lines of said lots facing Andover Court to the middle of Nichols Road; thence southwesterly down the middle of Nichols Road to a point directly east of the rear lot lines of the lots facing Brighton Avenue to the north; thence west along the rear lot lines of the said lots facing Brighton Avenue to the middle of Pennsylvania Avenue; thence south down the middle of Pennsylvania Avenue to a point directly east of the rear lot lines of the lots facing Westchester Drive to the north; thence west along the rear lot lines of the said lots facing Westchester Drive to a point at the middle of Greystone Avenue; thence south down the middle of Greystone Avenue to a point directly east of the rear lot lines of the lots facing Westchester Drive to the north; thence west along the said rear lot lines of the lots facing Westchester Drive to a point at the middle of Guilford Lane; thence north down the middle of Guilford Lane to a point directly west of the rear lot lines of the lots facing Westchester Drive to the south to a point at the middle of Wellington Avenue and Andover Court; thence east down the middle of Andover Court to a point in the middle of the intersection of Andover Court and Greystone Avenue; thence north down the middle of Greystone Avenue to a point in the middle of the intersection of Greystone Avenue and Andover Court; thence east down the middle of Andover Court to a point in the middle the intersection of Stratford Drive and Andover Court; thence northwesterly down the middle of Stratford Drive to a point in the middle of the intersection of Stratford Drive and Carlisle Road; thence east down the middle of

Carlisle Road to a point in the middle of the intersection of Carlisle Road and Pennsylvania Avenue; thence north down the middle of Pennsylvania Avenue to the middle of the intersection of Pennsylvania Avenue and Britton Road; thence east down the middle of Britton Road to the middle of the intersection of Britton Road and Waverly Avenue, the point or place of beginning.

WARD 2

Beginning at a point in the middle of the intersection of Britton Road and Stratford Drive; thence south down the middle of Stratford Drive to the middle of the intersection of Stratford Drive and Churchill Way; thence west down the middle of Churchill Way to a point in the middle of the intersection of Churchill Way and Greystone Avenue; thence south down the middle of Greystone Avenue to a point in the middle of the intersection of Greystone Avenue and Carlisle Road; thence west down the middle of Carlisle Road to a point in the middle of the intersection of Carlisle Road and Village Drive; thence south down the middle of Village Drive to a point in the middle of the intersection of Village Drive and Andover Court; thence southwesterly down the middle of Andover Court to the middle of the intersection of Andover Court and Wellington Avenue; thence north down the middle of Wellington Avenue to the middle of the intersection of Wellington Avenue and Britton Road; thence west down the middle of Britton Road to a point directly south of the rear lot lines of the lots facing Lakeshore Drive; thence in a northwesterly direction along the rear or west lot lines of the lots immediately abutting the west boundary of the City of The Village to a point in the middle of Hefner Road; thence east down the middle of Hefner Road to a point in the middle of the intersection of Hefner Road and Lakeside Drive; thence south approximately one-half mile down the middle of Lakeside Drive; thence east down the middle of Lakeside Drive to a point in the middle of the intersection of Lakeside Drive and North May Avenue; thence south down the middle of North May Avenue to the middle of the intersection or Carlton Way and North May Avenue; thence east and southeasterly to the middle of the intersection of Carlton Way and Sunnymeade Place; thence south down the middle of Sunnymeade Place to the middle of the intersection of Sunnymeade Place and Britton Road; thence east down the middle of Britton Road to the middle of the intersection of Britton Road and Stratford Drive, the point or place of beginning.

WARD 3

Beginning at the middle of the intersection of Britton Road and Stratford Drive; thence southwesterly down the middle of Stratford Drive to a point in the middle of the intersection of Stratford Drive and Churchill Way; thence west down the middle of Churchill Way to the middle of the intersection of Churchill Way and Greystone Avenue; thence south down the middle of Greystone Avenue to the middle of the intersection of Greystone Avenue and Carlisle Road; thence west down the middle of Carlisle Road to the middle of the intersection of Carlisle Road and Village Drive; thence southwesterly down the middle of Village Drive to

the middle of the intersection of Village Drive and Andover Court; thence east down the middle of Andover Court to a point in the middle of the intersection of Andover Court and Greystone Avenue; thence north down the middle of Greystone Avenue to a point in the middle of the intersection of Greystone Avenue and Andover Court; thence east down the middle of Andover Court to a point in the middle the intersection of Stratford Drive and Andover Court; thence northwesterly down the middle of Stratford Drive to a point in the middle of the intersection of Stratford Drive and Carlisle Road; thence east down the middle of Carlisle Road to a point in the middle of the intersection of Carlisle Road and Pennsylvania Avenue; thence north down the middle of Pennsylvania Avenue to the middle of the intersection of Britton Road and Pennsylvania Avenue; thence east down the middle of Britton Road to the middle of the intersection of Britton Road and Waverly Avenue; thence north down the east boundary line of the City of The Village, which is the east Boundary of Waverly Avenue, to the middle of Hefner Road; thence west down the middle of Hefner Road to a point at the middle of the intersection of Hefner Road and Pennsylvania Avenue; thence south down the middle of Pennsylvania Avenue to the middle of the intersection of Plymouth Lane and Pennsylvania Avenue; thence east down the middle of Plymouth Lane to the middle of the intersection of Plymouth Lane and Lyndon Road; thence southwesterly down the middle of Lyndon Road to the middle of the intersection of Lyndon Road and Meeker Drive; thence southeasterly down the middle of Meeker Drive to the middle of the intersection of Meeker Drive and Haverhill Place; thence south down the middle of Haverhill Place to the middle of the intersection of Haverhill Place and Lanesboro Drive; thence west down the middle of Lanesboro Drive to the middle of the intersection of Lanesboro Drive and Pennsylvania Avenue; thence south down the middle of Pennsylvania Avenue to a point directly east of the north lot line in the area designated as Park; thence west down said north lot line of the area designated as Park and continuing west down the center of Huntleigh Drive to a point in the middle of Village Drive; thence south down the middle of Village Drive to the middle of the intersection of Gladstone Terrace and Village Drive; thence west on Gladstone Terrace to the middle of the intersection of Gladstone Terrace and Ashley Place; thence south on Ashley Place to a point in the middle of the intersection of Ashley Place and Carlton Way; thence southeasterly down the middle of Carlton Way to the middle of the intersection of Carlton Way and Village Drive; thence due south down the middle of Stratford Drive to the middle of the intersection of Stratford Drive and Britton Road, the point or place of beginning.

WARD 4

Beginning at a point in the middle of the intersection of Orlando Road and North May Avenue; thence south down the middle of May Avenue to a point in the middle of the intersection of North May Avenue and Lakeside Drive; thence west approximately one-half mile down the middle of Lakeside Drive; thence north down the middle of Lakeside Drive to a point in the middle of the intersection of Lakeside Drive and Hefner Road; thence east down the middle of Hefner Road to a

point in the middle of the intersection of Pennsylvania Avenue and Hefner Road; ; thence south down the middle of Pennsylvania Avenue to the middle of the intersection of Plymouth Lane and Pennsylvania Avenue; thence east down the middle of Plymouth Lane to the middle of the intersection of Plymouth Lane and Lyndon Road; thence southwesterly down the middle of Lyndon Road to the middle of the intersection of Lyndon Road and Meeker Drive; thence southeasterly down the middle of Meeker Drive to the middle of the intersection of Meeker Drive and Haverhill Place; thence south down the middle of Haverhill Place to the middle of the intersection of Haverhill Place and Lanesboro Drive; thence west down the middle of Lanesboro Drive to the middle of the intersection of Lanesboro Drive and Pennsylvania Avenue; thence south down the middle of Pennsylvania Avenue to the north boundary line of the area called Park; thence west along the north boundary line of said park and continuing west and southwesterly down the center of Huntleigh Drive to a point in the middle of the intersection of Huntleigh Drive and Kings Way; thence west down the middle of Kings Way to a point in the middle of the intersection of Kings Way and Ridgeview Drive thence north and northwesterly down the middle of Ridgeview Drive to a point in the middle of the intersection of Ridgeview Drive and Sunnymeade Place; thence southwesterly down the middle of Sunnymeade Place to the middle of the intersection of Sunnymeade Place and Orlando Road; thence west down the middle of Orlando Road to the middle of the intersection of Orlando Road and North May Avenue, the point or place of beginning.

WARD 5

Beginning at a point in the middle of the intersection of North May Avenue and Orlando Road; thence south down the middle of North May Avenue to the middle of the intersection of Carlton Way and North May Avenue; thence east and southeasterly down the middle of Carlton Way to the middle of the intersection of Carlton Way and Sunnymeade Place; thence south down the middle of Sunnymeade Place to the middle of Britton Road; thence east down the middle of Britton Road to the middle of the intersection of Britton Road and Stratford Drive; thence north down the middle of Stratford Drive to the middle of the intersection of Carlton Way and Village Drive; thence northwesterly down the middle of Carlton Way to the middle of the intersection of Carlton Way and Ashley Place thence northwesterly down the middle of Ashley Place to a point in the middle of the intersection of Ashley Place and Gladstone Terrace; thence east on Gladstone Terrace to a point in the middle of the intersection of Gladstone Terrace and Village Drive; thence north to a point in the middle of the intersection of Village Drive and Huntleigh Drive; thence west and southwesterly down Huntleigh Drive to the intersection of Huntleigh Drive and Kings Way; thence west down the middle of Kings Way to the middle of the intersection of Ridgeview Drive and Kings Way; thence northwesterly down the middle of Ridgeview Drive to a point in the middle of the intersection of Ridgeview Drive and Sunnymeade Place; thence south down the middle of Sunnymeade Place to the middle of the intersection of Sunnymeade Place and Orlando Road; thence west down the middle of Orlando Road to the

intersection of Orlando Road and North May Avenue, the point or place of beginning.

(Ord. No. 228, § 1, 2-15-77; Ord No. 572, § 1, 11-6-01; Ord. No. 668, § 1, 12-06-2011)

Charter references--Wards, § 4 elections, § 35 et seq.

State law references--Wards, 11 O.S. § 20-101 et seq. municipal elections, 11 O.S. § 16-101 et seq.

*Charter references -- Art. X. Wards, § 4 elections, § 35 et seq.

Sec. 2-2. Absentee ballots.

Pursuant to Title 26, section 14-101, of the Oklahoma Statutes, absentee ballots are hereby authorized for all municipal elections in the city.

(Ord. No. 379, § 1, 4-7-87)

Editor's note--Ord. No. 379, § 1, adopted April 7, 1987, adding provisions designated as § 7-8-1 to the 1976 Code, has been included as § 2-2 herein at the discretion of the editor.

Charter reference--Elections § 35 et seq.

Sec. 2-3. Methods of filing for elected office.

(a) Any person qualified as an elector in his respective Ward may have his name placed on the ballot as a candidate for Council Member from said Ward by properly filing and paying a filing fee of fifty ($50.00) dollars at the Oklahoma County Election Board, Oklahoma City, Oklahoma, during the filing period established by City Charter.

(b) Said filing fee shall be in the form of a certified check or a cashier's check and shall be refunded to the candidate if the candidate is unopposed in the election or receives at least fifteen (15%) percent of the votes cast in the election. In all other instances, said filing fee shall be forfeited.

(Ord. No. 525, 1, 2-6-96)

Charter reference -- Secs 36--38.

Secs. 2-4--2-15. Reserved.

ARTICLE II. RETIREMENT SYSTEM

Sec. 2-16. System established.

Pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized, created, established, and approved and adopted, effective as of February 1, 1996, the funded Pension Plan designated "Employee Retirement System of The City of The Village, Oklahoma, Defined Contribution Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" and attached hereto as part hereof.

(Ord. No. 391, §1, 8-4-87 Ord. No. 476, §1, 8-4-92 Ord. No. 523, §1, 11-21-95)

Sec. 2-17. Administration.

For the purpose of administration of the System there is hereby established a Board of Trustees, which shall be the members of the Council of The City of The Village, Oklahoma, 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 as set forth in the System instrument attached hereto as Exhibit "A".

(Ord. No. 391, §1, 8-4-87 Ord. No. 476, §1, 8-4-92 Ord. No. 523, §1, 11-21-95)

Sec. 2-18. Fund.

A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City Treasurer, who shall be the Treasurer of the System. The City Treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the City's Authorized Agent, as duly authorized and directed by the Board of Trustees. The Fund shall be non-fiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

(Ord. No. 391, §1, 8-4-87 Ord. No. 476, §1, 8-4-92 Ord. No. 523, §1, 11-21-95)

Sec. 2-19. Appropriations.

(a) The City of The Village, Oklahoma, 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 of The Village, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Contribution Plan.

(b) Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration and shall be paid to the City's Authorized Agent as authorized by the Board of Trustees, through the City Treasurer.

(Ord. No. 391, §1, 8-4-87 Ord. No. 476, §1, 8-4-92 Ord. No. 523, §1, 11-21-95)

Sec. 2-20. Execution.

The Mayor and City Clerk are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System 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 attached hereto as Exhibit "A", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

The Council is hereby authorized and directed to proceed immediately on behalf of the City of The Village, Oklahoma, to pool and combine the Fund with similar funds for purposes of pooled management and investment.

(Ord. No. 391, §1, 8-4-87 Ord. No. 476, §1, 8-4-92 Ord. No. 523, §1, 11-21-95)

Sec. 2-21. Longevity Plan and Trust Adopted.

(a) The Employee Retirement System of The City of The Village is amended as reflected in Exhibit "B", which is incorporated herein and adopted by reference. Exhibit "B" shall be known as the City of The Village Longevity Plan and Trust.

(b) The Retirement System of the City of The Village, Oklahoma, except as modified herein, shall remain in full force and effect according to its original terms and conditions.

(c) The City Clerk and Mayor are hereby authorized and directed to execute the amended Retirement System documents and to do all the other acts necessary to put said amendment into effect. The executed document attached hereto as Exhibit "B" is hereby ratified and confirmed in all respects.

(Ord. No. 482, §1-3, 12-15-92 Ord. No. 523, §1, 11-21-95)

Secs. 2-22--2-30. Reserved.

ARTICLE III. FINANCE AND FISCAL PROCEDURES

DIVISION 1. GENERALLY

Secs. 2-31--2-40. Reserved.

DIVISION 2. TRUST AND AGENCY FUND

Sec. 2-41. Policy.

The council of the City of The Village hereby deems it in the best interest of the city to stabilize worker's compensation premiums by establishing a trust and agency fund for the purpose of reserving funds for future payments of worker's compensation claims pursuant to an agreement dated July 5, 1988, between the city and the Oklahoma Municipal Assurance Group. Said agreement is made part of this division (see Exhibit A to Ordinance No. 408).

(Ord. No. 408, § 1, 7-5-88)

Sec. 2-42. Definitions.

As used in this division the following words and phrases shall have the following meanings:

Group: The Oklahoma Municipal Assurance Group.

Plan: The Oklahoma Municipal Assurance Group Worker's Compensation Plan.

Trust and agency fund: The City of The Village-Oklahoma Municipal Assurance Group Worker's Compensation Plan Trust and Agency Fund.

(Ord. No. 408, § 2, 7-5-88)

Sec. 2-43. Trust and agency fund created disposition of monies.

(a) There is hereby created a trust and agency fund for the purpose of reserving funds for future payment of worker's compensation claims pursuant to an agreement dated July 5, 1988, with the Oklahoma Municipal Assurance Group. Said trust and agency fund shall be designated "The City of The Village-Oklahoma Municipal Assurance Group Worker's Compensation Plan Trust and Agency Fund."

(b) The city treasurer shall transfer into the trust and agency fund monies equal to the amount so designated and invoiced by the group and approved by the city council. Said monies are to be held in trust for future payments of worker's

compensation claims as required by the group or until released under the terms of section 2-46 herein.

(c) In the event the city is unable to transfer the said amount invoiced into the trust and agency fund upon approval by the council, then the city treasurer shall take appropriate steps to make periodic payments into the trust and agency fund in order that the amount invoiced is available for payment to the group by the next June thirtieth.

(Ord. No. 408, § 3, 7-5-88)

*Charter references--Department of finance, fiscal affairs, Art. IV official bonds, § 51.

Cross references--Appropriation or budget ordinances saved from repeal, § 1-6(1) ordinances relating to bond issuance or redemption saved from repeal, § 1-6(2) ordinances authorizing specific contracts saved from repeal, § 1-6(3) ordinances authorizing specific sale, lease or purchase of property saved from repeal, § 1-6(4) taxation, Ch. 22.

Editor's note--Ordinance No. 408, adopted July 5, 1988, did not expressly amend the Code hence, codification of Sec. 1-7 as Art. III, Div. 2, Sec. 2-41--2-47, was at the editor's discretion.

Sec. 2-44. Earned interest transfer.

The city treasurer may transfer any interest earned from the trust and agency fund into the general fund or other appropriate fund as designated by the city council.

(Ord. No. 408, § 4, 7-5-88)

Sec. 2-45. Worker's compensation claims.

(a) Only claims made by the group pursuant to the agreement dated July 5, 1988, between the group and the city shall be paid from the trust and agency fund with the exception of earned interest transfers as described in section 2-44 herein.

(b) Upon presentation of a claim by the group for any or all amounts in the trust and agency fund, the city treasurer, or designee shall make payment forthwith to the group.

(Ord. No. 408, § 5, 7-5-88)

Sec. 2-46. Release of funds.

In the event that the city receives written notice of release from the group that monies reserved in the trust and agency fund are no longer needed, the city treasurer shall transfer said monies to the general fund or other appropriate fund as designated by the city council.

(Ord. No. 408, § 6, 7-5-88)

Sec. 2-47. Annual audited financial statement.

The city shall send to the group the annual audited financial statement of the trust and agency fund no later than January 1 following the end of each fiscal year.

(Ord. No. 408, § 7, 7-5-88)

DIVISION 3. PURCHASING

Secs. 2-48--2-59. Reserved.

Sec. 2-60. Appointment of Purchasing Officer/Encumbering Officer.

(a) The city manager shall be authorized to appoint a purchasing officer or officers having authority to make purchases or enter into contracts against all budget appropriation accounts as authorized by law.

(b) The city manager shall be authorized to appoint an encumbering officer or officers having authority and responsibility to encumber financial obligations against the unencumbered account balances.

(Ord. 459, Section 1, 8-6-91 Ord. No. 563, §1, 11-21-00)

Sec. 2-61. Issuance of Purchase Orders.

Each duly appointed purchasing officer shall be authorized to issue purchase orders for purchases and contracts and to make a commitment in an amount not to exceed one thousand dollars ($1,000.00) without prior permission or authorization from the officer charged with keeping the appropriation and expenditure records, provided however, that the purchasing officer shall submit the white copy of the purchase order to the encumbrance officer by the end of the following work week or as soon as practical thereafter. The purchasing officer shall keep the blue and pink copy of the purchase order and return a signed blue copy to the encumbrance officer, to certify that the purchase has been verified and received and is ready for payment. The Encumbering Officer charged with

keeping the appropriation and expenditure records shall, if there is an unencumbered balance in the appropriation made for that purpose, so certify by signing the purchase order and by recording the encumbrance against the appropriate appropriation account.

Purchase orders for purchases or contracts that exceed one thousand dollars ($1,000.00) shall be submitted by each purchasing officer, prior to the time the commitment is made, to the officer charged with keeping the appropriation and expenditure records who shall, if there be an unencumbered balance in the appropriation made for that purpose, so certify by signing the purchase order authorizing the commitment to be made and by recording the encumbrance against the appropriate appropriation account.

In instances where it is impossible to ascertain the exact amount of expenditure to be made at the time of issuing any purchase order, an estimated amount may be used. The amount shown on the purchase order shall be adjusted accordingly at the time that the exact amount of the expenditure is ascertained.

The city clerk or his or her designee shall be authorized to issue a purchase order upon the receipt of an invoice for recurring monthly or periodic service or rental charges. The processing of such purchase orders for payment shall be the same as provided for other purchase orders in accordance with applicable city regulations, city ordinances and state law.

(Ord. 459, Section 1, 8-6-91 Ord. No. 563, §1, 11-21-00) State law reference: 62 O.S. 1981 Section 310.1 as amended.

(a) A blanket purchase order may be issued for recurring purchases of goods or services if a maximum authorized amount for all purchases pursuant to a blanket purchase order is specified in the order. The maximum authorized amount shall not exceed One Thousand Five Hundred Dollars ($1,500.00).

(b) Blanket purchase orders shall be prepared, filed and encumbered in the manner provided for purchase orders and as authorized by law or regulation, except no written requisition shall be required for a blanket purchase order. Prior to payment, the encumbering officer shall verify the blanket purchase order by signature.

(c) After satisfactory delivery of goods or services pursuant to a blanket purchase order, a vendor's invoice shall be submitted to and approved by the encumbering officer and forwarded for payment. An itemized list of goods or services purchased pursuant to the blanket purchase order shall be attached to the vendor's invoice if said invoice does not contain an itemized list of goods or services purchased pursuant to the blanket purchase order. Payment of invoices from vendors pursuant to an approved blanket purchase order may be authorized by the city clerk without further council approval.

(Ord. 459, Section 1, 8-6-91 Ord. No. 563, §1, 11-21-00) State law reference. 62 O.S. 1981, Section 310.8 as amended.

Sec. 2-63. Payments without purchase orders.

The City Clerk may authorize payment of the following taxes and invoices as they become due without a purchase order or further approval of the city council:

1. Taxes, including, but not limited to, withholding, social security, Medicare or unemployment compensation taxes

2. Retirement or pension fund payments or contributions which are payable pursuant to a resolution, ordinance, contract or other appropriate agreement which has been approved by the city council

3. Payments for insurance or related coverages, including, but not limited to, accident, health or life, workers' compensation, or any other property, vehicle, marine, surety, liability or casualty coverages, which are payable under a valid contract, policy or other appropriate agreement which has been approved by the city council.

4. Payments to the Postmaster for replenishing the postage meter and postage for utility billing.

5. Payroll claims and deductions.

(Ord. 459, Section 1, 8-6-91). State law reference. 62 O.S. 1981 Section 304.1 (D) as amended.

Sec. 2-64. Noncollusion Affidavit.

On every invoice submitted to the city for payment of an architect, contractor, engineer or supplier of materials of Twenty Five Thousand Dollars ($25,000.00) or more, a sworn noncollusion affidavit shall be signed and attached to the invoice. The content of the affidavit shall be in accordance with the provisions of 74 O.S. 2001, Section 3109 as amended. (Effective July 1, 2002)

(Ord. 459, Section 1, 8-6-91 Ord. No. 563, §1, 11-21-00) State law reference. 62 O.S. 2001, Section 310.9 as amended.

Sec. 2-65. Processing and approval of invoices for payment.

After satisfactory delivery of the merchandise or completion of the contract, the supplier shall deliver an invoice to the city. 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 city officer shall attach the delivery tickets, freight tickets or other supporting information to the original invoice and, after checking for the current purchase order number. The city treasurer, or designee, shall not pay any invoice until the blue copy of the purchase order certifying that the order is true and correct and is ready for payment has been signed and returned by the appropriate purchasing officer.

Payment of invoices shall not be subject to prior city council approval. A list of all invoices processed for payment shall be prepared and submitted to the city council for review. The list shall include at least the following information:

a. The purchase order or invoice number, if required

b. The department making the expenditure

c. The name of the supplier

d. A description of the items purchased or services provided

e. The amount of the expenditure.

The city council shall review the items on the list that have been administratively approved for payment as provided herein.

(Ord. 459, Section 1, 8-6-91 Ord. No. 563, §1, 11-21-00)

Sec. 2-66. Petty Cash Funds.

(a) The city clerk shall be authorized to create a petty cash fund or funds for use by authorized employees in making small purchases of materials and supplies that are not practical or efficient to purchase through other approved purchasing methods. The administration of the petty cash fund or funds shall be subject to internal controls and procedures as may be required by the city's independent auditor provided however, that the total combined amount that may be outstanding in petty cash funds may not at anytime exceed one thousand five hundred dollars ($1,500.00).

(Ord. No. 563, §1, 11-21-00)

Sec. 2-67. Competitive Bidding.

(a) Before the purchase of any supplies, materials, equipment exceeding one thousand dollars ($1,000.00) in cost or before entering a contract for a public improvement exceeding two thousand dollars ($2,000.00) in cost, the purchasing

agent shall, to the extent that is practical, obtain competitive bids, quotes or proposals from qualified suppliers, vendors or contractors.

(b) The publication or posting of bid notices, requests for proposals or requests for quotes shall not be required.

(c) Quotes, bids or proposals for supplies, materials or equipment may be obtained by catalog, regular mail, facsimile, email, Internet or by telephone.

(d) A quote, bid, proposal or contract shall be awarded to the lowest responsible bidder, except when factors such as quality, availability, delivery time, shipping cost, warranty, discount, serviceability, life cycle cost and other similar considerations would render the purchase of higher priced supplies, materials, equipment or public improvement in the best interest of the city.

(e) A contract for any public improvement falling under the purview of the Oklahoma Public Competitive Bidding Act of 1974, as amended, shall be competitively bid in accordance with the provisions of said act.

(f) The purchase of supplies, equipment, materials and public improvements that are made available to the city pursuant to a valid contract competitively bid by the State of Oklahoma or by any political subdivision thereof, or a competitive bid taken by any local governmental consortium or cooperative shall be deemed to have met the competitive bidding requirements of this section.

(Ord. No. 563, §1, 11-21-00) State law reference: Title 61 O.S., §102 et seq. (City Charter Reference: Section 30)

DIVISION 4. DEPOSITS & INVESTMENTS

Secs. 2-68-2-99 Reserved.

Sec. 2-100. Depositories.

(a) The city treasurer shall be authorized to deposit funds of the city in any financial institution authorized by state law.

Sec. 2-101. Investments.

(a) The city treasurer shall be authorized to invest funds of the city in any instrument authorized by state law, including, but not limited to, the following:

(1) Direct obligations of the United States Government, its agencies or instrumentalities to the payment of which the full faith and credit of the Government of the United States is pledged.

(2) Collateralized or insured certificates of deposit of banks and credit unions located in this state, when the certificates of deposit are secured with acceptable collateral, or fully insured certificates of deposit at banks and credit unions located out of state.

(3) Savings accounts or certificates to the extent that the accounts or certificates are fully insured by the Federal Deposit Insurance Corporation (FDIC).

(4) Prime banker's acceptances which are eligible for purchase by the Federal Reserve System and which do not exceed two hundred and seventy (270) days' maturity. Purchases of prime commercial paper may not exceed ten (10%) percent of the surplus funds of the city and not more than one-half of the ten (10%) percent limit, shall be invested in any one commercial bank.

(5) Repurchase agreements that have underlying collateral consisting of those items specified in Section 2-102 (e) of this Chapter.

State law reference – Title 62, O.S. 2001, § 348.3

Sec. 2-102. Collateral.

(a) Certificates of deposit, which are insured, but not otherwise collateralized, shall be invested in amounts less than $100,000 in order to protect any accrued interest due to the city provided however, that this requirement may be waived if accrued interest on the certificate of deposit is paid monthly.

(b) Deposits or investments that are not insured by the Federal Deposit Insurance Corporation (FDIC) shall be collateralized at the rate of at least one hundred and ten percent (110%) of the principal amount invested.

(c) Collateral pledged to secure city funds shall be valued at market value.

(d) Financial institutions shall provide each fiscal quarter, written evidence of the market value of the collateral pledged to the city.

(e) The following collateral shall be accepted by the city:

(1) United States Treasury Bonds, Notes or Bills or other instrument of the United States to which the full faith and credit of the United States is pledged to the payment thereof.

(2) State of Oklahoma Bonds, Notes, or Certificates payable to the State Treasurer and issued by an agency of the State of Oklahoma pursuant to an act of the Legislature and only if the full faith and credit of the State is pledged to the payment thereof.

(Ord. No. 363 §2, 11-21-00) State Law reference 62 O.S. 2001, §348.1 et seq.

DIVISION 5. BUDGETING

Secs. 2-103--2-124 Reserved.

Sec. 2-125. Municipal Budget Act.

The Municipal Budget Act as set forth by Title 11, O.S. Section 17-201--17-216, as amended, is hereby adopted by the City of The Village to govern its budget procedures. The provisions of said act shall take precedence over any other state laws applicable to municipal budgets, except as may be provided otherwise by said act, and shall supersede any conflicting laws.

(Ord. No. 563, §3, 11-21-00)

Sec. 2-126. Account Transfers.

(a) The city manager shall be authorized to transfer any unexpended and unencumbered appropriation or any portion thereof from one account to another within the same department or from one department to another within the same fund, except that no appropriation for debt service or other appropriation required by law or ordinance may be reduced below the minimums required and provided further that no encumbrance or expenditure may be authorized or made by any officer or employee which exceeds the available appropriation for each department within a fund as provided for in Title 11 O.S. Section 17-215 Subsection D.

(b) Account transfers authorized by the city manager pursuant to Section (a) above shall be reported to the Council as soon as practical thereafter.

(Ord. No. 563, §3, 11-21-00)

DIVISION 6. FACSIMILE SIGNATURES

Secs 2-127--2-149 Reserved.

Sec. 2-150. Facsimile Signatures Authorized.

(a) The Mayor, City Clerk and City Treasurer, after filing with the Secretary of State his or her manual signature certified by him or her under oath, may execute or cause to be executed with a facsimile signature, in lieu of his or her manual signature, any public security or certificate thereof or thereto.

(b) Upon compliance with this section by the authorized officer, his or her facsimile signature shall have the same legal effect as his or her manual signature.

(Ord. No. 363, §4, 11-21-00) State law reference: Title 62 O.S. 2001 §§ 601 et seq, as amended.

CHAPTER 3

AIR POLLUTION

Sec. 3-1. Short title.

This chapter may be known as the Air Quality Control Ordinance.

(Code 1976, 8-1-1)

Sec. 3-2. 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:

Air contaminant shall mean any smoke, soot, fly ash, dust, cinder, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste particulates, solid, liquid, or gaseous matter in the atmosphere which when in sufficient quantities is capable of injuring human, plant or animal life or depriving the enjoyment thereof.

Air pollution shall mean the emission of any air contaminants in such place or manner which when by itself or combined with other air contaminants present in the atmosphere is detrimental to or endangers the health, comfort or safety of any person or which may cause injury or damage to property or premises.

Atmosphere shall mean the air that envelopes or surrounds the earth including the interior of buildings or other structures not specifically designed for the purpose of containing air contaminants.

Board shall mean the variance board.

Chimney or stack shall mean chimney, stack, conduit, duct, vent, flue, or opening of any kind whatsoever arranged to conduct any products to the atmosphere.

Combustible materials and fuels shall mean any substance, which will readily burn and shall include those substances, which, although generally considered noncombustible, are, or may be included in the mass of the combustible materials burned or to be burned.

Dense smoke shall mean smoke of a shade or the equivalent opacity of the shade, designated as No. 1 on the Ringelmann Chart or greater.

Director shall mean the director of the city-county health department, or his designated employees or representatives.

Emission shall mean the emission of air contaminants into the atmosphere.

Evaporating loss control system shall mean a system or device designed and installed in such a manner as to reduce or prevent the emission to the atmosphere of the vapors of the hydrocarbon fuel contained in the fuel tank, carburetor, or fuel pump of the motor vehicle.

Exhaust emission control system shall mean a system, device, or engine modification designed and installed in such a manner as to reduce or prevent the emission to the atmosphere of air pollutant gases vapors, and particulate matter released from the motor vehicle engine through the exhaust manifold and tailpipe.

Fuel burning equipment shall mean any equipment, machinery, device, structure or contrivance, and all appurtenances thereto, including ducts, breeching, fuel-feeding equipment, ash removal equipment, internal combustion engines, combustion controls, stacks and chimneys, which burn fuel or combustible material for the purpose of producing heat or energy, but shall not mean process equipment or operations or incinerators.

Incinerator shall mean any device, structure or contrivance used to dispose of refuse or other waste by burning or the processing of salvageable material by burning but excluding flares.

Motor vehicle shall mean a self-propelled, wheeled vehicle designed for normal use of public streets and highways.

Motor vehicle pollution control device shall mean any or all of the devices or systems referred to in this section and designed to control or prevent air pollution emissions from motor vehicles.

Multiple chamber incinerators shall mean any incinerator consisting of two (2) or more combustion chambers of in-line or retort type physically separated by curtained walls with gas passage ports or ducts and designed for maximum combustion of the material to be burned.

Open burning shall mean the burning of combustible materials or refuse in such a manner that the products of combustion are emitted directly into the atmosphere.

Open-pit incinerator shall mean a device consisting of a pit (into which the material to be burned is placed), nozzles, pipes, and other appurtenances designed and arranged in a manner to deliver additional air or auxiliary fuel to, or near, the zone of combustion so that theoretically complete combustion is accomplished or approached.

Particulate matter shall mean discrete particles of liquid (except uncombined water) or solid matter or both which may be or may not be suspended in air.

Positive crankcase ventilator shall mean a system or device designed and installed in such a manner as to prevent or reduce the release or emission into the atmosphere of gases or vapors produced or otherwise present in the crankcase of the engine of a motor vehicle.

Process equipment or operation shall mean any equipment, machinery, device or premises used for the treating, processing or manufacturing of materials, products or substances which operation may emit smoke, particulate matter or other air contaminants.

Process weight shall mean the total weight of all materials introduced into any specific process equipment or operation. Solid fuels shall be considered as part of the process weight but liquids and gases used solely as fuel shall not.

Process weight per hour shall mean the weight derived by dividing the total process weight by the number of hours in one (1) complete operation from the beginning of any given process to the completion thereof excluding any time during which the equipment is idle.

Products of combustion shall mean all particulate matter and other air contaminants emitted as a result of the burning of refuse and combustible materials.

Proprietary information shall mean any information obtained pursuant to this chapter, which relates to sales figures or to production processes unique to the owner or operator or which affect the competitive position of such owner or operator.

Refuse shall mean garbage, rubbish, trade waste, leaves, salvageable material, agricultural waste and other wastes.

Ringelmann Chart shall mean the chart for grading the appearance, density, shade or opacity of smoke, as published with instructions for use by the United States Bureau of Mines, in Information Circular 7718, dated August 1955.

Smoke shall mean small gas borne or airborne particles resulting from combustion operations and consisting of carbon, ash, and other matter that is present in sufficient quantity to be observable.

Source shall mean any physical arrangement or structure, which may emit air contaminants. It includes, but is not limited to, stacks, chimneys, building openings, open fires, vehicles, processes, equipment, structures and premises.

Source gas volume shall mean the total amount of gas including air contaminants, emitted from any process, equipment or operation into the atmosphere.

(Code 1976, 8-1-2)

Sec. 3-3. Amendments.

The city council shall not enact or amend any ordinance, rule or regulation concerning air quality control without first holding a public hearing and giving not less than ten (10) days notice of the time and place of such hearing by publication in a newspaper of general circulation in the city.

(Code 1976, 8-1-3)

Sec. 3-4. Enforcement officer.

The director shall enforce the provisions of this chapter.

(Code 1976, 8-1-4)

Sec. 3-5. Notices.

All notice required under this chapter, unless otherwise specified, shall be in writing and shall be served upon the person being given notice personally

or mailed to his last known address, postage prepaid. The date of mailing shall be considered as the date such notice is given.

(Code 1976, 8-1-14)

Sec. 3-6. Variance Board.

(a) There is hereby created a variance board, which shall consist of five (5) members to be appointed by the mayor with the consent and approval of the council.

(b) The members shall be residents of the city and shall not be employees of the federal, state or municipal governments.

(c) The members of the board shall serve for a term of three (3) years or until their successors are appointed. The terms shall expire on June 30 in the year in which the term would expire regardless of the date of appointment. Members may be removed for cause. A member appointed to fill a vacancy shall serve the remainder of the unexpired term.

(d) The members of the board shall have the power to subpoena witnesses, require the production of records, documents and other matters and administer oaths. Three (3) members shall constitute a quorum provided that no variance shall be granted or revoked without the concurrence of at least three (3) members. The board shall select from its number a chairman who shall serve for a period of one (1) year. The meetings and hearings of the board shall be called by the chairman. The members shall be given notice five (5) days prior to any hearing or meeting. Emergency meetings or hearings may be held provided all members consent to such meeting in writing. The board shall make other rules and regulations concerning the procedure in granting or revoking variances, as it shall deem necessary.

(Code 1976, 8-1-10)

Sec. 3-7. Variances.

(a) Variances from the strict provisions of this chapter may be granted by the board pursuant to applications therefore when:

(1) Due to conditions beyond the control of the person in violation, compliance with this chapter will result in an arbitrary and unreasonable taking of property or the practical closing and elimination of any lawful business, occupation or activity; and

(2) There are not sufficient corresponding benefits or advantage to the public in the reduction of air pollution.

(b) Any person may make an application for a variance by paying the required fee and by filing a written application with the director. The application form shall be verified by the applicant and set forth all information required by the board, including the full name and address of the applicant, the nature of the violation and the extent to which a variance is sought. Any applicant for a variance shall pay a fee to the city clerk in the amount established by resolution. Such fee shall be paid each time a variance is sought provided that the board may in its discretion review any variance denied within ninety (90) days from the date of such denial without additional cost to the applicant.

(c) Variances shall be for a specified time but not to exceed one (1) year. Upon expiration of a variance, additional variances may be granted. A variance granted shall be personal to the applicant and not transferable. All variances granted are subject to review and revocation by the board.

(d) No variance shall be granted or revoked without first holding a public hearing. Not less than ten (10) days' notice shall be given to all interested persons as appear in the files and records of the board. In addition, notice of such hearing shall be published in a newspaper of general circulation within the city not less than ten (10) days prior to the date of hearing.

(Code 1976, 8-1-9, 8-1-11, 8-1-12, 8-1-15)

Sec. 3-8. Liability for violations.

Any person owning, operating or controlling a source of air contaminants, which violates this chapter, shall be subject to all penalties and liabilities for such violation. Each day of any such violation shall constitute a separate offense.

(Code 1976, 8-1-17)

Sec. 3-9. Nuisance declared; abatement authorized.

The emission of air contaminants in violation of this chapter is declared to be a public nuisance and may be abated by the director as provided by law.

(Code 1976, 8-1-16)

Sec. 3-10. Abatement procedure.

(a) In addition to any penalties, upon determination by the director that a violation of this section has occurred and that the person in violation has not furnished satisfactory proof that corrective measures have been or are being taken to abate the nuisance, the director shall give written notice to the person in violation, to abate the nuisance. The notice shall specify the section, which is being violated, and a reasonable time limit not exceeding twenty (20) days within which to abate the nuisance.

(b) If at the end of the time allowed the violation has not been corrected, the director shall abate the nuisance as provided by law.

(Code 1976, 8-1-5)

Sec. 3-11. Summary abatement.

When a violation of this chapter creates a hazardous or dangerous condition capable of immediately harming life or property the director shall summarily abate the nuisance immediately and without notice.

(Code 1976, 8-1-6)

Cross reference--Nuisances, Ch. 15.

Sec. 3-12. Interference with director.

No person shall interfere in any manner or impede the director in the performance of his duties.

(Code 1976, 8-1-7)

Sec. 3-13. Tests, data sampling.

Upon written notice, the director may require from any person subject to this chapter data to establish the nature, extent, quantity, or degree of air contaminants, which are or may be charged by a source under such person's control, and may require that such data be certified by a professional engineer registered in the state. The director may at his expense, designate an agent to independently gather data as to the nature, extent, quantity and degree of any air contaminants, which are or may be discharged from the source. Subject to the confidentiality requirements of section 3-14, an agent so designated is authorized to inspect any facilities and equipment necessary to gather the data. The owners of the premises being inspected will make the same available to inspection and shall permit the director to install and maintain sampling and testing apparatus as are reasonable and necessary for measurement of emissions of air contaminants, provided that they shall not unduly interfere with the operations of the owner. The director may, in writing, require the owner to provide, and maintain means of access to locations for sampling and testing purposes, in order to secure data that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere.

(Code 1976, 8-1-8)

Sec. 3-14. Proprietary information; closed hearings.

(a) Any proprietary information furnished or obtained pursuant to this chapter shall not be disclosed to anyone other than the director, the board, or a court of competent jurisdiction.

(b) Upon request of the interested party, all hearings or trials in which proprietary information is to be divulged shall be held "in camera" and such information shall be sealed and access otherwise limited.

(Code 1976, 8-1-13)

Sec. 3-15. Pollution prohibited.

No person shall permit or cause air pollution.

(Code 1976, 8-1-18)

Sec. 3-16. Emission of dense smoke prohibited.

No person shall cause or permit the emission of dense smoke from any source whatever except as specifically permitted.

(Code 1976, 8-1-19)

Sec. 3-17. Incinerators.

(a) Permit required. No person shall install or make any alteration or modification to an incinerator, which affects the emission of air contaminants without first having obtained a permit from the director.

(b) Application for permit. A person making application for a permit shall furnish such information concerning the incinerator as the director may request including the plans, specifications, and manufacturer's descriptive literature and test reports.

(c) Specifications. All incinerators shall be multiple chambered, gas fired in the primary and secondary changer, and water scrubbed. All incinerators shall have a capacity of seventy-five (75) pounds per hour or greater provided that this capacity shall not be applicable to incinerators designed and used exclusively as pathological incinerators. An incinerator of different construction may be used when the director determines that the incinerator will be equally effective in controlling the emission of air contaminants and approves its installation.

(d) Operation. All incinerators shall be maintained and operated according to good practices.

(e) Emission of particulate matter. Incinerators with a maximum burning capacity of two hundred (200) pounds per hour or more shall not emit particulate matter in excess of 0.2 grains per dry cubic foot corrected to twelve (12) percent carbon dioxide (CO2) of exhaust gas under standard condition. Incinerators with a maximum burning capacity of less than two hundred (200) pounds per hour shall not emit particulate matter in excess of 0.3 grains per dry cubic foot corrected to twelve (12) percent carbon dioxide (CO2) of exhaust gas under standard conditions.

(f) When dense smoke permitted. Incinerators may emit dense smoke not exceeding a shade or the equivalent opacity of the shade designated as No. 2 on the Ringelmann Chart for periods not exceeding five (5) minutes in any sixty-minute period and not exceeding twenty (20) minutes in any twenty-four hour period.

(Code 1976, 8-1-20)

Sec. 3-18. Fuel burning equipment.

(a) Emission of particulate matter prohibited. Fuel burning equipment shall not emit particulate matter in excess of that indicated on Table 1 or Chart 1.

(b) Existing fuel burning equipment, exception. Fuel burning equipment in operation prior to June 29, 1976 shall not emit particulate matter in excess of 0.6 pounds per million BTU heat input provided that all such existing fuel burning equipment shall comply with all the provisions of this chapter within twelve (12) months after it becomes effective.

(Code 1976, 8-1-21)

Sec. 3-19. Process equipment or operations.

(a) Particulate matter emission. Process equipment or operations shall not emit from the premises upon which such equipment or operation is located, particulate matter in excess of that indicated on Table 2, Table 3 or Chart 2.

(b) Dust control. The owner or operator of any process equipment or operation shall maintain dust control of the premises and plant owned, leased, or controlled access roads by paving, oil treatment, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, screen changing, and general maintenance to prevent dust generation and atmospheric entrainment. Good operating practices, including water spraying or other suitable measures, shall be employed to minimize dust generation and emission when bins are pulled.

(Code 1976, 8-1-22, 8-1-23)

Sec. 3-20. Hot mix asphalt plants.

(a) Hot mix asphalt plants shall not emit particulate matter into the atmosphere in excess of the quantity set out in the following table:

Particulate Matter	
Aggregate Process Weight Peer Hour Pounds	Emission Rate Per Hour Pounds

20000	16
30000	22
40000	28
50000	31
100000	33
200000	37
300000	40
400000	43
500000	47
600000	50

For a process weight between any two (2) consecutive process weights stated in this table, the emission limitation shall be determined by interpolation.

(b) Hot mix asphalt plants may emit dense smoke not exceeding a shade or the equivalent opacity of the shade designated as No. 3 on the Ringelmann Chart, for periods not exceeding four (4) minutes in any sixty-minute period.

(c) No hot mix asphalt plant shall be operated unless it is equipped with a fugitive dust control system, which prevents the emission of particulate matter from any point other than the chimney.

(Code 1976, 8-1-23)

Sec. 3-21. Open burning.

No person shall cause or permit an open burning in any public or private place outside any building, provided that open burning may be conducted if no public nuisance is or will be created, as follows:

(1) Fire purposely set for the instruction and training of fire fighting personnel when authorized by the fire chief;

(2) Fires set for the elimination of fire hazards or hazardous material where there is no other practical or lawful method of disposal, and such burning is authorized by the fire chief and director;

(3) Camp fires and other fires used solely for recreational or ceremonial purposes, or for outdoor noncommercial preparation of food;

(4) Fires purposely set for the management of forest or game in accordance with practices recommended by the Oklahoma Department of Agriculture, the United States Forest Service and which are authorized by the fire chief;

(5) The burning of combustible material in an open pit incinerator, which is designed and operated for the control of smoke and particulate matter;

(6) The burning of hydrocarbons by atmospheric flares when no other means of disposal is practical.

(Code 1976, 8-1-24l Code 2004)

Cross-references--Fire generally, 10-21 et seq.; burning garbage prohibited 23-22.

Sec. 3-22. Motor vehicle pollution control devices.

(a) This section shall apply to all motor vehicles registered or subject to registration with the Oklahoma State Tax Commission in which as new vehicles, motor vehicle pollution control devices have been installed by virtue of federal laws and regulations, in effect now and hereafter, requiring such devices to be installed. However, nothing in this section shall supersede or otherwise modify such federal laws and regulations, nor shall anything in this section be construed to require the installation of motor vehicle pollution control devices on motor vehicles not referred to by such federal laws and regulations.

(b) No person shall cause, suffer, allow or permit the removal, disconnection or disabling of a motor vehicle pollution control device, which is on a motor vehicle.

(c) Operation of a motor vehicle or its engine, which uses liquefied petroleum gas as fuel is hereby exempted from provisions of this chapter.

(Code 1976, 8-1-25)

Sec. 3-23. Table 1, fuel-burning equipment.

The following table, which shall be known as "Table 1," and may be cited as such, shall be applicable to the provisions of this chapter as specified in this chapter:

FUEL BURNING EQUIPMENT
TABLE 1

Maximum Allowable Emissions	
Heat Input in Million British Thermal Units per Hour Up to and including 10	of Particulate Matter In Pounds per Million British Thermal Units
100	0.60
1,000	0.35
10,000	0.20

Sec. 3-24. Table 2, process equipment or operations, allowable rate of particulate matter emissions based on process weight rate.

The following table, which shall be known as "Table 2," and may be cited as such, shall be applicable to the provisions of this chapter as specified in this chapter:

PROCESS EQUIPMENT OR OPERATIONS
TABLE 2

ALLOWABLE RATE OR PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE		
Process Weight Rate Lb./Hr	Tons/Hr	Lb. /Hr Rate of Emission
100	0.05	0.1
200	0.10	0.877
400	0.20	1.4
600	0.30	1.83
800	0.40	2.22
2.58	0.50	2.58
1500	0.75	3.38
2000	1.00	4.10
2500	1.25	4.76
3000	1.50	5.38
3500	1.75	5.96
4000	2.00	6.52
5000	2.50	7.58
6000	3.00	8.56

7000	3.50	9.49
8000	4.00	10.4
9000	4.50	11.2
10000	5.00	12.0
12000	6.00	13.6
16000	8.00	16.5
18000	9.00	27.9
20000	10	19.2
30000	15	25.2
40000	20	30.5
50000	25	35.4
60000	30	40.0
70000	35	41.3
80000	40	42.5
90000	45	43.6
100000	50	44.6
120000	60	46.3
140000	70	47.8
160000	80	49.0
200000	100	51.2
1000000	500	69.0
2000000	1000	77.6
6000000	3000	92.7

Interpolation of the data in this table for process weight rates up to 60,000 lb. /hr. shall be accomplished by the use of the equation # equal 4.10 PO.67, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb. /hr. shall be accomplished by use of the equation E equal 55.0 PO.11-40, where E equal rate of emission in lb. /hr. and P equal process weight rate in tons/hr.

Utilization of this table is accomplished by first determining the process rate in lb. /hr. or in tons/hr. and then reading the allowable rate of emission in lb. /hr. horizontally to the right.

Sec. 3-25. Table 3, process equipment or operations; allowable rate of particulate matter emission based upon volume per scfm.

The following table, which shall be known as "Table 3," and may be cited as such, shall be applicable to the provisions of this chapter as specified in this chapter:

PROCESS EQUIPMENT OR OPERATIONS TABLE 3

ALLOWABLE RATE OF PARTICULATE

MATTER OF EMISSION BASED ON VOLUME PER SCFM	
Source Gas Volume, SCFM	Concentration GR/SCF
7000 or less	0.100
8000	0.096
9000	0.092
10000	0.089
20000	0.071
30000	0.062
40000	0.057
50000	0.053
60000	0.050
80000	0.045
100000	0.042
120000	0.040
140000	0.038
160000	0.036
180000	0.035
200000	0.034
300000	0.030
400000	0.027
500000	0.025
600000	0.024
800000	0.021
1000000 or more	0.020

Interpolation of the data in this table shall be accomplished by the use of the equation C equal 1.78S minus 0.325 where S equals source gas volume; SCFM and C equal concentration in grains per SCF. (GR equal Grains)

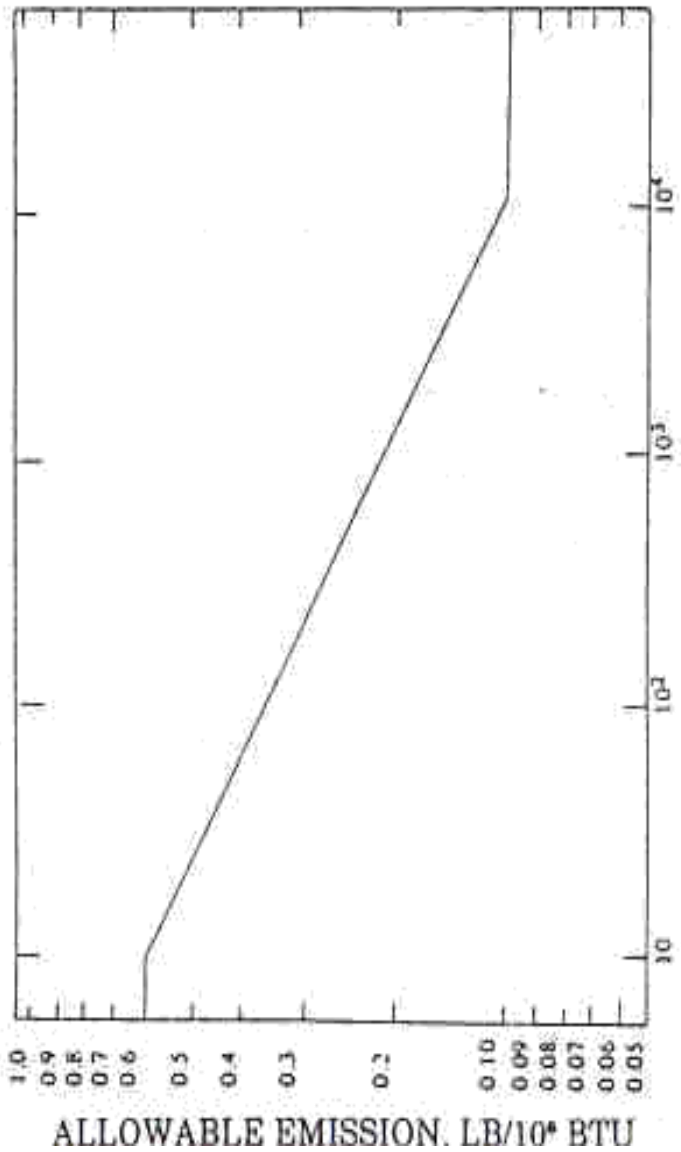
Utilization of this table is accomplished by first determining the source gas volume in SCFM and then reading the allowable concentration in GR/SCF horizontally to the right.

Sec. 3-26. Chart 1, particulate matter emission limits for fuel-burning equipment.

The following chart, which shall be known as "Chart 1," and may be cited as such, shall be applicable to the provisions of this chapter as specified in this chapter:

Chart 1

EQUIPMENT CAPACITY RATING, 106 BTU/HR
Particulate Matter Emission Limits for Fuel-Burning Equipment

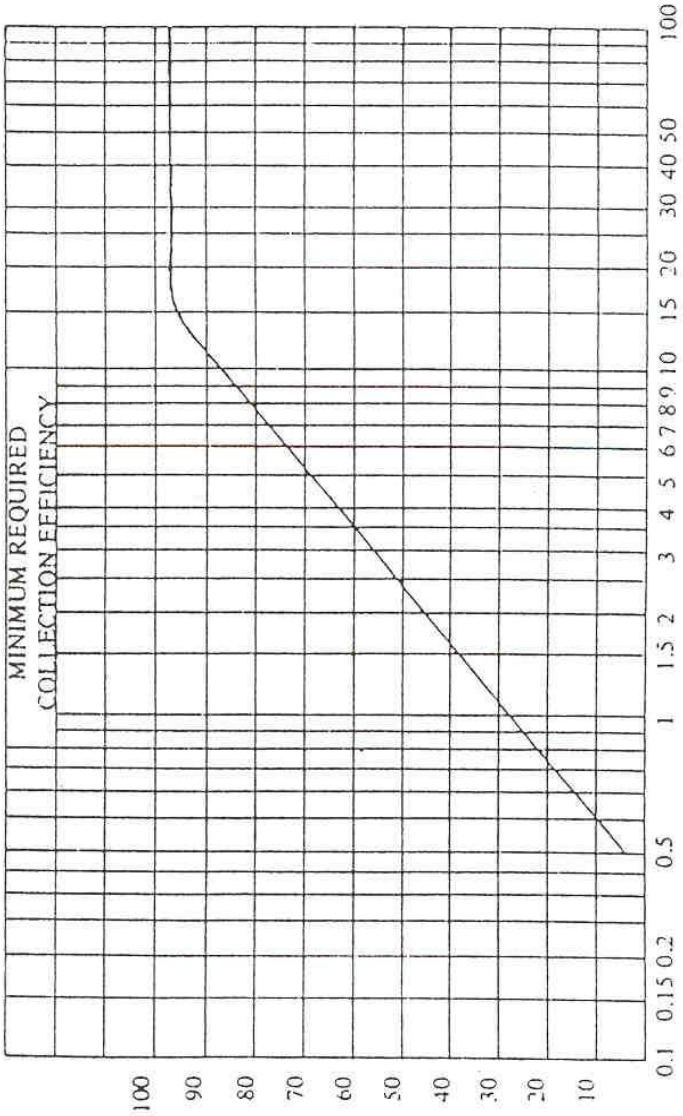


Sec. 3-27. Chart 2, collection efficiency based on particle size.

The following chart, which shall be known as "Chart 2," and may be cited as such, shall be applicable to the provisions of this chapter as specified in this chapter:

Chart 2

COLLECTION EFFICIENCY BASED ON PARTICLE SIZE



COLLECTION CO EFFICIENCY (% BY WEIGHT)

CHAPTER 4

ALCOHOLIC BEVERAGES AND LOW POINT BEER

ARTICLE I. ALCOHOLIC BEVERAGES

Sec. 4-1. Definitions.

All of the terms and phrases used in this Chapter shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Control Act and/or Title 37 O.S., 163.2, and which definitions include, but are not limited to the following:

ABLE Commission means the Alcoholic Beverage Laws Enforcement Commission.

Alcoholic beverage means alcohol, spirits, beer, and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings, but does not include low-point beer as that term is defined in this section.

Beer means any beverage containing more than three and two-tenths (3.2%) percent of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products.

Licensee means any person holding a license under the Oklahoma Alcoholic Beverage Control Act and/or pursuant to the provisions of Title 37 O.S., 163.1--163.25, and any agent, servant, or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises.

Light beer means low-point beer controlled under Title 37 O.S., 506--599.

Low-point beer means and includes beverages containing more than one-half of one percent (.5%) alcohol by volume, and not more than three and two-tenths (3.2%) percent alcohol by weight, including, but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

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

Mixed beverage establishment means any business or person licensed under the Oklahoma Alcoholic Beverage Control Act to sell mixed beverages for consumption on the premises.

Package store means any retail alcoholic beverage store licensed to sell alcoholic

beverages for consumption off the premises pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

Person means and includes an individual, a trust or estate, a partnership, an association or a corporation.

Retail dealer means and includes any person who sells any low-point beer, as defined herein, at retail for consumption or use on or off the premises.

Spirits means any beverage other than wine, beer or light beer, which contains more than one-half of one percent (.5%) alcohol measured by volume and obtained by the distillation, whether or not mixed with other substances in solution, and includes those products known as whisky, brandy, rum, gin, vodka, liqueurs, cordials, fortified wines and similar compounds but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto.

Wine means and includes any beverage containing more than one-half of one percent (.5%) alcohol measured by volume and not more than twenty four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

State law reference-Similar provisions, 37 O.S. 163.2 Definitions, 37 O.S. 506.

(Ord. No. 355, 6(8a-9-8), 9-3-85 Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-2. Occupation tax.

(a) There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

(1) Package Stores:

a. Nine hundred and five dollars ($905.00)

(2) Mixed Beverage:

a. Initial, one thousand and five dollars ($1,005.00)
b. Renewal, nine hundred and five dollars ($905.00)

(3) Beer and Wine License:

a. Initial, five hundred dollars ($500.00)
b. Renewal, four hundred and fifty dollars ($450.00).

(4) Caterer License:

a. Initial, one thousand and five dollars ($1,005.00)
b. Renewal, nine hundred and five dollars ($905.00).

(5) Special Event, per day, fifty-five dollars ($55.00).

(6) Public Event (Annual)

a) City Occupation Tax, $1,005.00 per calendar year for up to six (6) events.

(7) Public Event (1 time)

a) City Occupation Tax, $255.00 per event.

(8) Annual Special Event

a) City Occupation Tax, $55.00 for up to four (4) events not to exceed two (2) events in any three (3) month period.

(9) Special Event Quarterly

a) City Occupation Tax, $55.00 for up to three (3) events to be held over a period of not more than three (3) months.

(Ord. No. 697, §1, 09-02-2014)

State Law Reference. O.S. Title 37, Chapter 3, § 554.1 et seq.

(b) The occupation tax for those service organizations which are exempt under Section 501 (c) (19), (8) and (10) of the Internal Revenue Code for mixed beverage license shall be five hundred dollars ($500.00) per year.

(c) Any state licensee originally entering upon any occupation herein listed shall pay the tax therefore 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. The licensee shall pay the tax annually on or before June 30 of each year.

(d) All licenses, except as otherwise provided, shall be valid for one (1) year from the date of issuance unless revoked or surrendered; provided, that a special event license shall be valid for a period not to exceed ten (10) consecutive days from the first day the license is valid, said date to be specified on the license, unless otherwise provided by state law.

(e) Upon payment of the occupation tax, the city clerk shall issue a receipt to the state licensee, which said licensee shall post in a conspicuous place on the premises

wherein he carries on his occupation.

(f) Any person who engages in any of the occupations taxed by this chapter without paying said occupation tax imposed therefore in advance of such operation is guilty of an offense against the city.

(g) The city clerk shall make an annual report to the ABLE Commission, covering the fiscal year, showing the number and class of licensees subject to the occupation tax and the amount of money collected from the tax.

(Ord. No. 355, 2(8a-9-3), 2(8a-9-2), 3(8a-9-3), 9-3-85 Ord. No. 471, 2, 7-7-92 Ord. No. 510 1, 9-20-94 Ord. No. 519, 1, 10-17-95)

Cross References--licenses, permits, and miscellaneous business regulations, Chapter 11 public intoxication, 12-45 driving while intoxicated, etc., 13-9 et seq. transportation of alcoholic beverages, 13-12 transportation of low-point beer, 13-13.

State law reference--Alcoholic beverages, 37 O.S. 2001. Occupation tax authorized, 37 O.S. 2001, §554.1.

Sec. 4-3. Certificates of compliance.

(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 city clerk by:

(1) Filing a written application on forms prescribed by that office and

(2) Paying a verification and certification fee in the amount established by resolution at the time of filing.

Upon receipt of an application for a certificate of compliance, the city clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provision of the zoning ordinance and any health, fire, building, and other safety codes applicable to it. The city clerk shall act on all such applications within twenty (20) days of receipt thereof.

(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. The certificates of compliance shall be signed by the mayor or by the city clerk.

(Ord. No. 355, 4(8a-9-6), 5(8a-9-7), 9-3-85\ Ord. No. 519, 1, 10-17-95)

State law reference--Certificates of compliance as prerequisite to state license, 37 O.S. 523.

Sec. 4-4. Drinking alcoholic beverage on premises.

No person shall drink or consume in any manner alcoholic beverages on the premises of a retail package store, nor shall any person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail package store.

(Ord. No. 389, 1, 7-21-87 Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-5. Sale of alcoholic beverages prohibited.

No person shall sell at retail, and no person shall deliver, in consequence or in completion of such a sale, any alcoholic beverages at any place in this city, except at a retail package store or mixed beverage establishment in strict conformity with this chapter and the laws of the State of Oklahoma.

(Ord. No. 389, 1, 7-21-87 Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-6. Location of mixed beverage establishment, beer and wine establishment, or bottle club.

A. 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.

B. (1) 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.

(2) 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.

(3) 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 - Title 37 O.S. 2001, §518.3

(Ord. No. 389, 1, 7-21-87 Ord. No. 471, 2, 7-7-92 Ord. No. 510, 2, 9-20-94 Ord. No. 519, 1, 10-17-95)

Sec. 4-7. Sale of alcoholic beverages to minors.

(a) No person shall knowingly sell, deliver, or furnish alcoholic beverages at any place within this city to any person who is under twenty-one (21) years of age.

(b) No person under twenty-one (21) years shall misrepresent his age in writing or present false documentation of age or otherwise for the purpose of inducing any person to sell him alcoholic beverages.

(Ord. No. 389, 1, 7-21-87 Ord. No. 519, 1, 10-17-95)

Sec. 4-8. Consumption/possession of alcoholic beverages by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to consume or possess with intent to consume any alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes.

(Ord. No. 389, 1, 7-21-87 Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95; 2012 Code)

Sec. 4-9. Sale of alcoholic beverage to intoxicated person.

No person, at any place within this city, shall sell, deliver, or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

(Ord. No. 389, 1, 7-21-87 Ord. No. 519, 1, 10-17-95)

Sec. 4-10. Transporting open alcoholic beverage container.

No person within this city shall transport in any vehicle upon any public highway, street, or alley any alcoholic beverages, unless such alcoholic beverage is:

(a) In an unopened container with seal unbroken and the original cap or cork not removed from the container, or

(b) In the trunk or other closed compartment or other container, out of public view and out of reach of the driver or any occupant of the vehicle.

(Ord. No. 389, 1, 7-21-87 Ord. No. 519, 1, 10-17-95)

Sec. 4-11. Public drinking of alcoholic beverages.

No person within this city shall drink any alcoholic beverage in any public place, nor shall any person be intoxicated in a public place within this city.

(Ord. No. 389, 1, 7-21-87 Ord. No. 519, 1, 10-17-95)

Sec. 4-12. Sale of alcoholic beverages by minors.

(a) No person under the age of eighteen (18) years will be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within this city.

(b) No person shall employ or assist or aid in causing the employment of any person under the age of eighteen (18) years at any place within this city in the selling, manufacture, distribution or other handling of alcoholic beverages.

(Ord. No. 389, 1, 7-21-87 Ord. No. 519, 1, 10-17-95)

Sec. 4-13. Minors prohibited from premises of retail package store.

(a) No owner or proprietor of a retail package store in this city and no person employed therein shall permit any person less than twenty-one (21) years of age to enter into, to remain within or to loiter about the premises of such retail package store.

(b) No person under the age of twenty-one (21) years shall enter into, remain within or loiter about the premises of any retail package store within this city.

(Ord. No. 389, 1, 7-21-87 Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-14. Minors prohibited from premises of bars, lounges.

(a) No owner or proprietor of a mixed beverage establishment in this city and no person employed therein, shall permit any person under twenty-one (21) years of age to enter into, to remain within or to loiter about the premises of any separate or enclosed lounge or bar area, which has as its main purpose the sale or distribution, of alcoholic beverages for on-premises consumption.

(b) No person under the age of twenty-one (21) years shall enter into, remain within or loiter about the premises of a separate or enclosed lounge or bar area within this city.

(c) 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 of or mixing or serving of alcoholic beverages, in which sales or serving of said beverages are incidental to the main purpose, as long as the persons under twenty-one (21) years of age are not sold or served alcoholic beverages.

For the purposes of this section only, the term "alcoholic beverages" shall include low-point beer as defined in Section 4-1 of this chapter.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-15. Intoxicated person prohibited from certain locations.

No person operating a cafe, restaurant, club, or any place of recreation within this city and no employee engaged in connection with the operation of such a cafe, restaurant, club or place of recreation shall permit any person to be drunk or intoxicated in said place of business.

(Ord. No. 389, 1, 7-21-87 Ord. No. 519, 1, 10-17-95)

Secs. 4-16--4-35. Reserved.

ARTICLE II. LOW-POINT BEER

Sec. 4-36. State permit.

No person shall engage in the business or occupation of selling, offering for sale, or distributing any low-point beer, at retail, for consumption or use, without first having obtained a State permit so to do, and, in cases where such beverages are consumed on the premises, a permit as provided by the statutes of the State of Oklahoma.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

State law reference-State permits, 37 O.S., 163.11.

Sec. 4-37. Hours and days of operation of establishments selling low-point beer.

(a) It shall be unlawful for any person licensed to sell beverages containing more than one-half of one (0.5%) percent of alcohol by volume and not more than three and two-tenths (3.2%) percent of alcohol by weight to sell such beverages for consumption on the premises between the hours of 2:00 a.m. and 7:00 a.m.

(Ord. No. 356, 2(1-1-16a), 8-6-85 Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

State law reference--Authority to restrict hours, 37 O.S., 213.

Sec. 4-38. Responsibility for certain violations.

No owner, operator, proprietor or manager of any place where low-point beer is sold shall permit:

(1) Any violation of the laws of the City or of the State relating to low-point beer or

(2) Any intoxicated person about the premises, or

(3) Persons who have congregated on the premises to use violent, abusive or profane language, or to carouse, shout or make unnecessary noises so as to disturb the peace of the neighborhood.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-39. Possession/Consumption of low-point beer by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to consume or possess with intent to consume low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes.

(2012 Code)

Sec. 4-40. Sale of low-point beer to minors, etc.

(a) No person shall knowingly sell, deliver, or furnish low-point beer at any place within this city to any person who is under twenty-one (21) years of age.

(b) No person under twenty-one (21) years shall misrepresent his age in writing or present false documentation of age or otherwise for the purpose of inducing any person to sell him low-point beer.

(c) No person, at any place within this city, shall sell, deliver, or knowingly furnish low-point beer to an intoxicated person.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-41. Transporting open container.

No person within this city shall transport in any vehicle upon any public highway, street, or alley any low-point beer, unless such beverage is:

(a) In an unopened container with seal unbroken and the original cap or cork not removed from the container, or

(b) In the trunk or other closed compartment or other container, out of public view and out of reach of the driver or any occupant of the vehicle.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-42. Classes of licenses Retail dealers.

Licenses for retail sale of low-point beer shall be classified as follows:

(1) Class "I." Class "I" shall include any retail dealer who sells low-point beer for consumption on the premises only.

(2) Class "II." Class "II" shall include any retail dealer who sells low-point beer in its original packaging or container and not for consumption on the premises.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

State law reference--37 O.S., 163.10.

Sec. 4-43. Application for retail dealer's license.

(a) Every person desiring to obtain the license required by this article shall make application to the Building and Code Department on forms to be provided, setting forth the location of the business, the names of all persons interested in the business together with their addresses, and, if a corporation, the names of the president and managing officer. The application shall show the date and number of permits issued by the District Court Judge and the Oklahoma Tax Commission, as required by law.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-44. Retail dealer's license fee.

(a) A retail dealer in low-point beer shall pay to The City of The Village the fee established by resolution of the City Council.

(b) The licensee shall pay the fee annually on or before June 30 of each year.

(c) Upon payment of the license fee, the city clerk shall issue a receipt to the licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

State law reference-Local license fee, 37 O.S., 163-10.

Sec. 4-45. Prerequisites to issuance of retail dealer's license.

No license shall be issued pursuant to the provisions of this article without a satisfactory showing that the applicant has obtained his State and County permits and has, in all other respects, complied with the law.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-46. Transfer of retail dealer's license.

No license issued under the provisions of this article shall be transferable.

(Ord. No. 471, 2, 7-7-92 Ord. No. 519, 1, 10-17-95)

Sec. 4-47. Location of buildings where low-point beer sold.

a. It shall be unlawful for any place which has received a permit or which has been licensed to sell low-point beer and which has as its main purpose the selling or serving of low-point beer for consumption on 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 low-point beer. The provisions of this section shall not apply to places which have received a permit or which have been licensed to sell low-point beer for on-premises consumption prior to July 1, 1999. If any school or church shall be established within three hundred (300) feet of any 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 low-point beer 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.

b. If an establishment selling low-point beer also is the holder of a mixed beverage or beer and wine license issued by the Alcoholic Beverage Law Enforcement Commission, the establishment shall be subject to the zoning provisions of Section 4-6 rather than the provisions of this section.

State law references--Authority to regulate location of establishments selling low-point beer, Title 11 O.S. 43-102 Title 37 O.S. 2001, 163.27, 518.3.

(Ord. No. 510, 3, 9-20-94 Ord. No. 519, 1, 10-17-95)

CHAPTER 5

ANIMALS

Art. I. In General, 5-1--5-20
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Art. III. Vicious and Potentially Vicious Animals
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ARTICLE I. IN GENERAL

Sec. 5-1. Pound Master; Impoundment.

a) The city manager shall appoint a Pound Master.

b) The Pound Master along with the Chief of Police and all police officers shall impound all animals found within the city in violation of this chapter and shall be authorized to use and discharge firearms and tranquilizer guns within the corporate limits of the city, or on property owned by the city outside the corporate limits, for the purpose of enforcing the provisions of this chapter and in accordance with applicable state law.

c) Any city officer or employee impounding an animal shall immediately report the same to the owner of such animals, if known.

d) If an animal is vicious or dangerous as defined at Section 5-50 of this Code whether it pertains to dogs or other animals, or wild, that it cannot be safely taken up or impounded, it may be killed by the officer or Pound Master seeking to apprehend it.

e) It is unlawful for any person to (1) resist or lend aid or assistance against any, person authorized and engaged in the discharge of his duty to take up and impound animals, or (2) obstruct or attempt to obstruct by threats or other acts of intimidation such authorized person.

f) Any impounded animal shall be held for a minimum of seventy-two (72) hours. If, within that period, no owner appears to claim the animal, the animal may be either held out for adoption or otherwise humanely disposed of. Unless the impounded animal is being held for rabies observation, or being held for a judicial determination pursuant to the filing of a vicious animal complaint, the owner of an impounded animal may reclaim the animal by:

1. Providing proof of ownership of the animal;

2. Providing proof of rabies vaccination;

3. Paying all impoundment fees and daily kennel fees established by resolution.

4. Paying any penalties provided by this chapter.

g) The Pound Master shall be authorized to place traps on private property in order to enforce the provisions of this chapter. Placement of said traps shall be only at the request of the property owner. Non-domesticated animals that are trapped by the Pound Master, including but not limited to, squirrels, opossums, skunks, or other wild animals, shall be relocated or otherwise disposed of in accordance with applicable state law.

(Ord. No. 591 §1, 02-03-2004; 2012 Code)

Cross references-- 12-77; 13-4; 15-25 (b) (7), (8), (10). State law reference-- Authority to regulate animals, 11 O.S. 22-115

Sec. 5-2. Animals prohibited.

It shall be unlawful for any person:

a) To keep, harbor, possess, or allow remaining on any premises under his control within the city any animal other than a cat or dog unless the animal is kept within the confines of the house, apartment, office, accessory building, accessory structure, clinic, kennel, or retail store and provided the animal is not specifically prohibited herein. For the purpose of this section any pen, cage or coop shall not be considered an accessory building or structure.

b) To keep, harbor, possess or allow to remain on any premises under his or her control within the city any of the following animals:

Skunk;

Coyote, bear, fox, wolf, or similar carnivore;

Leopard, panther; tiger, lion, lynx, or other similar large cat;

Crocodile, alligator;

Any animal, bee, insect, or arachnid with a poisonous bite or sting;

Constricting snake capable of posing a threat to domestic animals or humans;

Any vicious animal as defined by this Chapter.

c) To keep or harbor more than four (4) domestic cats or dogs in total.

d) Except for subsection (c) above, to keep or harbor one (1) litter of pups or kittens, or any portion thereof, on any residential premises for a period not to exceed sixty (60) days from birth.

e) The provisions of subsection (b) herein shall not apply to professionally-operated animal exhibits. (Ord. No. 653, §1, 09-21-2010)

(Code 1976, 2-2-1; Ord. No. 423, 1, 6-6-89; Ord. No. 425, 1, 7-18-89; Ord. No. 498, 1, 3-1-94; Ord. No. 592, § 1, 04-06-2004; Ord. No. 607, §1, 08-02-2005)

Sec. 5-3. Mistreatment.

It is unlawful for any person to kill, maim, wound, disfigure, poison or cruelly and unmercifully treat or beat any animal or overdrive, overload or in any other manner mistreat such animal or fail to provide same with proper feed, drink or shelter, or drive or work or otherwise use such animal when the same is maimed, bruised or otherwise unfit for work, or willfully abandon any such animal to die or leave the same tied up or confined without proper feeding and caring for same. This section is no way affects the authority granted the Pound Master and the police officers of the city to kill animals when entitled to do so by law or ordinance.

(Ord. No. 705 §1, 04-21-2015); (Code 1976, 2-2-4)

State law reference--Cruelty to animals, 21 O.S. 1682 et seq.

Sec. 5-4. Animals suspected of rabies, etc.

a) Any dog or cat which is suspected of having rabies, or has been bitten by a rabid animal, or by an animal suspected of rabies, or any dog or cat which has bitten a person and has thereby caused an abrasion of the skin of such person, shall be impounded or placed in a veterinary hospital, for a period of ten (10) days; provided that where such animal has been properly vaccinated it may be confined by its owner, away from the public, for a like term, and no such animal shall be removed from the city limits until released from such confinement by authority of the Pound Master.

b) If the act of impounding a dog or cat suspected of rabies constitutes danger to the officers charged with impounding such animal, such officers are authorized to kill such animal.

(Code 1976, 2-1-7; Ord. No. 227, 10, 1-18-77)

Sec. 5-5. Killing animals having contagious diseases.

a) It shall be the duty of the Pound Master or other authorized official to seize and kill all animals diseased with contagious or communicable diseases in all cases where the owner or person in charge of said animal shall fail or refuse to immediately place and keep said animal in secure confinement, separate and apart from all other animals. In all cases where there are good reasons to believe that any animal has contracted or may contract any contagious or communicable disease, it shall be the duty of the Pound Master or other authorized official, upon refusal or failure of the owner to have the animal placed and kept in secure confinement separate and apart from all other animals, at the expense of the owner of said animal until the animal is thoroughly cured or declared incurable.

b) For the purpose of determining whether an animal is diseased with a contagious or communicable disease, it shall be the duty of the Pound Master or other authorized official to employ a competent veterinarian to examine the animal at the expense of the owner.

(Code 1976, 2-2-5; Ord. No. 592, § 1, 04-06-2004)

Sec. 5-6. Reserved.

Sec. 5-7. Pens, enclosures; Proper sanitation required.

a) Any person, owner, occupant, or tenant in control of or responsible for any structure, pen, enclosure, yard, or place wherein an animal is harbored shall maintain said structure, pen, enclosure, place, or yard in a clean and sanitary condition, devoid of vermin and rodents, so as to prevent odors and unsightly appearance and to minimize disease hazards.

b) Any person, owner, occupant, or tenant in control of or responsible for any structure, pen, enclosure, yard, or place wherein an animal is harbored shall, insofar as practical, remove all fecal matter from said structure, pen, enclosure, yard, or place at least once every twenty-four (24) hours.

c) It shall be unlawful for any person, owner, occupant, or tenant in control of or responsible for any structure, pen, enclosure, yard, or place wherein an animal is harbored, to allow the odor of animal feces originating from said

structure, pen, enclosure, yard, or place, to emanate, drift, or otherwise be detected by any person situated on an adjacent or nearby property or to fail to comply with subsections (a) and (b) above.

(Ord. No. 250, 1(2-2-6), 12-19-78; Ord. No. 499, 1, 3-15-94; Ord. No. 607, §3, 08-02-2005) Cross reference--Dog defecation, urination, 5-27.

Sec. 5-8. Keeping of bees.

a) It shall be unlawful to keep, maintain, or harbor any hive, stand, or box where bees are kept, or keep any bees in or upon any premises within the corporate limits of the city closer than fifteen (15) feet to the side or rear property line of any residential lot.

b) Any beehive, stand, or box kept or maintained is hereby declared a public nuisance and it shall be unlawful to keep or maintain such beehive, stand or box after one year from the date of passage of this section (April 1, 1986).

c) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a stand or box located within a school building for the purpose of study or observation.

(Ord. No. 363, 1, 4-1-86)

Sec. 5-9. Penalty.

Any person in violation of any provision of this Article shall be guilty of a Class A offense punishable by a fine not to exceed Seven Hundred and Fifty ($750.00) Dollars.

(Ord. No. 499, 2, 3-15-94)

Secs. 5-10--5-20. Reserved.

ARTICLE II. DOGS AND CATS

Sec. 5-21. Vaccination against rabies.

All dogs and cats four months of age and older that are owned, kept, possessed, or harbored within The Village shall be vaccinated against rabies by or under the direct supervision of a licensed veterinarian. Rabies vaccine shall be recognized for the duration of the vaccine used, i.e., vaccines with a labeled duration of one year, two years, or three years, will be recognized for one year, two years or three years respectively. A rabies vaccination need not be obtained for a nonresident dog or cat which is currently vaccinated for rabies by a licensed

veterinarian or which is visiting in this City and is in the custody of its owner for a period of thirty (30) days or less, or when a veterinarian licensed in the State of Oklahoma certifies in writing that it would be detrimental to the animal's health to be vaccinated and places the animal on a health hold. If a veterinarian releases the animal from the health hold, the animal shall be vaccinated within ten (10) days of release. On demand of the Pound Master or other authorized official, the owner or keeper of any dog or cat must present a completed and signed vaccination certificate for the animal that includes the type and duration of the vaccine administered.

(Ord. No. 592, § 1, 04-06-2004)

Sec. 5-22. Type of vaccine required.

Except as otherwise provided by this chapter, all dogs and cats shall be vaccinated against rabies with one of the rabies vaccines listed in the most recent "Compendium of Animal Rabies Control" as published by the Centers for Disease Control.

(Ord. No. 592, § 1, 04-06-2004)

Sec. 5-23. Vaccine to be administered by a veterinarian; certificates.

The vaccination required by this division shall be administered by or under the direct supervision of a veterinarian duly licensed to practice in the State of Oklahoma. The rabies certificate required by this chapter must be signed by the veterinarian who either administers the vaccine or directly supervises its administration by another.

(Ord. No. 592, § 1, 04-06-2004)

Sec. 5-24. Running at large.

It shall be unlawful for any person to fail to keep any dog or cat in his custody physically confined on his property or confined by a leash at all times when not on the custodian's property.

(Code 1976, 2-1-5(a); Ord. No. 227, 6, 1-18-77)

Sec. 5-25. Muzzling.

If it shall appear to the best interest of the citizens of the city and necessary for their public health and safety, or when it is shown that a dog or cat suspected of rabies has been on the highways within the city, the Pound Master or other authorized official, by proper proclamation, shall notify the public that all

dogs or cats at large must be securely muzzled until such time as shall be thought safe and proper to dispense with the muzzle. After such proclamation, it shall be unlawful for any person to knowingly, willfully, or negligently allow or permit any dog or cat owned or kept by such person, to be in any public place or upon private premises not under the control of the owner of same unless such dog is attended by some competent person who has the dog or cat muzzled and on a leash.

(Code 1976, 2-1-7; Ord. No. 227, 10, 1-18-77)

Sec. 5-26. Noisy dogs.

a) It shall be unlawful for any person to own, possess, keep or harbor any dog which barks, howls or yelps continuously to the great discomfort of the peace of any person of ordinary and reasonable sensibilities except when said dog is temporarily disturbed by the presence of public utility workers, routine area solid waste collection or similar such circumstances.

(Code 1976, 2-1-5(b) Ord. No. 614, §1, 02-21-2006)

Sec. 5-27. Dog defecation, urination.

a) Removal of dog defecation. An owner or person having custody or control of any dog shall not permit such dog to defecate on any public street or grounds or any private property within the city other than the premises of the owner or person having custody or control of such dog, unless such defecation is removed immediately and disposed of in an appropriate facility.

b) Prohibition of dog urination. An owner or person having custody or control of any dog shall not permit such dog to urinate on the private property, real or personal, of a person other than the owner or person having custody of such dog.

(Ord. No. 364, 1, 5-6-86)

Sec. 5-28. Penalty.

Any person in violation of any provision of this Article shall be guilty of a Class B offense punishable by a fine not to exceed two-hundred ($200.00) dollars.

(Ord. No. 499, 3, 3-15-94)

Cross reference--removal of feces, 5-7.

5-28--5-49 Reserved.

Article III

Division 1. Reserved

Sec. 5-50—Sec. 5-74 Reserved.

Division 2. Potentially Vicious Animals.

Sec. 5-75. Definition of potentially vicious animal.

a) A potentially vicious animal is defined as any animal, when unprovoked:

1. Acts as if intends to bite a human, dog, or cat whether on public or private property;

2. Chases or approaches a human upon a public way in a threatening fashion as if to inflict injury or serious harm;

3. Demonstrates aggressive behavior, which requires a human to take defensive or evasive action to avoid physical contact with the animal.

(Ord. No. 607, §4, 08-02-2005)

Sec. 5-76. Pound Master - Judge to make determination; notification.

a) **Determination by Pound Master/Police Officer**. The Pound Master or investigating Police Officer shall investigate complaints of potentially vicious animals and make a determination of the facts. If the Pound Master or investigating Police Officer observes an animal, which is the subject of the complaint, and is witness to life-threatening or aggressive behavior as set forth in Section 5-75 above, the Pound Master or investigating Police Officer shall notify the owner of the potentially vicious animal of said determination in writing. Said notification shall provide the owner of said animal written notification to register the animal with the Pound Master and to comply with all the provisions of this article within thirty (30) days. The Pound Master shall also provide a copy of the written notice to the owner of the property, if other than the owner of the animal.

1. **Appeal**. Any person whose animal is determined to be potentially vicious by the Pound Master or investigating Police Officer, may appeal the determination by filing a written appeal to the Municipal Judge within fifteen (15) days of receipt of notice that said person's animal has been declared potentially vicious.

2. **Hearing.** The Municipal Judge shall hold a hearing within thirty (30) days of the date of appeal to determine if the animal is potentially vicious as defined by this code. (Ord. No. 613, §2, 02-21-2006)

3. **Determination**. The Municipal Judge shall be empowered to make one of the following determinations at the conclusion of said hearing:

   a. That the animal is in fact not potentially vicious in which event the Pound Master or investigating Police Officer shall notify the appellant in writing of the decision.

   b. That the animal is, in fact, potentially vicious.

4. **Judicial Order**. Upon a ruling that the animal is potentially vicious, the Judge shall order the animal to be regulated in accordance with this article and shall order the owner of the animal to comply with the provisions of this article within thirty (30) days. The Judge's decision shall be final.

b) **Determination by Judicial Hearing.** If the Pound Master or investigating Police Officer is unable to make a determination that the animal is potentially vicious as defined by this article, the complainant is authorized to request a hearing before the Municipal Judge.

1. **Hearing**. Upon the receipt of written statement of the complainant that an animal should be deemed potentially vicious, the Municipal Judge shall hold a hearing within thirty (30) days of the date of said statement to determine if the animal is potentially vicious as defined by this article. (Ord. No. 613, §3, 02-21-2006)

2. **Determination.** The Municipal Judge shall be empowered to make one of the following determinations at the conclusion of said hearing:

   a. That the animal is in fact not potentially vicious in which event the Pound Master or investigating Police Officer shall notify the appellant in writing of the decision.

   b. That the animal is in fact potentially vicious and should be regulated in accordance with this article.

3. **Judicial Order**. Upon a ruling that the animal is potentially vicious, the Judge shall order the animal to be regulated in accordance with this article and shall order the owner of the animal to comply with the provisions of this article within thirty (30) days. The Judge's decision shall be final.

(Ord. No. 607, §4, 08-02-2005)

Sec. 5-77. Requirements for keeping a potentially vicious animal.

1. ***Confinement***. All potentially vicious animals shall be securely confined in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Subsection 2 below. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine potentially vicious animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house potentially vicious animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition.

2. ***Leash and muzzle***. No person shall permit a potentially vicious animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a potentially vicious animal to be kept on a chain, rope or other type of leash outside its kennel or pen, unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons, dogs, or cats.

3. ***Sight proof fencing***. In addition to other requirements provided herein, the yard where a potentially vicious animal is kept shall be enclosed with a six-foot high sight proof fence. Said fence shall be maintained in a strong and sturdy condition at all times so that said potentially vicious animal cannot escape from the property. Said fence shall be maintained free of holes and shall not contain any gap between the fence and the ground large enough for a human limb or other animal to go through. Said fence shall also be maintained to prevent another animal from entering the property where the potentially vicious animal is kept. Electric fences, if installed, shall be installed in accordance with applicable building and safety codes. Electric fences shall not be installed on the top of the fence or be installed in such a way as to be

likely to shock humans on the opposite side of the fence.

4. ***Signs***. All owners, keepers, or harborers of potentially vicious animals within the city shall within thirty (30) days of notification display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Potentially Vicious Animal." In addition, a similar sign is required to be posted on the kennel or pen of such animal. Signs pursuant to this section shall be purchased from the City of The Village. The cost of said signs shall be established by resolution of the Council.

5. ***Insurance***. All owners, keepers or harborers of potentially vicious animals must, within thirty (30) days of notification, provide proof to the Pound Master of public liability insurance in a single incident amount of one-hundred thousand dollars ($100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City of The Village.

6. ***Identification photographs***. All owners, keepers, or harborers of potentially vicious animals must, within thirty (30) days of notification, provide to the Pound Master two (2) color photographs of the potentially vicious animal clearly showing the color and approximate size of the animal. Said photographs shall be no smaller than 3" by 5" in size.

7. ***Electronic Identification Tag***. All owners, keepers, or harborers of potentially vicious animals must, within thirty (30) days of notification, have an electronic identification chip installed on the animal's ear. The chip shall be installed by a Veterinarian licensed in the state of Oklahoma and shall be readable with the use of an industry standard universal reader.

8. ***Reporting requirements***. All owners, keepers or harborers of potentially vicious animals must within thirty (30) days of the incident, report the following information in writing to the Pound Master as required hereinafter:

   a. The removal from the city or death of a potentially vicious animal;

   b. The birth of offspring of a potentially vicious animal;

   c. The new address of a potentially vicious animal owner should the

owner move within the corporate city limits.

9. ***Sale or transfer of ownership prohibited***. No person shall sell, barter or in any other way dispose of a potentially vicious animal within the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the owner of such animal; provided that the registered owner of a potentially vicious animal may sell or otherwise dispose of a potentially vicious animal or the offspring of such animal to persons who do not reside within the city.

10. ***Breeding of potentially vicious animals:*** It shall be unlawful to breed any potentially vicious animal within the city

11. ***Animals born of registered dogs***. All offspring born of potentially vicious animals registered with the city must be removed from the city within six (6) weeks of the birth of such animal.

12. ***Neutering***. All owners, keepers, or harborers of potentially vicious animals must, within thirty (30) days of notification, have the potentially vicious animal neutered. Neutering shall be performed by a Veterinarian licensed in the State of Oklahoma.

13. ***Annual Registration***. All potentially vicious animals shall be registered by the owner with the Pound Master of the City within thirty (30) days of notification by the Pound Master that the animal has been declared potentially vicious. A potentially vicious animal shall not be registered by the Pound Master if the requirements of this chapter are not complied with at the time of application. The annual registration fee shall initially be established at One Hundred Dollars ($100.00) Said registration fee shall thereafter be established by resolution of the City Council.

14. ***Failure to comply***. It shall be unlawful for the owner, keeper, or harborer of a potentially vicious animal in the city to fail to comply with the requirements and conditions set forth in this article. Any potentially vicious animal found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. All expenses associated with the impounding including shelter, food, handling and veterinary care shall be born by the owner of such animal during the period of impoundment. Failure to comply with all the requirements and conditions set forth in this article within fifteen (15) days of impoundment will result in the destruction of the animal.

(Ord. No. 607, §4, 08-02-2005)

Sec. 5-78. Responsibility and liability of property owner.

a. ***Insurance***. A landowner or property owner that leases, rents, or otherwise allows an owner of a potentially vicious animal to keep or harbor said animal on the landowner's or property owner's premises must, within thirty (30) days of notification, provide proof to the Pound Master of public liability insurance in a single incident amount of One-Hundred Thousand Dollars ($100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City of The Village.

b. ***Sight proof fencing***. A landowner or property owner that leases, rents, or otherwise allows an owner of a potentially vicious animal to keep or harbor said animal on the landowner's or property owner's premises shall, within thirty (30) days of notification, enclose the yard where a potentially vicious animal is kept with a six-foot high sight proof fence. Said fence shall be maintained in a strong and sturdy condition at all times so that said potentially vicious animal cannot escape from the property. Said fence shall be maintained free of holes and shall not contain any gap between the fence and the ground large enough for a human limb or other animal to go through. Said fence shall also be maintained to prevent another animal from entering the property where the potentially vicious animal is kept. Electric fences, if installed, shall be installed in accordance with applicable building and safety codes. Electric fences shall not be installed on the top of the fence or be installed in such a way as to be likely to shock humans on the opposite side of the fence.

c. ***Compliance***. A landowner or property owner that leases, rents, or otherwise allows an owner of a potentially vicious animal to keep or harbor said animal on the landowner's or property owner's premises shall be responsible for ensuring that the lessee, renter, or occupier of said property complies with the provisions of this article.

(Ord. No. 607, §4, 08-02-2005)

Secs. 5-79—5-99 Reserved.

Division 3. Vicious Animals, Attacks.

Sec. 5-100. Attacks prohibited.

a) **On Premises.** It shall be unlawful for any person, owner, or possessor of an animal to permit said animal to attack any person, dog, or cat upon the premises of the person, owner, or possessor. It shall be an affirmative defense to this subsection when the premises where an attack occurs are previously posted at each entrance to the same with prominent and conspicuous signs warning all persons in lettering not less than two (2) inches in height, of such animal. It is also an affirmative defense to this subsection that the use of such animal to attack any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, or theft upon said property.

b) **Off Premises**. It shall be unlawful for any person, owner, or possessor of an animal to permit said animal to attack any person, dog, or cat not upon the premises of such person, owner, or possessor.

c) **Attack Defined**. For the purposes of this section, the word attack shall mean violent or aggressive physical contact with a person, dog, or cat with the intent to cause harm or the infliction of serious injury.

d) **Exclusions.** The provisions of this section shall not apply to any law enforcement officer who uses or employs an animal while engaged in law enforcement activities, nor to any owner, possessor or keeper whose animal attacks a person engaged in physically attacking or striking said owner, possessor or keeper.

Sec. 5-101. Summons and complaint.

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

b) 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 or incidents.

3. Description of the animal.

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

5. If applicable, a statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant.

6. Other facts and circumstances of the incident.

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

(Ord. No. 607, §4, 08-02-2005)

Sec. 5-102. Definition of vicious animal; harboring unlawful: Impoundment.

a) **Vicious Animal Defined**: Vicious animal is defined as an animal, which, without provocation, attacks and makes physical contact with a person, dog, or cat with the intent to cause harm or the infliction of serious injury.

b) **Unlawful to Harbor Vicious Animal.** It shall be unlawful for any person to harbor, keep, possess, or allow remaining on any premises under his control within the city any vicious animal as defined herein.

c) **Impoundment.** It shall be the duty of the Pound Master or Police Officer, upon receipt of a verified complaint or allegation of an attack as outlined in Section 5-100 and Section 5-101, to declare the animal vicious and, whereupon, the Pound Master or Police Officer shall cause the animal involved to be impounded and destroyed after five (5) days. If deemed necessary for rabies observation, the destruction of the animal may be delayed until the required observation period is complete. All expenses associated with the impoundment including shelter, food, handling, and veterinary care shall be born by the owner of the animal. It shall be unlawful for any person in possession, custody, or control of a vicious animal to refuse to relinquish said animal to the custody of the Pound Master or Police Officer as required herein.

d) **Appeal.** Within five (5) days of impoundment, the owner of the animal may request a hearing before the Municipal Judge appealing the impoundment and determination that the animal is vicious.

e) **Hearing.** If a hearing is requested as provided herein, the Municipal Judge, in addition to any hearings, which may be required on criminal charges, shall hold a hearing within thirty (30) days of the date of appeal to determine if the animal is vicious as defined by this article. Said 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 on determination of viciousness.

f) **Determination.** The Municipal Judge shall be empowered to make one of the following determinations at the conclusion of said hearing:

1. That the animal is in fact not vicious in which event the Pound Master shall cause the animal to be released to the owner of the animal, upon payment by the owner of the expenses outlined in Section 5-102.

2. That the animal is in fact vicious and ordering it destroyed.

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

    a. That the owner pay all fees required by Section 5-102, and

    b. That the animal to be immediately removed from the corporate limits of the city and not to ever be again allowed within the corporate limits of the city.

g) **Appeal to District Court.** All owners, whose animal is adjudged to be vicious at the hearing, and sentence imposed by the Municipal 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 where a trial in the district court shall be accorded them de novo.

(Ord. No. 607, §4, 08-02-2005; Ord. No. 613, §4, 02-21-2006)

Sec. 5-103. Penalty and remedies.

a) Any person violating or permitting the violation of any provision of this Chapter shall, upon conviction in municipal court, be fined a sum of not more than Seven Hundred and Fifty Dollars ($750.00) plus court costs. In addition to the fine and costs imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed sixty (60) days.

b) In the event the violation involves a potentially vicious animal, the court shall order the registration of the subject potentially vicious animal revoked and the animal removed from the city. Should the defendant owners refuse to remove the animal from the city; the Municipal Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. If the owner shall continue to refuse to remove the animal from the city, the Municipal Judge shall issue any other orders necessary to carry out the intent of this article.

Each day that a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this chapter.

(Ord. No. 607, §4, 08-02-2005)

CHAPTER 6

BUILDINGS AND BUILDING REGULATIONS

Art. I. In General, 6-1--6-15
Art. II. Building Code, §§6-16--6-35
Art. III. Electricity, § 6-36--6-100
Div. 1. Generally, §§6-36--6-50
Div. 2. Electricians, §§6-51--6-60
Div. 3. Permits and Inspections, §§6-61--6-75
Div. 4. Technical Standards, §§ 6-76--6-100
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Div. 2. Contractors, §§ 6-116--6-130
Art. V. Plumbing, §§ 6-131--6-160
Div. 1. Generally, §§ 6-131--6-145
Div. 2. Plumbers, §§ 6-146--6-160
Art. VI. Miscellaneous Building Provisions, §§ 6-161--6-224

ARTICLE I. IN GENERAL

Secs. 6-1--6-15. Reserved.

ARTICLE II. BUILDING CODE

Sec. 6-16. International Residential Code-Adopted.

That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, being marked and designated as the *International Residential Code,* 2009 edition, including Appendix Chapters A, B, C, G, H, J, M & N. (see *International Residential Code* Section Rl02.5, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of The Village, in the State of Oklahoma for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City Clerk 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 6-17 of this Chapter.

(Ord. No. 660, §1, 09-06-2011)

Sec. 6-17. Same-Amendment.

The International Building Code, 2009 Edition, is amended in the following respects:

1) Section R101.1. Insert: City of The Village

2) Section R106.1 Insert: [or licensed] after Registered so as to read, Registered or Licensed design professional. In all locations.

3) Section R106.3.1 Remove: "Reviewed For Code Compliance" Insert: "APPROVED".

4) Table R301.2 (I) Insert: [Ground Snow Load-10, Wind Speed-90 mph, Topographic Effects-No, Seismic Design-C, Weathering-Moderate, Frost Depth-18", Termite-Moderate to Heavy, Winter Design Temp-13, Ice Barrier Required- No, Mean Annual Temp-60]

5) Section P2603.6.1 Insert: [18 inches]

6) All chapters and provisions within chapters, including exceptions of the IRC 2009 not specifically addressed within this Chapter as being modified, deleted, moved or removed are hereby adopted without modification as the minimum standards for residential construction within the City of The Village, Oklahoma for one and two family dwellings and townhouses pursuant to 59 O.S.§ 1000.23. Chapters and provisions within chapters, including exceptions adopted with modifications are specifically addressed in this Chapter.

7) **IRC 2009 Chapter 1 Scope and Administration.**

    a. All provisions of the adopted IRC 2009, including Chapter I, as amended and revised by the Oklahoma Uniform Building Commission, are hereby established and adopted as the minimum standards for residential building construction for one and two family dwellings and townhouses in the City of The Village, Oklahoma pursuant to 59 O.S. § 1000.23, which may only be amended or altered pursuant to Oklahoma law and the administrative rules of the Oklahoma Uniform Building Code Commission as set forth in Title 748, Chapter 15 of the Oklahoma Administrative Code. However, the provisions of Chapter 1

adopted herein are only intended to be in force and effect to the extent that the respective provisions do not conflict with State law or the lawful exercise of code administration and enforcement jurisdiction by entities empowered to do so pursuant to applicable law.

8) **IRC 2009 Chapter 3 Building Plan.** Chapter 3 is adopted with modifications as follows:

a. Section R302.1 Table R302.1. Exterior Walls has been modified for minimum fire separation distance for walls and projections. Walls have been changed from 5 feet to 3 feet. Projections have been changed from greater than or equal to 2 feet to 5 feet to greater than or equal to 2 feet to 3 feet.

b. Section R311.7.4.l Riser Heights. This section has been modified and now requires initial measurements to take place at rough-in and allows for a top and bottom riser height variance at the final inspection. This section shall read: The maximum riser height shall be 7 ¾ inches (196 mm), The riser shall be measured vertically between leading edges of the adjacent treads, The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm) at rough-in. Top and bottom riser may vary by 3/4 inch at final inspection, not to exceed 7-3/4 of an inch (196mm).

c. Section R313.2 One and two-family dwellings automatic fire systems. This section has been moved to Appendix R, Automatic Fire Systems of the IRC 2009 and is not adopted as a minimum standard for residential construction within the City of The Village.

d. Section R313.2.1 Design and installation. This section has been moved to Appendix R, Automatic Fire Systems of the IRC 2009 and is not adopted as a minimum standard for residential construction within the City of The Village.

e. Section R3l5.1 Carbon monoxide alarms. This section has been modified to include the following exception: If a residence with an attached garage has a sealed door between the residence and the garage; and no fuel burning appliances in the residence, then carbon monoxide detection is not required within the residence.

f. Section R323.1 General. This section has been modified to provide for more than one standard to be utilized to build a storm shelter. This section has been modified to read: This section applies to the construction of storm shelters when constructed as separate detached buildings or when constructed as safe rooms within buildings for the purpose of providing safe refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with one of the following: ICC/NSSA 500 or FEMA 320 or other equivalent engineered system.

9) **IRC 2009 Chapter 4 Foundations.** Chapter 4 is adopted with modifications as follows:

a. Section R402.2 Concrete. This section has been modified to include the following exception: Interior concrete slabs on grade and enclosed garage slabs are not required to be air entrained.

b. Section R403.1.6 Foundation anchorage. This section has been modified to include the following exception: Wood sole plates of braced wall panels at building interiors on monolithic slabs may be anchored using connector(s) with a shear capacity of 2300 pounds and a tensile capacity of 800 pounds over a maximum span of 6 feet.

c. Section R406.2 Concrete and masonry foundation waterproofing. This section has been modified to include an additional option for waterproofing: Bentonite.

10) **IRC 2009 Chapter 5 Floors.**

a. Chapter 5 is adopted with modifications as follows: Section R506.2.3 Vapor retarder. This section has been modified to allow for other industry accepted vapor retarders installed according to the manufacture's specifications. This section has been modified to read: A 6 mil (0.006 inch; 152 micrometers) polyethylene sheeting, other industry accepted vapor retarder products installed per manufacturer specifications or approved vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists. The

remainder of this section, including exceptions, is adopted without modification.

11) **IRC 2009 Chapter 6 Wall Construction.** Chapter 6 is adopted with modifications as follows:

a. Section R602.4 Interior load-bearing walls. This section has been modified to clarify that the section is limited to stud spacing and heights per tables R602.3 (5) and R602.3.I. This section has been modified to read: Interior load-bearing walls shall be constructed, framed and fire blocked as specified for exterior walls. Table R602.3(5) shall be used to establish stud spacing of walls up to 10 feet (3048 mm) high, and Table R602.3.1 shall apply to walls over 10 feet (3048 mm) high.

b. Section R602.10.6 Braced wall panel connections. This section has been modified to include the following addition: Wood sole plates of braced wall panels at building interiors on monolithic slabs may be anchored using connector(s) with a shear capacity of 2300 pounds and a tensile capacity of 800 pounds over a maximum span of 6 feet.

12) **IRC 2009 Chapter 7 Wall Covering.** Chapter 7 is adopted with modifications as follows:

a. Section 703.8 Flashing. This section has been modified to clarify that 6-mil polyethylene sheeting is an approved corrosion-resistant flashing in certain circumstances. The first paragraph of this section has been modified to read:

"Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. 6-mil polyethylene sheeting is an approved corrosion-resistant flashing when not exposed to UV rays. Self-adhered membranes used as flashing shall comply with AAMA 711. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the locations listed in IRC 2009".

b. Section 703.8 Flashing. The remainder of this section is adopted without modification.

13) **IRC 2009 Chapter 8 Roof-Ceiling Construction.** Chapter 8 is adopted with modifications as follows:

a. Section 801.3 Roof drainage. This section has been stricken from the code.

b. Section 802.3 Framing details. This section has been modified to provide a definition of a brace and provide an exception to the section. It has been modified to read: Rafters shall be framed to ridge board or to each other with a gusset plate as a tie. Ridge board shall be at least l inch (25 mm) nominal thickness and not less in depth than the cut end of the rafter. At all valleys and hips there shall be a valley or hip rafter not less than 2-inch (51 mm) nominal thickness and not less in depth than the cut end of the rafter. Hip and valley rafters shall be supported at the ridge by a brace to a bearing partition or be designed to carry and distribute the specific load at that point. Definition of brace includes: 1. a triangular configuration of framing members with a horizontal tie and rafter members, 2. king post or similar, where the roof pitch is less than three units vertical in 12 units horizontal as-percent slope), structural members that support rafters and ceiling joists, such as ridge beams, hips and valleys, shall be designed as beams, Exception: This exception helps address many situations where due to the design, building bracing is not achievable. This exception shall read: The use of a "Blind Valley", also known as a "Farmers Valley" or "California Valley" will be allowed. In this type of valley the main roof is framed as usual, it may or may not be sheathed, and the intersecting roof is framed on top of the main roof. The two valley plates or sleeps lie on top of the main roof rafters or sheathing and provide a nailing base for the jack rafters and ridge board of the intersecting roof.

c. Section 802.5.1 Purlins. This section has been modified to include the following exception: Braces may be spaced not more than 6 feet (1829 mm) on center if: 1. the purlin brace is 2-inch by 6-inch (51 mm by 153 mm) 2. Purlins shall be sized one nominal size larger than the rafter they support, and 3. Unbraced length of braces shall not exceed 8 feet (2438 mm).

14) **IRC 2009 Chapter 11 Energy Efficiency.** Chapter 11 is adopted with modifications as follows:

a. Section N1101.9 Certificate. This section has been moved to the Appendix S of the IRC 2009 and is not adopted as a minimum standard of residential construction within the City of The Village.

b. Section N1102.4.3. Fireplaces. This section has been modified to remove the requirement of gasketed doors and will now read: New wood-burning fireplaces shall have outdoor combustion air.

c. Section N1103.1.1 Programmable thermostat. This section has been stricken from the code.

d. Section N1103.2.2 Sealing. This section has been modified to include the following exception: Visual inspection may be used instead of the rough-in test and post construction test.

e. Section N1103.8.3 Pool covers. This section has been modified to remove the requirement for heated pools to have a vapor retardant pool cover on or at the water surface. This section will now read: Pools heated to more than 90 degrees Fahrenheit (32 degrees Celsius) shall have a pool cover with a minimum insulation value of R-12.

f. Section N1104.1 Lighting equipment. This section has been modified to include the following exception: Can or recessed lights are exempt from this section of the code.

13) **IRC 2009 Chapter 15 Exhaust Systems.** Chapter 15 is adopted with modifications as follows:

a. Section M1502.3 Duct termination. This section has been modified and a requirement that exhaust ducts not terminate within 3 feet of condensing units has been added. This section has been modified to read: Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. If the manufacturer's instructions do not specify a termination location, the exhaust duct shall terminate not less than 3 feet (914 mm) in any direction from the openings into buildings. Exhaust duct terminations shall be equipped with a back draft damper. Additionally, exhaust shall not terminate within 3 feet (914 mm) of condensing units. Screens shall not be installed at the duct termination.

15) **IRC 2009 Chapter 24 Fuel Gas.** Chapter 24 is adopted with modifications as follows:

a. Section G2406.3 (303.6) Outdoor locations. This section has been modified to require protection for outdoor appliances be approved. This section has been modified to read: Appliances installed in outdoor locations shall be either listed for outdoor installation or provided with approved protection from outdoor environmental factors that influence the operability, durability and safety of the appliance.

b. Tables G2413.4 (3), G2413.4 (4). These tables have been stricken from the code.

c. Section G2414.5.2 Copper tubing. This section has been modified to read: Copper tubing shall be prohibited for natural gas installations, but shall be allowed for liquefied petroleum gas installations.

d. The International Code Council Emergency Amendment dated September 27, 2010 has been adopted. This amendment replaces in their entirety Sections 406.7 of the IFGC and G2417.7 of the IRC 2009.

16) **IRC 2009 Chapter 25 Plumbing Administration.** Chapter 25 is adopted with modifications as follows:

a. P2503.4 Building sewer test. This section has been modified to note that the building sewer test is only necessary when the local authority having jurisdiction requires the testing to be done. This section has been modified to read: When required by local authority having jurisdiction, the building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer and filling the building sewer with water, testing with not less than 10-foot (3048 mm) head of water and be able to maintain such pressure for 15 minutes.

b. P2503.6 Shower liner test. This section has been modified to require this test at plumbing final. This section has been modified to read: Where shower floors and receptors are made water tight by the application of materials required by Section P2709.2, the completed liner installation shall be tested at plumbing final. The

pipe from the shower drain shall be plugged water tight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 2 inches (51 mm) measured at the threshold. Where a threshold of at least 2 inches high does not exist. A temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 2 inches deep measured at the threshold. The water shall be retained for a test period of not less than 15 minutes and there shall be no evidence of leakage.

c. P2503.7 Water-supply system testing. This section has been modified to delete the word "plastic" and replace it with the terms "PVC" and "CPVC" This section shall read: Upon completion of the water-supply system or a section of it, the system or portion completed shall be tested and proved tight under a water pressure of not less than the working pressure of the system or, for piping systems other than PVC or CPVC, by an air test of not less than 50 psi (345kPa). This pressure shall be held for not less than 15 minutes. The water used for tests shall be obtained from a potable water source.

17) **IRC 2009 Chapter 26 General Plumbing Requirements.** Chapter 26 is adopted with modifications as follows:

a. Section P2603.6.1 Sewer depth. This section has been modified to include a depth for the septic tank connection unless otherwise approved by the authority having jurisdiction. This section has been modified to read: Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches (305 mm) or as approved by the authority having jurisdiction below finished grade at the point of septic tank connection. Building sewers shall be a minimum 002 inches (305 mm) below grade.

16) **IRC 2009 Chapter 27 Plumbing Fixtures.** Chapter 27 is adopted with modifications as follows:

a. Section P2704.1 General. This section has been modified to allow installation of slip joints anywhere between the fixture and trap outlet. It has been modified to read: Slip joints shall be made with an approved elastomeric gasket and shall be installed from fixture to trap outlet. Fixtures with concealed slip-joint connections shall be provided with an access panel or utility space at least 12 inches (305 mm) in its smallest dimension or

other approved arrangement so as to provide access to the slip connections for inspection and repair.

b. Section P2709.2 Lining required. This section has been modified and it has been noted that it is only effective where required. The first paragraph of this section has been modified to read: Where required the adjoining walls and floor framing enclosed on-site built-up shower receptors shall be lined with one of the materials listed in IRC 2009. Section P2709.2 Lining required. The remainder of this section is adopted without modification.

c. Section P2715.1 Laundry tray waste outlet. This section has been modified and the word tub has been replaced with the word tray. This section has been modified to read: Each compartment of a laundry tray shall be provided with a waste outlet not less than 1 1/2 inches (38 mm) in diameter and a strainer or crossbar to restrict the clear opening of the waste outlet.

18) **IRC 2009 Chapter 28 Water Heaters.** Chapter 28 is adopted with modifications as follows:

a. Section P2801.5 Required pan. This section has been modified to specify that a pan is required for tank type water heaters or hot water storage tanks only. This section has been modified to read: Where tank type water heaters or hot water storage tanks are installed in locations where leakage of the tanks or connections will cause damage, the tank or water heater shall be installed in a galvanized steel pan having a material thickness of not less than 0.0236 inch (0.6010 mm) (No. 24 gauge), or other pans approved for such use. Listed pans shall comply with CSA LC3.

b. Section P2803.1 Relief valves required. This section has been modified to specify the relief valve requirements and specifications in this section are for tank type appliances and equipment only. The first paragraph of this section has been modified to read: Tank type appliances and equipment used for heating water or storing hot water shall be protected utilizing the options listed in IRC 2009. Section P2803.1. The remainder of this section is adopted without modification.

19) **IRC 2009 Chapter 29 Water Supply and Distribution.** Chapter 29 is adopted with modifications as follows:

a. Section P2902.5.3 Lawn irrigation systems. This section has been modified to add a spill resistant backflow preventer as an option for protection. This section has been modified to read: The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker or a spill resistant backflow preventer. A valve shall not be installed down-stream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

b. Section P2903.8.6 Hose Bibb bleed. This section has been modified to specify it is only pertinent when the authority having jurisdiction requires it. This section has been modified to read: Where authority having jurisdiction requires a readily accessible air bleed shall be installed in hose Bibb supplies at the manifold or at the hose Bibb exit point.

c. Section P2903.9.1 Service valve. This section has been modified to strike the provision for drainage such as a bleed orifice or installation of a separate drain valve. This section shall now read: Each dwelling unit shall be provided with an accessible main shutoff valve near the entrance of the water service. The valve shall be of a full-open type having nominal restriction to flow. Additionally, the water service shall be valved at the curb or property line in accordance with local requirements.

d. Section P2903.10 Hose Bibb. This section has been modified to strike the requirement of a stop and waste type valve and the exception. This section has been modified to read: Hose bibs subject to freezing, including the "frost-proof" type, shall be equipped with an accessible valve inside the building so that they can be controlled and/or drained during cold periods.

e. Section P2904.1 General. This section has been modified to read: Where installed, residential fire sprinkler systems, or portions thereof, shall be in accordance with NFPA 13D.

f. Sections P2904.1.1 - Section P2904.8.2 Dwelling Unit Fire Sprinkler System Provisions and Certain Tables Stricken. Sections P2904.1.1 through Section P2904.8.2 and tables P2904.6.2 (1) through P2904.6.2 (9) have been stricken from the code.

g. Section P2905, 4 Water service pipe. This section has been modified to require piping materials not third-party certified for water distribution to terminate at least 30 inches outside of the exterior wall. It has also been modified to strike the requirement of the termination to be before the full open valve located at the entrance to the structure. This section has been modified to read: Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table P2905.4. Water service pipe or tubing, installed underground and outside of the structure shall have a minimum working pressure rating of 160 pounds per square inch at 73 degrees Fahrenheit (1103 kPa at 23 degrees Celsius). Where the water pressure exceeds 160 pounds per square inch, (] 103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at least 30 inches outside the exterior wall. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

h. Table P2905, 4 Water service pipe. This table has been modified. Asbestos-cement pipe has been stricken from the code.

20) **IRC 2009 Chapter 30 Sanitary Drainage.** Chapter 30 is adopted with modifications as follows:

a. Section P3003.2 Prohibited joints. This section has been modified to include the following exception: Saddle-type fittings may be used to connect the building sewer to a public sewer.

b. Section P3008.1 Sewage backflow. This section has been modified by striking the requirements of plumbing fixtures having flood level rims above the elevation of the next upstream manhole cover in the public sewer system. It has been modified to read: Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, the fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch servicing such fixtures.

21) **IRC 2009 Chapter 31 Vents.** Chapter 31 is adopted with modifications as follows:

a. Section P3103.4 Prohibited used. This section has been modified and the exception has been deleted. It has been modified to read: Vent terminals shall not be used as a flag pole or to support flag poles, TV aerials, or similar items.

22) **IRC 2009 Chapter 34 General Requirements (Electrical).** Chapter 34 is adopted with modifications as follows:

a. Section E3402.2 Penetrations of fire-resistance-rated assemblies. This section has been modified to correct the reference section cited from R317.3 to R302.4.I. It has been modified to read: Electrical installations in hollow spaces, vertical shafts and ventilation 01' air handling ducts shall be made so that the possible spread of fire products of combustion will not be substantially increased. Electrical penetrations through fire-resistance rated walls, partitions, floors or ceilings shall be protected by approved methods to maintain the fire-resistance-rating of the element penetrated. Penetrations of fire-resistance-rated walls shall be limited as specified in Section R302.4.l.

b. Section 3403.3 Listing and labeling. This section has been modified to comply with NFPA 70. It has been modified to read: Electrical materials, components, devices, fixtures and equipment shall be listed for the application, in accordance with NFPA 70, shall bear the label of an approved agency and shall be installed, and used, or both, in accordance with the manufacturer's installation instructions.

23) **IRC 2009 Chapter 40 Devices and Luminaries.** Chapter 40 is adopted with modifications as follows:

a. Section E4002.14 Tamper-resistant receptacles. This section has been modified to include the following exceptions: Receptacles in the following locations shall not be required to be tamper-resistant:

1.0 Receptacles located more than 5 1/2 feet (1.7m) above the floor.

2.0 Receptacles that are part of a luminaire or appliance.

3.0 A single receptacle or a duplex receptacle for two appliances located within dedicated space for each

appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected.

4.0 Non-grounding receptacles used for replacement.

(Ord. No. 437, § 1, 3-6-90; Ord. No. 490, § 1, 9-7-93; Ord. No. 531, § 2, 9-17-96; 2002 City Code; 2004 City Code; 2006 City Code; 2010 City Code; Ord. No 660, § 1, 09-06-2011; Ord. No 667, §1 §2, 10-18-2011)

Cross-references--Drainage and flood control, Ch. 9; fire prevention and protection. Ch. 10; cement contractors, § 11-31 et seq.; construction equipment on residential streets, § 13-217; signs, Ch. 20; zoning, Ch. 24.

State law reference--General authority to regulate buildings, 11 O.S. §§ 22-113, 43-102.

Sec. 6-18. Variances or appeals.

Appeals from decisions of city officials or for variances from the strict application of this article shall be handled in the same manner as provided in section 24-44 for appeals under the zoning ordinance.

(Ord. No. 333, § 9, 10-18-83)

Sec. 6-19. Fees.

(a) No permit as required by the building code shall be issued until the requisite fee has been paid, nor shall an amendment to a permit be approved until the additional fee, based on the size of the building or structure, shall have been paid.

(b) In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made, and the portion of the fee for uncompleted work returned to the permit holder, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made no work shall be resumed until a new application has been made and a new permit has been issued.

(Ord. No. 301, § 5, 9-21-82)

Sec. 6-20. Smoke detectors.

(a) As used in this section, the following terms have the definitions indicated:

(1) Apartment means any rental dwelling unit in a structure containing more than two (2) dwelling units.

(2) Residential Dwelling Unit means a space for human habitation providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(b) Smoke detector means a smoke sensitive warning device, which is

(1) Designed to detect visible or invisible products of combustion;

(2) Designed with an alarm audible to the rooms it serves;

(3) Powered by either battery, alternating current, or other power source;

(4) Tested and listed for use as a smoke detector by a recognized testing laboratory.

(c) All existing apartment dwelling units constructed prior to February 2, 1982, shall be retrofitted to provide a minimum of one (1) approved smoke detector installed in a manner and location approved by the fire chief or his representative. All apartment dwelling units constructed after February 2, 1982, shall provide a minimum of one (1) approved smoke detector installed in a manner and location approved by the fire chief or his representative.

(d) Beginning November 21, 2006, all new construction or remodeling of residential dwellings, which require a building permit, shall include the installation of smoke detectors in all bedrooms and paths of egress. Such smoke detectors shall be hard-wired and have battery back-up.

(e) The smoke detector shall be provided, installed, and maintained in good working order by the owner or occupant of the dwelling unit.

(Ord. No. 295, §§ 2--4, 2-2-82; Ord. No. 537, §1, 10-21-97)

*Cross reference--Ord. No. 491, § 10-1.

Sec. 6-21. Adoption of International Building Code.

That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, being marked and designated as the *International Building Code*, 2009 edition, including Appendix Chapters H & J (see *International Building Code* Section 101.2.1, 2009 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the City of The Village in the 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 of The Village are hereby referred to, adopted, and made a part hereof, as if fully set out.

(Ord. No. 661, §1, 09-06-2011)

Sec. 6-22. Amendments to the International Building Code, 2009 Edition.

The following sections of the International Building Code, 2009 Edition are hereby revised:

Section 101.1. Insert: City of The Village, Oklahoma.

Section 107.1: General. Submittal documents consisting of *construction documents,* statement of *special inspections,* geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a registered design professional as defined by the State Architectural and Registered Interior Designers Act. O.S. Title 59, Section 46.1 et seq. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*. Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

Section 1612.3. Insert: City of The Village, Oklahoma.

Section 1612.3. Insert: [December 18, 2009]

Section 3412.2. Insert: [November, 2010]

Section 423.1 of the International Building Code, 2009 Edition is amended to read as follows:

"General. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC-500, FEMA 320, FEMA 361 or other equivalent approved engineered system."

Section 423.2 of the International Building Code, 2009 Edition is revised by modifying the definition of Storm Shelter to read as follows:

"STORM SHELTER. A building, structure, or portion(s) thereof, constructed in accordance with the standards listed in Section 423.1 and designated for use during a severe wind storm event, such as a hurricane or tornado. "

Section 423 of the International Building Code, 2009 Edition is amended by adding a new subsection 423.3 as follows**:**

"Section 423.3 Educational Group E Occupancies. All new buildings or structures incorporating an Educational Group E occupancy use, shall have a safe room(s) with an occupancy load equivalent to or greater than the number of students and faculty the building or structure is designed for. For the purpose of this section, a new building or structure shall include any building addition that is more than 50% the size of the building or structure to be enlarged. Exception: The Building Official is authorized to waive this requirement for new buildings or structures that are part of a school campus having safe rooms with an occupancy load equivalent to or greater than the total number of students, faculty and staff of the school."

Section 903.2.7 (4) of the International Building Code, 2009 Edition is amended to read as follows:

(4) A Group M occupancy is used for the display and sale of upholstered furniture unless the area used for such display and sale is less than fifteen percent (15%) of the total area used for the Group M occupancy.

(Ord. No. 661, §1, 09-06-2011; Ord. No. 677, §1, 10-16-2012; 2014 City Code)

Sec. 6-23. International Existing Building Code, 2009 Edition Adopted.

That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, Oklahoma being marked and designated as the *International Existing Building Code,* 2009 edition, including Appendix Chapters (see *International Existing Building Code* Section 101.7, 2009 edition), as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of The Village in the State of Oklahoma for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic 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 of The Village 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 6-24.

(Ord. No. 661, §1, 09-06-2011)

Sec. 6-24. International Existing Building Code, 2009 Edition, Amendments.

The following sections of the International Existing Building Code, 2009 Edition are hereby revised:

Section 101.1 Insert: City of The Village, Oklahoma.

Section 1301.2 Insert: [November, 2010]

Secs. 6-25--6-35. Reserved.

(Ord. No. 661, §1, 09-06-2011)

ARTICLE III. ELECTRICITY

DIVISION 1. GENERALLY

Sec. 6-36. 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:

Electrical apprentice means any person sixteen (16) years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or electrical contractor.

Electrical contractor means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. "Electrical contractor" also means any person performing skills of an electrical contractor or an electrician or the business of contracting, or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical facilities according to the provisions of the Electrical License Act.

Electrical facilities means all wiring, fixtures, appurtenances, and appliances for, and in connection with, a supply of electricity within or adjacent to any building, structure or conveyance on the premises but not including the connection with a power supply meter or other power supply source.

State law reference--Authority to regulate electrical work, 59 O.S. § 1693.

Electrical inspector means the building inspector of the city or any of his duly authorized assistants.

Electric wiring means the installation of electrical raceways, conductors or apparatus of any kind used, or to be used, in or on any building for the transmission and distribution of electric current for electric light, heat or power, or non-portable electrical fixtures and apparatus of any nature to be connected to light, heat or power service; provided however, that the words "electric wiring," "electrical equipment," and "apparatus" shall not be deemed to include or refer to service lines, apparatus, and equipment for the sale, distribution, and regulation of electricity and remaining the property of the electric service company, or for telephone, telegraph, or other communication purposes, or in connection therewith.

Journeyman electrician means any person other than an electrical contractor who engages in the actual installation, alteration, repair or renovation of electrical facilities unless specifically exempted by the provisions of the Electrical License Act.

(Code 1976, § 3-2-1)

State law reference--Electrical License Act, 59 O.S. § 1680 et seq.

Sec. 6-37. Exemptions.

The provisions of sections 6-51, 6-52 and 6-53 shall not be construed as affecting or applying to any work done by or for any telephone, telegraph, or other communication company in the installation, repair, or maintenance of wiring or other electrical apparatus, equipment or device to be used exclusively in connection with its business, or as applying to any work done by or for any public utility electric service company operating under a franchise from the city or any central station powerhouse, substation, shop, underground or overhead distribution system, or any other electrical apparatus, wiring, equipment or devices belonging to such service company and used exclusively in the operation of its business.

(Code 1976, § 3-2-26)

Sec. 6-38. Enforcement, correction of dangerous conditions, etc.

(a) The electrical inspector shall be charged with the duty of enforcing all the provisions of this article relating to electric wiring and the construction, installation, repair, alteration, and maintenance of electric wiring, apparatus and fixtures, and with the inspection of the same. The electrical inspector shall inspect, or re-inspect all overhead, underground, and interior wires and apparatus conducting electrical current for any of the purposes set forth in this article. When such conductors or apparatus are found to be unsafe to life or property, he shall notify the person owning, using or operating the same, to place them in a safe condition within forty-eight (48) hours and it shall be such person's duty to do so. If the owner, user or operator of such defective wiring or equipment shall refuse or fail to comply with the requirements of the electrical inspector and correct all defects as directed within the specified time, it shall be the duty of the electrical inspector to notify, in writing, the person furnishing the electric current to such defective wiring or equipment, to cease to supply electric current to same. Upon receipt of such notice, the service company, firm or individual furnishing electric current to such defective wiring or equipment shall, within twenty-four (24) hours disconnect the service or feed wires and cease to supply current to the defective installation until the defects have been corrected. When it has been determined by the electrical inspection that the public safety, health or welfare may be unduly jeopardized by allowing time to comply with the requirements of the electrical inspector, it shall be the duty of the inspector to take steps to immediately terminate electrical service to the unsafe facility.

(b) When any portion or all of the wiring in or on any building or premises is ordered changed for any reason, the electrical inspector shall leave attached to the main switch or service equipment a tag or label showing the date of the order and a memorandum of the correction to be made, and the signature of the authority making the order.

(c) The electrical inspector shall institute, by and with the advice of the city attorney, such prosecutions as may be necessary against any violators of any ordinance, with the enforcement of which he is charged.

(Code 1976, § 3-2-3)

Sec. 6-39. Variances or appeals.

Appeals from decisions of city officials or for variances from the strict application of this article shall be handled in the same manner as provided in section 24-44 for appeals under the zoning ordinance.

(Code 1976, § 3-2-4)

Sec. 6-40. Civil liability.

This article shall not be construed to relieve from or lessen the responsibility of any person, partnership or corporation owning, operating or installing electric wires, appliances, apparatus, construction or equipment, for the damage to property or persons injured by any defect therein, nor shall the city or any agent thereof be deemed to assume any such liability by reason of the inspection authorized herein or a certificate of inspection issued by the electrical inspector.

(Code 1976, § 3-2-25)

Sec. 6-41. Disconnection of power.

(a) All persons supplying electricity shall, upon written notice by the electrical inspector, disconnect from any such circuit, including main service wires, branch feeder wires or distribution, as designated by the notice, and shall not reconnect to the installation except upon written notice from the electrical inspector.

(b) Every person owning or controlling electrical wires and apparatus for the transmission of light, heat or power, shall in time of fire or in case of severe storm or any other emergency wherein lives or property of the

citizens of the city may be endangered by the operation of such wires and apparatus, upon notice by the electrical inspector, the mayor, the city clerk, the chief of the fire department or chief of police, disconnect such dangerous wires from current or service as are designated by said official.

(Code 1976, §§ 3-2-20, 3-2-22)

Sec. 6-42. Relocated buildings.

When a building or portion of a building, containing electric wiring is moved from its foundation, the owner shall have the electric wiring and equipment in the building inspected and repaired where necessary, providing proper grounding wires, etc. The electrical contractor shall obtain a wiring permit and request inspection.

(Code 1976, § 3-2-24)

Secs. 6-43--6-51. Reserved.

DIVISION 2. ELECTRICIANS

Sec. 6-52. Registration of electrical contractors and journeymen electricians.

No electrical contractor or journeyman electrician shall operate in the city without registering with the city clerk. Registration shall be valid until June 30 of each year and must be renewed. A fee in the amount established by resolution shall be paid to the city clerk prior to the issuance of a registration certificate.

(Code 1976, §§ 3-2-8--3-2-10) State law reference--Registration of electricians, 59 O.S. § 1696.

Sec. 6-53. Bond.

Before obtaining a license under this division a person shall file with the city clerk proof that he or she has complied with the bonding and insurance requirements of the Oklahoma Electrical Licensing Act.

(Code 1976, § 3-2-12; Ord. No. 404, § 1, 2-2-88)

Secs. 6-54--6-60. Reserved.

DIVISION 3. PERMITS AND INSPECTIONS

Sec. 6-61. Permits generally.

(a) No electric wiring shall be installed, altered, or changes made in existing wiring in or on any building without a permit being issued by the city clerk. No permit shall be issued except to a registered electrical contractor, or to a certified maintenance electrician in the employ of the owner of the building or buildings on which such electric wiring work is to be performed. Permits shall not be necessary for maintenance work or for repair work if wiring is not altered or rearranged.

(b) The electrical inspector may, if he deems it necessary, require or demand from the electrical contractor a set of plans and specifications of any job, in order that the electrical inspector may check same to determine if the plans and specifications comply with this article. The electrical inspector must render a decision on such plans and specification within twenty-four (24) hours after receiving same.

(c) The electrical inspector may refuse to issue a permit if, in his judgment, the wiring done or proposed to be done is unsafe or not in accordance with the provisions of this article.

(d) In order to obtain a permit for the installation of electric wiring, the fee established by resolution shall be paid to the city clerk.

(e) Any person engaged in the business of electrical construction and the installation of wiring and apparatus for electric light, heat, or power, who shall fail to correct promptly any work done by him contrary to this article, after having been notified thereof by the electrical inspector, shall not be issued any further permits until such defect has been corrected.

Sec. 6-62. Inspections generally.

(a) The electrical inspector must inspect promptly, all work for which electrical permits have been issued. After inspecting any electric wiring the electrical inspector shall leave notice in the form of a tag or label attached to the service entrance switch or branch cabinet. The notice shall clearly state whether the wiring is approved or is to be kept open for correction, and no person shall seal or in any manner conceal any electric wiring until such wiring has been approved. It shall be the duty of the electrical inspector to make such partial inspection as is required to permit the continuous construction of the building. If, in any case, the wiring is in

such a position as to interfere with the completion of the building as called for by the plans, the electrical contractor must be notified to change the same. Proper conveniences such as ladders must be provided inspectors on work to be inspected by the person desiring the inspection. On all cases, on completion of the "rough-in" job, a final "rough-in" inspection must be called for.

(b) The rough in of each job shall include the installation of all equipment in main and branch cabinets, and the installation of all switches, receptacles, finish plates, bells, push buttons and transformers. All rough-in wiring shall be tested, circuits made up, splices soldered and taped, and wiring completed. From each active outlet box, one pair of wires not less than eight (8) inches long shall be left for the fixture connection.

(c) A "finish" permit indicates that, upon inspection, the work will be found in condition for a service connection or a final approval. The person who does the last work on the job shall assure himself that such condition exists by testing each circuit, socket and receptacle.

(d) It shall be the duty of the electrical contractor to call in, or have called in, or otherwise advise the city clerk, of the date of the completion of the work involved subject to inspection under the terms of this section and that such work is ready for inspection. Such information must be given to the city clerk within five (5) days after the completion of the work to be inspected.

(Code 1976, § 3-2-16)

Sec. 6-63. Covering or concealing switches or outlets.

It shall be unlawful and an offense for any plasterer, carpenter or other workman to cover or conceal with plaster, building board, or any other materials, any switch or other electrical outlet.

(Code 1976, § 3-2-38)

Sec. 6-64. Certificate of inspection--Generally.

(a) On the completion of the work covered by an electrical permit in accordance with all ordinances and laws, and after inspection and approval by the electrical inspector, the electrical inspector shall issue a certificate of inspection. In this certificate, the electrical inspector shall certify that the work is in accordance with this article. This certificate shall be issued

to the electric service company and shall be their authority to supply electric service to the premises.

(b) It shall be unlawful for any electric light or Power Company, or any supplier of electricity for light, heat or power, to make any electrical connection to any building or electric wiring or apparatus until a certificate, stating that the electric wiring has been approved, or written permit authorizing connection has been issued by the electrical inspector.

(Code 1976, §§ 3-2-17, 3-2-20)

Sec. 6-65. Same--Temporary certificate.

When, for good and sufficient cause, it is necessary to have the electricity on any installation before final certificate can be issued, the electrical inspector may, if the parts to which the current is applied are in a safe and satisfactory condition, issue a temporary certificate. Whenever a temporary service is installed satisfactory to the electrical inspector, the electric service company will not be permitted to make a connection to permanent service until after a final permanent certificate has been issued. Before a temporary certificate is issued, the person requesting the same shall pay to the city the fee established by resolution. A temporary certificate shall be in force for thirty (30) days from its issue, and if, at the end of thirty (30) days, the installation is still incomplete, another temporary certificate shall be taken out for the next thirty (30) days, and each succeeding thirty (30) days thereafter, and for each term so requested, the required fee shall be paid.

(Code 1976, § 3-2-18)

Sec. 6-66. Same--Denial.

The electrical inspector shall refuse to issue a certificate of inspection for any addition or extension to any electric wiring in or on any building wherein the existing wiring is in an unsafe condition.

(Code 1976, § 3-2-19)

Sec. 6-76. National Electric Code, ICC Electrical Administrative Provisions - Adopted.

The National Electric Code, 2008 Edition and the International Code Council Electrical Administrative Provisions 2008 Edition, are adopted by reference as if set out at length in this article.

(Code 1976, § 3-2-36; Ord. No. 472, § 1, 7-7-92; Ord. No. 490, § 2, 9-7-93; Ord. No. 531, §3, 9-17-96; 2002 City Code; 2004 City Code; 2006 City Code; 2010 City Code; 2012 City Code; 2014 City Code)

Secs. 6-77--6-100. Reserved.

DIVISION 4. TECHNICAL STANDARDS

ARTICLE IV. MECHANICAL SYSTEMS

DIVISION 1. GENERALLY

Sec. 6-101. International Mechanical Code – Adopted.

That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, being marked and designated as the *International Mechanical Code*, 2009 edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of The Village, in the State of Oklahoma 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 of The Village 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 this chapter.

(Ord. No. 663, §1, 09-06-2011)

Sec. 6-102. International Mechanical Code, Amendments.

The following sections of the International Mechanical Code, 2009 Edition are hereby revised as follows:

Section 101.1. Insert: City of The Village, Oklahoma.

Section 106.5.2. Insert: [The fees for all mechanical work shall be as established by resolution of the City Council]

Section 106.5.3. Insert: [As per City Code section 6-19 (a)]

Section 108.4. Insert: [Class B, $200.00. Each day that a violation continues shall be deemed a separate offence]

Section 108.5. Insert: [$200.00]

(Ord. No. 442, 5-1-90; Ord. No. 490, § 3, 9-7-93; Ord. No. 531, §5, 9-17-96; 2002 City Code; Ord. 663, §1, 09-06-2011)

Sec. 6-103. Variances or appeals.

Appeals from decisions of city officials or for variances from the strict application of this article shall be handled in the same manner as provided in section 24-44 for appeals under the zoning ordinance.

(Ord. No. 333, § 9, 10-18-83)

Secs. 6-104--6-115. Reserved.

DIVISION 2. CONTRACTORS

Sec. 6-116. Definition.

In this division "contractor" means a person who engages in the business of installing, maintaining or repairing heating or cooling devices regulated by the provisions of this article.

Sec. 6-117. Registration.

No person shall engage in business or work in the city as a contractor or Journeyman or Apprentice as provided herein without registering with the city. Prior to the issuance of the license, a fee in the amount established by resolution shall be paid to the city clerk. Registration shall expire on June 30 of each year, unless sooner suspended or revoked by the City Council for cause.

(Ord. No. 517, §2, 6-20-95; 2004 City Code)

Sec. 6-118. Bond.

Before obtaining a license under this division a person shall file with the city clerk proof that he or she has complied with the bonding and insurance requirements of the Oklahoma Mechanical Licensing Act.

(Ord. No. 403, § 1, 2-2-88)

Secs. 6-119--6-130. Reserved.

ARTICLE V. PLUMBING

DIVISION 1. GENERALLY

Sec. 6-131. International Plumbing Code – Adopted.

That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, being marked and designated as the *International Plumbing Code*, 2009 edition, including Appendix E, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of The Village in the State of Oklahoma 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 of The Village 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 this chapter.

(Ord. 664, §1, 09-06-2011)

Sec. 6-132. International Plumbing Code – Amendments.

The following sections of the International Plumbing Code, 2009 Editions are hereby revised as follows:

Section 101.1. Insert: City of The Village, Oklahoma.

Section 106.6.2. Insert: [Permit fees for all plumbing work shall be established by resolution of the city council]

Section 106.6.3. Insert: [As per City Code section 6-19 (a)]

Section 108.4. Insert: [Class B, $200.00. Each day that a violation continues shall be deemed a separate offence]

Section 108.5. Insert: [$200.00]

Section 305.6.1. Insert: [18 inches]

Section 904.1. Insert: [12 inches].

(Ord. 664, §1, 09-06-2011)

Sec. 6-133. Variances or appeals.

Appeals from decision of city officials or for variances from the strict application of this article shall be handled in the same manner as provided in section 24-44 for appeals under the zoning ordinance.

Secs. 6-134--6-145. Reserved.

DIVISION 2. PLUMBERS

Sec. 6-146. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Journeyman plumber means any person, other than a plumbing contractor who engages in or works at the actual installation, alteration, repair and/or renovation of plumbing.

Master plumber means a plumbing contractor.

Plumber's apprentice means any person sixteen (16) years of age or over who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a journeyman plumber or plumbing contractor.

Plumbing means:

(1) All piping, fixtures, appurtenances and appliances for, and in connection with a supply of water within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a water main or other source of supply;

(2) All piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities including venting systems for such facilities, within or adjacent to any building, structure, or

conveyance, on the premises and to the connection with a public disposal system or other acceptable terminal;

(3) The installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of water, or for the disposal of waste water, liquid waste, or sewage within or adjacent to any building, structure, or conveyance, on the premises and to the source of supply of water or point of disposal of wastes.

Plumbing contractor means any person skilled in the planning, superintending and practical installation of plumbing and who is familiar with the laws, ordinances, rules and regulations governing the same. This definition may be construed to mean any person who has qualified and is licensed under state law as a plumbing contractor, who may engage in the business of plumbing, or the business of contracting to do, or furnish labor and/or labor and materials for the installation, repair, maintenance or renovation of plumbing.

Registrant means any person holding a journeyman plumber's or plumbing contractor's license issued by the state commissioner of health and who is registered as such with the city.

(Code 1976, § 3-6-1)

Sec. 6-147 Reserved.

Sec. 6-148. License and registration.

(a) No person shall work at the trade of journeyman plumber, plumber's apprentice, or engage in the business of plumbing contractor in this city, unless he holds a valid, un-revoked and un-expired license as a journeyman plumber or plumbing contractor issued by the state commissioner of health, and until he shall have been registered with the city. No person shall be allowed to register unless he presents a valid state license and pays a fee in the amount established by resolution.

(b) Registration shall expire on June 30 of each year and such registration may be renewed upon application and payment of fees within thirty (30) days preceding or following June 30 of each year.

(c) Licenses purchased between July 1 and December 31 shall be for the full amount of the annual license as established by resolution of the Council.

Licenses purchased between January 1 and June 30 shall be prorated according to the following table:

Renewal Month	Fraction of Annual License Fee
January	6/12 or .5000
February	5/12 or .4166
March	4/12 or .3333
April	3/12 or .2500
May	2/12 or .1666
June	1/12 or .0833

(Code 1976, §§ 3-6-3, 3-6-4; Ord. No. 517, §3, 6-20-95; Code 2008)

State law reference--Registration of plumbers, 59 O.S. § 1020.

Sec. 6-149. Bond.

(a) Each person registered as journeyman plumber or plumbing contractor as required herein shall, after registration, but before engaging in the practice of plumbing, file with the city a bond in the sum of five thousand dollars ($5,000.00), executed by a surety company authorized to transact business in the state. The bond shall be payable to this city, and shall be conditioned that the principal will restore with the same material and in the same manner all streets, alleys, sidewalks and other public places in any way disturbed by him, his agents, subcontractors or employees.

(b) The bond shall be conditioned further that the principal shall indemnify and save harmless the city from any and all loss, expense, cost, damage, action or liability of any kind whatever, including reasonable attorney's fees which the city may suffer or be required to pay or which may accrue against it or be recovered from the city by reason of any loss, damage, injury sustained, suffered or incurred by any person on account of or by reason of the doing of any plumbing, as defined herein, by the principal, his agents, subcontractors or employees, in the use of the streets, alleys and public property of the city or in making any connections, alterations, repairs, extensions or renovations to any pipe or pipes, or mains or connections belonging to the water or sewer system of the city, or by reason of the neglect, failure or refusal of said principal, his agents, subcontractors or employees, to erect, place and maintain proper and adequate safety devices, warning signals, lights and barricades about such work until such time as the city is notified that the work is fully

completed. The bond shall be conditioned further that the principal will comply with the rules, regulations and ordinances relating to the turning on or off of the city water supply. Such bond shall be conditioned further that the principal shall do all plumbing, as defined herein, in strict accordance with this Code and state laws, and in a good and workmanlike manner.

(c) The bond must be approved by the City manager and shall expire one (1) year after its approval, and shall be renewed at its expiration. No permit shall be issued to any journeyman plumber or plumbing contractor until the bond has been filed and approved.

(Code 1976, § 3-6-5)

Secs. 6-150--6-160. Reserved.

ARTICLE VI. MISCELLANEOUS BUILDING REGULATIONS

DIVISION 1. ADMINISTRATION

Sec. 6-161. 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:

Accessory building means a building customarily incidental and appropriate and subordinate to the principal use of land or buildings located upon the same premises. Accessory buildings include, but are not limited to, carports, storage buildings, temporary or portable buildings, detached garages, cabanas, gazebos, detached covered patios, and tornado shelters.

Accessory structure means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but shall not include any accessory building as defined herein which is subordinate to the principal use of the property upon which it is located. Accessory structures include, but are not limited to, wind generation towers or structures, alternative energy devices, radio or television transmission or reception towers, satellite reception antennas, swimming pools, flagpoles, basketball goals, and retaining walls.

Brick means a solid masonry unit, not less than seventy-five (75) percent solid. The word "brick" without qualification indicates its composition is primarily clay, shale or a mixture thereof and that these ingredients have been fixed together as a result of exposure to heat.

Carport means a permanent, roofed building, which is permanently open on at least two (2) sides and is designed for or occupied by private passenger vehicles.

Exposed aggregate means masonry-like material composed of roughly shaped stones, well bonded without regularity to panels or walls of a concrete-like material.

Front building line means a line extending from side property line to side property line and being the minimum horizontal distance between the front property line and the front of the main building or any projections thereof other than steps, unenclosed balconies or unenclosed porches.

Masonry means stucco, Exterior Insulation and Finish Systems (EIFS), clay brick, concrete brick, concrete block, tile, or stone material laid up unit-by-unit and set in mortar or other bonding material and shall not include Masonite or similar material.

Permittee means any person to whom an accessory structure permit or building permit has been duly issued, or the successor in title to the property on which a duly permitted accessory structure or building is located.

Temporary or portable building means a building not permanently attached to a concrete slab or foundation and not intended for residential occupancy but which is for accessory or incidental purposes.

Tile means a ceramic surface unit, made of clay or mixture of clay and other ceramic materials, having either glazed or unglazed surface.

Total land area of the lot means the land area sought to be improved or developed which is the subject of the building permit application.

(Code 1976, §4-2-1(b); Ord. No. 333, §1, 10-18-83; Ord. No. 506 § 2, 9-20-94)

Sec. 6-162. Scope.

(a) The provisions of this article shall apply to the emplacement or maintenance of any nonexempt building, accessory structure or accessory building in the city; provided that this article shall not be deemed to allow uses in any zoning district where the provisions of any such zoning district do not expressly allow such use.

(b) No building permit or accessory structure or accessory building permit shall be issued for any building, accessory structure or accessory building the use or placement of which is contrary to the purposes or regulations of the zoning district in which is it to be located.

(c) The provisions of this article shall not be deemed to alter or waive any other applicable building regulation, standard, requirement or code.

(Ord. No. 333, §1, 10-18-83; Ord. No. 506 § 2, 9-20-94)

Sec. 6-163. Review and approval of plans by planning and zoning commission and city council.

All plans for the new construction of, or addition to buildings classified with respect to use or occupancy as assembly, business, educational, institutional, mercantile or mixed-use as provided by the International Building Code adopted by the City shall be submitted to the Planning and Zoning Commission for review and recommendation. All such recommendations must be submitted to the City Council for final approval. All other building permit requests must be submitted to the building inspector for approval.

Sec. 6-164. Building permit.

(a) It shall be unlawful for any person to change or permit the change in the use of land or buildings or to erect, alter, move or improve any building or accessory building until a building permit has been obtained from the building inspector.

(b) An application for a building permit shall be made upon a form furnished by the city. An application fee in the amount established by resolution shall be submitted along with the application. The following information shall accompany the application:

1) A plot plan, drawn to scale of one (1) inch equals twenty (20) feet, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the building proposed to be repaired, altered, erected, or moved, and the size, arrangements, 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 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) A survey prepared by a licensed surveyor registered in the state of the boundaries of the lot on which the improvement is proposed to be located;

4) Additional information relating to the proposed improvement needed to determine compliance with this chapter.

5) Before beginning construction pursuant to an approved building permit:

   (a) The applicant or applicant's designee shall provide on forms provided by the City a list of contractors and subcontractors for the construction project and a list of suppliers of all building materials and equipment to be delivered to the construction site.

   (b) The applicant or applicant's designee shall notify contractors, subcontractors and building material suppliers for the construction project that the project is located in The Village and shall provide the same with The Village Sales Tax Reporting Code. The notification form used to notify contractors, subcontractors and suppliers pursuant to this subsection shall be provided by the City and shall be signed as received by each contractor, subcontractor and building material supplier for the project and returned to the City.

6) If a complete list of contractors, subcontractors, or suppliers pursuant to subsection (5) above, cannot be provided before construction begins, the applicant or applicant's designee shall provide the forms required by subsections (5) (a) and (5) (b) to the City as soon as practicable thereafter.

7) The Building Inspector shall be authorized to issue stop work orders, suspend inspections and/or withhold the issuance of a Certificate of Occupancy and Compliance for the construction project until the forms required pursuant to subsections (5)(a) and (5)(b) above have

been provided to the City as required herein. (Ord. No. 640 §1, 03-03-2009

8) No permit shall be issued unless the proposed work complies with all applicable ordinances.

(Code 1976, §12-2-1; Ord. No. 257, §§ 1, 2, 6-5-79; Ord. No. 314, §§ 1, 2, 11-18-82; Ord. No. 453, § 1, 3-19-91; Ord. No. 506, § 2, 9-20-94; Code 2008; Ord. No. 640 §1, 03-03-2009)

Sec. 6-165. Permit for accessory structures.

(a) No person shall place, erect or construct any accessory structure on any property in the city without having first obtained an accessory structure permit therefore. Such permit shall be issued by the city only upon satisfaction of the provisions hereof, including evidence of compliance with the standards in this chapter sufficient to obtain the permits required there under.

(b) An application shall be submitted on a form prescribed by the city, providing such information as is required, which shall include, in the minimum:

(1) The name of property owner, the name of applicant, and the address or location of proposed structure.

(2) A description of the proposed structure, providing details of construction, components and proposed attachments to the ground or other basis;

(3) A plot plan, in a scale of one (1) inch equals twenty (20) feet, showing the boundaries of the property on which emplacement is proposed, the precise location of the structure to all buildings and other structures on the property, and to the property lines;

(4) For structures, which contain or involve electrical wiring, a plan in the form prescribed by the National Electric Code as adopted by the city, giving all information required.

(c) An application fee in the amount established by resolution shall be submitted along with the application.

(d) Whenever, in the opinion of the city, any structure permitted under this division is found to be in a condition which indicates noncompliance with the provisions of this chapter or any other chapter of this code, then in that event the city shall notify the permittee in writing of such defect, giving permittee fifteen (15) days from the date of notification to correct the noted deficiencies. If, at the expiration of said fifteen (15) days, noncompliance still exists, then the city may seek revocation of the permit by action of the city council at a regularly scheduled city council meeting, the date and time of which shall be provided the permittee by certified or registered mail. If the city council finds, based upon the city's and permittee's evidence, that any noncompliance exists, then the council may order any corrective action deemed appropriate under the circumstances. Should the permittee fail to comply with the directive of the city council, or if the council should find the condition to be a hazard to life or property, then the council may declare same a public nuisance and order abatement as in the manner of law provided for the abatement of public nuisances. For purposes of this section, any successor in title to the accessory structure permitted or to the property upon which such accessory structure is located shall be deemed to be the permittee.

(Ord. No. 333, §§ 4, 5, 8, 10-18-83; Ord. No. 506, § 2, 9-20-94)

Sec. 6-166. Certificate of occupancy and compliance.

(a) No land shall be occupied or used, and no building erected or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy and compliance is issued by the building inspector, stating that the building use complies with the provisions of the building permit and all applicable building, housing, health, fire protection and zoning ordinances of the city. No change of use shall be made in any building.

(b) A certificate of occupancy and compliance shall be applied for after the completion of the building and prior to the occupancy thereof. No such building shall be occupied until the certificate has been secured. The certificate shall state that the building, or proposed use of a building or land, complies with all applicable laws and ordinances and with the provisions of the regulations. A record of all certificates shall be kept in the office of the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(c) Prior to the issuance of a certificate a fee in the amount established by resolution shall be paid to the city.

(d) Nothing in this article shall prevent the continuance of a nonconformance as authorized in Chapter 24 unless a discontinuance is necessary for the safety of life and property.

(Code 1976, §12-2-1; Ord. No. 506, § 2, 9-20-94)

Sec. 6-167. Penalty.

(a) Any person who violates any of the provisions of this article or fails to comply with any of the requirements hereof shall be guilty of a Class B offense.

(b) In addition to other remedies, the city may institute any proper action to prevent, restrain, correct or abate any violations of this article.

Secs. 6-168--6-174 Reserved.

DIVISION 2. ACCESSORY BUILDINGS AND STRUCTURES

Sec. 6-175. Location/setback of accessory structures.

(1) This section shall apply to all accessory structures except as follows:

(a) Accessory structures regulated by Chapter 7, Article I of this code.

(b) Signs and other advertising structures regulated under other provisions of the City of The Village Code

(c) Flag poles

(d) Oil and gas facilities

(e) Public Utility Structures

(f) Telecommunication facilities located or co-located on property owned or leased by the City and designated by the City as a site suitable for location of a telecommunications facility.

(2) Accessory structures not exempted herein shall not be constructed, placed, or maintained any closer to any front, side, or back property line of the lot,

upon which the accessory structure is located than the distance measured from the highest point of the accessory structure from the ground.

(Ord. No. 333, § 3, 10-18-83 Ord. No. 334, § 7, 10-18-83; Ord. No. 481. § 1, 12-15-92 Ord. No. 506 § 2, 9-20-94; Ord. No. 566 §1, 3-6-01)

Sec. 6-176. Time for accessory building construction.

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.

(Code 1976, §12-6-2(7); Ord. No. 506, § 2, 9-20-94)

Sec. 6-177. Architectural design of accessory buildings and fences.

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which said building or fence is accessory.

(Code 1976, §12-6-8)

Sec. 6-178. Tornado shelters required for new school construction.

(1) Every new public school building or public school building addition constructed shall provide a tornado shelter or safe room constructed in accordance with ICC/NSSA 500 or FEMA 320 or other equivalent engineered system. Said shelter shall be designed to accommodate the maximum occupancy of the new building.

Cross References--§24-1, Chapter 8.

(Code 1976, § 4-2-3(a), (e)--(g); Ord. No. 468, §1, 3-30-92; Ord. No. 506, § 2, 9-20-94)

Sec. 6-179. Private wind energy conversion towers.

It shall be unlawful for any person to construct, erect, or maintain a private wind energy conversion tower or similar type structure upon any real property within the boundaries of the city limits.

(Ord. No. 321, §1(12-6-17), 7-19-83; Ord. No. 506, § 2, 9-20-94)

Sec. 6-180. Swimming pools.

Private swimming pools shall be completely enclosed by a permanent wall or fence not less than six (6) feet in height, and shall meet the requirements of the health department.

(Code 1976, §12-6-6; Ord. No. 506, § 2, 9-20-94)

Sec. 6-181. Carports.

Carports enclosed or partially enclosed on any side by a wall shall conform to the exterior wall building material provisions of Section 6-202 of this chapter.

Sec. 6-182. Temporary or portable buildings.

(a) No temporary or portable building shall be placed or erected on any property without first having secured a permit from the building inspector and having paid the permit fee established by resolution.

(b) One (1) temporary or portable building shall be permitted on any residential lot.

(c) Temporary or portable buildings permitted by this section shall not exceed the sizes provided by the following table:

Lot Size in Sq. Ft.		**Maximum Bldg**	**Maximum Bldg**
From	***To***	**Size in Sq. Ft.**	**Height**
0	21780	160	12 Feet
21781	22216	180	12 Feet
22217	22651	200	12 Feet
22652	23087	220	12 Feet
23088	23522	240	12 Feet
23523	23958	260	12 Feet
23959	24394	280	12 Feet
24395	24829	300	12 Feet

24830	25265	320	12 Feet
25266	25700	340	12 Feet
25701	26136	360	12 Feet

(Code 1976, §12-6-9; Ord. No. 335, §§1, 2, 10-18-83; Ord. No. 395, §1, 10-6-87; Ord. No. 440, §1, 4-17-90; Ord. No. 496, §1, 2-15-94; Ord. No. 504, §1, 6-21-94; Ord. No. 506, §2, 9-20-94; Ord. 536, §1, 6-3-97)

Secs. 6-183--6-199 Reserved.

DIVISION 3. MISCELLANEOUS BUILDING PROVISIONS

Sec. 6-200. Moving buildings.

(a) It shall be unlawful to move any building into the city except as follows:

(1) Temporary or portable buildings that are moved onto property within the city and which are in compliance with other applicable city codes and building regulations;

(2) Buildings that are moved onto property within the city for use by a tax-supported institution and provided that such buildings comply with all other applicable city codes and building regulations;

(3) Commercial buildings that comply with all applicable city codes and building regulations and which have been expressly authorized for relocation in the city by the city council by the issuance of a special permit.

(Code 1976, § 12-7-2; Ord. No. 450, § 1, 8-7-90; Ord. No. 506, § 2, 9-20-94)

Sec. 6-201. Mobile homes prohibited.

(a) Mobile homes are forbidden and under no circumstances will mobile homes be authorized in the city or permits issued for the same except for those placed on a construction site for use as a construction office while construction is in progress.

(Ord. No. 281, §1(11A-7-1), 7-1-80; Ord. No. 506, § 2, 9-20-94)

Sec. 6-202. Building material requirements for exterior walls.

(a) No person shall build or construct any building or an addition thereto unless at least sixty-five (65) percent of the exterior walls thereof be of brick, brick veneer, concrete brick, concrete block, stone or stone veneer, masonry, tile, stucco, exterior insulation and finish systems (EIFS), or exposed aggregate or other similar material as approved by the building inspector; provided however, that all windows or doors located in said exterior walls shall be excluded in the determination of the area of one hundred (100) percent of the exterior walls, and further provided that where a gable-type roof is constructed and part of the exterior wall is extended above the interior ceiling line due to the construction of gable-type roof, then that portion of said wall extending above the interior room ceiling height may be constructed of wood material and likewise excluded from the square foot area in determining what constitutes one hundred (100) percent of the exterior walls of said buildings. Masonite siding or similar material shall not be considered masonry for the purposes of this section.

(b) Stucco or EIFS (exterior insulation and finish systems) used as exterior finish on buildings classified for use as assembly, business, educational, institutional or mercantile as provided herein, shall not exceed 35% of any exterior wall, which faces a public or private street. Any variance from this standard shall be approved by the City Council.

(c) No permit shall be issued for an addition to be made to any building or accessory building unless the exterior wall building material shall be equal or similar to the exterior wall building material of the main building, as determined by the building inspector.

(d) Requirements for the application of brick, brick veneer, concrete brick, concrete block, stone or stone veneer, masonry, tile, stucco or exposed aggregate or other similar type material to exterior walls of buildings in this section shall not apply to:

(1) Temporary or portable buildings that are permitted in accordance with the provisions of Section 6-182; or

(2) Temporary classroom buildings that are moved onto public property within the city for use by a public school. The city council may require screening of temporary classroom buildings as may be deemed necessary in order to provide a buffer between temporary classroom buildings and adjacent property.

(3) Temporary classroom or school accessory buildings that are moved onto private property within the city for use by a private school, provided that such temporary buildings are removed within twenty four (24) months. The city council may require screening of temporary classroom or school accessory buildings as may be deemed necessary in order to provide a buffer between temporary buildings and adjacent property. (2008 Code)

(4) Publicly owned and operated buildings subject to conditions and design approved by the City Council. (Ord. No. 632, §1, 05-20-2008)

(Ord. No. 315, §§1--4, 12-21-82; Ord. No. 334, §1, 10-18-83; Ord. No. 467, §1, 2-18-92; Ord. No. 506, § 2, 9-20-94; Ord. No. 632, §1, 05-27-2008, 2008 Code)

Sec. 6-203. Landscape requirements.

a) Buildings classified with respect to use or occupancy as assembly, business, educational, institutional or mercantile as provided by the International Building Code as adopted by the city shall be landscaped with living plants, trees, bushes, grass or similar vegetation according to the following standards and requirements:

(1) **Required Area.** The public right-of-way between the property line and the curb and not less than five (5) percent of the total land area of the lot shall be landscaped. To the extent practical, at least seventy-five (75) percent of the landscaped lot area shall be in the front or side yards and visible from ~~a~~ public or private streets providing access to the property. Inner courts that are not visible from the public street shall not be calculated for purposes of meeting this requirement.

a) **Exception:** When both minimum parking and minimum landscape area requirements cannot be met, the required landscaped area may be reduced, as approved by the City Council.

(2) **Landscaped Materials and Plan.** Application for a building permit shall be accompanied by a detailed landscaping plan for both the required lot area and the area within the public street right-of-way between the property line and the curb. The plan shall conform to the following requirements:

(a) The location and types of all plants shall be designated;

(b) There shall be one (1) live tree, having a minimum trunk caliper thickness of two and one half (2 1/2") inch and not less than seven (7) feet in height, for every five hundred (500) square feet of area to be landscaped.

(c) There shall be one (1) live shrub of not less than three gallons in size for the minimum number of trees required herein. Live shrubs may be in planters or pots.

(d) Artificial grass or any form of synthetic plant shall not be permitted as part of the requirements for landscaping;

(e) Rock gardens or sculpture may be approved; however, use of gravel or chat as ground cover shall not be considered as meeting the requirements of this section; and

(f) The landscaping plan shall respect sight triangles at intersections and all other elements relating to traffic control.

(3) The landscaping plan shall be reviewed and approved as part of the building permit review process.

(4) A certificate of occupancy for a structure shall not be issued until the landscaping has been installed in accordance with the plan; provided, however, that if a structure and all its site improvements are complete except for the landscaping requirement and the season of the year will not permit planting, temporary occupancy may be permitted until a date certain in the growing season. In this case an inspection date in the growing season shall be set by the building inspector to determine if the landscaping has been installed.

(5) All landscaping shall be maintained in a live and healthy condition. Failure to install or maintain landscaping as required and approved shall constitute a violation of this section.

(b) Exception: For public and private schools located on a campus containing three or more acres, the City Council may waive or modify the requirements of subsection (a)(2)(b) and (a)(2)(c) above.

(c) Buildings classified with respect to use or occupancy as residential as provided by the International Building Code as adopted by the city shall be landscaped according to the following regulations:

(1) A minimum of fifty (50) percent of the total land area situated in front of the front building line of any residential lot shall be landscaped with grass, shrubs and other ground cover or vegetation. The area of the right-of-way, although required to be landscaped, shall not be inclusive of the said required minimum area described herein.

(Code 1976, §12-4-2(C); Ord. No. 366, § 1, 6-17-86; Ord. No. 367, § 1, 6-17-86; Ord. No. 462, § 2, 11-19-91; Ord. No. 371, § 1, 8-19-86; Ord. No. 506, § 2, 9-20-94; Ord. No. 581 §1, 12-17-02; 2004 Code, 2008 Code)

Sec. 6-204. Distance of building from oil and gas wells.

No building permit shall be issued for the construction of any building, which is to be located nearer than one hundred (100) feet to any existing well. In this section "well" means any hole or bore to any depth for the purpose of producing and recovering any oil, gas, or liquefied petroleum matter or deleterious substances, or used for the injection or disposal of any of the foregoing.

(Ord. No. 506, §2, 9-20-94)

Sec, 6-205. Display of building/house numbers.

Numbers showing the street address of every residence and business establishment in the City must be displayed in a location that is clearly visible from the street at all times. The numbers must be a minimum of three (3) inches high and must be in clear contrast to the background on which they are placed.

(Ord. No. 285, §§ 1, 2, 8-19-80; Ord. No. 393, § 1, 9-15-87; Ord. No. 631, 01-15-2008)

Secs. 6-206--6-224 Reserved.

CHAPTER 7

TELECOMMUNICATION TOWERS & TELEPHONE EXCHANGES

Art. I. Telecommunication Towers & Facilities §§7-251—7-260
Art. II. Telephone Exchanges §§7-351—7-366

ARTICLE I: TELECOMMUNICATION TOWERS AND FACILITIES

Sec. 7-251. Purpose.

The purposes of these regulations are:

1) To facilitate the provision of telecommunications services throughout the city;

2) To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;

3) To encourage the location of towers in non-residential zone districts;

4) To minimize the total number of towers in the community;

5) To encourage the joint use of new and existing tower locations;

6) To ensure that towers are located in areas that minimize adverse impacts;

7) To ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;

8) To encourage the attachment of antennas to existing structures;

9) To consider public health and safety of telecommunications facilities;

10) To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures; and

11) To protect residential areas and lands by minimizing adverse impacts of towers.

Sec. 7-252. Definitions.

(a) *Accessory support facilities* shall mean support buildings, structures and equipment cabinets for telecommunications facilities containing electrical and

mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

(b) *Alternative tower structure* shall mean manmade trees, clock towers, bell steeples, building structures or building equipment normally maintained above the roofline of a structure, light poles and similar alternative design mounting structures. An alternative tower structure must be compatible with the natural setting and surrounding structures, and must camouflage or conceal the presence of antennas and/or towers. This term also includes any antenna or antenna array attached to the alternative tower structure.

(c) *Antenna* shall mean any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(d) *Backhaul network* shall mean the lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(e) *FAA:* Federal Aviation Administration.

(f) *FCC:* Federal Communications Commission.

(g) *Telecommunications facilities* shall mean the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

(h) *Telecommunications service* shall mean the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit or any closed transmission medium.

(i) *Tower* shall mean a self-supporting monopole structure designed and constructed primarily for the purpose of supporting one or more antennas. Tower shall not include self-supporting lattice towers or guy towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

(j) *Tower Height* shall mean, when referring to a tower or other alternative tower structure, the distance measured from the lowest point within ten (10) feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna.

Sec. 7-253. Permit Required.

Telecommunications facilities shall be regulated and permitted pursuant to this Ordinance and the zoning ordinances of the City.

(1) A telecommunications facility shall obtain a permit as a condition for the siting, construction or operation of the telecommunications facility.

(2) These regulations shall apply to all towers and antennas as defined, except:

(a) Any tower, or antenna, not more than seventy (70) feet in height, owned and operated by a federally licensed amateur radio station operator if it is used exclusively as a receive only facility.

(b) Any antenna co-located on an existing telecommunications facility, except as expressly provided by this Article.

(c) A telecommunications facility located or co-located on property, which is owned or leased by the City and designated by the City as a site suitable for location of a telecommunications facility.

(3) Any violation of this Article is hereby declared to be a Class A Offense and every day that a violation continues to exist shall be deemed a separate offense. In addition to any other relief or penalty provided by law, the City may apply to district court for an injunction to prohibit the continuation of any violation of this Article.

Sec. 7-254. Co-location Requirements.

(1) All applicants for a telecommunications facility permit shall co-locate on an existing facility if it is feasible to do so. An existing facility shall be deemed to be available to the applicant for co-location if: the facility is within the search ring of the applicant or within a reasonable distance so as to fit into the applicant's design, space is available on the facility, and the facility owner will lease space to applicant at a reasonable market rate.

(a) If the applicant finds that co-location is not feasible, it shall submit to the City a written statement of the reasons for the unfeasibility. The City may retain a technical expert in the field of radio frequency (RF) engineering to

determine whether co-location at the site is feasible. The cost for such a technical expert will be at the expense of the applicant.

(b) The City may deny the permit unless the applicant demonstrates to the City by substantial evidence that existing telecommunications facilities cannot accommodate the applicant's proposed antenna.

(2) A telecommunications tower shall not be permitted unless the owner of the proposed tower certifies to the City that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis. Towers shall be designed and built to accommodate a minimum of three telecommunications facilities.

(3) To facilitate co-location and coordination of telecommunication sites, all telecommunication service providers within the city shall, within ninety (90) days of the publication of this ordinance, provide the City with their respective master antenna plans. Said plans shall include detailed maps, showing the locations of all telecommunications towers serving any portion of the City and indicating coverage areas for current and, to the extent possible, future telecommunications towers.

(4) Providers shall also provide the City with any updates to the above documents within ninety (90) days of their creation.

Sec. 7-255. Telecommunication Facility Standards.

(1) ATTRACTIVE NUISANCE. No tower may be located closer than 250 feet from a playground, ball field, or other area used for active recreation within a park or school. Where such locations are well suited for placement of towers on municipal property, special fencing or other safety barriers shall be required.

(2) COMPATIBILITY. Telecommunication facilities shall either maintain a galvanized steel finish or, subject to applicable standards of the FAA, be painted, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

(3) DESIGN. At the telecommunications facility, the design of the buildings and related structures used in conjunction with telecommunications facilities shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the telecommunications facilities to the natural setting and the built environment.

(4) HEIGHT. Tower height shall be restricted as follows:

(a) Single user tower - not more than one-hundred and fifty (150) feet;

(b) Two or more users -- not more than one hundred ninety-five (195) feet.

(5) INTERFERENCE. Applicants shall be required to demonstrate that the planned telecommunications facility will not cause radio frequency interference with other existing or planned equipment. Such interference is prohibited.

(6) LANDSCAPING. Landscaping of telecommunication facilities shall include a five (5) foot landscaped buffer outside the perimeter of the telecommunication facilities compound. Said buffer shall be planted with trees and shrubs so as to adequately screen the facilities from public view. Applicant shall be required to submit a landscaping plan for review and approval by the city.

(7) LIGHTING. Illumination of towers is prohibited except as required by the FAA. Strobes shall not be used for nighttime lighting. Any required lighting shall be directed upward and away from adjoining properties. In addition, the ground level security lighting shall not be more than 20 feet in height.

(8) PARKING AND INGRESS/EGRESS. Applicant shall provide one (1) off street parking space for each provider using the telecommunications facility. Ingress/egress to the facility shall be via approved access points. All off-street parking and ingress/egress drives shall be paved with an all-weather surface such as asphalt or concrete and which shall be designed to carry the loads of the vehicles/equipment to which said pavement shall be subjected.

(9) SCREENING/SECURITY. The base of the tower and any accessory support facilities shall be screened from view with a solid, six-foot high sight-proof, security fence. The materials of the fence shall be compatible with the primary uses of the surrounding property.

(10) SETBACKS AND FALL ZONES.

(a) If the tower is located on residentially zoned property, the setback from the abutting residentially zoned property shall be (1) foot of setback for every foot in height of the tower, or the set back of the zoning district, whichever is greater.

(b) If the tower is located on residentially zoned property, the setback from abutting commercially zoned property shall be one-hundred (100) feet plus an additional one (1) foot of setback for every foot of tower height over one hundred and fifty (150) feet.

(c) If the tower is located on commercially zoned property, the setback from the abutting residentially zoned property shall be one (1) foot setback for every foot in height, or the set back of the zoning district, whichever is greater.

(d) If the tower is located on commercially zoned property, the setback from the abutting commercially zoned property shall be one-hundred (100) feet plus an additional one (1) foot of setback for every foot of tower height over one hundred and fifty (150) feet. Upon the written consent of the abutting commercial property owner or owners and upon the recommendation of the Planning & Zoning Commission, the City Council may reduce the minimum setback of a tower from said abutting commercial property.

(Ord.No. 603 §1, 05-02-2005) Note: This section has been renumbered from 18-5 (10) (d) to 7-255 (10) (d).

(e) If the tower is located on commercially zoned property the setback from the abutting commercially zoned property shall be one-hundred (100) feet plus an additional one (1) foot of setback for every foot of tower height over one hundred and fifty (150) feet; provided however, if the tower is designed to fold instead of falling horizontally when structural failure occurs, the setback from the abutting commercially zoned property shall be twenty-five (25) feet. (2014 Code)

(f) If the tower is located adjacent to or separated by a public right of way from property zoned residential, the setback from the abutting residentially zoned property shall be (1) foot setback for every foot in height of the tower, less one half the width of the abutting street right-of-way.

(g) If the tower height is greater than the required setback, an applicant shall submit an engineer's certificate that the tower is designed to fall within the area used or leased for the telecommunications facilities, should the tower fail. Pursuant to this section, applicant shall provide liability insurance in the event of a failure or other condition arising out of the use of the property for a telecommunications facility. The limits of coverage shall be as follows:

Coverages	Limits of Liability
Bodily Injury Liability	$500,000.00 each occurrence
	$1,000,000.00 aggregate.

Property Damage Liability	$500,000.00 each occurrence $500,000.00 aggregate.
Excess Umbrella Liability	$5,000,000.00 each occurrence.

(11) SIGNS. Signs on telecommunication towers shall be limited to four (4) square feet in area and shall only display the following information

(a) The name, registration number and emergency contact number of the tower owner;

(b) Warning or safety instructions;

(c) Any other information required to be posted by the FCC or other federal or state regulatory agency.

(12) SPACING. No tower shall be closer than five (500) hundred feet from another tower, such distance being measured as a horizontal from tower to tower. Any new telecommunications tower in excess of one hundred eighty feet (180' or 55m) in height must be located a minimum of one (1) mile (1.6 km) from any existing tower in excess of one hundred eighty feet (180' or 55m) in height.

(13) SUPPORT FACILITIES. Support facilities can be no more than three hundred and fifty (350) square feet of gross floor area or be more than twelve (12') feet in height. Minimum setback requirements of the applicable zoning district shall apply to accessory support facilities. All support facilities shall be attached to a permanent foundation and shall be constructed of at least 65% exterior masonry material as defined by Section 6-202 of this code.

Sec. 7-256. Alternative Structures Standards.

(1) A telecommunications facility may be permitted on an alternative tower structure at least thirty (30) feet tall under the following conditions which shall be in addition to the requirements of Sections 18-5 and 18-7 herein:

(a) The facility and its accessory support facilities shall comply with all zoning requirements applicable to the alternate structure and the provisions of Section 18-5 of this Article

(b) If the facility or an accessory support facility is located upon the roof of a structure, each such facility shall be set back a distance at least equal to the height of the telecommunications facility unless the facilities are screened or camouflaged in a manner that is compatible with the surrounding property. The top of the antenna or other facility shall not be more than thirty percent

(30%) of the height of the alternate structure, or seventy-five feet (75'), whichever is less.

(c) The alternative structure must be similar in color, scale and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment and

(d) Prior to the installation of any building/roof mounted telecommunications facility, the applicant shall furnish to the City an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and accessory support facility or equipment.

Sec. 7-257. Specific Standards.

(1) FEDERAL AND STATE STANDARDS. All telecommunications facilities shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state and local standards.

(a) The tower owner shall provide documentation that all equipment proposed for a personal wireless service facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation.

(b) An applicant shall provide a copy of its FCC license or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one (1) antenna on the applicant's tower.

(2) ENVIRONMENTAL STANDARDS.

(a) Telecommunication facilities shall not be permitted in any wetland or floodplain and disturbance to wetland buffer areas shall be minimized.

(b) Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of fifty (50) decibels at the property line. Roof-mounted or side-mounted equipment for personal wireless service facilities shall not generate noise in excess of fifty (50) decibels at ground level at the base of the building closest to the antenna.

(3) STRUCTURAL STANDARDS. Telecommunications tower structures must conform to the most current revision of EIA 222 standards. Guyed telecommunications towers shall be designed and located such that, if the structure should fall, it will avoid habitable structures and public ways. Telecommunications facilities shall be designed and engineered to withstand wind loadings and other design standards as defined by the building codes adopted by the City. An engineer's

certification of the structural integrity of the tower and all associated equipment shall be required.

Sec. 7-258. Permit Conditions.

(1) ABANDONMENT. A telecommunications service provider shall post a bond or other security sufficient to pay for the removal of any abandoned facility. No owner or occupant of property within the City shall permit, leave or cause to be left on said property any telecommunications facility, which has been abandoned or discontinued for use. The provider shall remove its facility within ninety (90) days of the date that it discontinues its use of the facility. If the provider fails to remove the facility within the required time, the facility shall be deemed to be abandoned. The City shall have authority to enter the premises and remove the abandoned facilities. All costs of removal that exceed the amount of the bond or security posted for that purpose shall be collected from the provider or property owner in the manner provided for summary abatement of nuisances. This requirement shall apply to co-located facilities unless the co-location agreement provides for the removal of abandoned facilities by the tower operator.

(2) DEFECTIVE FACILITIES. Defective or unsafe antennas, telecommunication towers or telecommunication facilities shall be repaired or removed within six (6) months at the owner or operator's expense. If the facilities are not operated for a continuous period of twenty (24) four months they shall be considered abandoned and must be removed within ninety (90) days. If not removed, the City may remove at the expense of the owner or operator.

(3) NON-CONFORMING USE. Existing towers that do not comply with the new regulations may continue. They may not be expanded or replaced unless they meet the new regulations. If they are damaged or destroyed, they may be repaired or restored to their former use, location, and physical dimensions without complying with the new regulations. The existing tower may replace, repair, rebuild and/or expand to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards by obtaining zoning approval. .

Sec. 7-259. Permit Approval Process.

(1) PUBLIC NOTICE. Except for a proposed telecommunications facility, which will co-locate on an existing tower, the applicant for a telecommunications facility permit shall notify all property owners within three hundred (300) feet of the outer boundary of the property proposed for location of the facility. Such notice shall describe the boundaries of the property included in the application, explain the character and dimensions of the proposed telecommunications facility, and give an address for the property owners to submit written comments to the applicant. The notice shall include a drawing

or other representation of the visual aspects of the proposed facility. The notice shall also contain the date, which shall be not less than fifteen (15) days after the mailing date, set for consideration of the application by the City.

(2) PLANNING COMMISSION REVIEW/COUNCIL APPROVAL:

(a) No permit shall be approved until the plans for the proposed telecommunication facility is reviewed by the Planning & Zoning Commission. The Planning & Zoning Commission shall make recommendations to the City Council as to whether the proposed facility meets all criteria required for the issuance of a permit.

(b) No permit shall be issued by the city until the plans for the proposed telecommunication facility are approved by the City Council.

(3) PLANS, MAPS & INVENTORIES. Applicant shall be required to submit to the city:

(a) An inventory and contour map of existing facilities that are within the City and within at least five (5) miles from the City line, including specific information about the location, height, coverage and capacity zones, and design of each telecommunications facility, telecommunications tower and antenna

(b) Identification of the applicant's backhaul providers and the method (wired or wireless) of providing backhaul with annual updates

(c) A vicinity map and scaled set of plans identifying impacts on the surrounding built environment and showing the location of all facilities, ingress/egress drives, parking, landscaping, fencing, buffer zones, setbacks from existing structures, streets, public ways and adjoining zoning district boundaries.

(d) An engineer's report, certifying that the proposed telecommunications facility is compatible for co-location by a minimum of three (3) users.

(e) Documentation from the tower owner that the equipment proposed for a wireless service facility is authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation.

(f) An engineer's report, certifying that the proposed telecommunications facility will not create interference with other telecommunication signals or other telecommunication facilities.

(g) If applicable, an engineer's report, certifying that the proposed telecommunication tower is designed to fall within the leased area.

(h) A copy of FCC licenses, or a commitment letter from a license holder to locate an antenna on an existing tower

(i) A permit-processing fee in the amount of five-hundred ($500.00) dollars.

(j) Insurance certificates for insurance as may be required pursuant to the permit and

(k) A security bond in an amount sufficient to guarantee the removal of abandoned towers and facilities at the applicant's expense.

Sec. 7-260. Annual Inspection Fee.

The owner or operator of any telecommunications facility permitted pursuant to this Article shall pay an annual inspection fee to the city in the amount of two hundred and fifty ($250.00) dollars. Annual inspection fees shall be due no later than July 1 of each year. Annual inspection fees shall be prorated monthly in the first year.

(Ord. No. 566 §2, 3-6-01)

Secs. 7-261—7-350 Reserved.

ARTICLE II. TELEPHONE SERVICES.

Sec. 7-351. 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 and except where otherwise defined by federal or state law:

Annual gross revenues means the total income received by Grantee during the calendar year derived from telephone system operations within The Village. Annual gross revenues shall not include sales taxes or other taxes collected by Grantee.

Telephone System or *Exchange* means a set of transmission paths and associated signal generation, reception and control equipment that is designed to provide telephone communication services to residential and commercial customers within the City. It shall include, without limitation, all of the components, physical operation and programming elements of a network of telephone, electrical and electronic equipment, designed, constructed, wired or used for the purpose of producing, receiving, amplifying and transmitting by coaxial cable, fiber optics, or by other means, voice, data, fax or other related electronic signal impulses in either analog or digital format.

Grantee means any person or group of persons who have been granted a permit by the City to construct and operate upon the rights-of-way of the city, a telephone system or exchange pursuant to the terms and conditions of this Article.

Public way means the surface, air space above the surface and the area below the surface of any public street, sidewalk, alley, utility easement or other public way in the City.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-352. Rights reserved by city.

(a) The right is hereby reserved to the City or the City Council to adopt, in addition to the provisions contained herein and in existing ordinances, such additional regulations of general applicability as it shall find necessary in the exercise of its lawful powers. Such regulations, shall be reasonable and not in conflict with the rights herein granted, or any applicable federal or state law.

(b) The City shall have the right to inspect the books, records, maps, plans, federal and state income tax returns, and other like materials pertaining directly or indirectly to any permit granted under this Article upon reasonable notice to Grantee and during normal business hours.

(c) The City shall have the right, during the term of any permit to install and maintain free of charge upon the poles of Grantee any wire and pole fixtures that do not interfere with the telephone system operations of Grantee.

(d) The City shall have the right to inspect all construction or installation work performed by Grantee pursuant to the issuance of a permit. In the event any such inspection reveals that the Grantee has failed, in the city's judgment, to fulfill its obligation under the terms of this Article, the City shall notify Grantee, in writing, of its specific deficiencies. Absent commencement of corrective action by Grantee within forty-eight (48) hours of receipt of said notification, the City, upon the direction of the City Council, may undertake the necessary repairs or restoration and be promptly compensated or reimbursed in the event the City pays any monies under this provision.

(e) Upon the termination or cancellation of a permit, as provided herein, the Grantee shall have six (6) months from the date it ceases operation to remove, at its own expense, all portions of its system from all public ways within the City and to restore said public ways to a condition satisfactory to the City.

Sec. 7-353. Maps, plats, and reports.

(a) Upon request, Grantee shall file with the City Engineer maps or plats of all existing and proposed installation. Grantee shall, simultaneously with the acceptance of the permit, file a map of the City showing the proposed construction schedule of Grantee.

(b) Grantee shall, upon request, submit to the City financial information applicable to its operations under its permit during the preceding twelve (12) month period, as well as a statement of its properties devoted to telephone system operations within The Village, and the total number of each class of subscribers within the City. The financial information shall be sufficiently detailed to document calculation of Grantee's Annual Gross Revenues. This financial information shall be prepared or certified by Grantee's chief financial officer or by a certified public accountant.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-354. Payments to City.

(a) Grantee shall pay to the City each calendar quarter an amount equal to two (2%) percent of that portion of the Annual Gross Revenues attributable to such quarter from operations of its telephone system within the City. Payment due under this provision shall be payable forty-five (45) calendar days after the end of each calendar quarter.

(b) The fee levied herein shall compensate the city for the expense incurred and services rendered incident to the exercise of its police power, supervision, police regulation, and police control of the construction of lines and equipment of the telephone system or exchange in the City.

(c) Except as may otherwise be provided herein, the fee levied herein shall be in lieu of all concessions, charges, excise, franchise, license, privilege and permit fees, or taxes or assessments, provided however, said fee shall not be in lieu of ad valorem taxes.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-355. Indemnification and insurance.

(a) Except in the event of the city's employees' or agents' negligence, the Grantee shall pay all damages and penalties, which the City may legally be required to pay as a result of the granting of a permit to Grantee. The damages and penalties shall include, but shall not be limited to, any and all claims and suits for damages or other relief filed by third parties, arising out of copyright infringements and all other damages arising out of installation, operation or maintenance of the telephone system authorized herein, whether or not any act

or omission complained of is authorized, allowed, or prohibited by the permit or by this Article.

(b) Except in the event of the city's employees' or agents' negligence, the acceptance of a permit for the construction and operation of a telephone system within the City shall constitute an agreement by Grantee to indemnify and save the City harmless from any and all claims, demands, actions, damages, loss, liability, attorney fees, costs and other expense resulting from the construction, operation, or maintenance by Grantee of a telephone system, or any part thereof, in the City or occasioned wholly or in part by any act or omission of Grantee, its agents, employees or contractors.

(c) Commencing with any work on the installation of a telephone system in the City, Grantee shall maintain throughout the term of any permit, liability insurance insuring the City and Grantee and their officers, private subcontractors, agents and employees whether elected or appointed, against any and all claims, injury or damage to person or property, both real and personal, caused by or resulting directly or indirectly from the construction, erection, operation or maintenance of any aspect of the telephone system. The amount of such insurance shall not be less than the following:

(1) General liability insurance, which is in an amount equal to the limit found in 51 O.S. § 154 A, as amended to wit:

(a) Twenty-Five Thousand Dollars ($25,000.00) for any claim or claimant who has more than one claim for loss of property arising out of a single accident or occurrence.

(b) One Hundred Thousand Dollars ($100,000.00) to any claimant for his claim for any other loss arising out of a single accident or occurrence.

(c) One Million Dollars ($1,000,000.00) for any number of claims arising out of a single occurrence or accident.

(2) Automobile insurance:

(a) Bodily injury per person, three hundred thousand dollars ($300,000.00)

(b) Bodily injury per occurrence, five hundred thousand dollars ($500,000.00)

(c) Property damage per occurrence, five hundred thousand dollars ($500,000.00)

(3) Worker's compensation insurance shall also be provided as required by state law for all of Grantee's employees to be engaged in any work pursuant to a permit issued by the City.

(4) Grantee shall have the City named as an additional insured under said General Liability and Property Damages Insurance policies.

(5) All insurance coverage shall provide a ten-day notice to the City Clerk in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective. In the event Grantee fails to maintain any insurance as required herein, the City, may, at its option, either terminate the permit or obtain and keep such insurance in full force and effect and the Grantee shall promptly reimburse the City for such insurance costs.

(6) A certificate for all insurance policies required hereunder shall be furnished to and filed with the City Clerk and shall be on file with the City Clerk at all times during which such insurance is required hereunder to be maintained by Grantee.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-356. Further agreement and waiver by Grantee.

Grantee shall abide by all provisions of this Article, and shall agree that it will not at any future time set up, as against the City or the City Council, the claim that the provisions of this Article are unreasonable, arbitrary or void or where any such provision is preempted by federal or state law.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-357. General regulations pertaining to pole agreements and occupancy of public ways.

(a) All transmission and distribution structures, and equipment erected by Grantee within the City shall be so located as not to create traffic hazards, not to cause drainage problems, to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum inconvenience to property owners and residents of the City.

(b) It shall be the responsibility of Grantee to obtain the necessary pole attachment agreements from the City and/or private utility companies using poles within the City. All pole attachment agreements obtained from private utility companies shall, upon request, be filed with the City Clerk. The City will follow the policy of attempting to assist Grantee in the securing of the necessary pole attachment agreements.

(c) All pole attachment agreements with the City shall be negotiated with the City Manager and approved by the City Council.

(d) If, at any time during the term of the permit the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, Grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, telephones, underground conduits, manholes, and other fixtures at its own expense; provided, however, to the extent such removal, relay and/or relocation is due to the City's efforts to accommodate an unrelated third party, the expense of such removal, relay and/or relocation shall be paid by the person requesting the same.

(e) Any poles, wires, telephones, conduits, manholes or other fixtures placed in any public way by Grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

(f) Grantee shall, on the request of any persons holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires to permit the moving of building shall be paid by the person requesting the same, and Grantee shall have the authority to require such payment in advance. Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

(g) Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and telephones of Grantee, except that at the option of the City, such trimming may be done by the City or under its supervision and direction at the expense of Grantee.

(h) In all sections of the City where public utilities are placed underground, Grantee shall place its telephone, wires or other like facilities underground.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-358. Permit.

No person or persons shall construct or operate a telephone system or exchange in the City without first obtaining a permit from the City Council. Under such permit, Grantee thereof shall have the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places in the City, poles, wires, telephones, fiber, underground conduits, manholes, and other telephone conductors and fixtures necessary for the maintenance and operation in the City of such telephone system or exchange.

(Ord. No. 530 §0, 9-17-96)

Sec. 7-359. Term.

Any permit and the rights, privileges and authority granted under this Article shall take effect and be in full force from and after approval thereof by the City Council. Any such permit shall be subject to formal review every five years. Should Grantee be found, upon review, to be in non-compliance with the material provisions of the permit and this Article, Grantee will be given six (6) months to correct those areas of non-compliance.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-360. Compliance with telephone laws and ordinances.

(a) Any permit granted under this Article shall be subject to all applicable telephone provisions of the laws of the United States, the State of Oklahoma, and to the extent not inconsistent with this Article, City ordinances and any amendments thereto. In the event of any conflict or inconsistency between the terms of this Article or any state, local or federal law, federal law shall govern.

(b) Grantee shall fully comply with all applicable telephone laws, ordinances and regulations in the conduct of its telephone system operations and business within the City.

(c) Plans of the proposed telephone system including overhead cables, underground telephones, and head end tower shall in be accordance with the National Electrical Safety Code and the National Electric Code. Any tower constructed for use in grantee's telephone system shall comply with the standards contained in Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, EIA Standards RS-222A, as published by the Engineering Department of the Electronic Industries Association, 2201 "I" Street NW, Washington, DC 20006.

(d) Grantee shall obtain building permits for all buildings to be constructed, pay all building permit fees, tap charge fees, and all other fees as required by the ordinances of the City and at the rates that are in full force and effect at the time the building permits are applied for.

(e) Any and all pavement cuts of permanent or nonpermanent pavement shall be approved by the City Engineer and shall be shown on the plans submitted to the City Engineer prior to the commencement of construction. Grantee shall obtain any permit required by the ordinances of the City prior to making any pavement cut.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-361. Transfer.

Grantee shall not assign or transfer its permit to another person without prior written approval of the City Council, which approval shall not be unreasonably withheld, provided that Grantee may upon thirty (30) days prior written notice to the Council, transfer this permit to an entity controlling, controlled by or under common control with Grantee. Any such transferee shall be bound by all provisions of this Article and subsequent amendments hereto and other applicable ordinances of the City.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-362. Forfeiture.

(a) In addition to all other rights and powers reserved to the City hereunder, and subject to subsection (e) below, the City shall have the right to terminate and cancel any permit and all rights and privileges of Grantee thereunder in the event that Grantee:

(1) Willfully violates any material provision of this Article or any rule, order, or determination of the City Council made pursuant to its permit, except where such violation is without fault or not through neglect;

(2) Becomes insolvent, or unable to pay its lawful debts, or is adjudged bankrupt;

(3) Willfully violates or attempts to evade any of the material provisions of its permit or practices any fraud or deceit upon the City or its citizens;

(4) Fails to secure all necessary documents, including but not limited to pole use agreements, within twelve (12) months after obtaining a permit from the city, or fails to complete construction of the telephone system in a timely manner.

(5) Fails to begin construction and proceed with the same in a reasonable, diligent, and workmanlike manner under its permit within ninety (90) days after receipt of all necessary documents, including but not limited to pole attachment agreements, FCC waivers and FAA approvals;

(b) Upon the occurrence of any event in this section or any other section providing for termination, the City Manager shall notify the Grantee in writing of the alleged default. Unless the City shall otherwise provide in instances of immediate threat to the public safety, health and welfare, the Grantee shall have thirty (30) days from the receipt of a written notice of default to: (a) respond contesting the alleged assertion of default, or (b) cure such default or, in the

event that, by nature of the default, such default can not be cured within the thirty (30) day period, institute reasonable steps to remedy such default and notify the City of the steps being taken and the projected date of compliance.

(c) In the event the Grantee contests the assertion of a default or fails to respond to a notice of default or the alleged default is not remedied nor remedy commenced within the time required, the Council may schedule a hearing to investigate the default. The Council shall provide the Grantee with at least thirty (30) days notice of the time and place of such hearing and provide Grantee with an opportunity to be heard.

(d) At such hearing the City Council shall, after notice, hear any persons interested therein, including the Grantee, and shall determine, in its discretion, after due consideration of any and all evidence presented, whether or not any failure, refusal or neglect by the Grantee constitutes cause for revocation of the permit. Subject to applicable federal and state law, in the event the City, after such hearing, determines that Grantee is in default of any provision of this Article, the City may:

1. Order that the Grantee cure such default within a reasonable period of time,

2. Commence an action at law for monetary damage or seek other equitable relief,

3. Declare the permit to be terminated effective sixty (60) days following the declaration; or

4. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages or termination of the permit.

(e) The Grantee shall not be held in default with any provision of its permit or this Article, nor suffer an enforcement penalty relating thereto, where such alleged default is caused by acts of nature, power outages, labor disputes, equipment failures, or other events reasonably beyond the power of the Grantee to control.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-363. City's right of intervention.

Grantee shall not oppose intervention by the City in any suit or proceeding to which Grantee is a party.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-364. Erection, removal and common use of poles.

(a) No poles or other wire-holding structures shall be erected by Grantee without prior approval of the City Engineer with regard to location, height, type and any other pertinent aspect. However, no location of any pole or wire-holding structure of the Grantee shall be a vested interest and such poles or structures shall be removed or modified by Grantee at its own expense whenever the City Engineer determines that the public convenience would be enhanced thereby.

(b) Where poles or other wire-holding structures already existing for use in serving the City are available for use by the Grantee, but it does not make arrangements for such use, the City may require Grantee to use such structures, if it determines that the public convenience would be enhanced thereby and the terms for the use available to Grantee are just and reasonable.

(c) Where a public utility serving the City desires to make use of the poles or other wire-holding structures of Grantee, but agreement therefore with Grantee cannot be reached, the City Council may require Grantee to permit such use for such consideration and upon such terms as the City Council shall determine to be just and reasonable, if the Council determines that the use would enhance the public convenience and would not unduly interfere with Grantee's operations.

(d) Grantee shall comply with the pole attachment agreement provisions in Section 21-56.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-365. Safety requirements.

(a) Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failure and accidents which are likely to cause damage, injuries or nuisances to the public.

(b) Grantee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the National Electrical Safety Code and the National Electrical Code, as adopted by the City and all applicable state and local laws and in such a manner that they will not interfere with any installation of the City or of a public utility serving the City.

(c) All structures and all lines, equipment, and connections in, along, across, over, under and upon the streets, sidewalks, alleys, or public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order and repair.

(Ord. No. 530 §1, 9-17-96)

Sec. 7-366. Voice over Internet Protocol (VoIP) Service Fee Adopted.

(a) A 9-1-1 service fee is hereby adopted by the Council of the City of The Village upon Interconnected Voice over Internet Protocol telephony service customers whose businesses or residences are located within the City limits of The Village at the rate of fifty-cents ($0.50) per month for each VoIP service user, pursuant to the provisions of Title 63, O.S. (2006), Section 2851 et seq.

(b) All VoIP carriers having customers within the City of The Village shall provide an annual census of customers to the City no later than sixty (60) days after the first day of each calendar year.

Sec. 7-367. Penalty.

Any Grantee who fails to comply with or violates any material provision of this Article shall be guilty of a Class B offense punishable by a fine of two hundred ($200.00) dollars. Each day that the noncompliance or violation exists shall be a separate offense. (Editor's note: This section was renumbered from 7-366 to 7-367 to correct a conflict with Ordinance 625, which adopted a new 7-366.)

CHAPTER 8

CIVIL DEFENSE & EMERGENCY MANAGEMENT

DIVISION 1: IN GENERAL

Sec. 8-1. Department created.

There is hereby established under the executive branch of the Government of the city a department of Civil Defense and Emergency Management.

(Code 1976, 4-1-1; Ord. No. 584, §1, 7-1-03)

State law reference--Local civil defense organizations, 63 O.S. 683.11.

Sec. 8-2. Function of department.

The purpose of the department of Civil Defense and Emergency Management is to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the city. The duty of the department of Civil Defense and Emergency Management shall be the protection of the lives and health of the citizens of the city and of property and property rights, both private and public, and to perform all functions necessary and incident thereto.

(Code 1976, 4-1-2; Ord. No. 584, §1, 7-1-03)

Sec. 8-3. Liability of the city for injury.

The City of The Village shall not be liable for any personal injury to members of the department of civil defense and emergency management who serve without compensation while any such member is acting in the line of duty.

(Code 1976, 4-1-5; Ord. No. 584, §1, 7-1-03)

Sec. 8-4. Director of Civil Defense and Emergency Management.

(a) The department of Civil Defense and Emergency Management shall have a director who shall be appointed by the city manager and serve at his pleasure. Said director may be a paid employee of the city and have other duties and responsibilities not related to civil defense and emergency management.

(b) The Director of Civil Defense and Emergency Management shall be the executive head of the department of Civil Defense and Emergency Management and shall be responsible for carrying out the civil defense program of the city. It shall be the duty of the director of Civil Defense and Emergency Management as soon as practicable after appointment to perfect an organization and to carry out the purposes set forth by this article and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate chairmen or chief officers of such bodies as may be necessary to perfect such an organization. He shall have a further duty and responsibility to cooperate with all civil defense agencies of other governmental units including the state and the United States.

(c) The director of Civil Defense and Emergency Management is authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the department.

(Code 1976, 4-1-1, 4-1-3; Ord. No. 584, §1, 7-1-03)

Cross-reference--Tornado shelters, 6-161 et seq.

State law references--Oklahoma Civil Defense and Emergency Resources Management Act of 1967, 63 O.S. 683.1 et seq.; Oklahoma Riot Control and Prevention Act, 21 O.S. 1321.1 et seq. State law reference--Civil defense director, 63 O.S. 683.13.

Sec. 8-5. Law enforcement.

The Director of Civil Defense and Emergency Management and the members of said department shall, in connection with the police department, have the power and authority to enforce the laws of the state and city ordinances during period of declared emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances.

(Code 1976, 4-1-4; Ord. No. 584, §1, 7-1-03)

Sections 8-6 to 8-49 Reserved.

DIVISION 2. DISASTERS & EMERGENCIES

Sec. 8-50. 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:

a) The term "disaster area" means the scene or location of a natural or military disaster; an explosion; an aircraft accident; a fire; a railroad accident; acts of terrorism; contamination caused by hazardous radiological, chemical, or biological agents or substances; or a major traffic accident.

b) The term "authorized person" shall include all state, county and municipal police and fire personnel; hospital and ambulance crews; National Guard and Civil Defense personnel ordered into the disaster area by proper authority; federal civil and military personnel on official business; persons who enter the disaster area to maintain or restore facilities for the provision of water, electricity, communications, or transportation to the public; and such other officials having a valid reason to enter said disaster area.

(Ord. No. 584, § 1, 7-1-03); State law reference – Title 12, O.S. § 1210.

Sec. 8-51. Emergency plan adopted.

(a) The Village Emergency Operations Plan (EOP) is hereby adopted by reference. The EOP shall provide a framework in which the departments of the City can plan and perform their respective emergency functions during a disaster or national emergency. Updates and revisions of the EOP shall be adopted by resolution of the City Council. (Ord. No. 584, § 1, 7-1-03)

(b) The National Interagency Incident Command System (NIMS) is hereby adopted by reference. (Resolution 08-16-2005)

Sec. 8-52. State of emergency.

(a) The emergency powers conferred in this division shall become effective immediately upon the issuance of a proclamation of the existence of a state of emergency by:

1) The Mayor; or

2) The city council;

(b) If the urgency of the situation requires, the city manager is authorized to declare the state of emergency until such time as the city council may meet and determine the state of emergency exists. The powers conferred in this division are limited to the duration of the state of emergency.

(c) The proclaimed state of emergency shall be terminated either by the city manager or upon adoption of a resolution by the city council.

(Ord. No. 584, § 1, 7-1-03); City code cross-reference: 12-136 et seq. seq.

Sec. 8-53. Following of emergency vehicles unlawful.

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any emergency vehicle or to purposefully drive to any location on or near a street where a disaster area exists.

(Ord. No. 584, § 1, 7-1-03); City code cross-reference: Sections 13-300, 13-363; State law reference – Title 12, O.S. § 1213.

Sec. 8-54. Proceeding to or remaining at disaster area unlawful—Removal of objects.

It shall be unlawful for any person except an authorized person to proceed to or to remain at a disaster area for the purpose of being a bystander, spectator, sightseer or souvenir hunter; or for any such person to take or remove from the disaster area, or disturb or move any material, objects, equipment or thing either directly or indirectly relating or pertaining to the disaster.

(Ord. No. 584, § 1, 7-1-03); State law reference – Title 12, O.S. § 1212.

Sec. 8-55. Emergency powers enumerated.

(a) **Emergency Purchases**: When a state of emergency has been declared, the city manager and/or designee(s) shall be authorized to make emergency purchases of goods and services and enter into contracts as deemed necessary to protect the health, safety, and welfare of the public and to protect public or private property from further harm or damage. Emergency purchases of goods and services shall not be subject to competitive bidding or other purchasing requirements established by this code. Contracts pursuant to this section may be entered into by the city manager and/or designee(s) without the prior approval of the City

Council.

(b) **Curfew:** When a state of emergency has been declared, the city manager or his designee(s) may establish a curfew as deemed necessary for the preservation of the health, safety, and welfare of the public.

(c) **Summary Abatements:** When a state of emergency has been declared, the City of The Village, its agents, employees, contractors and assigns are hereby empowered to enter onto public and private property to summarily remove conditions that are deemed an imminent threat to the life, safety, health, and welfare of the city, its residents, or the general public. The City of The Village, its agents, employees, contractors and assigns shall suffer neither liability nor be responsible for any damages caused to private or public property during the abatement of existing and imminent threats top the safety, health and welfare of the city, its residents or the general public.

(d) **Marshaling of Resources**: In the event of a declared emergency, the Director of Civil Defense, after due authorization from the mayor or city manager, shall have the power and authority to enforce all rules and regulations relating to civil defense and emergency management and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. Said director shall cooperate in every way with the activities of the governmental agencies or civil defense organizations; and if required by the mayor or city manager shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.

(Code 1976, 4-1-1, 4-1-3; Ord. No. 584, § 1, 7-1-03); City code cross-references: 12-136 et seq. seq., 15-26.)

Sec. 8-56. Penalty:

Persons found in violation of any provision of this Chapter shall be guilty of a Class A offense, punishable by a fine not exceeding Seven Hundred and Fifty Dollars ($750.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment. (Ord. No. 584, § 1, 7-1-03); State law reference – Title 12, O.S. § 1213.

Sections 8-57 to 8-99 Reserved

CHAPTER 9

CITY OF THE VILLAGE, OKLAHOMA
FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §§1601-1618, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of The Village, Oklahoma, ordains the following:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of the City of The Village are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

7. Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

1. In order to accomplish its purposes, this ordinance uses the following methods:

   a) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

   b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

   c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

   d) Control filling, grading, dredging and other development which may increase flood damage;

   e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

ARTICLE II

DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

ACCESSORY STRUCTURE - Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Map (FIRM). After detailed ratemaking has been completed in preparation for publication of the FIRM for The Village, Zone A is refined into Zones A and AE.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION – means the elevation in feet above mean sea level of the Base Flood or 1% chance flood.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

BOARD – means the Oklahoma Water Resources Board.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING – means a non-basement building built, in the case of a building in Zones A, AE and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A, AE and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

FLOODPLAIN ADMINISTRATOR – means a person accredited by the Board and designated by a City Council, to administer and implement laws and regulations relating to the management of the floodplains.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose

ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior or;

    b. Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with this community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified),

of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III
GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This floodplain management ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of The Village, Oklahoma.

SECTION B. 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 Oklahoma County, Oklahoma and Incorporated areas dated December 18, 2009, with accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. This ordinance shall go into effect on December 18, 2009 and not before.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

ARTICLE IV

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City of The Village City Council appoints the Building Official as the Floodplain Administrator that will administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of these regulations.

2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

3. Review, approve or deny all applications for development permits required by adoption of these regulations.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water

Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval are required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. Shall require the developer or permittee to provide the base flood elevation data when it has not been provided in accordance with Article III, Section B, in order to administer the provisions of Article V.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AE on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** complies with 44 CFR, Chapter 1, Section 65.12.

11. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601-1618, as amended.

12. After a disaster or other type of damage occurrence to structures in the City of The Village, Oklahoma, shall determine if the residential & non-residential structures & manufactured homes have been substantially damaged and enforce the substantial improvement requirement.

SECTION C. PERMIT PROCEDURES

A. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the floodproofing criteria of Article V, Section B (2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Article IV, Section (B) (1).

B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. <u>VARIANCE PROCEDURES</u>

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1. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors

in Section C (2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article I, Section C).

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

    a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    b) Variances shall only be issued upon:

        1) Showing a good and sufficient cause;

        2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

        3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances.

    c) A written notice will be provided to any person granted a variance to build a structure below the base flood elevation. This notice will inform the variance applicant that the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a) The criteria outlined in Article IV, Section D (1)-(9) are met, and

b) 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.

12. Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of Twenty-five Dollars ($25.00).

13. A copy of any variance issued shall be sent to the OWRB within in fifteen (15) days of issuance.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. <u>SPECIFIC STANDARDS</u>

In all areas of special flood hazards the following provisions where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

1. **Residential Construction -** new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article IV, Section C (1) a., is satisfied.

2. **Nonresidential Construction -** new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at or above the base flood level. The Floodplain Administrator shall maintain a record of all elevation certificates that includes the specific elevation (in relation to mean sea level) to which each structure has been elevated.

3. **Enclosures -** new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

    a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

    b) The bottom of all openings shall be no higher than one foot above grade.

    c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. **Manufactured Homes** -

a) Require that all manufactured homes to be placed within Zone A on the City of The Village's FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I beam elevated at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces and a licensed installer shall install the home and place the required placard on the dwelling.

b) Require that manufactured homes that are placed or substantially improved within Zones AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the I beam of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Also, a licensed installer shall install the home.

c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that the bottom of the I-beam of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement support the manufactured home chassis and also installed by a licensed installer that complies with state law.

5. **Recreational Vehicles -** Require that recreational vehicles placed on sites within Zones A and AE on the community's FIRM either:

a) Be on the site for fewer than 180 consecutive days,

b) Be fully licensed and ready for highway use, or

b. Meet the permit requirements of Article IV, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Accessory Structures –

a) Structure is low valued and represents a minimal investment.

b) Structure shall be small and not exceed 600 square feet in size.

c) Structure shall be unfinished on the interior.

d) Structure can be used only for parking and limited storage.

e) Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).

f) Service facilities such as electrical and heating equipment must be elevated to or above the BFE or flood proofed.

g) Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.

h) Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials.

i) Structure is firmly anchored to prevent flotation, collapse, and lateral movement.

j) Floodway requirements must be met in the construction of the structure.

k) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.

l) Structure is to be located so as not to cause damage to adjacent and nearby structures.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article I, Sections B, C, and D of this ordinance.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article III, Section C; Article IV, Section C; and the provisions of Article V of this ordinance.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article III, Section B or Article IV, Section B (8) of this ordinance.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article III, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If Article V, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community complies with all of 44 CFR Chapter 1, Section 65.12.

SECTION F. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall be punishable as a Class A Offense, subject to a fine up to $750 and/or up to 60 days in jail. Nothing herein contained shall prevent the City Council of City of The Village or the City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

CERTIFICATION

It is hereby found and declared by the City of The Village City Council that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with the minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective on December 18, 2009 and not before.

(Ord. 647, §1, 10-20-2009)

ARTICLE VI

DIVISION 1. NON-STORM WATER DISCHARGES TO THE STORM DRAINAGE SYSTEM

Sec. 9-200. Purpose/Intent.

The purpose of this Article is to provide for the health, safety, and general welfare of the citizens of The Village through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Article are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user.

2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system

3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Article.

Sec. 9-201. Definitions.

For the purposes of this Article, the following shall mean:

Authorized Enforcement Agency. The employees or designees of the director of the municipal agency designated to enforce this Article.

Best Management Practices (BMPs). The schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits include construction projects resulting in land disturbance of five (5) acres or

more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as may be otherwise exempted by this Article.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, processed wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means *a*nything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Sec. 9-202. Applicability.

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Sec, 9-203. Responsibility for Administration.

The Director of Public Works shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 9-204. Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 9-205. Discharge Prohibitions.

a) Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

The following discharges are exempt from discharge prohibitions established by this Article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

1. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

2. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

3. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

b) Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this Article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 9-206. Suspension of MS4 Access.

a) Suspension due to Illicit Discharges in Emergency Situations.

The Director of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

b) Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this Article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Sec. 9-207. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Public Works prior to the allowing of discharges to the MS4.

Sec. 9-208. Monitoring of Discharges.

a) Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

b) Access to Facilities.

The Public Works Director or his designee shall be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

1. Facility operators shall allow the Director of Public Works or his designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

2. The Director of Public Works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

3. The Director of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.

5. Unreasonable delays in allowing the Director of Public Works access to a permitted facility is a violation of a storm water discharge permit and of this Article. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency

reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.

6. If the Director of Public Works has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 9-209. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The Director of Public Works will adopt requirements identifying Best Management Practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 9-210. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 9-211. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting, or may result, in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 9-212. Enforcement.

a) Notice of Violation.

Whenever the Director of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this Article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1) The performance of monitoring, analyses, and reporting;

2) The elimination of illicit connections or discharges;

3) That violating discharges, practices, or operations shall cease and desist;

4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

5) Payment of a fine to cover administrative and remediation costs; and

6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Sec. 9-213. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Sec. 9-214. Enforcement Measures after Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten (10) days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 9-215. Cost of Abatement of the Violation.

Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

Sec. 9-216. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or

continues to violate the provisions of this Article, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities, which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 9-217. Appeal of Notice of Violation.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 9-218. Violations Deemed A Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 9-219. Criminal Prosecution.

Any person that has violated or continues to violate this Article shall be guilty of a Class A Offense and shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of Seven Hundred and Fifty ($750.00) dollars per violation per day and/or imprisonment for a period of time not to exceed sixty (60) days.

The authorized enforcement agency may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this Article, including sampling and monitoring expenses.

Sec. 9-220. Remedies Not Exclusive.

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. No. 578, §1, 10-1-02)

Secs. 9-221—9-249 Reserved.

DIVISION 2. EROSION AND SEDIMENT CONTROL.

Sec. 9-250. Introduction/Purpose.

1. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

2. As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in The Village. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth or land in The Village.

Sec. 9-251. Definitions.

Certified Contractor means a person who has received training and is licensed by The City of The Village to inspect and maintain erosion and sediment control practices.

Clearing means any activity that removes the vegetative surface cover.

Drainage Way means any channel that conveys surface runoff throughout the site.

Erosion Control means a measure that prevents erosion.

Erosion and Sediment Control Plan means a set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading means the excavation or fill of material, including the resulting conditions thereof.

Perimeter Control means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing means clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control means measures that prevent eroded sediment from leaving the site.

Site means a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development means a permit issued by the municipality for the construction or alteration of ground.

Permit means improvements and structures for the control of erosion, runoff, and grading.

Stabilization means the use of practices that prevent exposed soil from eroding.

Start of Construction means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse means any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by The Village.

Waterway means a channel that directs surface runoff to a watercourse or to the public storm drain.

Sec. 9-252. Permits.

A) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of 43,560 or more square feet without the approval of an Erosion and Sediment Control Plan by the City of The Village.

B) No site development permit is required for the following activities:

1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

C) Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee in the amount of two-hundred and fifty ($250.00) dollars.

D) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

E) The applicant will be required to file with the City of The Village a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the City of The Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Sec. 9-253. Review and approval.

A) The City of The Village will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the City of The Village shall, in writing:

1) Approve the permit application;

2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or

3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B) Failure of the City of The Village to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of The Village. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of The Village.

Sec. 9-254. Erosion and Sediment Control Plan.

A) The Erosion and Sediment Control Plan shall include the following:

i. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.

ii. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

iii. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

iv. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

v. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B) Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 9-253 of this chapter, and may be authorized by the City of The Village by written authorization to the permittee, and shall include:

i. Major amendments of the erosion and sediment control plan as submitted to the City of The Village.

ii. Field modifications of a minor nature.

Sec. 9-255. Design Requirements.

A) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of *The Village Erosion and Sediment Control Manual*, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of The Village. Cut and fill slopes shall be no greater than 2:1, except as approved by the City of The Village to meet other community or environmental objectives.

B) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in *The Village Erosion and Sediment Control Manual*, shall be used to the satisfaction of the City of The Village.

C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

D) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the City of The Village.

E) Erosion control requirements shall include the following:

1) Soil stabilization shall be completed within five days of clearing or inactivity in construction.

2) If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the City of The Village may require the site to be reseeded or a non-vegetative option employed.

3) Special techniques that meet the design criteria outlined in *The Village Erosion and Sediment Control Manual*, on steep slopes or in drainage ways shall be used to ensure stabilization.

4) Soil stockpiles must be stabilized or covered at the end of each workday.

5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

7) Techniques that divert upland runoff past disturbed slopes shall be employed.

F) Sediment controls requirements shall include:

1) Settling basins, sediment traps, or tanks and perimeter controls.

2) Settling basins that are designed in a manner that allows adaptation to provide long-term storm water management, if required by the City of The Village.

3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

G) Waterway and watercourse protection requirements shall include:

1) A temporary stream crossing installed and approved by the City of The Village if a wet watercourse will be crossed regularly during construction.

2) Stabilization of the watercourse channel before, during, and after any in-channel work.

3) All on-site storm water conveyance channels designed according to the criteria outlined in *The Village Erosion and Sediment Control Manual*.

4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels

H) Construction site access requirements shall include:

1) Temporary access road provided at all sites.

2) Other measures required by the City of The Village in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Sec. 9-256. Inspection.

A) The City of The Village or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of The Village shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City of The Village at least two working days before the following:

1) Start of construction
2) Installation of sediment and erosion measures
3) Completion of site clearing
4) Completion of rough grading
5) Completion of final grading
6) Close of the construction season
7) Completion of final landscaping

B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the City of The Village at the time interval specified in the approved permit.

C) The City of The Village or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

Sec. 9-257. Enforcement.

1) **Stop-Work Order; Revocation of Permit.** In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of The Village may suspend or revoke the site development permit.

2) **Violation and Penalties.** No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be guilty of a Class A Offense punishable by a fine of not more than $750.00 and or sixty days in jail or both such fine and incarceration. Each day that a violation occurs shall be deemed a separate offense. In addition to any other penalty authorized by this section, any person, partnership,

or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Sec. 9-258. Severability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Sec. 9-259. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 9-260. Emergency.

Whereas, it being necessary for the preservation of the public health, peace and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this ordinance shall take full force from and after its adoption.

Secs 9-261—9-274 Reserved.

DIVISION 3. POST CONSTRUCTION STORM WATER RUNOFF

Sec. 9-275. General Provisions

1. Findings of Fact

It is hereby determined that:

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

This storm water runoff contributes to increased quantities of water-borne pollutants, and; Storm water runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.

Therefore, the City of The Village establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of storm water runoff discharges from land development projects and other construction activities in order to control and minimize increases in storm water runoff rates

and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with storm water runoff is in the public interest and will prevent threats to public health and safety.

2. Purpose.

The purpose of this ordinance is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

a) Minimize increases in storm water runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;

b) Minimize increases in non-point source pollution caused by storm water runoff from development, which would otherwise degrade local water quality.

c) Minimize the total annual volume of surface water runoff, which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

d) Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

3. Applicability

This ordinance shall be applicable to all subdivision or site plan applications equal to or exceeding 43,560 square feet in area, unless eligible for an exemption or granted a waiver by the City of The Village under the specifications of Section 9-278 of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, the City of The Village has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing 43,560 or more square feet of land. The following activities may be exempt from these storm water performance criteria:

a) Any agricultural activity, which is consistent with an approved soil conservation plan.

b) Additions or modifications to existing single-family structures.

c) Developments that do not disturb more than 43,560 square feet of land, provided they are not part of a larger common development plan;

d) Repairs to any storm water treatment practice deemed necessary by the City of The Village.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 9-276 of this ordinance, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in the current storm water design manual. These criteria are dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the City of The Village.

4. Compatibility with Other Permit and Ordinance Requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, stature, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

5. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

6. Development of a Storm Water Design Manual.

The City of The Village may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a Storm Water Design Manual.

This manual will include a list of acceptable storm water treatment practices, including the specific design criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time, at the discretion of the local review authority, based on improvements in engineering, science, monitoring and local maintenance experience. Storm water treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

Sec. 9-276. Definitions.

"Accelerated Erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

"Applicant" means a property owner or agent of a property owner who has filed an application for a storm water management permit.

"Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Dedication" means the deliberate appropriation of property by its owner for general public use.

"Detention" means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

"Detention Facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

"Developer" means a person who undertakes land disturbance activities.

"Drainage Easement" means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

"Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Fee in Lieu" means a payment of money in place of meeting all or part of the storm water performance standards required by this ordinance.

"Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

"Hydrologic Soil Group (HSG)" means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from "A" soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

"Impervious Cover" means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

"Industrial Storm water Permit" means a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries, which regulates the pollutant levels associated with industrial storm water discharges, or specifies on-site pollution control strategies.

"Infiltration" means the process of percolating storm water into the subsoil.

"Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

"Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

"Land Disturbance Activity" means any activity, which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of

vegetation, or any activity, which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

"Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

"Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

"Non-point Source Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

"Offset Fee" means a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

"Off-Site Facility" means a storm water management measure located outside the subject property boundary described in the permit application for land development activity.

"On-Site Facility" means a storm water management measure located within the subject property boundary described in the permit application for land development activity.
"Recharge" means the replenishment of underground water reserves.

"Redevelopment" means any construction, alteration or improvement exceeding 43,560 square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

"Stop Work Order" means an order issued which requires that all construction activity on a site be stopped.

"Storm Water Management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

"Storm Water Retrofit" means a storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

"Storm water Runoff" means flow on the surface of the ground, resulting from precipitation.

"Storm water Treatment Practices (STPs)" means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

"Water Quality Volume (WQv)" means the storage needed to capture and treat 90% of the average annual storm water runoff volume. Numerically (WQv) will vary as a function of long term rainfall statistical data.

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Sec. 9-277. Permit Procedures and Requirements.

1. Permit Required.

No landowner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

2. Application Requirements

Unless specifically excluded by this ordinance, any landowner or operator desiring a permit for a land disturbance activity shall submit to the City of The Village a permit application on a form provided for that purpose. Unless otherwise excepted by this ordinance, a permit application must be accompanied by the following in order that the permit application be considered: a storm water management concept plan, a maintenance agreement, and a non-refundable permit review fee. The storm water management plan shall be prepared to meet the requirements of Section 9-279 of this ordinance, the maintenance agreement shall be prepared to meet the requirements of Section 9-283 of this ordinance, and fees shall be those established by the City of The Village.

3. Application Review Fees.

The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the City of The Village. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection

and program administration, and shall be made prior to the issuance of any building permit for the development.

4. Application Procedure

    a) Applications for land disturbance activity permits must be filed with the City of The Village on any regular business day.

    b) A copy of this permit application shall be forwarded to the City of The Village for review.

    c) Permit applications shall include the following: two copies of the storm water management concept plan, two copies of the maintenance agreement, and any required review fees.

    d) Within ten (10) business days of the receipt of a complete permit application, including all documents as required by this ordinance, the City of The Village shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.

    e) If the permit application, storm water management plan or maintenance agreement are disapproved, the applicant may revise the storm water management plan or agreement. If additional information is submitted, the City of The Village shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

    f) If the permit application, final storm water management plan and maintenance agreement are approved by the City of The Village, all appropriate land disturbance activity permits shall be issued.

5. Permit Duration

Permits issued under this section shall be valid from the date of issuance through the date the City of The Village notifies the permit holder that all storm water management practices have passed the final inspection required under permit condition.

Sec. 9-278. Waivers to Storm water Management Requirements.

1. Waivers for Providing Storm water Management.

Every applicant shall provide for storm water management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted to the City of The Village for approval.

The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

b) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the City of The Village and the implementation of the plan is required by local ordinance.

c) Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.

d) The City of The Village finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

e) Non-structural practices will be used on the sites that reduce: i) the generation of storm water from the site, ii) the size and cost of storm water storage and iii) the pollutants generated at the site. These non-structural practices are explained in detail in the current design manual and the amount of credit available for using such practices shall be determined by the City of The Village.

In instances where one of the conditions above applies, the City of The Village may grant a waiver from strict compliance with these storm water management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the City of The Village that the variance will not result in the following impacts to downstream waterways:

a) Deterioration of existing culverts, bridges, dams, and other structures;

b) Degradation of biological functions or habitat;

c) Accelerated stream bank or streambed erosion or siltation;

d) Increased threat of flood damage to public health, life, property.

Furthermore, where compliance with minimum requirements for storm water management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the jurisdictional storm water authority. Mitigation measures may include, but are not limited to, the following:

a) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat;

b) The creation of a storm water management facility or other drainage improvements on previously developed properties, public or private, that currently lack storm water management facilities designed and constructed in accordance with the purposes and standards of this ordinance,

c) Monetary contributions (Fee-in-Lieu) to fund storm water management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macro-invertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of storm water management practices.

2. Fee in Lieu of Storm water Management Practices.

Where the City of The Village waives all or part of the minimum storm water management requirements, or where the waiver is based on the provision of adequate storm water facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the City of The Village.

When an applicant obtains a waiver of the required storm water management, the monetary contribution required shall be in accordance with a

fee schedule (unless the developer and the storm water authority agree on a greater alternate contribution) established by the City of The Village, and based on the cubic feet of storage required for storm water management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

3. Dedication of land

In lieu of a monetary contribution, an applicant may obtain a waiver of the required storm water management by entering into an agreement with the City of The Village for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site storm water management facility. The agreement shall be entered into by the applicant and the City of The Village prior to the recording of plats or, if no recording of plat is required, prior to the issuance of the building permit.

Sec. 9-279. General Performance Criteria for Storm water Management.

Unless judged by the City of The Village to be exempt or granted a waiver, the following performance criteria shall be addressed for storm water management at all sites:

a) All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

b) All storm water runoff generated from new development shall not discharge untreated storm water directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City of The Village. In no case shall the impact on functional values be any less than allowed by the Army Corps of Engineers (ACE) or the (Appropriate State Agency) responsible for natural resources.

c) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-

structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.

d) For new development, structural storm water treatment practices shall be designed to remove 50% of the average annual post development total suspended solids load (TSS). It is presumed that a STP complies with this performance standard if it is:

1) Sized to capture the prescribed water quality volume (WQv).

2) Designed according to the specific performance criteria outlined in the city's storm water design manual,

3) Constructed properly, and

4) Maintained regularly.

e) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the current storm water manual.

f) Storm water discharges to critical areas with sensitive resources (i.e., cold-water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

g) Certain industrial sites are required to prepare and implement a storm water pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The storm water pollution prevention plan requirement applies to both existing and new industrial sites.

h) Storm water discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural STPs and pollution prevention practices.

i) Prior to design, applicants are required to consult with the City of The Village to determine if they are subject to additional storm water design requirements.

j) The calculations for determining peak flows as found in the Storm water Design Manual shall be used for sizing all storm water management practices.

Sec. 9-280. Basic Storm Water Management Design Criteria.

1. Minimum Control Requirements.

All storm water management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10 year, 100 year) as identified in the current storm water design manual are met, unless the City of The Village grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of The Village reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

2. Site Design Feasibility.

Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

a) Topography

b) Maximum Drainage Area

c) Depth to Water Table

d) Soils

e) Slopes

f) Terrain

g) Head

h) Location in relation to environmentally sensitive features or ultra-urban areas

Applicants shall consult the Storm water Design Manual for guidance on the factors that determine site design feasibility when selecting a storm water management practice.

3. Conveyance Issues.

All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

a) Maximizing of flow paths from inflow points to outflow points

b) Protection of inlet and outfall structures

c) Elimination of erosive flow velocities

d) Providing of under drain systems, where applicable

The Storm water Design Manual shall provide detailed guidance on the requirements for conveyance for each of the approved storm water management practices.

4. Pretreatment Requirements.

Every storm water treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current storm water design manual. Certain storm water treatment practices, as specified in the Storm water Design Manual, are prohibited even with pretreatment in the following circumstances:

a) Storm water is generated from highly contaminated source areas known as “hotspots”

b) Storm water is carried in a conveyance system that also carries contaminated, non-storm water discharges

c) Storm water is being managed in a designated groundwater recharge area.

d) Certain geologic conditions exist (e.g., karsts) that prohibit the proper pretreatment of storm water.

5. Treatment/Geometry Conditions.

All storm water management practices shall be designed to capture and treat storm water runoff according to the specifications outlined in the Storm

Water Design Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved storm water management practice.

6. Landscaping Plans Required.

All storm water management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect or soil conservation district.

7. Maintenance Agreements.

All storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities.

8. Non-Structural Storm Water Practices.

The use of non-structural storm water treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of storm water that must be managed can be earned through the use of non-structural practices that reduce the generation of storm water from the site. These non-structural practices are explained in detail in the current design manual and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

Sec. 9-281. Requirements for Storm Water Management Plan Approval.

1. Storm water Management Plan Required for All Developments.

No application for development will be approved unless it includes a storm water management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by the City of

The Village and must indicate whether storm water will be managed on-site or off-site and, if on-site, the general location and type of practices.

The storm water management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final storm water management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all storm water management practices meets the submittal requirements outlined in the Submittal Checklist found in the storm water design manual. No building, grading, or sediment control permit shall be issued until a satisfactory final storm water management plan, or a waiver thereof, shall have undergone a review and been approved by the City of The Village after determining that the plan or waiver is consistent with the requirements of this ordinance.

2. Storm water Management Concept Plan Requirements

A storm water management concept plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this conceptual planning process is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

a) A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural storm water management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; A Written description of the site plan and justification of proposed changes in natural conditions may also be required.

b) Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications of the Storm water Design Manual.

c) A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

d) A written description of the required maintenance burden for any proposed storm water management facility.

e) The City of The Village may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

f) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the storm water concept plan measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this Ordinance to the maximum extent practicable.

3. Final Storm water Management Plan Requirements.

After review of the storm water management concept plan, and modifications to that plan as deemed necessary by the City of The Village, a final storm water management plan must be submitted for approval. The final storm water management plan, in addition to the information from the concept plan, shall include all of the information required in the Final Storm water Management Plan checklist found in the Storm water Design Manual. This includes:

a) Contact Information: The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

b) Topographic Base Map: A 1" = 200' topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of

utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

c) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the design storms referenced in the Storm water Design Manual, and (ix) documentation of sources for all computation methods and field test results.

d) Soils Information: If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

e) Maintenance and Repair Plan: The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

f) Landscaping plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect.

g) Maintenance Easements: The applicant must ensure access to all storm water treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

h) Maintenance Agreement: The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance.

i) Erosion and Sediment Control Plans for Construction of Storm water Management Measures: The applicant must prepare an erosion and sediment control plan for all construction activities related to implementing any on-site storm water management practices.

j) Other Environmental Permits: The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final storm water design plan.

4. Performance Bond/Security.

The City of The Village may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the storm water practices are installed by the permit holder as required by the approved storm water management plan. The amount of the installation performance security shall be the total estimated construction cost of the storm water management practices approved under the permit, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan.

The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the storm water practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of The Village will make a final inspection of the storm water practice to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the City of The Village.

Sec. 9-282. Construction Inspection.

1. Notice of Construction Commencement

The applicant must notify the City of The Village in advance before the commencement of construction. Regular inspections of the storm water management system construction shall be conducted by the staff of the City of The Village or certified by a professional engineer or their designee who has been approved by the jurisdictional storm water authority. All inspections shall be documented and written reports prepared that contain the following information:

a) The date and location of the inspection;

b) Whether construction is in compliance with the approved storm water management plan.

c) Variations from the approved construction specifications.

d) Any violations that exist

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the City of The Village.

2. As Built Plans.

All applicants are required to submit actual "as built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer. A final inspection by the City of The Village is required before the release of any performance securities can occur.

3. Landscaping and Stabilization Requirements

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be re-vegetated within ten (10) days from the substantial completion of such clearing and construction. The following criteria shall apply to re-vegetation efforts:

a) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

b) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

c) Any area of re-vegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but also who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district, and must be approved prior to receiving a permit.

Sec. 9-283. Maintenance and Repair of Storm water Facilities.

1. Maintenance Easement. Prior to the issuance of any permit that has a storm water management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the storm water management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of The Village, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the City of The Village in the land records.

2. Maintenance Covenants. Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of The Village and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

   The City of The Village, in lieu of a maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter

and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

3. Requirements for Maintenance Covenants. All storm water management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City of The Village, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility.

4. Inspection of Storm water Facilities. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices.

5. Right-of-Entry for Inspection. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City of The Village the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

6. Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to

the City of The Village during inspection of the facility and at other reasonable times upon request.

7. Failure to Maintain Practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of The Village, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the City of The Village shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to affect maintenance and repair of the facility in an approved manner. After proper notice, the City of The Village may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

Sec. 9-284. Enforcement and Penalties.

1. Violations. Any development activity that is commenced or is conducted contrary to this Division may be restrained by injunction or otherwise abated in a manner provided by law.

2. Notice of Violation. When the City of The Village determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

   a) the name and address of the owner or applicant;

   b) the address when available or a description of the building, structure or land upon which the violation is occurring;

   c) a statement specifying the nature of the violation;

   d) a description of the remedial measures necessary to bring the development activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;

   e) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

   f) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

3. Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the City of The Village confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

4. Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than Seven Hundred and Fifty Dollars ($750.00) or by imprisonment for a period not to exceed (60) days, or both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

5. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of The Village may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

6. Holds on Occupancy Permits. Occupancy permits will not be granted until corrections to all storm water practices have been made and accepted by the City of The Village.

Sec. 9-285. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 9-286. Emergency.

Whereas, it being necessary for the preservation of the public health, peace and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this ordinance shall take full force from and after its adoption.

ARTICLE VII
SANITARY SEWER DISCHARGE REGULATIONS

Sec. 9-300. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in parts per million by weight.

Director means the director of public works or his authorized representative.

Garbage means solid food wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Industrial waste means all water-borne solids, liquids or gaseous wastes resulting from any industrial manufacturing, restaurant, food processing operation or process, car wash, print shop, drycleaner or laundry, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

(Ord. No. 626, §1, 04-03-2007)

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

pH means the logarithm to the base ten (10) of the reciprocal of the weight of hydrogen ions in grams per liter or solution.

Properly shredded garbage means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sanitary sewer means a sewer, which carries sewage, and to which storm, surface, and ground waters are not intentionally admitted.

Sanitary sewer system includes all sanitary sewer trunk lines and all sewer lines connected to the city's sewer lines or treatment plants whether owned by the city or not.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Slug means any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flows exceeds for any period

of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(Code 1976, §13-2-1)

Sec. 9-301. Enforcement.

The director and the director of the health department, or their authorized representative, are vested with full authority to enforce the provisions of this division.

(Code 1976, §13-2-8)

Sec. 9-302. Inspections.

The director and other duly authorized employees of the city shall be permitted to enter all properties at reasonable times for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division.

(Code 1976, §13-2-7)

Sec. 9-303. Violations.

Any person who shall violate or fail to comply with any provision of this division or any legal order or regulation made pursuant hereto, shall be guilty of a Class A offense and shall be subject to a fine of up to Seven Hundred and Fifty Dollars ($750.00) and up to sixty (60) days imprisonment or both said fine and imprisonment.

(Code 1976, §13-3-1)

Sec. 9-304. Discharges into storm sewers or natural outlets.

No person shall discharge to any storm sewer or natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters except where suitable treatment has been provided in accordance with latest state and federal water quality criteria for the stream involved.

(Code 1976, §13-2-2)

Sec. 9-305. Industrial or harmful wastes.

(a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, or injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer;

(3) Any waters or wastes having pH lower than 6.0 or greater than 10.5 or having any other chemical or corrosive property which is hazardous or capable of causing damage to structures, equipment and personnel of the sewage works;

(4) Solids of viscous substances in quantities or of sizes (will not pass through a quarter-inch screen) capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works, storm sewers, or natural outlets such as, but not limited to ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, rubber, un-ground garbage, animal grease or oil, whole blood, paunch manure, hair, meat fleshings, entrails, bones, hooves, toe nails, bristles, horns, chicken feet or heads, yeast, spent grain, hops, whey, whole or separated milk, paper dishes, cups, milk containers, etc., either whole or ground garbage grinders.

(5) Any discharge of polar or non-saturated fats, oils, or greases of animal or vegetable origin having a concentration of 200 mg/l or greater."

(Ord. No. 626, §2, 04-03-2007)

(b) No person shall discharge or cause to be discharged the following substances, materials, waters, or wastes if it appears likely in the opinion of the director that such substances or wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The prohibited substances are:

(1) Any liquid or vapor having a temperature higher than one hundred and fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius;

(2) Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one-hundred fifty (150) degrees Fahrenheit or zero (0) and sixty-five (65) degrees Celsius;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor greater than three-fourths horsepower is prohibited,

(4) Any waters or wastes containing strong acid iron pickling wasters, or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the director as necessary, after treatment of composite sewage, to meet the requirements of the state, federal or other public agencies for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations,

(8) Materials, which exert or cause:

a. Unusual concentrations of inert suspended solids (such as but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

c. Unusual BOD, chemical oxygen demand, or chlorine requirements (such as, but not limited to, whey, whole or separated milk, yeast, whole blood, etc.) in such quantities as to constitute a significant load on the sewage treatment works;

d. Unusual volume of flow or concentration wastes constituting slugs.

(9) Waters or wastes containing substances, which are not amenable to treatment or reduction by the sewage treatment or reduction processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(c) Special handling required to discharge certain wastes. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section and which in the judgment of the director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

(1) Reject the wastes,

(2) Require pre-treatment to an acceptable condition for discharge to public sewers,

(3) Require control over the quantities and rates of discharge.

(Code 1976, §§13-2-3--13-2-5)

Sec. 9-306 Permit for industrial connections.

Any person applying to the director for a permit to make any connection to the city's sanitary sewer system for industrial wastes shall furnish the following information:

(1) A plot of the property showing accurately all existing sewers and storm drains.

(2) Plans and specifications covering any work proposed to be performed under the permit.

(3) A complete schedule of all process waters and industrial wastes produced or expected to be produced at the property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses.

(4) The name and address of the person who will perform the work covered by the permit.

(Code 1976, §13-2-6)

Sec. 9-307. Pretreatment.

(a) Whenever deemed necessary, the director may require industrial users to restrict their discharge peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and other conditions as may be necessary to protect the public sewerage system and determine the industrial user's compliance with the requirements of this article.

(b) Grease, oil and sand interceptors shall be provided by the user when, in the opinion of the director, the interceptors are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interceptor units shall be of type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Interceptors shall be cleaned and repaired regularly, and as otherwise needed, by the user at the user's own expense.

(Ord. No. 626, §3, 04-03-2007)

Sec. 9-308. Inspections, Sampling & Testing.

(a) The director shall maintain a current list of all restaurants, car washes, print shops, drycleaners, and laundries in the City and shall make quarterly inspections of the pretreatment system of each such establishment and report all findings and enforcement actions to the city manager.

(b) The director shall sample and test the discharge from each restaurant and car wash at least one (1) time per calendar year.

(c) The director shall require all new restaurants, car washes, print shops, drycleaners, and laundries to provide a collection point (clean out) where samples may be taken for analysis and compliance.

(d) Restaurants, car washes, print shops, drycleaners, and laundries which are determined to be in violation of the discharge standards provided in this Article shall take corrective action as directed and approved by the director within thirty (30) days of notification. (Ord. No. 626, §3, 04-03-2007)

CHAPTER 10

FIRE PREVENTION AND PROTECTION

Art. I.
Div. 1. In General, §§ 10-1--10-20
Div. 2. Emergency Access Systems.
Art. II. Fires, §§ 10-21--10-26

ARTICLE I. DIVISION 1.
IN GENERAL

Sec. 10-1. International Fire Code – Adopted.

1) That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, being marked and designated as the *International Fire Code*, 2009 edition, including all Appendices (see *International Fire Code* Section 101.2.1, 2009 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of The Village in the State of Oklahoma regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises 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 Fire Code on file in the office of the City of The Village 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 Subsection 2 of this Section.

2) The following sections of the International Fire Code, 2009 Edition are hereby revised as follows:

   Section 101.1. Insert: City of The Village, Oklahoma.

   Section 109.3. Insert: [Any person found guilty of violating any provision of this Article shall be guilty of a Class B offense punishable by a fine of up to Two Hundred Dollars $200.00. Each day that a violation exists shall be deemed a separate offense.]

   Section 111.4. Insert: [$200.00]

3) That the geographic limits referred to in certain sections of the 2009 *International Fire Code* are hereby established as follows:

   Section 3404.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): The corporate limits of the City of The Village.

   Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): The corporate limits of the City of The Village

   Section 3506.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): The corporate limits of the City of The Village.

   Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): The corporate limits of the City of The Village.

(Ord. No. 303, 9-21-82; Ord. No. 448. 7-17-90; Ord. No. 490, § 5, 9-7-93, Ord. No. 544, §1, 12-1-98; 2002 Code; 2004 City Code; 2010 City Code; Ord. 662, §1, 09-06-2011)

Sec. 10-2. Unloading flammable or combustible liquids.

No tank vehicle or any other vehicle conveying flammable and combustible liquids shall unload such liquids between sunset and sunrise unless the owner of the property or the property owner's representative on which the same is unloaded is present.

(Ord. No. 227-B, § 8, 2-15-77; Ord. No. 448, 7-17-90; Ord. No. 492, § 1, 9-7-93)

Sec. 10-3. Fire lanes.

(a) **Fire lanes required.** Fire lanes shall be required in accordance with the provisions of this ordinance on private property used for assembly, commercial, educational, institutional, multiple-family dwellings, and on private property containing two or more dwellings to which access is provided by private roads or driveways. No proposed subdivision shall be approved and no proposed Planned Unit Development shall be approved without compliance with the terms of this ordinance, if any part of the area being subdivided contains any of the uses or conditions

described in this section.

(b) **Definitions.** As used in this ordinance, the following words and phrases will have the following meanings unless the context clearly indicates a different meaning:

City means The City of The Village

Fire Chief means the Fire Chief of the City of The Village.

Fire lane means a part of a public parking lot or private driveway or private road, which is designed to provide access to fire trucks to any building or location.

(c) **Subdivision plans to show compliance.** Each application for approval of a plat of subdivision shall contain sufficient information to show compliance with this ordinance, unless there is no location where a fire lane is required under the terms of this ordinance.

(d) **Duties of Fire Chief.** All plans submitted under this ordinance shall be referred to the fire chief, or his representative, for examination. The fire chief shall report to the planning commission, indicating whether or not the proposal complies with this ordinance. If the fire chief finds that the fire lanes in the proposal do not comply with the terms of this ordinance, the fire chief will specify the changes necessary to make the proposal comply with this ordinance. Any applicant may request and receive a conference with the fire chief concerning any matter under this ordinance. The fire chief shall inspect the construction of any fire lanes required by this ordinance, and no final approval shall be given to any construction of any driveway, road, or other facility required by this ordinance until the fire chief has inspected and approved the fire lanes.

(e) **Location of lanes.** Fire lanes shall be located where necessary to provide fire protection to all buildings and premises, including not only buildings and premises on the parcel of land where the fire lane is located, but also any buildings or premises on adjacent land required to be served by the fire lanes.

(f) **Specifications for fire lanes.** Fire lanes shall not be less than eighteen (18) feet wide at any point, and curves and corners shall be broad enough to permit passage by any fire equipment owned by the city and any fire equipment presently in use anywhere in the United States. The surface of the fire lanes shall be an all-weather surface and shall be of

sufficient strength to support all fire fighting apparatus presently in use by the city fire department.

(g) **Parking.** No parking shall be permitted at any time on any fire lane, and no parking shall be permitted at any location, which would prevent access to any fire lane, by any fire equipment. Lanes shall be marked by red-painted curbing or pavement markings with white lettering at least three (3) inches tall containing the words "FIRE LANE NO PARKING" to be repeated at least every fifteen (15) feet to warn people against blocking the lane. No person shall park a vehicle or let a vehicle stand on any fire lane at any time, and no owner, manager or tenant of any premises shall permit any customer or visitor to park any vehicle or permit any vehicle to stand on any part of any fire lane at any time.

(h) **Signs**. The owner of the area where a fire lane is required shall post appropriate signage indicating that the fire lane is a fire lane, and indicating that no parking is permitted on the fire lane. Appropriate signage shall be building- or pole-mounted metal signs measuring at least eight (8) inches by ten (10) inches of a white reflective background with red reflective lettering containing the words "FIRE LANE NO PARKING". Signs shall be mounted a distance of five (5) feet from grade or bottom of the post to the bottom of the sign.

(i) **Snow and ice removal.** The property owner shall remove all snow and ice from a fire lane forthwith as soon as snow and ice start to accumulate.

(j) **Water.** Fire lanes shall be designed and built so that water shall not stand in the fire lane at any time.

(Ord. No. 293, §§ 2, 3, 1-19-82; Ord. No. 448, 7-17-90; Ord. No. 544, §2, 12-1-98)

Cross-references--Buildings and Building Regulations, Ch. 6; offenses against public authority, § 12-16 et seq.; fireworks, §12-124 et seq.

State law reference--Authority to prevent fire hazards, 11 O.S. §22-113.

Sec. 10-4. Fire Department Connections:

Fire Department Connections for sprinkler systems and standpipes shall be located within 50 feet of a fire hydrant. The connection shall be equipped with a 4-inch “Storz” fitting.

Sec. 10-5. Emergency Access Systems.

(A) Section 506.1 of the International Fire Code, 2009 Edition is hereby amended to read as follows:

1.0 **Definitions.** For the purpose of this section the following terms will have the following definitions.

1.1 **Security Gate.** Shall mean any vehicle access way from a public street to private property, which has an access gate that limits or controls vehicle access onto the property; or an access gate that limits or controls access to a primary structure or structures on private property from another area of private property.

1.2 **System.** A gate system includes each drive gate, pedestrian gate, operating mechanism, receiver, electrical system, chain, belt, pulley, all hardware appliances and all other type equipment or items necessary for each gate to function as intended and herein described

1.3 **Primary Drive Gate Type**. The primary drive gate type that may be installed across fire lanes shall be the sliding type. If the installation of a slide gate is not possible due to the layout of the property or building thereon, alternate types may be used with the approval of the Fire Chief.

1.4 **Main Gate**. Shall mean the gate and entry gate way designed as the primary entrance for guests, residents, deliveries, employees, patrons, etc., regardless of whether or not said gate is situated between private and public properties, or between two areas of private property.

1.5 **Owner**. Shall mean a person, corporation, partnership or any other similar entity.

1.6 **Primary Emergency Access**. Shall mean the drive or access point designed as the primary point or one of several primary points of ingress/egress for emergency vehicles.

1.7 **Secondary Emergency Access.** Shall mean the drive or access point designed as a secondary or back-up means of ingress/egress for emergency vehicles.

2.0 **General Requirements.** All limited access drives from public streets shall be designed to accommodate emergency service vehicles (fire, police, and EMS). All limited access drives will be designated as either a primary or secondary emergency access way, as determined by the fire chief. All primary emergency access gates shall be equipped to operate with the "Knox" key switch and a fail safe manual back-up or automatic release in the event of a failure of the electrical or mechanical system. The Knox key switch shall be located on a keypad pedestal or call box as approved by the fire chief. All automated gates must also be equipped with one flasher unit and one external lamp assembly with a red globe and guard to be mounted separately from the enclosure. The light shall be visible from both sides of the gate; be mounted at the top of the fence within two (2) feet of the gate opening and flash upon the gate being activated by the key switch, and continue to flash as long as the gate is being held by the emergency access system. All automated secondary emergency access gates shall be equipped to operate with the Knox key switch mounted on a key pedestal and have an electrical disconnect contained within an approved box secured by a Knox pad lock to allow manual opening of the gate by emergency personnel. All manual secondary access gates shall open by means of a Knox Padlock.

3.0 **Specific Requirements**. All primary access gates shall be located on private property a minimum of twenty (20) feet from the property line being crossed by the access drive or forty (40) feet from the nearest edge of the roadway, whichever is greater. The minimum clear opening width shall not be less than twenty-four (24) feet and a minimum unobstructed height of fourteen (14) feet shall be maintained. Limited access gates shall be designed and constructed in a workman-like manner. Gate materials shall be approved by the fire chief.

4.0 **Application for Knox Devices.**

(a) Every building and structure, either residential or commercial, that shall have limited access due to a vehicular gate, shall be required to make application to the Fire Chief for the appropriate Knox devices. Upon issuance of an approved application, the Fire Chief shall instruct the applicant how to acquire the device(s). The numbers used

shall be consistent throughout the City and shall not be changed unless ordered by a written, notarized directive from the Fire Chief.

(b) Every new building for non-residential occupancy as defined by the International Fire Code shall have a Knox-Box Rapid Entry System installed. The box shall be installed within 20 feet of the main entrance or as approved by the Fire Chief or his designee. Upon issuance of an approved application for said Rapid Entry System, the Fire Chief shall instruct the applicant how to acquire the device(s). The numbers used shall be consistent throughout the City and shall not be changed unless ordered by a written notarized directive from the Fire Chief.

5.0 **Primary System Access – Knox Key Switch.** The gate shall normally be opened by means of the Knox key switch that is mounted on the keypad or other approved location. Upon activation of the key switch, the affected gate shall automatically open to a locked open and disabled condition. The system will require manual reset to close the gates after emergency activation. In the event of power failure, the gate shall open freely. It shall be capable of being opened manually by one person of average stature.

6.0 **Final System Access (Back-Up) – Electrical Disconnect/Chain Access.** In the event of Knox key switch failure the gate shall be opened by means of an electrical power disconnect switch in a weatherproof box:

1. The box shall be red.

2. The box shall be mounted on the entry side of the gate within five (5) feet of the gate.

3. The box shall be at least five (5) inches high and five (5) inches wide.

4. The box shall be clearly labeled “Fire Dept.” in white letters one inch tall with one-quarter inch stroke.

5. A Knox padlock shall secure the box.

6. The box must be clearly visible and accessible.

7.0 **Electrical Equipment Protection.** All electrical equipment shall be protected from physical damage and weather by approved weather tight boxes or housings.

8.0 **Performance Test.** Gates and gate systems shall be tested upon completion of the installation of a gate or gate system or when required by the fire department. Failure of a gate or gate system test shall require all affected gates shall be chained and locked in the open position until repaired and re-tested. The fire department shall observe all required tests.

Sec. 10-6--10-20. Reserved.

ARTICLE II. FIRES

Sec. 10-21. Liability of city.

The issuance of a permit under this article, the granting of a request that fire department equipment "stand by" during any burning or bonfire, or the granting of a request that the fire department assist in any burning under the provisions hereof shall not constitute the assumption of any liability by the city or its authorized agents for any damages resulting to persons or property from such fire.

(Code 1976, § 7-6-6)

Sec. 10-22. When fire chief may prohibit.

The chief of the fire department or his authorized agent may prohibit any or all bonfires when atmospheric conditions or local conditions make such fires hazardous.

(Code 1976, § 7-6-5; 2004 City Code)

Sec. 10-23. Permit for fires on public property.

No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public grounds without a permit being issued by the fire chief or his authorized agent for each such fire.

(Code 1976, § 7-6-1; 2004 City Code)

Sec. 10-24. Permit for fire on private property.

No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private property without first obtaining a permit from the Fire Chief or his authorized agent. Such permits shall be issued only if the location of proposed fire is more than fifty (50) feet from any structure and adequate provision is made to prevent the fire from spreading to within fifty (50) feet of any structure. A permit shall be required for each bonfire, provided that only one permit shall be allowed per location during each calendar year.

(Code 1976, § 7-6-2; 2004 City Code)
Cross references--Open burning, § 3-21, burning garbage prohibited, § 23-22.

Sec. 10-25. Burning garbage.

(a) No person shall kindle or maintain any garbage fire or authorize any such fire to be kindled or maintained on any private property.

(b) In this section "garbage" includes all waste materials that attend the preparation, cooking or storage of food, including but not limited to animal, fowl, fish, fruit and vegetable matter, and all paper, metallic or other food containers.

(Code 1976, § 7-6-3; 2004 City Code)

Sec. 10-26. Attendance at bonfires.

Bonfires shall be attended by the fire department until such fire is extinguished.

(Code 1976, § 7-6-4; 2004 City Code)

Sec. 10-27. Portable Generators.

1. **Permit Required**. It shall be unlawful for any person, tenant, landlord, authorized representative or person in control of any property to connect a portable generator to any structure or supply electricity to any structure without first obtaining a permit from the City. The permit fee shall initially be $25 and may be changed by Resolution of the City Council.

2. **Power Outages:** Portable generators that are used to supply electrical power for the occupants of any structure shall only be allowed when electrical utility service has been interrupted due to weather conditions or due to other system failures. Portable generators shall not be permitted when electrical service has been terminated for non-payment or has been terminated for any other reason by the owner, tenant, landlord, authorized representative or person in control of the property.

3. **Direct Connection to Electrical System:** Portable generators shall not be directly connected to the electrical system of a structure (home, office or trailer) unless the generator has a properly installed open-transition transfer switch.

4. **Grounding:** If the portable generator is providing electric power to a structure by connection via a transfer switch to a structure (home, office, shop, trailer, or similar structure) the generator shall be connected to a grounding electrode system, such as a driven ground rod. The transfer switch shall be approved for the use and installed in accordance with the manufacturer's installation instructions by a qualified electrician.

5. **Maintenance:** Portable generators shall be maintained and operated in accordance with the manufacturer's use and safety instructions.

6. **Electrical Cords:** Electrical appliances and tools shall be plugged directly into the generator using the appliance manufacturer's supplied cords. Extension cords shall be heavy-duty cords that contain a grounding conductor (3-wire flexible cord and 3-pronged cord connectors). Ground-fault circuit interrupters (GFCIs) shall be used as per the manufacturer's instructions.

7. **Ventilation:** Portable generators shall not be operated within any enclosed area or garage and shall be installed with proper ventilation and clearance so as to prevent asphyxiation.

(Ord. No. 686 §1, 08-20-2013)

(Editor's Note: This section has been renumbered from 10-26 to 10-27 due to a duplication in section numbers)

CHAPTER 11

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

Art. I. In General, §§ 11-1--11-15
Art. II. Amusements Generally, §§ 11-16--11-30
Art. III. Concrete Contractors, §§ 11-31--11-50
Art. IV. Circuses, §§ 11-51--1-75
Art. V. Food & Beverages, §§ 11-76--11-90
Art. VI. Reserved.
Art. VII. Handbill Distributors, §§ 11-121--11-135
Art. VIII. Reserved, §§ 11-136--11-150
Art. IX. Peddlers and Solicitors, §§ 11-151--11-185
Div. 1. Generally, §§ 11-151--11-165
Div. 2. License, §§ 11-166--11-185
Art. X. Pool and Billiard Halls, §§ 11-186--11-200
Art. XI. Reserved. §§ 11-201--11-240
Art. XII. Residential and Estate Sales, §§ 11-241--11-280
Div. 1. Generally, §§ 11-241--11-260
Div. 2. License, §§ 11-261--11-265
Div. 3. Estate Sales, §§ 11-266--11-280
Art. XIII. Sewer or Water Main Contractors, §§ 11-281--11-295
Art. XIV. Sexually-oriented Businesses, §§ 11-296--11-310
Art. XV. Water Wells, §§ 11-311--11-329
Art. XVI. Miscellaneous Business Regulations, §§ 11-330--11-359
Div. 1. Christmas Tree Sales, §§ 11-330--11-350
Div. 2. Display of Merchandise, §§ 11-351--11-359
Art. XVII. Telephonic Alarm System Permits, §§ 11-360--11-363
Art. XVIII. Reserved, §§ 11-400--11-416
Art. XIX. Sign Contractors, §§ 11-500--11-501
Art. XX. Pawnbrokers, §§ 11-600--11-607
Art. XXI. Child and Day Care Centers, §§ 11-700--11-799
Art. XXII. Coin-operated Devices, §§ 11-800--11-899.

ARTICLE I. IN GENERAL

Sec. 11-1. Posting of licenses, permits, etc.; unoccupied building notices.

(a) It shall be unlawful for any person conducting a business in the city to fail to keep all licenses required by the city including but not limited to the sales tax permit issued by the Oklahoma Tax Commission, and occupancy permit, posted in a prominent place on the premises used for such business at all times.

Cross references--Occupation tax on alcoholic beverages, § 4-2; § 5-21; regulation of electricians, § 6-51 et seq.; Licensing of mechanical contractors, § 6-116 et seq.; Regulation of plumbers, § 6-146 et seq.; Cable TV Ch. 7; Oil & gas wells, Ch. 16; Sign permits, § 20-4; Taxation, Ch. 22.

State law reference--General authority to license, 11 O.S. §§ 22-106, 22-107.

(b) The Fire Marshal and Building Inspector are hereby authorized to place, as deemed necessary, unoccupied building notices on unoccupied buildings, offices or retail spaces in the city. The unoccupied building notice shall give notification that an occupancy permit must be obtained from the city prior to occupancy of the vacant building, office or retail space. It shall be unlawful for any person to remove from any premise or premises situated in said city any unoccupied building notice without the permission of the Fire Marshal or Building Inspector.

(Ord. No. 350, § 1(8a-9-3), 8-7-84; Ord. No. 241, § 1, 5-2-89)

Sec. 11-2. Transfer of licenses or permits;

(a) No license or permit fee shall be returned or transferred unless specific authorization for transfer or refund is given in the provision requiring the license or permit.

(Code 1976, 3-9-2; Ord. No. 517, §4, 6-20-95; 2004 City Code)

Sec. 11-3. License for bail bondsmen.

No person shall act in the capacity of a bail bondsman or perform any of the functions, duties, or powers prescribed for bail bondsmen under the provisions of 59 O.S. section 1301 et seq., unless that person shall pay the city clerk a licensing fee of fifty dollars ($50.00) and an activity fee upon the initial filing of a bond which shall not exceed five dollars ($5.00) on any bond which exceeds fifty dollars ($50.00).

(Ord. No. 417, § 1, 2-21-89)

Secs. 11-4--11-15. Reserved.

ARTICLE II. AMUSEMENTS GENERALLY

Sec. 11-16. 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:

Amusement means any:

(1) Amusement rides, devices and structures;

(2) Amusement concessions;

(3) Roller skating rink; or

(4) Transient show.

Amusement concessions means an entertainment or concession such as a telescope, electrical machine, lung tester, shooting gallery, penny arcade, automatic phonograph, knife rack, baby rack, duck pond, and any other amusements of like character by whatever name; swinging device displayed, exhibited, or operated for use and patronage by the public in connection with a carnival or street show.

Amusement rides, devices and structures means any merry-go-round, Ferris wheel, roller-coaster, whip, moon walk, or any other devices or structures designed and used for the carrying of passengers for amusement or otherwise.

Location means the lot or tract where one (1) or more amusement rides may be operated together under one (1) management.

(Code 1976, §§ 8a-1-1, 8a-1-5, 8a-1-6; Ord. No. 229, § 2, 3-1-77)

Sec. 11-17. License.

No person shall operate within the city any amusement without first having obtained a license so to do and having paid the license fee established by resolution. Licenses issued under this section may be daily, weekly or annual. Annual licenses shall expire on June 30 of each year or when the required insurance policy expires whichever comes first. No license fee shall be refunded. No license shall be required for amusement concessions, amusement rides, devices and structures that are provided in conjunction with an organized event sponsored by the City, Metropolitan Library System, Civic Club or other similar non-profit organization.

(Code 1976, §§ 8a-1-2--8a-1-6; Ord. No. 222, § 3, 3-1-77; Ord. No. 330, § 1, 10-4-83)

Sec. 11-18. Insurance.

(a) Prior to the issuance of a license for an amusement ride, device or structure, the applicant shall file with the city clerk a public liability insurance policy providing coverage in an amount not less than one hundred thousand dollars ($100,000.00) for the injury or death of one (1) person and three hundred thousand dollars ($300,000.00) for the injury or death of more than one (1) person, for damages which may occur to each passenger of such amusement rides and caused by the negligent operation thereof. (Ord. No. 434, 1, 11-21-89)

(b) Subsection (a) does not apply to roller-skating rink licenses.

(Code 1976, § 8a-1-3; Ord. No. 229, § 4, 3-1-77; Ord. No. 434 § 1, 11-21-89)

Secs. 11-19--1-30. Reserved.

ARTICLE III. CONCRETE, CURBING OR PIERING, ETC., CONTRACTORS

Sec. 11-31. Definition.

In this article *"concrete contractor"* means a person who engages in the business of installing or repairing concrete slabs, driveways, approaches or "flat work."

(Ord. No. 324, § 1, 10-4-83; Ord. No. 514, § 1, 11-15-94)

Sec. 11-32. Permit.

No person, either as principal or agent, shall contract for or perform any paving or repair to any streets in the city, or contract for the installation or repair of concrete slabs, driveways or approaches without first securing a permit issued by the city clerk. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Code 1976, § 30701; Ord. No. 324, § 1, 10-4-83; Ord. No. 514, § 1, 11-15-94)

Sec. 11-33. Bond.

No concrete contractor shall be issued a permit to install or repair concrete slabs, driveways or approaches, or to perform any paving repair to any streets in the city until he files with the city clerk a bond issued by a surety company authorized to do business in this state. The amount of the bond shall be established by resolution of the city council.

Ord. No. 514, § 1, 11-15-94)

Secs. 11-34--11-50. Reserved.

ARTICLE IV. CIRCUSES

Sec. 11-51. Definition.

In this article *"circus"* means any circus operated or exhibited in any structure composed wholly or partly of canvas or similar material.

(Code 1976, § 8a-2-1)

Sec. 11-52. Scope.

This article applies to circuses.

(Code 1976, § 8a-2-1)

Sec. 11-53. License.

(a) No person shall operate or exhibit a circus without a license issued by the city.

(b) An application for a circus license shall be filed with the city clerk. Such application shall show the following information:

(1) The name of the owner of such circus;

(2) The number trucks used in transporting such circus;

(3) The dates and time it is proposed to exhibit such circus;

(4) The proposed location of such circus;

(5) Proposed location of auxiliary tents with reference to main tent;

(6) Seating capacity, including both reserved seats and general admission;

(7) A diagram or blueprint made to scale showing the seating arrangement, aisles, entrances, and exits.

(c) A fee in the amount established by resolution shall be paid to the city prior to the issuance of such license.

(d) All licenses shall expire on June 30 of each year.

(Code 1976, §§ 8a-2-1--8a-2-3)

Sec. 11-54. Liability insurance.

The owner or agent of a circus shall, before the approval of the application by the City Council, file with the city clerk a copy of public liability insurance policy to which is attached a certificate from the company issuing such policy showing that such policy shall be in force and effect during such time as such circus may be within the city. Such policy shall be in the amount of not less than five hundred thousand dollars ($500,000.00) liability for the injury or death of one (1) person, and one million dollars ($1,000,000.00) for the injury or death of more than one (1) person.

(Code 1976, § 8a-2-4; Ord. No. 229, § 5, 3-1-77)

Sec. 11-55. Attendance of city officials.

The fire chief is hereby authorized and directed to place at each circus such fire fighting apparatus and personnel, as he may deem advisable for the public safety.

(Code 1976, § 8a-2-12)

Sec. 11-56. Power lines.

All power lines or wires used to deliver electricity to a circus shall be installed in accordance with applicable building codes.

Sec. 11-57. Seating.

All seats and the supports thereof shall be so constructed and assembled as to support the load intended to be carried. The building inspector shall have the authority to require additional supports, bracing, or foundations for such seats if he finds any such seats and the foundations or supports thereof to be not sufficiently strong to carry the load intended.

(Code 1976, § 8a-2-7)

Sec. 11-58. Smoking prohibited.

Smoking shall be prohibited within a circus structure at all times. There shall be displayed in such structure sufficient signs, visible to all persons therein, giving warning that smoking is prohibited.

(Code 1977, § 8a-2-8)

Sec. 11-59. Sale of tickets limited.

The sale of tickets of admission in excess of the seating capacity, or the admission of patrons in excess of such seating capacity, as shown in the application, is prohibited.

(Code 1976, § 8a-2-10)

Sec. 11-60. Health requirements.

(a) All food prepared and served, either to the public or circus personnel shall be in compliance with applicable state, county, and city regulations.

~~(b)~~ Adequate_self-contained portable toilets shall be provided for employees and patrons. Such toilets shall be not less than one hundred (100) feet from the place where food is prepared, or offered for sale.

(Code 1976, § 8a-2-11; 2012 Code)

Sec. 11-61. Fireproofing of canvas.

All canvas or similar material used in circus tents and all combustible, decorative material used inside such tent shall be chemically treated so as to render the same flameproof.

(Code 1976, § 8a-2-13)

Secs. 11-62--11-75. Reserved.

ARTICLE V. FOOD AND BEVERAGES

Sec. 11-76. 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:

(1) *Director* shall mean the Director of the City County Health Department or his designated representative.

(2) *Food or food products* shall mean any raw, cooked or processed edible substance, ice, beverage, or ingredient intended for use or for sale in whole or in part for human consumption whether the same be simple, mixed or compound. Prescription drugs, pharmaceuticals and over the counter medications shall not be considered as food or food products.

(3) *Human consumption* shall mean the consumption or use by human beings of articles or products created artificially or by nature, which are or can be taken internally, orally or otherwise.

(4) *Remodel* shall mean the reconstruction, reshaping or reformation of a building used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food necessitating the expenditures of a sum in excess of fifty (50%) percent of the value of such building exclusive of the land.

(5) V*ehicle* shall mean any wagon, cart, automobile, truck, pushcart or any other mobile equipment.

State law references-General health power of city, 11 O.S. § 22-120; food generally, 63 O.S. § 1-1101.

Sec. 11-77. State food service establishment standards adopted.

(a) The standards and regulations prescribed by the Oklahoma State Board of Health for Food Service Establishments the Oklahoma State Board of Agriculture for all foods and food products are hereby adopted by reference as if set out at length herein as the standards for all food and

food products. Copies of said standards and regulations shall be kept on file in the office of the City Clerk.

(b) No person shall violate the standards adopted by reference in Subsection (a) above.

State law reference–Adoption by reference, 11 O.S. § 14-107.

Sec. 11-78. Enforcement and inspections.

The Director shall perform all acts and duties necessary to secure strict enforcement of this article, and for such purpose the Director shall provide for reasonable inspections. In addition, the Director shall have the power to enter every building, room basement or cellar occupied or used, or suspected of being occupied or used, for the production for sale, manufacture for sale, storage, sale, distribution, or transportation of food, if such entry is necessary to effect the immediate seizure of unwholesome food unfit for human consumption.

Sec. 11-79. Order to improve upon failure to comply with article.

If, upon inspection, any food producing or distributing establishment, conveyance, employer, operator, employee, clerk, driver or other person, is found to be violating any of the provisions of this article, or if the production, manufacture, packing, storing, sale, distribution, or transportation of food is being conducted in a manner detrimental to the health of the employees and operator, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the Director shall:

(1) Issue an order to the responsible person to abate the condition or violation, or make such improvements as may be necessary, within five (5) days or within such other reasonable time as he may designate;

(2) Take such steps as are necessary for the protection of the public health and the enforcement of the provisions of this article.

Sec. 11-80. Reporting food unfit for human consumption.

Every person knowing of any food product, which is purchased, sold or offered for sale for human consumption, and which is not fit for human consumption, shall forthwith report such facts to the City-County Health Department.

Sec. 11-81. Loitering.

It shall be unlawful for any person, to loiter, stand, sit or lie in or upon any private property where a "no loitering" sign or signs have been posted.

(Ord. 655, § 1, 10-19-2010)
Code Cross Reference, Chapter 21, Section 21-29.

Secs. 11-82—11-120 Reserved.

ARTICLE VI. RESERVED

ARTICLE VII. HANDBILL DISTRIBUTORS

Sec. 11-121. License.

Each person engaged in the business of advertising by distributing handbills or circulars, or other advertising matter shall obtain a license from the city clerk. Prior to the issuance of the license, a fee in the amount established by resolution of the city council shall be paid to the city clerk. All licenses shall expire on June 30 of each year.

(Code 1976, 8a-4-4); Ord. No. 517, §6, 6-20-95)

Secs. 11-122--11-135. Reserved.

ARTICLE VIII. RESERVED

Secs. 11-136--11-150. Reserved.

ARTICLE IX. PEDDLERS AND SOLICITORS
DIVISION 1. GENERALLY

Sec. 11-151. 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:

Peddler includes the words "hawker" and "huckster" and means any person, whether a resident of this city or not, who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street carrying, conveying, or transporting good, wares, or merchandise of whatsoever nature, offering and exposing the same for sale, or who, without traveling from place to place, sells or offers the same for sale from any vehicle or conveyance, or on any public street or thoroughfare.

Solicitor includes the word canvasser and means any person, whether a resident of this city or not, who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise, or personal property of whatsoever nature for future delivery, or for services to be furnished or performed in the future.

(Code 1976, § 8a-4-2)

Sec. 11-152. Exemptions.

This article does not apply to:

(1) Persons engaged in selling personal property at wholesale to dealers in such property;

(2) Merchants having regular places of business in this city, and their employees, in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered;

(3) Newsboys selling or delivering newspapers;

(4) Any delivery man delivering foodstuffs on a regular daily route, from house to house, operating in compliance with the state health regulations;

(5) Any person engaged in sales activity or solicitation on behalf of any charitable, benevolent, religious, nonprofit or eleemosynary organization. Persons engaged in sales activity or solicitation on behalf of any such organization shall not be exempt from the operating hours provided for in section 11-153 of this article;

(6) Any ex-service person as defined in 72 O.S., § 67.13a. However, each person who engages in the handling and selling of any product which is intended for human consumption, and claims exemption under the

aforementioned law, shall be required to present a health certificate, and documentary proof of past government service to the city clerk. Thereupon, the city clerk shall issue a license to such person which will be limited to a period of one (1) year expiring on December 31 of each year;

(7) Farmers and truck gardeners who offer for sale or sell, or who peddle and sell from house to house vegetables, butter, eggs, and farm products, produced and raised by said farmers and truck gardeners from lands owned, cultivated or controlled by them.

(Code 1976, § 8a-4-3; Ord. No. 416, § 1, 2-21-89)

Sec. 11-153. Operating hours; Invitation required to enter posted premises.

(a) No peddler or solicitor shall call on any person at their home:

(1) From April 1 through August 31, after 6:00 p.m.;

(2) From September 1 through March 31, after 5:00 p.m.;

(3) Earlier than 9:00 a.m.; unless such peddler or solicitor had made prior arrangements with such person to call at their home after such times.

(Code 1976, § 8a-4-9; Ord. No. 290, § 1, 5-5-81)

(b) No solicitor or peddler shall enter any premises or attempt to sell, peddle or solicit where the owner or occupant of such premises has indicated his desire not to be contacted for sales or solicitation by the placing of a "No Solicitors," "No Trespassers," or "No Trespassing" sign on those premises, and any such entrance or attempt to sell, peddle or solicit shall constitute a trespass upon private property.

(Ord. No. 486, § 1, 6-15-93)

Sec. 11-154. Noise, etc.

No peddler or solicitor shall call attention to his business, or to the wares, which he may have for sale by crying them out, by blowing a horn, by ringing a bell, or by any other noisemaking device. No such person shall, by means of dancing, singing, or other exhibitions or in any way interfere with the free passage of pedestrians and vehicles, along the streets.

(Code 1976, § 8a-4-6)

Secs. 1-155--11-165. Reserved.

DIVISION 2. LICENSE

Sec. 11-166. Required.

No person shall engage in the business of peddling or soliciting without first obtaining a license. A separate license must be obtained for each branch established or separate place of business in which the trade, calling or occupation, or profession, is carried on, and each license shall authorize the person obtaining it to carry on, pursue, or conduct only that trade, calling or profession or occupation, described in that license and only at the location or place of business which is indicated thereby, and in conformity with all ordinances and laws.

(Code 1976, §§ 8a-4-1, 8a-4-5)

Sec. 11-167. Application.

Applicants for a license under this division shall file with the city clerk in duplicate a sworn application in writing on a form to be furnished by the clerk, which shall give the following information:

(1) Name and brief description of applicant;

(2) Address of applicant;

(3) Nature of business and kinds of goods to be sold or services to be rendered and if applicant is a farmer or truck gardener, whether the good are produced by him on lands he owns, cultivates, and controls;

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

(5) Length of time for which the right to do business is desired and if the activity involves the calling on people in their homes the hours of the day in which the applicant contemplates the doing of the activity;

(6) Description and license number or other identification of any vehicle to be used.

Sec. 11-168. Investigation and issuance.

(a) The city clerk shall cause such other investigation or inquiry to be made concerning the applicant as he may deem necessary to determine the character and business responsibility of the applicant, and whether his application is in compliance with the terms and conditions of this article. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this article, the city clerk, upon payment of the prescribed fees, shall issue said license with any badge, tag, or license plates properly as an accompaniment thereto.

(b) No peddler or any peddler's helper engaged in the business or occupation of buying or selling fruits, produce, or other foodstuffs of any kind intended for human consumption shall receive a license unless the applicant submits a health certificate for the individuals involved in such peddling.

(Code 1976, § 8a-4-8)

Sec. 11-169. Fee.

No license shall be issued under this division until the applicant pays to the city clerk a fee in the amount established by resolution of the city council. Annual license fees shall be prorated on a monthly basis provided however, that no prorated license shall be less than ten ($10.00) dollars.

(Code 1976, 8a-4-1, 8a-4-11; Ord. No. 517, §7, 6-20-95)

Sec. 11-170. Term.

Licenses issued under this division shall expire weekly; monthly or annual licenses may be issued. Annual licenses expire on June 30 of each year.

(Code 1976, § 8a-4-11)

Sec. 11-171. Form.

Licenses issued under this division shall be signed by the city clerk and the clerk shall affix the corporate seal of the city thereto.

(Code 1976, § 8a-4-11)

Sec. 11-172. Transfer.

No license shall be transferred from one person to any other person, provided that in the event any person, during the calendar year for which such license was issued, change the location of the business or occupation described in such license, such person shall file with the city clerk a statement, in writing, describing such change and giving the new address and location, and thereupon the city clerk shall at no cost endorse the new location on the license.

(Code 1976, §§ 8a-4-1, 8a-4-5)

Sec. 11-173. Display.

Peddlers or solicitors shall exhibit their licenses at the request of any resident of the city.

(Code 1976, § 8a-4-10)

Sec. 11-174. Revocation.

In the event of any complaint filed by a citizen or officer alleging the violation of this article the city manager and the chief of police will immediately review the facts and allegations and if they ascertain such complaints or allegations are true they shall immediately revoke the license for a period of not less than six (6) months beginning as of the day of the offense. A person whose license has been revoked may appeal the decision to the municipal judge, by posting a cash bond in the amount of one hundred dollars ($100.00) and the municipal judge may assess a fine and court costs and may eliminate the revocation in toto or any part thereof.

(Ord. No. 290, § 2(8a-4-12), 5-5-81)

Secs. 11-175--11-185. Reserved.

ARTICLE X. POOL AND BILLIARD HALLS

Sec. 11-186. License.

It shall be unlawful for any person to maintain any pool or billiard table in any place where such games are publicly played without first obtaining a license for each table so kept. A fee in the amount established by resolution shall be paid to the city for such license. Licenses shall expire on June 30 of each year.

(Code 1976, § 8a-5-1)

Secs. 11-187--11-200. Reserved.

ARTICLE XI. Reserved

Secs. 11-201--11-240. Reserved.

ARTICLE XII. RESIDENTIAL SALES
DIVISION 1. GENERALLY

Sec. 11-241. Definition.

In this article, "residential sale" shall mean any sale of what is held out to be or is commonly known as a garage, porch, room, backyard or patio sale or any other type of general sale conducted from or on any premises not located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public. "Residential sale" shall not include a situation where specific items are held out for sale and all advertisement of such sale specifically names the items to be sold or an estate sale in which all items for sale are displayed indoors and out of public view.

(Code 1976, § 8a-7-1)

Sec. 11-242. Violations.

Every article sold and every day a sale is conducted in violation of this article shall constitute a separate offense.

(Code 1976, § 8a-7-10)

Sec. 11-243. Exemptions.

The provisions of this article shall not apply to:

(1) Persons acting pursuant to an order of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officials;

(3) Duly licensed auctioneers selling at auctions;

(4) Charitable organizations or persons, when the proceeds from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis.

(Code 1976, § 8a-7-11)

Sec. 11-244. Signs.

(a) One sign, to be purchased by the applicant from the City at cost, may be placed on the right-of-way of a major thoroughfare and may be used by the purchaser for any residential sale for which the purchaser is properly licensed by the City. Any residential sale sign placed on the right-of-way without a valid license shall be subject to impoundment by the City and shall be returned to the rightful owner upon the payment to the City Clerk a fee of twenty-five ($25.00) dollars.

(b) One (1) sign may be placed by the licensee at the location of the sale and may be purchased from the City at cost.

(Code 1976, § 8a-7-7; Ord. No. 358, § 1, 9-3-85; Ord. No. 518 §1, 7-18-95; Ord. No. 583, §1, 5-20-03; Ord. No. 627, §1, 8-7-2007; 2008 Code)

Sec. 11-245. Display of goods.

The sale area of any residential sale shall be confined to the premises for which the license has been issued.

(Code 1976, § 8a-7-8)

Sec. 11-246. Non-Consecutive Day Sales.

a) Residents that are sixty-five (65) years of age or older and who purchase a regular residential sale permit at the regular fee established

by Resolution of the Council, shall be allowed to hold, three single-day residential sales over a period of thirty (30) days.

b) Licenses issued pursuant to this Section shall be subject to all other regulations and limitations established by Chapter 11, Article XII.

(Ord. No. 669, §1, 02-07-2012)

Secs. 11-247--11-260. Reserved.

DIVISION 2. LICENSE

Sec. 11-261. Required.

No person shall hold, conduct, engage in, or participate in any manner, in a residential sale without a license issued by the city. A separate license shall be required for each location at which a residential sale is to be held.

(Code 1976, § 8a-7-2(a), (c); Ord. No. 341, § 1, 4-3-84)

Sec. 11-262. Application.

An applicant for a license under this division shall furnish the city clerk with the following information:

(1) Full name and address;

(2) The location at which the proposed residential sale is to be held;

(3) The date, or dates upon which the sale shall be held;

(4) An affidavit from the applicant to the effect that all goods to be sold at the residential sale are owned by the applicant and have not been obtained for the purpose of reselling them at the sale. The filing of a false affidavit is unlawful.

(Code 1976, § 8a-7-3)

Sec. 11-263. Issuance; term.

(a) The city clerk is hereby authorized to grant a license for a residential sale for a period not to exceed three (3) consecutive days to any person applying who otherwise complies with the requirements of the Code. A

license may be denied by the city clerk if the application submitted by the applicant or contains any false, fraudulent or misleading statement.

(b) No household shall be eligible for more than two (2) licenses issued under this division in any calendar year, provided that no residential sale shall be held within three months of the previous residential sale. If a residential sale is not held on the dates for which the license is issued or is terminated during the first day of the sale because of inclement weather conditions or other mitigating circumstances, and an affidavit by the license holder to this effect is submitted, the city clerk may issue another license to the applicant for a residential sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

(c) Before issuing a residential sale license, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this Code.

(d) The issuance of a license shall not exempt a person from the terms and provisions of other ordinances.

(Code 1976, §§ 8a-7-2(b), (c), 8a-7-4, 8a-7-9; Ord. No. 341, § 1, 4-3-84 (Ord. No. 527, 1, 6-25-96; Ord. No.657, § 1, 12-07-2010))

Sec. 11-264. Fee.

A fee in the amount established by resolution shall be paid to the city prior to the issuance of a residential sale license.

(Code 1976, § 8a-7-5)

Sec. 11-265. Revocation.

Any license issued under this article may be revoked by the city clerk if the application submitted by the license holder contains any false, fraudulent or misleading statement. If any person is convicted of an offense under this article, the city clerk shall cancel any existing residential sale license held by the person convicted and shall not issue such person another residential sale license for a period of two (2) years from the date of conviction.

(Code 1976, § 8a-7-9)

DIV 3. AUCTIONS/ESTATE SALES

Sec. 11-266. Auctions/estate sales defined.

As used in this article, the term auction/estate sale shall mean an event involving the sale of personal property through the process of bidding.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-267. Interval between auctions/estate sales.

No person, firm or organization shall hold, conduct, engage in or participate in any manner or allow an auction/estate sale to be held or conducted on-premises under his control or ownership more than one (1) time in any twelve-month period.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-268. Signs.

Signs advertising the auction/estate sale are permitted. Signs may be no larger than two (2) square feet in area and shall be limited in number to two (2) signs on the property involved and two (2) signs off the premises. Off-premises signs shall be allowed on the City right-of-way. All signs must be at least twelve feet from the curb and be removed within twenty-four (24) hours of the completion of the auction/estate sale. (Ord. No 707, § 1, 07-21-2015)

Sec. 11-269. Locations.

The provisions of this article shall apply only to those events being conducted in residentially zoned areas. In residentially zoned areas, the auction/estate sale shall be confined to the premises for which the permit has been issued.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-270. Violations.

Every date an auction/estate sale is conducted in violation of this article shall constitute a separate offense.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-271. Accessory activities prohibited.

No sale of food or beverages shall be permitted in conjunction with an auction or estate sale.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-272. Exemptions.

The provisions of the article shall not apply to or affect the following:

(1) Nonprofit organizations; and

(2) Charitable organizations or persons when all gross sales from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-273. Permit required.

No person shall hold, conduct, engage in or participate in any manner in an auction/estate sale without a permit for same. A separate permit shall be required for each location at which an auction/estate sale is to be held and no location shall be eligible for more than one (1) permit in any twelve-month period.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-274. Permit fee.

The fee for an auction/estate sale permit shall be fifteen dollars ($15.00).

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-275. Application for permit.

An applicant for a permit required by this article shall furnish the city clerk with the following information:

(1) Full name and address of applicant;

(2) The location at which the proposed auction/estate sale is to be held;

(3) The date or dates upon which the sale shall be held; and

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-276. Issuance of permit.

(a) The city clerk is hereby authorized to grant a permit for an auction/estate sale for a period from 8:00 a.m. to 5:00 p.m. on three (3) consecutive days to any person applying who otherwise complies with the requirements of this Code.

(b) If an auction/estate sale is not held on the date for which the permit is issued or is terminated because of inclement weather conditions and an affidavit by the permittee to this effect is submitted, the city clerk may issue another permit to the applicant for an auction/estate sale to be conducted at the same location within thirty (30) days from the date when the first auction/estate sale was to be held. The permittee shall advise the city clerk of the new date.

(c) Before issuing a permit, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this Code.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-277. Refusal to issue permit; revocation.

(a) Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the city clerk if the application submitted by the applicant contains any false, fraudulent or misleading statement.

(b) If any person is convicted of an offense under this article, the person may have their existing auction/estate sale permit cancelled and not be issued another auction/estate sale permit for a period of two (2) years from the date of conviction.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-278. Compliance with other ordinances.

The issuance of a permit under the provisions of this article shall not exempt such persons from the terms and provisions of other ordinances.

(Ord. No 707, § 1, 07-21-2015)

Secs. 11-279 – 11-280 Reserved.

ARTICLE XIII. SEWER OR WATER MAIN CONTRACTORS

Sec. 11-281. Permit.

No person shall perform any sewer main or water main construction in the city without first securing a permit issued by the city clerk. No such permit shall be issued until the applicant pays to the city a fee in the amount established by resolution.

(Code 1976, § 3-7-2; Ord. No. 514, § 2, 11-15-94)

Sec. 11-282. Bond.

No permit shall be issued under this article until the applicant files with the city clerk a bond in the sum of five thousand dollars ($5,000.00) issued by a surety company authorized to do business in the state. The bond shall be conditioned to indemnify the city against any damage to streets, sewers or other public property done by the permittee.

Secs. 11-283--11-295. Reserved.

ARTICLE XIV. SEXUALLY ORIENTED BUSINESSES

Sec. 11-296. Definitions.

As used in this article, the terms *"sexual conduct"* and *"specified anatomical areas"* shall mean as follows:

(1) *"Sexual conduct"* includes the following:

a. The fondling or other touching of human genitals, pubic region, buttocks, or developed female breasts;

b. Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;

Cross-references--Obscene materials and conduct, § 12-48; material harmful to minors, § 12-49.

c. Masturbation; and

d. Excretory functions as part of or in connection with any of the activities set forth in a. through c., above.

(2) *"Specified anatomical areas"* includes the following:

a. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(b) For purposes of this article, sexually-oriented businesses are defined as follows:

(1) *Adult amusement or entertainment:* Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to sexual conduct or specified anatomical areas, as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

(2) *Adult bookstore:* An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals, which are distinguished or characterized by an emphasis on depicting or describing sexual, conduct or specified anatomical areas.

(3) *Adult mini-motion pictures theater:* An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting sexual conduct or specified anatomical areas.

(4) *Adult motion picture arcade:* Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

(5) *Adult motion picture theater:* An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

(6) *Massage parlor:* Any place where for any form of consideration or gratuity, massage, alcohol rub, administration or fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

(7) *Model studio:* Any place other than university or college art classes where, for any form of consideration or gratuity, figure models who display specific anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

(8) *Sexual encounter center:* Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or allow personal contact by employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include but not to be limited to bath houses, massage parlors, and related or similar activities.

(Ord. No. 377, § 1, 1-20-87)

Sec. 11-297. Prohibition.

No person shall cause or permit the establishment of any of the sexually-oriented businesses as defined in section 11-296, in an area zoned other than "C-2" Commercial. In addition, no person shall cause or permit the establishment of any of the sexually-oriented businesses, as defined in section 11-296 within one thousand (1,000) feet of any other sexually-oriented business, or within one thousand (1,000) feet of a church, school (type which offers a compulsory education curriculum), public or private park, or within one thousand (1,000) feet of a residential lot.

The establishment of a sexually oriented business shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in section 11-296.

(Ord. No. 377, § 2, 1-20-87)

Sec. 11-298. Penalty for violations.

Any person, firm, or corporation who violates any provision of this article shall be guilty of a Class A Offense punishable by a fine of up to seven-hundred and fifty dollars ($750.00) plus costs, or by sixty (60) days imprisonment, or by both such fine and imprisonment.

(Ord. No. 377, § 5, 1-20-87)

Sec. 11-299. Adult Novelty Shops.

(a) Definitions: As used in this section:

(1) *"Adult novelty shop"* means a commercial establishment that displays, sells or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices; and

(2) *"Sadomasochistic practices"* means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

(b) The location of an adult novelty shop shall be in compliance with applicable C-2 Commercial Zoning regulations of the city and may not be located within one thousand (1,000) feet of:

(1) Any building primarily and regularly used for worship services and religious activities;

(2) Any public or private school;

(3) Any public park or playground;

(4) Any public library; or

(5) Any land zoned or used for residential purposes.

If any such building used for worship and religious activity, any public or private school, any public park or playground, any public library or any land zoned or used for residential purposes shall be established within one thousand (1,000) feet of any such premises after the premises have been established, this shall not be a bar to the continuation of the business so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of the adult novelty shop along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school.

(Ord. No. 539, §1, 2-3-98) State Law Reference: Title 11, §22-109.1.

Secs. 11-300--11-310. Reserved.

ARTICLE XV. WATER WELLS

Sec. 11-311. Drilling permit required.

(a) No person shall drill, dig, or put down any water well or wells upon any premises within the city without first securing a permit and paying the fee prescribed herein.

(Ord. No. 291, § 1, 6-2-81; Ord. No. 514, § 3, 11-15-94)

Sec. 11-312. Permit for each well.

(a) Application for drilling permit. Any person desiring to drill a water well shall, before commencing actual drilling, make written application to the city clerk for a permit and shall give the location of the proposed well by street number, lot, block, and addition, and also the name of the owner of the premises.

(b) Applicant must describe any off-premises use of water. Any person desiring to use the water derived from any well for any use other than to benefit the property upon which the well is located or for domestic,

commercial or industrial purposes thereon shall, before commencing to make any other use of the water, apply in writing to the city council for a permit and set forth the use intended to be made of the water and also the date required hereinabove for a drilling permit.

(Ord. No. 291, § 2, 6-2-81)

Sec. 11-313. Bond required.

(a) Any person having obtained a permit to drill a water well shall, before commencing actual drilling, file with the city clerk a good and sufficient bond or certificate of liability covering each water well for which a permit is applied; executed by some bonding or indemnity company or insurance company authorized to do business in the state, running to the City of The Village and conditioned that the applicant shall pay and discharge any liability imposed by law for damages on account of injury to property, either private or public, or bodily injury, including death, received or suffered by any person and resulting from the drilling, operation, or maintenance of any such water well or structure, equipment, machinery, tanks, pipes, and appurtenances thereto, and will abide by and comply with all of the provisions of this article or other requirements of law.

(b) The minimum total liability under the bond or certificate of liability insurance for loss or damage, either to person or property, shall be one hundred thousand dollars ($100,000.00). The bond or certificate of insurance shall be made for a period of not less than one year.

(Ord. No. 291, § 3, 6-2-81; Ord. No. 514, § 3, 11-15-94)

Sec. 11-314. Fees for permit.

(a) The fee for a permit for drilling, digging or putting down any water well shall be established by resolution of the city council.

(Ord. No. 291, § 4, 6-2-81; Ord. No. 514, § 3, 11-15-94)

Sec. 11-315. Regulations for drilling, casing, logging.

(a) Drilling of well. In the drilling of a water well, the driller shall fix, install, or set a minimum of ten (10) feet of surface pipe or casing and shall use throughout, standard acceptable pipe. In all other respects, the water well driller shall meet the minimum requirements established and

published by the state department of health and state water resources board. No mud shall be permitted to escape on the street, either directly or indirectly, but shall be hauled away and disposed of so as not to injure the streets and private or public property.

(b) Abandonment of well. If a well is nonproductive of water, the driller shall satisfactorily cap and plug the well so that it will not be dangerous to persons or animals. If a well is productive of water but is later abandoned, the owner shall plug and cap the well.

(Ord. No. 291, § 5, 6-2-81)

Sec. 11-316. Connection of well to public water supply.

(a) Connection prohibited. No person shall connect any private water well to the public water system.

(b) Use of well water in a structure. Where water from a private well is piped into any structure, all plumbing provisions of the Village City Code and regulations shall be complied with.

(Ord. No. 291, § 6, 6-2-81) Cross-reference--Plumbing, § 6-131 et seq.

Sec. 11-317. Inspection of water wells.

All existing water wells, which are or are not is use, or any well or wells hereafter drilled shall be open and accessible at all times to the inspection of the state health department and city officials.

(Ord. No. 291, § 7, 6-2-81)

Secs. 11-318--11-329. Reserved.

ARTICLE XVI. MISCELLANEOUS BUSINESS REGULATIONS
DIVISION 1. CHRISTMAS TREE SALES

Sec. 11-330. Definition.

In this division *"Christmas tree sale"* shall mean any sale held by a charitable or nonprofit organization on property where such sales are permitted and in which Christmas trees of any type are placed outdoors and held out for sale to the public.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-331. Violations.

Every day a sale is conducted in violation of this division shall constitute a separate offense.

Sec. 11-332. Signs.

(a) Not more than two (2) signs or other devices used for the purpose of advertising or otherwise calling attention to the Christmas tree sale shall be allowed for each license issued under this article.

(b) The display surface of a sign or device shall not exceed nine (9) square feet on each side.

(c) It shall be unlawful to attach or place said sign on any utility pole or on any city right-of-way or utility easement.

(d) It shall be unlawful to place any said sign or device until after Thanksgiving.

(e) It shall be unlawful to leave any sign or device on display after December twenty-fifth.

(Ord. No. 400, § 1, 12-1-87)
Cross reference--Signs generally, Chapter 20.

Sec. 11-333. Display of goods.

(a) The sale area of any Christmas tree sale shall be confined to the premises for which the license has been issued.

(b) It shall be unlawful to place goods for sale on any city right-of-way or utility easement.

(c) It shall be unlawful to display any trees for sale except for the period between the day after Thanksgiving and December twenty-fifth.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-334. Hours of sale.

No person shall conduct Christmas tree sales between the hours of 10:00 p.m. and 8:00 a.m.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-335. License--Required.

No person shall hold, conduct, engage in, or participate in any manner in a Christmas tree sale without a license issued by the city. A separate license shall be required for each location at which a Christmas tree sale is to be held.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-336. Same--Application.

An application for a license under this article shall furnish the city clerk with the following information:

(1) Full name and address.

(2) The location at which the proposed Christmas tree sale shall be held.

(3) An affidavit from the applicant to the effect that the proceeds from the sale are used directly for charitable or nonprofit purposes and the trees are not sold on a consignment basis unless such consignment is from another charitable or nonprofit organization. The filing of a false affidavit is unlawful.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-337. Same--Issuance time.

(a) All licenses for Christmas tree sales shall be for a period beginning the day after Thanksgiving and through December twenty-fifth.

(b) A license may be denied by the city clerk if the application submitted by the applicant contains any false, fraudulent or misleading statement.

(c) Before issuing a Christmas tree sale license, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this Code.

(d) The issuance of a license shall not exempt a person from the terms and provisions of other ordinances.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-338. Same--Fees.

A fee in the amount established by resolution shall be paid to the city prior to the issuance of a Christmas tree sale license.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-339. Same--Revocation.

Any license issued under this article may be revoked by the city clerk if the application submitted by the license holder contains any false, fraudulent or misleading statement. If any person is convicted of an offense under this article, the city clerk shall cancel any existing Christmas tree sale license held by the person convicted and shall not issue such person another Christmas tree sale license for a period of two (2) years form the date of conviction.

(Ord. No. 400, § 1, 12-1-87)

Sec. 11-340. Location.

Sales authorized under this article shall be conducted only on property owned by a charitable or nonprofit organization and in accordance with applicable zoning district regulations.

Secs. 11-341--11-350 Reserved.

DIVISION 2. OUTSIDE DISPLAY OF MERCHANDISE

Sec. 11-351. Outside display of merchandise, etc.

(a) In this division *sidewalk sale* means an outdoor sale conducted on private property for a period of not exceeding three (3) consecutive days and which is held on property where retail sales are a permitted use.

(b) Articles or material stored or offered for sale in connection with the permitted use of the property shall not be stored or displayed outside the confines of the building except for seasonal or holiday merchandise which may include such items as yard and garden supplies, trees, flowers, shrubs,

lawn equipment, landscape materials, lawn furniture, and other similar items located on the sidewalk or other open areas in front of or adjacent to the building or place of business.

(c) No merchandise in connection with paragraph (a) above shall be stacked any higher than five (5) feet above the surface on which it is placed.

(d) The provisions under paragraph (a) above shall not apply to automobile service stations engaged in the sale of gasoline and oil, where open display is permitted of merchandise commonly sold by said stations, i.e. oil, batteries, tires, wiper blades, and other similar automotive products.

(e) The regulations in this section shall not apply when the occupants are conducting sidewalk sales or similar events; provided, however, that the display of articles, material or merchandise for sale shall not displace the minimum number of parking spaces required under this chapter for the operation of uses permitted.

Sec. 11-352. Violations.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provision of this division. Any person who shall violate any of the provisions of this division shall be guilty of an offense. Every day a violation of this division exists shall be considered a separate offense.

(Code 1976, § 12-4-3(A), § 12-6-14; Ord. No. 252, § 2, 1-16-79; Ord. No. 299, § 2, 8-3-82; Ord. No. 344, §1, 5-1-84; Ord. No. 422, § 1, 5-2-89; Ord. No. 439, § 2, 4-3-90; Ord. No. 507, § 1, 9-20-94)

ARTICLE XVII. TELEPHONIC ALARM SYSTEM PERMITS

Sec. 11-360. Definition.

"Telephonic alarm system" shall mean any mechanism, equipment or device, which is designed to operate automatically through the use of public telephone facilities to transmit a signal, message or warning to the police department or designated nine-one-one (9-1-1) emergency system number as defined by 63 O.S. Section 2813 et seq.

(Ord. No. 415, § 1, 1-17-89)

Sec. 11-316. Permit required.

No person shall operate or maintain a telephonic alarm system, which automatically dials or transmits a signal message or warning to either:

(a) Any city police department telephone line, without first obtaining a permit as required by this article; or

(b) The designated nine-one-one (9-1-1) emergency telephone service as defined by 63 O.S. Section 2813 et seq.

(Ord. No. 415, § 1, 1-17-89)

Sec. 11-362. Application for permit; revocation.

(a) Applications for a permit to install, reconnect, maintain or operate a telephonic alarm system, which automatically dials the city police department telephone number(s) shall be filed with the chief of police on forms supplied by the city, together with a reasonable permit fee in an amount established by resolution of the city council.

(b) The chief of police is authorized to establish reasonable requirements for the issuance of permits for the installation of telephonic alarm systems so long as such installations do not interfere with the orderly conduct of the activity of the police department.

(c) Section 11-362, subsection (b) shall apply to alarm equipment installed after January 17, 1989.

(d) The chief of police may revoke any permit issued pursuant to the provisions of this article, after giving written notice to the permit holder and a reasonable opportunity for the permit holder to be heard, if he determines that the telephonic alarm system installed pursuant to said permit operates in violation of the provisions of this article, or any terms and conditions of said permit to include, but not limited to, the occurrence of excessive false alarms or the failure to pay any annual service fee as may be specified by the city council.

(e) In the event a permit is revoked for any of the reasons provided for in this article, the chief of police may cause the disconnection of the telephonic alarm system device so installed in the police department.

(Ord. No. 415, § 1, 1-17-89)

Sec. 11-363. Operation and maintenance of equipment.

It shall be the sole responsibility of the permittee to ensure that all telephonic alarm system equipment installed in the police department by permit is properly installed and maintained by the permit holder who shall be responsible for all expenses incurred in the operation and maintenance of all such equipment.

(Ord. No. 415, § 1, 1-17-89)

ARTICLE XVIII Reserved.

ARTICLE XIX. SIGN CONTRACTORS

Secs. 11-417--11-499. Reserved.

Sec. 11-500. Permit.

No person, either as principal or agent, shall install, modify or structurally repair any pole sign, monument sign or commercial building sign in the city without first securing a permit issued by the city clerk. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Ord. No. 514, § 4, 11-15-94)

Sec. 11-501. Bond required.

(a) No permit shall be issued to any person to install, modify or structurally repair any pole sign, monument sign or commercial building sign until the applicant therefore shall have deposited with the city clerk a surety bond in the sum of five thousand dollars ($5,000.00) to be known as "sign contractor's bond." The bond shall be executed by the sign contractor and the surety thereon shall be a corporate surety authorized to do business in the State.

(b) The bond shall be in the favor of the city and conditioned that the permittee shall faithfully and properly conduct his business in compliance with the laws and ordinances of the city relating to signs and sign contractors and for the payment of all fines and penalties imposed by the

violation of such laws.

The bond shall be conditioned further that the principal shall do all sign work in a good and workmanlike manner.

(c) The bond shall be renewed annually and no person shall engage in the business of a sign contractor unless the bond as provided in this section is on file with the city clerk. No permit shall be issued to any sign contractor until the bond has been filed and approved. (Ord. No. 455, § 1, 4-16-91; Ord. No. 514, § 4, 11-15-94)

ARTICLE XX. PAWNBROKERS

Secs. 11-502--11-599 Reserved.

State law reference -- 59 O.S. § 1514.

Sec. 11-600. Definitions.

As used in this Article:

1. *"Pawnbroker"* means a person engaged in the business of making pawn transactions.

2. *"Pawnshop"* means the location at which or premises in which a pawnbroker regularly conducts business.

3. *"Pawn transaction"* means the act of lending money on the security of pledged goods or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

4. *"Person"* means an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

5. *"Pledged* goods," means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

(Ord. No. 488, 8-3-93, § 1)

Sec. 11-601. License required.

No person shall operate as a pawnbroker without having first secured a valid state license as required by 59 O.S. § 1501 et. seq., and an annual license from the City Clerk as a regulatory fee and license.

(Ord. No. 488, 8-3-93, § 1)

Sec. 11-602. Effect of license--Annual fee.

A. Each license shall state the name of the licensee and the address at which the business is to be conducted. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable.

B. A separate license shall be required for each pawnshop operated under this Article.

C. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each June 30, shall pay to the city clerk an annual license fee for the succeeding fiscal year in an amount established by resolution of the city council. If the annual fee remains unpaid fifteen (15) days after written notice of delinquency has been given to the licensee by the city clerk, the license shall thereupon expire, but expiration shall not occur before July 30 of any year for which an annual fee has been paid. Annual license fees shall be prorated on a monthly basis provided however, that no prorated license shall be less than ten ($10.00) dollars.

(Ord. No. 488, 1, 8-3-93; Ord. No. 517, §9, 6-20-95)

Sec. 11-603. Revocation, suspension, reinstatement of license.

A. The City Clerk may, after notice and hearing, suspend or revoke any license if he finds that:

1. The licensee has failed to pay any fee or charge properly imposed by the City Clerk under the authority of this Article.

2. The Licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of state law or this Article or any regulation or order lawfully made pursuant to and within the authority of this Article; or

3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for license, clearly would have justified the City Clerk in refusing the license.

B. The hearing shall be held upon twenty (20) days' notice in writing, setting forth the time and place thereof and a concise statement of the facts alleged to warrant suspension or revocation. At the conclusion of the hearing, the City Clerk shall prepare a written order setting forth the effective date of any suspension or revocation accompanied by findings of fact and a copy thereof shall be forthwith delivered to the licensee.

C. Any licensee may surrender any license by delivering it to the City Clerk with written notice of its surrender, but such surrender shall not affect the licensee's civil or criminal liability for acts committed prior thereto.

D. No revocation, suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any customer.

E. The City Clerk may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists, which clearly would have justified the City Clerk in refusing originally to issue such license under this Article.

F. On application of any person and payment of the cost thereof, the City Clerk shall furnish under his seal and signature a certificate of good standing or a certified copy of any license.

(Ord. No. 488, 8-3-93, § 1)

Sec. 11-604. Applications; Contents; Bonds; Statutory agent.

A. Applications for a pawnshop license shall be under oath and shall state the full name and place of residence of the applicant. If the applicant is a partnership, the full name and place of residence of each member thereof shall be stated. If the applicant is a corporation, the full name and place of residence of each officer or major stockholder thereof shall be stated. The application shall give the approximate location from which the business is to be conducted, and shall contain such relevant information as the City Clerk may require.

B. Each applicant for a pawnshop license at the time of filing application shall file with the City Clerk a bond satisfactory to him and in the amount of Five Thousand ($5,000.00) Dollars for each license with a surety company qualified to do business in this state. The said bond shall run to the City for the use of the City and any person or persons who may have cause of action against the obligor of said bond under the provisions of this Article. Such bond shall be conditioned that the obligor will comply with the provisions of this Article and all rules and regulations made by the City Clerk hereunder, and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or person from said obligor under and by virtue of the provisions of this Article during the time such bond is in effect.

C. Each licensee shall maintain on file with the City Clerk written appointment of a resident of this state as his agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state.

(Ord. No. 488, 8-3-93, § 1)

Sec. 11-605. Examination, investigation and access to records.

A. No pawnbroker shall deny access by any peace officer of this City to records or books relating to its pawn transactions, or examination or investigation of any pledged goods, or fail to cooperate with any peace officer under lawful order as set forth in 59 O.S. § 1508, as amended.

B. Any pawnbroker shall prepare and make available a report in a manner prescribed by the Chief of Police within three (3) days of any buy transaction to the police department of the City; provided, merchandise bought on invoice from a manufacturer or wholesaler with an established place of business is exempt from this reporting requirement. However, such invoice shall be shown upon request of any authorized peace officer. The report shall include:

1. The name and address of the pawnshop;

2. The name, address, race, sex, weight, height, date of birth and either identification number of the seller as verified by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of the right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record;

3. The buy transaction number;

4. The date and time of the transaction;

5. The manufacturer of the item;

6. A description of the item; and

7. The serial number and model number where available and any other identifying markings; and

8. Any other pertinent information prescribed by the Chief of Police from time to time, which is deemed necessary to fulfill reasonable and legitimate law enforcement purposes related to any buy transaction by a licensed pawnbroker.

(Ord. 654, § 1, 10-05-2010)

C. Items bought, except on invoice from a manufacturer or wholesaler with an established place of business, shall be held for ten (10) days before being disposed of or sold.

D. Any pawnbroker shall prepare and_make available a copy or report, in a manner prescribed by the Chief of Police,_ within three (3) days of any pawn transaction to the police department of the City. The copy or report shall include:

1. The name and address of the pawnshop;

2. The name, address, race, sex, weight, height, date of birth and either identification number of the seller or pledgor as verified by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of the right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record;

3. The pawn transaction number;

4. The date and time of the transaction;

5. The manufacturer of the item;

6. A description of the item; and

7. The serial number and model number where available and any other identifying markings.

(Ord. No. 488, 8-3-93, § 1; Ord. 658, § 1, 04-19-2011)

Sec. 11-606. Prohibited practices; Presumptions; Lost or destroyed transaction agreements.

A. A pawnbroker shall not:

1. Accept a pledge or purchase property from a person, male or female, under the age of eighteen (18) years;

2. Accept any waiver, in writing or otherwise, of any right or protection accorded a customer under this Article;

3. Fail to exercise reasonable care to protect pledged goods from loss or damage;

4. Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker on the pawn transaction, unless a hold order has been placed on the pledged goods by an authorized peace officer or the pledged goods are in the custody of law enforcement;

5. Make any charge for insurance in connection with a pawn transaction;

6. Enter any pawn transaction which has a maturity date more than one (1) month after the date of the transaction; or

7. Accept collateral or buy merchandise from a person unable to supply certification of identity by photo I.D. by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of the right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record.

B. **Presumption.** Except as otherwise provided by this Article, any person properly identifying himself as the original customer in the pawn transaction or as the assignee thereof, and presenting a pawn transaction agreement to the pawnbroker shall be presumed to be

entitled to redeem the pledged goods described therein.

C. **Lost or Destroyed Transaction Agreement.** If the pawn transaction agreement is lost, destroyed or stolen, the customer may so notify the pawnbroker in writing and receipt of such notice shall invalidate such pawn transaction agreement, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn transaction agreement, the pawnbroker may require the customer to make affidavit of the loss, destruction or theft of the agreement.

(Ord. No. 488, 8-3-93, § 1)

Sec. 11-607. Penalty.

Any person who violates any section of this Article shall be guilty of Class A Offense.

(Ord. No. 488, 8-3-93, § 1)

ARTICLE XXI.

DIVISION A. CHILD CARE CENTERS

Sec. 11-700. 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:

(1) *Child care center* shall mean any day child care, nursery, nursery school, foster home, or preschool or any place, home or institution located in any residential or commercial district which receives eight (8) or more children under the age of eighteen (18) years, and operates for six or more hours of the twenty-four (24) hour day, and not of common parentage, for foster care apart from their natural parents, legal guardians or custodians. This does not include facilities for which the primary purpose is medical treatment, vacation Bible schools whose duration is not greater than two weeks or Mother's Day Out programs conducted by churches or other religious institutions in which care for children is conducted within the institutional building.

(2) *Council* shall mean the governing or legislative authority of the City of The Village.

(3) *Day camp* shall mean any camp with a primary emphasis on outdoor education and recreation which exercises custodial care over children five (5) to eighteen (18) years of age, except for older handicapped participants and which operates only during periods specifically designated as vacation from the school in which the child is enrolled and which operates for more than twelve (12) hours per day or a day camp which is accredited by the American Camping Association or other national standard setting agency or church camp accreditation programs. This does not include short-term camps, i.e., whose duration is not greater than two (2) weeks.

(4) *Day care center* shall mean childcare center as defined in this section.

(5) *Director* shall mean the Medical Director/Chief Executive Officer of the City-County Health Department of Oklahoma County or his designated representative.

(6) *Electrical appliance* shall mean any device, which utilizes electricity to produce light, heat or power

(7) *Basement* shall mean that portion of a building or structure having one-half or more of its clear height below the ground level.

(8) *Entrapping equipment*: A component or group of components on play equipment that forms angles or openings that could trap a child's head by being: 1) too small to allow the child to withdraw his head easily and; 2) placed so that the child would be unable to support his weight by means other than his head or neck.

(9) *Health officer*. Anywhere in this article where the word or words "health officer" are used it shall be construed to mean the director of the City-County Health Department of Oklahoma County or his duly designated representative.

(10) E*xit* shall mean a means of egress, which is specifically designed for that purpose giving access from one floor to another or to the ground level outside the building.

(11) *Fall Zone*: An area extending four (4) feet from climbing structures, five (5) feet from the bottom of a slide, seven (7) feet plus the length of the

chain from a swing's point of suspension, and seven (7) feet from a merry-go-round and other revolving device.

(12) *Fire chief* shall mean the Chief of City of The Village Fire Department or his designated representative.

(13) *Gas appliance* shall mean any device, which utilizes gas fuel to produce light, heat or power.

(14) L*icensee* shall mean any person licensed to operate a nursery or day camp as defined in this chapter.

(15) *Nonprofit Corporation* shall mean any corporation organized under the laws of this State as a nonprofit corporation, and any corporation organized in another state or nation and authorized to function in this State as a nonprofit corporation.

(16) *Nonprofit organization* shall mean any nonprofit partnership, company, corporation, or other business entity, or any nonprofit group or association of two (2) or more persons united for a common purpose.

(17) *Nursery* shall mean childcare center as defined in this section.

(18) *Operator* shall mean an owner or designated person in charge of the child care facility or day camp or, if no one person is in charge, any employee or individual providing care at the child care or day camp location.

(19) *Part-time child care program* shall mean any nonprofit corporation or nonprofit organization which receives eight (8) or more children under the age of eighteen (18) years, and not of common parentage, for foster care apart from their natural parents, legal guardians or custodians, when received for periods not exceeding six (6) hours in a twenty-four hour calendar day, which operates no more than twenty (20) hours per week.

(Code 1976, 12-6-3; Code 1987, 11-211; Ord. No. 451, §1, 12-18-90; Ord. No. 463, §§ 1-3, 12-3-91; Ord. No. 484, §1, 1-5-93; Ord. No. 507, §2, 9-20-94)

Sec. 11-701. Scope.

The provisions of this division shall apply to any type of establishment outside of the child's own home, but shall not apply to the custody of any child or children of school age, as set forth in Title 70 of Oklahoma State Statutes as amended or superseded, in a public or private school organized, operated, or

approved under the laws of this State or to those whose custody is fixed by a court of competent jurisdiction, or to children related by blood or marriage within the third degree to the custodial person, or to part time child care programs, or to churches or religious institutions caring for children while their parents or legal guardians are attending church services or engaged in church activities, or to Mother's Day Out programs conducted by churches or other religious institutions in which care for children is conducted within the institutional building.

Sec. 11-702. Compliance.

No person shall operate or maintain a childcare center or day camp subject to the terms of this division unless such childcare center or day camp conforms to the requirements, specifications, and provisions of all ordinances. No other business other than those for which day care licenses are issued shall be carried on in the childcare center during the time childcare is provided by a licensee.

Sec. 11-703. Enforcement.

Except as otherwise provided in this division, the Director shall enforce the provisions of this article. The Director shall perform all acts and duties necessary to secure strict enforcement of this article, and for such purpose the Director shall provide for reasonable inspections. In addition, the Director shall have the power to enter every building, room, basement, and cellar or any other such space occupied, or used, for the purposes that fall within this division as a childcare center or day camp. The Director shall propose to The Village City Council for adoption in the form of an ordinance such minimum standards for childcare and day camps as he may deem necessary or advisable to protect the health, safety, and general welfare of the public. The Director shall have the power to enforce all local and state requirements and regulations.

Sec. 11-704. Inspections.

The Director shall inspect all childcare or day camps licensed under this division as often as he shall deem necessary for the adequate supervision thereof or advisable to protect the health, safety, and general welfare of the public, and he shall have the right to enter all such places any reasonable time for the purpose of making such investigation. Acceptance of a license shall constitute expressed consent to such inspections.

Sec. 11-705. Penalty.

Any person who shall violate any of the provisions of this article shall be guilty of a Class A offense for each such violation. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. The application of such penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day a violation exists shall constitute a separate violation and is subject to all penalties herein.

Sec. 11-706. License Required.

(a) No person shall open, operate or maintain a childcare center or day camp in the City of The Village without having first obtained a license to do so from the City Clerk. The license fee for childcare or day care centers shall be set by resolution of the City Council.

(b) It is the responsibility of the childcare center or day camp to maintain a current city license. The license of the childcare center or day camp shall be prominently displayed on the premises. The total number of children in care shall not exceed the licensed capacity.

(c) Day care centers already licensed, which run a day camp program must follow the minimum standards for childcare centers. If a day care and a day camp share the same facility, the combined number of children attending must not exceed at any time the number for which the nursery is licensed.

(d) Prior to issuance of any child care or day camp license, the applicant shall present evidence that the proposed child care or day camp, as defined by this section, meets all applicable state and/or City-County Health Department requirements, all applicable zoning requirements of the city, and any other applicable regulations established by state law or by city ordinance or code.

(Ord. No. 516, §1, 6-6-95)

(e) It is the responsibility of the childcare center or day camp to maintain a current city license and it shall be posted at all times.

(f) Child care centers or day camps may be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that does not adversely affect other properties and uses in the area, does not change the character of the residence, and in which the

child care activity is secondary to the primary use of the dwelling as a residence.

Sec. 11-707. Application and investigation.

(a) Written application to City-County Health Department of Oklahoma County: An application for a license shall be made in writing to the Director of the City-County Health Department, on forms prescribed by the Director. Applications must be filed thirty (30) days before the proposed change of ownership of an existing center and sixty (60) days before the proposed opening of a new center or day camp. Upon change of ownership of an existing day care center or day camp such notice of change must be submitted by proof of deed or other document reflecting ownership to City-County Health Department of Oklahoma County within ten (10) working days of such change.

(b) Investigation by Director: The application shall be referred to the Director, who shall cause strict inquiry and investigation to be made regarding the fitness, character and reputation of the owner and other operators, the suitability of the accommodations including adequate facilities, cleanliness, ventilation, heating, lighting, location, and all other matters pertinent to the health, safety, and general welfare of the public.

(c) Changes in designated operator or person in charge: Any change in information regarding the designated operator or person in charge needs to be communicated in writing within ten (10) working days of change to the Institutional Health Division of City-County Health Department of Oklahoma County

(d) Authority of Director to approve or disapprove: The Director shall have full authority to recommend approval or non-approval over the issuance of a license based on the findings of his investigation and subject to procedures set forth. Recommendations will be made to the City Clerk of the City of The Village.

Sec. 11-708. Fee.

Prior to the issuance of a childcare center license, the applicant for same shall pay to the city clerk a fee established by resolution of the city council. Annual license fees shall be prorated on a monthly basis provided however, that no prorated license shall be less than ten ($10.00) dollars.

(1994 Code, 11-708; Ord. No. 517, §10, 6-20-95)

Sec. 11-709. Records and reports.

Every licensee shall keep and maintain such records and make such reports to the Director as he may reasonably require upon such forms as he may prescribe. All inspection reports shall be kept on file at the childcare center or day camp. If inspection reports are posted, only the most recent shall be posted on the licensed premises. Children's daily attendance records must be kept readily available for a minimum of 120 days.

Sec. 11-710. Revocation, denial or non-renewal.

(a) If the Director, based upon his findings or by his inspections, observes violations of any ordinance, standards or regulations sufficient to warrant revocation or denial of a childcare or day camp license, written notice of recommended revocation/non-renewal or denial and the grounds therefore shall be delivered to the City Clerk.

Sec. 11-711. Physical facilities.

(a) Indoor space. There shall be minimum indoor space of thirty-five (35) square feet of floor area per child exclusive of hallways, bathrooms, kitchen and space occupied by furniture not for the children's use. The area of each room shall determine the number of children to occupy that room. Structures currently licensed under a thirty (30) square feet per child requirement shall not be affected by the requirement of the provisions of this subsection unless the facility is constructed, substantially altered, added to, converted, sold, or changed in lessee after December 3, 1991.

(b) Outdoor play space:

(a) Except as otherwise provided below, childcare centers must provide a minimum outdoor play space of seventy-five (75) square feet per child for the total licensed capacity. This applies to centers starting or expanding after December 3, 1991:

1. When nurseries are licensed for twenty-four (24) or more children, they must provide outdoor play space of seventy-five (75) square feet per child for at least one-third of licensed capacity of the center or a minimum of

one thousand eight hundred (1,800) square feet, whichever is greater.

2. Nurseries licensed for twenty-four (24) or more children, providing outdoor play space of less than seventy-five (75) square feet per child must:

3. Plan a time schedule shown when each group of children will be outdoors. Weather permitting; every child must have an opportunity for outdoor play every day.

4. Post a copy of the current schedule in the day care center so that parents and staff are aware of the outdoor play periods.

2. The outdoor play space shall:

(a) Be safely accessible from indoors.

(b) Be free from hazards.

(c) Have more than one type of texture. (For example: grass, sand, or dirt areas, hard surface)

(d) Have some shade provided at all times.

(e) Be fenced. The fence shall be made with an opaque, ornamental material not less than forty-eight (48) inches in height; provided however, that no fence shall be situated in the front yard of any residential lot or past the existing front building line of any commercial lot. The fence shall:

1. Begin at ground level;

2. Be eight (8) feet away from the use zone of any equipment;

3. Have the points pointing down if chain link.

4. Be maintained in a stable, secure upright condition so that children are kept in and animals kept out.

(f) Have organic loose, inorganic loose or impact absorbing materials maintained throughout the fall zone of all climbing, swinging, or sliding apparatus which are located on hard surfaces such as concrete, blacktop or hard-packed soil. (Grass is considered to be a hard surface);

1. Organic loose material such as pine bark nuggets, pine bark mulch, shredded hardwood bark, and cocoa shell mulch shall be maintained at least ten (10) inches in depth.
2. Inorganic loose materials such as sand, pea gravel, and shredded tires shall be maintained at a depth of at least ten (10) inches. Loose materials must be maintained by leveling or raking for hazardous items and litter and replacement of scattered materials. (Pea gravel should be 00 that has been sifted to 3/8 inch.)

(g) Be free from weeds, tall grass and untrimmed shrubbery to prevent vermin and insect infestation. Height of grass or weeds should not exceed six inches.

(h) Be free from standing water. (The surface of the outdoor play space shall be drained well enough so that standing water does not prohibit the use of the play area on a daily basis.)

(i) The equipment should be free of entrapment areas. (The center must ensure that no equipment has openings or angles that could entrap any part of a child's body or a child's head or clothing.

(j) Shall not have any climbing equipment or slides over seven (7) feet high.

(k) Have no visual barriers on the playground. Teachers must be able to see all children at all times.

(l) Have more than one type of apparatus (i.e.: climbing, swinging, and sliding).

3. Outdoor Equipment Design and Placement:

a. The placement of equipment must be planned to avoid the danger of collision and accidents.

b. No equipment shall be placed in the fall zone of another piece of equipment. (Equipment shall be placed eight (8) feet apart to provide a safe fall zone.)

c. Outdoor play equipment must be securely anchored unless portable by design.

d. All swing seats must be constructed of durable, lightweight, relatively pliable material, such as rubber, plastic or nylon webbing.

1. There should be a minimum of eighteen (18) inches between swings.

e. The center must ensure that no pinch, crush, or shear points are on equipment (such as axle assemblies on rotating devices).

f. Children must not have access to toxic substances either indoor or outdoor.

g. Outdoor play equipment shall be maintained in good repair and a safe and sanitary condition.

(c) Toilets. Bathroom facilities shall be suitable, adequate, located in the same building where the children's care is provided and easily available to the children. There shall be a ratio of one toilet and one sink to fifteen (15) children. Urinals are acceptable but may not be counted as meeting the ratio of toilets. Potty chairs may supplement toilets for emergency purposes. These must be emptied and sanitized immediately after each use. Bathrooms must contain operable flushing toilets and sinks in good repair. Any room where diapered children are kept must have a diaper-changing table or surface. Hot and cold running water must be either from a sink adjacent to the changing table or surface or a bathroom that opens directly into the room. Children must be in view at all times. All centers opening after December 3, 1991 must provide an operable sink with hot and cold running water and a changing table/surface in all rooms that care for children in diapers.

(d) Lavatories. Hand washing facilities shall be provided at a ratio of not less than one lavatory to each required toilet. Lavatories shall have hot and cold or tempered running water. Hot water temperature shall be maintained between 100 degrees Fahrenheit and 120 degrees Fahrenheit. If the temperature exceeds one hundred twenty (120) degrees Fahrenheit, a tempered valve must be used; when a tempered valve is used, the

temperature should not be set above one hundred five (105) degrees Fahrenheit. There shall be soap and disposable paper towels dispensed from a paper towel dispenser, not cloth towels, and waste containers within easy access of children. A separate hand wash sink shall be provided in the food preparation area and adequately supplied with soap and sanitary towels or hand drying device. Those centers which were originally designed as a family residence and having the licensed capacity of fifteen (15) or less children shall be deemed in compliance if hand washing facilities are located on the same floor or in a bathroom on the same floor.

(e) Individual supplies, water. Clean, individual washcloths, disposable towels and drinking cups shall be provided. The water supply must meet standards established by the State Department of Health.

(f) Rest and beds. Arrangements for rest shall be provided. There shall be an individual cot or bed with individual bedding for each child who remains more than five (5) consecutive hours in the childcare center. Cots shall be covered and be maintained and stored in a sanitary condition at all times. Cots and/or beds shall be arranged in an alternating head-foot position and spaced at least two (2) feet apart. Cribs and cots shall be labeled by name or number so each child receives the same cot. Cots shall be kept in good repair and be replaced or recovered as needed. Extra sheets and blankets shall be available and maintained in good repair.

(g) Heating facilities. Heating facilities shall present no hazard to the health and safety of the children. Appropriate guards shall be placed around radiators and floor furnaces. Unguarded open-faced heaters and fires in fireplaces are not permitted. Any gas-heating appliance shall have a closed combustion chamber and shall be vented. The childcare center shall also comply with the City of The Village fire ordinances and regulations.

(h) Adequate quarters required. All quarters occupied by children shall be adequately heated, lighted, and ventilated.

(i) Heating standards. The heating plant shall be adequate to maintain temperature of seventy-two (72) degrees Fahrenheit twenty-four (24) inches from the floor in severe weather in all rooms used for children. An adequate thermometer shall be provided for measuring room temperatures. Air-conditioned facilities shall maintain a maximum temperature of eighty (80) degrees Fahrenheit. Rooms shall be relatively

free from moisture condensation.

(j) Sickroom. There shall be a room or space available in which children who become ill in the childcare center may be cared for until a parent or guardian arrives. This space may be used by others when not in use by sick children.

(k) Telephone. There shall be a telephone located within each licensed childcare center. Pay telephones are not acceptable. A list of emergency numbers shall be posted by the telephone. These are the Fire Department, Police Department, all emergency services, and the name and address of a physician, hospital and/or clinic, poison control, and name, address and phone number of the childcare center.

(l) Dangerous substances. Medicines, cleaning solvents, poisons, firearms, sharp pointed scissors and other potentially dangerous substances and instruments shall be kept in areas inaccessible to the children. Poisonous or toxic material shall not be stored with or above food, food equipment, utensils or single service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at dishwashing stations, or laundry facilities. Do not store medicines above or next to food. In the refrigerator store on the lowest shelf or in a container that would prevent possible contamination of food.

(m) Kitchen. The kitchen shall be a separate area for the preparation of food and the cleaning and sanitizing of dishes and utensils, and arranged in such a way to discourage easy access to children. Children shall not be allowed there while food is being prepared except as part of a planned, supervised learning experience. The kitchen shall be maintained reasonably free of moisture condensation and shall be easily cleaned and provided with hot and cold running water. Standards and practices pertaining to food preparation, handling and service shall comply with regulations established by the Oklahoma State Department of Health and any applicable local codes except for family day care homes. The owner, director or primary person assigned to do the cooking is required to obtain and maintain a current Food Service Operators Certificate. One of the following methods of treatment of the eating and drinking utensils shall be utilized:

(1) A three-compartment sink permanently installed and connected to a common drain. Utensils are washed in the first compartment, rinsed in plain water in the second, and immersed in the sanitizing medium in the third compartment and air-dried. Do not wipe the

utensils after sanitization.

(2) A commercial type dishwasher equipped with a built-in heating element capable of heating water in rinse cycle to one hundred eighty (180) degrees Fahrenheit without turning up the thermostat in the regular hot water tank past one hundred thirty-five (135) degrees Fahrenheit; provided that this section is applicable to existing facilities having operable domestic or commercial dishwashers which adequately sanitize by heat or chemical. Adequacy of the sanitizing cycle will be determined by the generally accepted test methods or thermometers must be provided to ensure compliance with the food service code.

(n) Use of paper or plastic throwaway eating and drinking utensils. No washing or reuse of single service bowls, plates, spoons, forks, or cups is permitted. All single service items must be disposed of immediately after use. All cooking utensils, serving spoons, etc. must still be washed and sanitized in accordance with Section 11-311 (m) Kitchen, numbers (1) or (2).

(o) Drinking water. Drinking water shall be provided through sanitary drinking fountains or individual cups. Individual cups must be single service disposable cups or reusable cups sanitized after each use. The use of a common drinking cup is prohibited.

(p) Paper cups and towels. Sanitary dispensing and approved disposal units shall be provided for cups (paper) and towels.

(q) Plumbing. No plumbing fixture or other device, which provides a connection between a drinking water supply and a drainage, soil waste or sewer pipe so as to make possible the backflow of sewage or wastewater into water supply system, shall be installed or be permitted to exist. Water that has been used for cooking or for any other purpose shall not be returned to the system. All piping and fixtures shall be kept clean and in good repair. All plumbing shall comply with city plumbing ordinances and codes.

(r) Ventilation. Kitchen, bathrooms, and service rooms shall be so located and ventilated by window or mechanical means through a vent leading directly to the outside as to prevent offensive odors from entering other rooms in the building. In any facility not equipped with central heat and central air conditioning of sufficient rated capacity to provide comfort in all areas, then the rooms in which children eat, sleep or play shall have

outside windows which are easily opened and closed (without resorting to props) to provide proper cross ventilation. If windows or doors are to be opened they must be screened.

(s) Water supply. The water supply shall be obtained from a source, which is properly located, constructed, and operated to protect it from contamination and pollution. Water shall meet current standards set up by the State Department of Health as to bacteriological, chemical and physical tests for purity.

(t) Sewage. Sewage shall be discharged into The City sewage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewage system, which complies, with the requirements of the State Department of Health.

(u) Garbage and refuse. All garbage and refuse shall be collected, stored, and disposed of in a manner that will not create a nuisance, provide a breeding place for flies or a harbor for rats. All containers for garbage and refuse shall be watertight, have tight-fitting covers and be fly and rodent proof. Garbage containers shall be kept clean.

(v) Equipment. The equipment of nursery shall be of such size and type that is appropriate to the child's physical needs. An adequate number of tables, chairs, and high chairs shall be provided for children at mealtime and for table-play activity. High chairs must be covered with a waterproof, impermeable, washable material and maintained in good repair. There shall be equipment to keep each child's clothing separate from that of other children. Indoor and outdoor play equipment shall be:

1. Maintained in a safe and sanitary condition;

2. Provided in quantities proportionate to the maximum number of children for which the center is licensed.

3. Provided for the children's use on a regular basis.

(w) Safety and sanitation. The Child Care Center shall:

(1) Maintain a structurally sound interior and exterior in good repair. Maintain walls and ceilings free from holes, peeling paper and paint;

(2) Maintain floors free of grossly broken and/or missing tile, torn carpet or holes;

(3) Maintain windows and doors free of broken glass and/or other hazards;

(4) Maintain window and door screens to minimize entry of insects;

(5) Maintain screens on windows and doors when open for ventilation purposes;

(6) Provide self closing apparatus on all screen doors and storm doors;

(7) Be clean and sanitary at all times and free of offensive odors:

a. Clean-up spills and soil immediately;

b. Sweep and/or mop floors daily;

c. Vacuum carpets and do spot cleaning as needed;

d. Wet scrub carpet when visibly soiled;

e. Spot clean and/or scrub walls, ceilings and floor when visibly soiled.

(8) Take effective measures to minimize the entry, presence, and propagation of rodents, flies, cockroaches, or other vermin. The premises shall be maintained in a condition that prevents the harborage or feeding of vermin. Openings to the outside shall be effectively protected against the entrance of rodents.

Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch.

(9) Be free of hazards.

(10) Prohibit smoking within the center.

(11) Maintain lighting in all areas used by children at not less than twenty (20) foot candles at a height of thirty (30) inches except at naptime when light levels must allow for children to be observed. Children shall be continuously observed during naptime.

Sec. 11-712. Care of children.

(a) Cribs play pens. Each infant and toddler as defined in Section 11-318, Subsections (d) (1) and (d) (2) of this code shall be provided with a separate crib, cot and/or playpen. The mattresses and playpen pads shall be a minimum of two inches (2") thick and covered with a waterproof, impermeable, washable material and maintained in good condition. Such covering shall be childproof and must be safe and easily sanitized.

(b) Space requirements. Cots, cribs and/or playpens must be at least two (2) feet apart on all sides.

(c) Crib sheets. Crib sheets shall be changed daily and whenever soiled.

(d) Individual supplies. There shall be provisions made for an adequate supply of individual diapers, clothing, powder, oil, etc.

(e) Formula and food.

(1) The day care center is responsible for feeding children a diet appropriate to their individual needs.

(2) Infants under 6 months of age shall be fed the infant formula and diet prescribed by the child's physician or authorized by the child's parent. Parents may be requested to provide infant formula and baby foods.

(3) Infants above the age of 6 months shall be offered a diet consisting of milk or formula, cereal, fruits, vegetables and meats in sufficient amounts to meet their daily food needs, unless otherwise recommended by the child's doctor.

(4) When an infant or toddler has a special dietary need resulting from an allergy or family religious restrictions, parents can be requested to supplement the center’s food service.

(5) When infants or toddlers show evidence of wanting to feed themselves, they shall be allowed to do so.

(6) Infants up to the age of 6 months shall be held while being bottle-fed. Infants of more than 6 months shall be held while bottle-fed until they are able to hold their own bottle securely. Bottles shall not be propped by any means at any time.

(7) Infants and toddlers no longer being held for feeding shall have a definite place for eating. They may sit in infant seats, high chairs with a safety strap or in low chairs at low tables.

(8) Staff members shall wash their hands thoroughly with soap and water before feeding an infant.

(9) Bottles and baby food provided by parents must be labeled with the child's name.

(f.) Diapers. There shall be closed containers for dirty diapers and clothing. Shelves shall be maintained at adult height for storage of equipment and supplies. Soiled or wet diapers shall be placed in a moisture proof bag or stored in a tightly closed container, which is cleaned daily. Staff members shall wash their hands thoroughly with soap and water after each diaper change.

(g.) Hygiene. Any person preparing food in a day care center may not work in a class where diapers are changed. Attendants shall wash hands before and after handling the infant and after each diaper change. Diapers shall be changed promptly and buttocks shall be thoroughly cleaned and dried. The child's buttocks must be washed with a cloth that is not used for any other purpose and these cloths placed in a closed container. Only freshly laundered or disposable diapers shall be put on the child. A changing table with a clean and moisture proof surface shall be used when diapers are changed. The surface must be sanitized after each diaper change with a sanitizing solution. Only diaper changing items may be allowed on changing surface. No other items (i.e. food, toys, etc.) are to be present on the changing surface at any time.

(h.) Play. Infants and toddlers shall have opportunity throughout the day for play outside the crib or play pen for creeping and crawling, also opportunity for large muscle exercise.

(i.) Treatment. Each child shall be considered as an individual and provided patient, understanding, consistent and loving guidance.

(j.) Discipline. Constructive methods of guidance and discipline shall be utilized. Loud, profane or abusive language shall not be used. Corporal punishment shall not be used. Corporal punishment is infliction of physical pain. Shaming, frightening, and humiliating methods shall not be used. Punishment shall not be associated with rest, toilet training, or loss of food. Any person convicted of assault and battery, beating, physical violence, or otherwise abusing children shall be restricted from the premises of a childcare center.

Sec. 11-713. Health Program.

(a.) Immunizations. Childcare center operators shall require parents or guardians to submit to the day care center a statement from a duly licensed physician indicating the extent of their child's immunizations prior to or upon entry to the childcare center. The required immunizations for children in day care are set out by Oklahoma's Day Care Immunization Law as it now exists or may hereafter be amended; which law is incorporated herein by reference. The recommended schedule for children beginning immunizations is as follows:

AGE	VACCINES
2 Months	TP, Oral Polio and HIB
4 Months	TP, Oral Polio and HIB
6 Months	DTP and HIB
15 Months	Measles, Mumps & Rubella
15 to 18 Months	DTP and Oral Polio
18 Months to 4 Years	HIB
4 to 6 Years	TP, Oral Polio and MMR

If immunizations have not been completed, they must be and evidence so presented. However, any minor child, through his parent or guardian, may submit to the child care center operator who shall forward to the Director a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child, or a written statement by the parent or guardian objecting to such immunizations. In such case, said child shall be exempt from the immunization requirement.

(b) Sick children. Each child must be carefully observed by staff members for symptoms of illness or abuse. Ill children are not to be accepted for care in a childcare center unless the parents present a statement from their attending physician that the child is not suffering from an infectious, contagious, or communicable disease. Any child showing symptoms of illness should be separated from the group and parents or the child's physician shall be notified. A child showing evidence of abuse shall be reported to the appropriate legal authority. Operators must notify Oklahoma City-County Health Department of Oklahoma County when one case of hepatitis, meningitis, Shigella, Giardiasis, Salmonella, measles, rubeola, whooping cough, tuberculosis, or any Haemophilus influenza invasive disease is identified in any person associated with the center and when clustering or grouping of any other illness or disease occurs.

(c) Emergency treatment. A plan for emergency treatment for severe injury or acute illness shall be written and prominently displayed in the childcare center. This written notice shall state the name of the physician and/or clinic, including address and telephone number, the childcare director will contact.

(d) Medication, requirements. No medication shall be administered by the operator or his employees except under the following conditions:

(1) The parent or guardian of the child requesting that prescription medication be administered as directed by the prescription label on the container must make such a request in writing. Where such prescription medication is to be given, the parent or guardian must present a statement from the attending physician to the effect that the child is not suffering from an infectious, contagious, or communicable disease. Such written requests from the parent or guardian and a statement from the attending physician must be kept on file for a period of not less than six (6) months following the date of the incident.

(2) The statement from the attending physician relative to the child's ability to transmit disease to others shall identify the child by name, include a statement relative to communicability of the condition, and be dated.

(3) The operator and his employees are not to administer medications such as aspirin, proprietary or patient medicine, or other home remedies to children cared for in the childcare center unless

requested to do so by the parent or guardian. For the protection of the operator of the childcare center, it is required that such requests be in writing with the signature of the parent or guardian.

(4) All medication provided must be clearly labeled with the child's full name, date and directions for the proper amount (dose) and frequency for administration. All medications shall be stored in its original container or fully labeled with the Rx label and shall be kept in a safe place and out of reach of children. In order to avoid duplication, the responsibility of giving and properly documenting each child's medication shall be assigned to one person on duty. The staff person administering medications should initial each dose and retain this record for future reference.

(e) First-aid kit. A first-aid kit shall be available at all times. The minimum required contents are as follows:

(1) Antibacterial skin cleaner. (example: Hydrogen peroxide)

(2) Band-Aids, non-medicated.

(3) Sterile non-stick gauze pads, three (3) inches by three (3) inches, individually packaged.

(4) Two sizes of gauze bandages, one-inch, two-inch or three-inch rolls.

(5) Cotton balls, for cleansing purposes.

(6) Adhesive tape.

(7) Blunt scissors.

(8) Bottle of liquid soap.

a. Recommends:

(1) Digital thermometer (non-mercury type) with individual disposable covers.

(2) Syrup of Ipecac to be used only after recommendation of Poison Control Center or physician.

(f) Staff education. It is recommended that an ongoing educational program be provided for new staff members concerning early signs and symptoms of illness and first-aid treatment.

Sec. 11-714. Food and nutrition.

(a) Meals. Children remaining in the nursery for longer than a four-hour period shall be served a balanced meal, which shall provide at least one-third of the child's total daily nutritive requirement as established, by the National Research Council, Food and Nutrition Board of the National Academy of Science.

(1) The childcare center is responsible for providing the food for all children in care appropriate to their individual needs. Exception: When infants are in care or a child has a special dietary need, parents can be requested to supplement the center's food service.

(2) Seconds shall be available for children.

(b) Menus. Menus shall be posted one week in advance so that parents can be made aware of food being provided their children. A duplicate menu shall be posted in the kitchen for the cook's use. Such menus shall be closely followed although reasonable substitutions are permissible, however, substitutions shall be noted.

(c) Snacks. Snacks shall be provided both mid-morning and mid-afternoon when the interval between regular meals is four (4) hours or longer. Many children require small quantities of food between meals in order to prevent fatigue.

Sec. 11-715. Transportation.

(a.) License and inspection. Where transportation is furnished by the childcare center, the driver of the vehicle in which children are transported shall possess the appropriate license to operate a motor vehicle in the State of Oklahoma. Assurance shall be made that the vehicle used is inspected in accordance with the State law. The vehicle used for transportation shall be covered by passenger medical and liability insurance, and comply with all current Oklahoma laws relating to child passenger restraint systems and seat belts.

(b) Safe conduct. There must be provided safe conduct to and from all cars and safe off-street loading space so that the children are protected from backing cars, from being between cars, and from all traffic hazards.

(c) Individual seating. Children in any vehicle shall be provided an individual seating place.

(d) Unattended children. Vehicles containing children shall never be left unattended.

(e) Door locking. Each vehicle operated by a center for transportation of children shall have doors locked. The driver shall be responsible for keeping the doors locked whenever the vehicle is moving.

(f) Staff ratio. The staff ratio in the vehicle shall be the same as in the childcare center.

(g) Driver, how counted. When children up to, but not including age four (4), are transported in any vehicle, the driver shall not be counted as a staff member.

(h) Open vehicles prohibited. Open vehicles, pickup beds, etc., shall not be considered as proper transportation.

(i) Children shall not be transported in vehicles with missing or dangerous window glass.

(j) The driver shall be provided with a clipboard or notebook, which lists the name, address and telephone number of the day care center as well as names of children being transported with an alternate telephone number of designated adults who could contact the parents.

Sec. 11-716. Construction and fire safety.

(a) Standards. New construction, additions to or any major alterations to an existing structure, the selling or leasing of a structure existing or the conversion of a building existing as of December 3, 1991, shall conform to this code and the following standards:

(1) Current Building Codes of the City of The Village.

(2) Current State and City of The Village Fire Codes.

(3) The use of a mobile home for a childcare center is prohibited.

(b) Fire protection. Childcare facilities shall accomplish a standard of fire safety, which will meet the approval of the authority having jurisdiction.

(c) Heating. The following heating requirements shall be met:

(1) All gas heating and cooking equipment shall be connected to gas service line with rigid pipe. (Exception: Cooking ranges may be connected to service line with listed flexible tubing not to exceed six (6) feet in length. Gas fed hot water heaters may be connected with listed tubing not to exceed eighteen (18) inches in length.

(2) With the exception of kitchen cooking ranges, all gas fed appliances shall be equipped with pilot lights and an automatic control valve to cut off the gas supply in case of fault.

(3) A quarter turn shut-off valve, located between the union and the source of supply, shall be provided for each gas fed appliance.

(4) Each gas fed appliance shall be vented vertically to the exterior to a point twenty-four (24) inches above the roofline or any other structure within a fifteen-foot radius. Such vent shall be a Class "B" vent with proper clearance and shall be provided a rain cap.

(5) Every central gas-heating unit and gas fed hot water heater shall be enclosed in rooms or closets having a fire resistance rating of one hour with exterior air provided for combustion. These enclosures shall not be used as habitable space.

(6) Use of open-face heaters is prohibited. Use of any unvented space heater is prohibited.

(7) A pressure relief valve shall be installed on all new and existing hot water tanks.

(8) Vents and burner adjustments shall be checked annually by a competent plumber or local gas supplier. A record of the annual check shall be kept by the operator of the childcare center.

(d) Electrical. The following electrical requirements shall be met:

(1) Use of extension cords or temporary wiring is prohibited.

(2) Appliance cords are not to be spliced, knotted, stapled, run over nails or piping, run through concealed space, or run from one room to another.

(3) An electric outlet shall be provided for each appliance.

(4) Electric outlet covers, where within reach of children, must have safety covers. Fuse box, switch and outlet covers shall be intact.

(5) Major electrical appliances shall be bonded and properly grounded.

(6) Circuits shall be properly fused.

(7) All electrical outlets in new construction shall be located four (4) feet above the floor.

(e) Exterior. The burning of trash on the premises is not permitted.

Sec. 11-717. Administration.

(a) Floor plan. A floor plan of the building shall be exhibited on each floor of the building showing prime and alternate evacuation routes from each area of the building.

(b) Fire drills. A minimum of twelve (12) fire drills shall be held in each one-year period. A minimum of three (3) fire drills shall be held in each quarter year period. All employees and children shall participate in each drill; infants and toddlers may be exempted during periods when climate conditions may endanger their health. The operator shall maintain an accurate record of required drills.

(c) Minimum staff. An adult staff member shall be present, both indoors and outdoors, at all times with each group of children. Children shall never be left unattended.

(d) Attendance records. Current attendance records must be kept daily for each child. The daily attendance records must be kept a minimum of 120 days and be available at the childcare center for inspection as required by the Director.

Sec. 11-718. Personnel.

(a) Fire safety. Each staff member shall be familiar with the location and use of portable fire extinguishers. (It is suggested each staff member could actually be trained in the use of fire extinguishers by being allowed to extinguish practice fires supervised by the servicing agency of the Fire Department at the time of annual extinguisher service.)

(b) Evacuation. Each staff member shall be familiar with evacuation procedures and routes.

(c) Person in charge. Should the owner, operator and/or manager of a Center need to be away, a staff member shall be appointed charge person in their absence to take responsibility for operation of the center.

(d) Number of staff required. There must be an overall total number of staff members to correspond with the chronological age of the children present. Recognizing that all children do not develop at the same rate, the following guide for staff ratio need not necessarily be the guide for exact grouping of children; however, when two or more different age groups are combined, you must follow the staff ratio for the youngest age group.

(1) Infants in cribs, (0 through 9 months of age) at least one staff member to four (4) children.

(2) Toddlers (10 months up to but not including age two (2) years), at least one staff member to six (6) children.

(3) Two (2) years up to but not including age three (3), at least one staff member to eight (8) children.

(4) Three (3) years up to but not including age four (4), at least one staff member to twelve (12) children.

(5) Four (4) years up to but not including age six (6), at least one staff member to fifteen (15) children.

(6) Six (6) years and over, at least one staff member to twenty (20) children.

(7) When the total number of children present in the center is 11 or less and the children of all ages are mixed together, the following

requirement for grouping and staff ratio will be at least one staff member to eight (8) children with no more than two of these eight (8) being under two (2) years of age, or that require special care.

(8) During naptime, staff ratio may be reduced to provide an opportunity for in-service training in the facility.

To ensure proper supervision of children, a staff person must remain with each group and all children must be resting quietly. Appropriate staff ratio must be present in the center at all times.

(9) Swimming: The following guide for grouping and staff ratio shall be used to determine compliance with requirements while swimming:

(a) Under 2 years - 1 staff/1 child
(b) 2 Years Old - l staff/4 children
(c) 3 Years Old - l staff/6 children
(d) 4-5 Years Old - l staff/7 children
(e) 6 Years Old and Over - 1 staff/10 children

When two or more ages are grouped together, staff ratio for the youngest child shall apply.

(10) Children shall never be left unattended. An adult staff member shall be present indoors and outdoors at all times with each group of children.

DIVISION B. MINIMUM STANDARDS FOR DAY CAMPS

Secs. 11-719--11-749 Reserved.

Sec. 11-750. Scope and compliance.

(a) The provisions of this division shall apply to all day camps located within the corporation limits of the City. All applicants for a license under this division shall comply with the provisions of this division and no license shall be issued, continued or reissued unless such compliance is shown.

(b) Day camps shall be subject to on-site, unannounced inspections by the Director of the City-County Health Department of Oklahoma County or his designate.

Sec. 11-751. Site standards.

The site for a day camp shall meet the flowing requirements:

(1) Arrangements shall be made annually with fire and law enforcement officials for the protection of the camp. A current approved fire report will be available if requested by the City-County Health Department Oklahoma County where there are permanent structures used. Current local fire codes must be complied with.

(2) Shelter from inclement weather must be available for all persons in camp.

(3) Shade must be provided.

(4) The following camp site conditions must be observed:

a. Risks from hazards such as cliffs, pits, poisonous plants and animals, dead trees, abandoned buildings and low wires and cables must be eliminated or controlled.

b. Grounds must be free of broken glass, nails and other dangerous objects.

c. Site must provide privacy and protection from intrusion.

d. The address and phone number of the day camp and the following emergency numbers must be displayed at all phones: police, fire, 911 emergency service, poison control and hospital.

Sec. 11-752. Administrative standards.

A day camp shall develop administrative procedures, which include the following:

1. On-site records for each camper and staff member which include:

a. Full name: age (for all persons under the age of eighteen (18) and the date of birth; home address and telephone number; school grade (where applicable; name, address, signature and work and home telephone number of adult responsible for each person under the age of eighteen (18).

b. On-Site records for each person under the age of eighteen (18), which show the telephone number(s) of persons in addition to parent or guardian to contact in case of emergency during the individual's stay at camp.

c. Name and telephone number of each person's physician or health care facility.

2. Written procedures for:

a. Release of campers who are minors to persons other than legal parent or guardian.

b. Verification of absentees. Daily attendance records must be available for City-County Health Department of Oklahoma County inspectors upon request.

c. Use and release of all personal information.

3. The camp shall have the following insurance coverage, or a written release from parent/staff:

a. Workers compensation for eligible staff.

b. Accident coverage for any staff member not covered under workers compensation (carried by the camp or the camp has written evidence that the staff member has such insurance) or written release signed by the staff member.

Sec. 11-753. Safety standards.

A day camp shall have written policies and procedures for the protection of campers and staff. Such procedures shall include the following requirements:

(1) All firearms, ammunition, and other weapons to be stored in locked cabinets, which are under the direct supervision of the day camp director and his designee.

(2) Gasoline, kerosene, explosives and flammable materials must be:

a. Stored in covered, safe containers that are plainly labeled as to contents.

b. Handled only by persons trained or experienced in their safe use.

(3) Hand and power tools must be:

a. Equipped with the necessary safety devices, used according to manufacturer's instructions and maintained in good repair.

b. Used only by those trained and experienced in the safe operation of such tools.

(4.) All staff must be provided with written disaster procedures, which they have reviewed prior to exercising responsibility over camp children or participants.

(5.) There must be written search and rescue procedures for persons lost, missing or runaway which staff have reviewed and rehearsed prior to exercising responsibility over camp children or participants.

(6.) In case of personal emergency, transportation for medical services must be available at all times provided by either the camp or by community emergency services with which prior arrangements have been made in writing.

Sec. 11-754. Transportation standards.

All motorized vehicles used in camp operation shall meet the following standards:

(1) All vehicles must have a current state license and inspection sticker.

(2) Each vehicle used for transporting campers and staff must be equipped with the following:

a. Stocked first aid kit, which meets the requirements for such as specified in Child Care Section of this division.

b. A flashlight.

c. Emergency equipment (inflated spare tire, jack, lug wrench of appropriate size for vehicle) or citizen band radio or vehicle phone to summon emergency assistance.

d. All drivers or operators of motor vehicles must have a valid Oklahoma driver's license and meet current state law requirements concerning the transportation of children.

Sec. 11-755. Personnel standards.

(a) Day camps shall operate in accordance with the following minimum personnel standards. The on-site camp director shall be at least twenty-one (21) years of age.

(1) The minimum ratio of staff to campers for all periods of day camp operation shall be:

CAMPER'S AGE	STAFF	DAY CAMPERS
5 and 6 Years	1	10
7-18 Years	1	12

(b) Staff must be at least eighteen (18) years of age. Volunteer staff will be counted as part of the staff only if they are at least eighteen (18) years of age. Staff must be in attendance at all times with each group of children.

(c) The camp director shall provide at least six (6) hours of staff training at the day camp site.

Sec. 11-756. Health care standards.

(a) A day camp shall have a written health care plan in effect which is reviewed annually and specifies general procedures and responsibilities of all staff for the following areas: first aid, emergency medical care, including emergency transportation; care by physician or hospital; daily medical care; routine health care for campers or staff; supervision of camp health and sanitation practices; assessment of food services, if provided; provision of medical supplies and equipment.

(b) The health care plan must be reviewed annually by a medical doctor licensed to practice in the State of Oklahoma who will certify that he has read the plan and finds it to be adequate to the needs of the camp.

(c) In order to direct, oversee and implement health care, there must be a Camp Health Supervisor available who is a licensed medical doctor or registered nurse and is on site or available by phone when campers are present.

(d) In order to provide first aid to children or participants there must be staff with the following qualifications as well as proof of certification on duty at all times when campers are present:

(1) Licensed medical doctor, registered nurse, emergency medical technician, paramedic or person certified in American Red Cross standard first aid or the equivalent.

(2) A person certified in CPR from the American Red Cross, American Heart Association or the equivalent.

(e) All staff who are responsible for providing health care must be:

(1) Trained to provide care according to specific written procedures; and

(2) Trained to use supplies and equipment with which they are furnished.

Sec. 11-757. Routine health care and medical treatment.

(a) The day camp shall maintain health histories for all campers and staff. Such histories shall meet the recommendations of the City-County Health Department of Oklahoma County and meet the following requirements:

(1) A health record for each camper must be submitted to the camp director upon admittance. Such record shall include:

a. A health history. Such history must be signed by parent or guardian if camper is a minor.

b. A record of past medical treatment, allergies, and age appropriate immunizations.

c. Description of any health conditions requiring special consideration.

d. Signed permission of the parent or guardian for the day camp to seek necessary emergency treatment.

In the event a parent or guardian wishes to refuse medical treatment due to religious or other beliefs, a signed statement to that effect must be provided.

(2) A health record for each staff member must be submitted to the camp director before the start of the day camp session. In addition, staff employed in excess of two (2) weeks must have:

a. Proof of an annual tuberculosis skin test.

b. Positive skin test must be followed with a chest x-ray. Results of the x-ray must be kept on file at the camp and accessible to City-County Health Department of Oklahoma County. No further PPD (skin test) is required once proof of positive is on file. The chest x-ray result on file is acceptable as long as the staff has no symptoms.

(b) The following medical records maintained for use during camp must be retained:

(1) A daily medical log kept in a bound book which has page numbers and lined pages and in which the following information is recorded in ink with no lines skipped:

a. Date, time and name of person injured or ill.
b. General description of injury or illness.
c. Description of any treatment administered.
d. Initials of person evaluating and treating.

(2) An accident report for all accidents resulting in injury requiring professional medical treatment.

(c) There must be written procedures for providing routine health care, first aid and emergency medical care away from the health care facility, which include:

(1) Policies for recording information and appending such information as soon as possible to the daily medical log.

(2) Completion of an accident report form for injuries requiring professional medical treatment.

(d) All drugs must be:

(1) Stored under lock or in the controlled possession of the person responsible for administering them.

(2) Dispensed only under the specific direction of a Licensed Physician.

(3) Dispensed only upon receipt of signed permission slip by parent or legal guardian of child or participant which allows camp personnel to administer medications.

(4) Stored in original container (over the counter) or fully labeled with the pharmacy Rx label.

(5) Labeled with the child's name, date and directions for proper doses and time to be administered. In order to avoid duplication, the responsibility of giving and properly documenting each child's medication shall be assigned to one person on duty. The staff person administering medication should initial each dose and retain this record.

(e) The day camp shall have an infirmary or health care shelter available to handle first aid and emergency cases. The infirmary shall provide the following minimal facilities:

(1) Protection from the elements.

(2) First aid and dispensary area.

(3) Available toilets.

(4) Available water for drinking and cleaning.

(5) An area, which provides quiet and privacy.

(6) An isolation area.

(f) The day camp must provide continual supervision of campers in the infirmary or health care shelter.

(g) The day camp director shall immediately notify the City-County Health Department of Oklahoma County whenever a case of hepatitis, meningitis, Shigella, Giardiasis, Salmonella, measles, rubeola, rubella, whooping cough, tuberculosis, or any Hemophilus influenza invasive disease is identified in any person associated with the camp and when clustering or grouping of any other illness or disease occurs.

Sec. 11-758. Sanitation standards.

A day camp shall maintain the following standards:

(1) The water for all drinking and food preparation purposes must either be from an approved public water supply or approved in writing by the City-County Health Department of Oklahoma County no more than thirty (30) days prior to camp operation.

(2) All sewage must be disposed of in a public sewage system or in a manner approved by the Oklahoma State Department of Health.

(3) The campsite must be free from evidence of a sewage disposal problem.

(4) A systematic maintenance routine must be in effect that provides clean, safe and sanitary conditions throughout camp.

(5) Garbage and rubbish disposal areas must be clean, safe and sanitary.

(6) The minimum standard for toilets shall be:

a. One (1) toilet for every twenty (20) females.

b. One (1) toilet for every twenty (20) males, or one (1) toilet plus one urinal for every thirty (30) males.

(7) Toilet facilities must be:

a. In good repair, ventilated, and screened or enclosed.

b. Clean and sanitary.

c. If latrines are used they must meet the requirements above and must be provided with tight-fitting toilet lids and self-closing doors.

(8) Hand washing facilities must be provided adjacent to the toilets. At least one washbasin or equivalent and soap must be provided for every twenty (20) persons. Hot water temperatures shall not exceed one hundred twenty (120) degrees Fahrenheit at hand wash sinks.

(9) All garbage and rubbish containing food waste, which is temporarily stored in the kitchen, and dining areas must be kept in leak-proof, non-absorbent containers, which are covered, with tight-fitting lids when not in continuous use.
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(10) Permanent disposal of garbage must be scheduled to prevent build-up beyond the capacity of closed containers.

Sec. 11-759. Food storage and preparation.

A day camp, which serves food to the day campers, shall maintain the following standards for food storage and preparation:

(1) All food preparation and storage areas must be:

(a) Maintained free of dirt and accumulated grease.
(b) Well lighted and ventilated.
(c) Protected from rodents and vermin.
(d) Designed and equipped to keep food off the floor.

(2) Perishable foods must be kept at a temperature of forty-five (45) degrees or less for cold storage and at a temperature of one hundred forty (140) degrees or higher for hot storage. Thermometers must be kept in refrigeration facilities.

(3) The director shall cause to be maintained a record of daily menus and number of persons served and records and inventories of food supplies purchased.

(4) Those food service staff who smoke must:

a. Use designated smoking area away from food, food storage, and preparation areas.

b. Wash hands after smoking.

(5) Food service utensils must be cleaned and disinfected after each use in accordance with the following process:

When washing by hand:

a. Scrape free of food particles.

b. Washed in hot (one hundred (100) plus degrees) soapy water.

c. Rinsed in clear, hot water (one hundred (100) plus degrees).

d. Rinsed again, either in clear water at one hundred eighty (180) degrees Fahrenheit, for thirty (30) seconds; or in a suitable chemical sanitizing agent used as specified on the label or according to the recommendations of the health officials.

e. Air-dried.

When using a mechanical dishwasher:

a. Scrape free of food particles.

b. Detergent wash with not less than one hundred twenty (120) degrees Fahrenheit wash water.

c. Rinsed, either in clear water at one hundred eighty (180) degrees Fahrenheit for thirty (30) seconds, or in suitable chemical sanitizing agent used as specified on the label or according to the recommendations of health officials.

d. Air-dried.

(6) Food service utensils must be protected from dust and contamination between uses.

(Code 1976, 12-6-3; Code 1987, 11-211; Ord. No. 451, Section 1, 12-18-90; Ord. No. 463, §§1-3, 12-3-91; Ord. No. 507, §2, 9-20-94)

Cross-reference: 24-1 definitions, Child Care Centers.
State law reference: State Day Care Licensing Act, 10 O.S. 401 et seq.

ARTICLE XXII. COIN-OPERATED DEVICES.

§§ 11-759 -- 11-799 Reserved.

State law reference(s) --State licensing and taxation of coin-operated music and amusement devices. 68 O.S. § 1501 et seq.

DIVISION 1. GENERALLY

Sec. 11-800. 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:

(3) *Music device* means any and all mechanical devices which render, cause to sound, or release music where the same may be heard by one or more public patrons, and each separate loudspeaker, phonograph, jukebox, or outlet from which such music emits shall each be construed to be a separate "music device" as herein defined; except in the case where the music emits from more than one speaker transmitting from the same music-producing mechanism, in which case the several outlets or speakers in each place of business shall be collectively considered one such music device.

(4) *Coin-operated music device* means any such music device, which is operated, motivated, released or played by or upon the payment or insertion of a coin, token or similar object, whether there are one or more boxes or devices in the premises for the reception of such coin, tokens or similar objects.

(5) *Coin-operated amusement device* means any and all non gambling mechanical or electronic machines which, upon the payment or insertion of a coin, token or similar object, provide music, amusement or entertainment, including, but not limited to, such games as pool, phonographs, video television, shooting galleries, pinball, foosball, bowling, shuffleboard, or any other amusement device with or without a replay feature which can be legally shipped interstate according to federal law.

(6) *Coin-operated vending device* means any and all machines or devices, which, upon the payment or insertion of a coin, token or similar object, dispense tangible personal property, including but not limited to cigarettes, candies, gum, cold drinks, hot drinks, sandwiches and chips.

It shall not mean vending machines or devices used exclusively for the purpose of selling services, such as telephone booths, gas and electric meters or other distribution of needful services.

(7) *Coin-operated bulk vending device* means a machine or device, which, upon the payment or insertion of a coin, token or similar object, dispenses to the purchaser items, which include, but are not limited to, ballpoint pens, combs, cigarette lighters, prophylactics, filled capsules, peanuts, gumballs, mints, perfume or novelties.

(8) *Coin-operated devices* mean coin-operated music devices, coin-operated amusement devices, coin-operated vending devices and coin-operated bulk vending devices.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-801. Penalty for article violations.

(b) Any person who shall violate any provision of this article, for which a separate penalty is not provided, shall, upon conviction thereof, severally and for each and every such violation be deemed guilty of an offense punishable by a fine in an amount not to exceed $200.00 and costs. Each day of violation shall be a separate offense.

(c) The Director of Building & Code Enforcement and/or his or her designees shall have the authority to issue citations for violation of this article.

(Ord. No. 547, § 1, 6-15-99). **State law reference(s)**--Penalty for ordinance violations, 11 O.S. § 14-111.

Sec. 11-802. Maintenance.

Every person operating any device licensed under this article shall be responsible for assuring that said device is in proper mechanical working condition at all times.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-803. Sanitation requirements of food vending devices.

Coin-operated devices, which vend articles of food or materials for human consumption, shall be maintained in a sanitary manner and shall comply

with all the sanitation ordinances of the City. Such devices shall protect the contents thereof from contamination at all times.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-804. Furnishing record of machines to City.

A list, to be kept by the licensee, showing the tag number and location of all devices licensed under this division, shall be made available upon request to the Director of Building & Code Enforcement or his designee.

Sec. 11-805. Inspection.

The Director of Building & Code Enforcement or his designee may make inspections as often as necessary to determine whether the devices licensed hereunder are being operated in compliance with the provisions of this article.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-806. Sealing of devices violating article.

All devices operating in violation of any provision of this article may be sealed by the Director of Building & Code Enforcement or his duly authorized representatives in a manner that will prevent further operation and such devices shall remain sealed until released by the Director of Building & Code Enforcement or his duly authorized representatives after the owner or operator of such devices shall have come into compliance.

(Ord. No. 547, § 1, 6-15-99)

§§ 11-807--11-849. Reserved.

DIVISION 2. LICENSE

Sec. 11-850. License required.

No person shall keep, operate, maintain, control or be in charge of any coin-operated music, amusement or vending device without having first obtained a license issued by the Supervisor of Licenses.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-851. Restrictions on issuance.

No license shall be issued hereunder for any coin-operated device designed and intended to be used for the purpose of gambling, showing obscene pictorial matter, making loud and unusual noise, vending any merchandise of inferior or unsanitary nature, or the vending of any merchandise prohibited by law.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-852. Fee in lieu of sales tax.

A person required to obtain a license pursuant to the provisions of this division shall pay to the City an annual fee in the amount of thirty-seven ($37.50) dollars. The fee herein levied is the exclusive fee, and is in lieu of municipal sales taxes. Provided, further, in no event shall the fee levied exceed 75 percent of the fee imposed by state law.

(Ord. No. 547, § 1, 6-15-99)

State law reference(s)--Limitations on fees, 68 O.S. § 1511.

Sec. 11-853. Term.

A license issued pursuant to the provisions of this division shall be for a period of one year and shall expire on June 30 of each year, unless sooner suspended or revoked. Proration of license fees shall not be permitted.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-854. Display of licensee's name, address, etc.; display of tag.

(d) Every device licensed under this division shall have affixed thereto or inscribed thereon, in a conspicuous place, the name, address and telephone number of the licensee.

(e) Every device licensed under this division shall have the license tag issued by the City of The Village affixed thereto. The license tag shall be placed on the device in a conspicuous place.

(Ord. No. 547, § 1, 6-15-99)

Sec. 11-855. Revocation.

(f) The City Manager is hereby granted authority to revoke any license issued under this division if he finds that any ordinance or law of this state relating to coin-operated devices has been violated. Prior to revocation of such license, the City Manager shall give to the licensee five (5) days written notice of a hearing to determine whether the license held by the licensee shall be revoked. The notice shall advise the licensee of the time and place of the proceeding and of the nature of the violation.

(g) No person shall operate such a device during any period in which the license pertaining to the operation of the device is revoked.

(h) The provisions of this section shall in no way limit or interfere with the enforcement of penalties for violations of ordinances as provided elsewhere in this Code, but shall be in addition to such penalties.

(Ord. No. 547, § 1, 6-15-99)

§§ 11-856--11-899. Reserved.

CHAPTER 12

MISCELLANEOUS PROVISIONS AND OFFENSES

Art. I. In General, §§ 12-1--12-15
Art. II. Offenses against Public Authority, §§ 12-16--12-40
Art. III. Offenses against Public Order and Safety, §§ 12-41--12-95
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Art. IV. Offenses Involving Property, §§ 12-96--12-115
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Art. VI. Fireworks, §§ 12-124--12-135
Art. VII. Water Emergencies, §§ 12-136--12-149
Art. VIII. Curfew for Minors, Truancy §§ 12-150--12-156
Art. IX. Youth Access to Tobacco, §§ 12-200--12-207
Art. X. Smoking in Public Places. §§ 12-250 –12-261
Art. XI. Remediation of Methamphetamine Labs, §§ 12-300--12-303

ARTICLE I. IN GENERAL

Sec. 12-1. Aiding and abetting.

It shall be unlawful for any person to knowingly aid, abet, or assist, directly or indirectly, any other person in the commission of an offense.

(Code 1976, § 10-1-2)

State law reference--Aiding and abetting, 21 O.S. §§ 171, 172.

Sec. 12-2. Penalty for violations.

Any person who violates any section of Chapter 12, unless otherwise provided herein, shall be punished according to a Class A Offense as provided in section 1-9 of the Code.

(Ord. No. 382, § 1, 5-19-87)

Cross reference--Penalty for violation of Article VI, § 12-140.

Secs. 12-3--12-15. Reserved.

Cross reference--Motor vehicles and traffic, Ch. 13.

ARTICLE II. OFFENSES AGAINST PUBLIC AUTHORITY

Sec. 12-16. Failure to appear in court or pay fine.

Any person who has been:

(a) Issued a citation or complaint for violation of any ordinance who fails to appear in municipal court on the date and time set in the citation or complaint; or

(b) Ordered or directed to return to appear in municipal court on the date and time set by the court and fails to appear; or

(c) Ordered or directed by the municipal court to pay or satisfy a fine by the date and time set by the court and fails to pay or satisfy the fine is guilty of a Class A offense.

(Code 1976, §§ 10-17-1, 10-17-2, 15-16-1, 15-16-2; Ord. No. 347, §1, 7-3-84; Ord. No. 392, § 1, 9-1-87)

Cross-reference--Penalty for Class A violations, § 1-9.

Sec. 12-17. Resisting or obstructing city officers or employees.

Any person who willfully delays or obstructs any public officer in the discharge or attempt to discharge any duty of his office shall be guilty of a Class A Offense.

(Code 1976, § 10-2-1(a), (b))
State law reference--Obstructing officers, 21, O.S. § 540.

Sec. 12-18. False information to city officers or employees.

No person shall give false information to a city officer or employee who has lawfully stopped him for violation of any ordinance of this Code or law of this state.

(Code 1976, § 10-2-1(1))

Sec. 12-19. Fraud.

It is unlawful for any person knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, or official dealing or negotiation with, such officer or agency.

(Code 1976, § 10-16-2)

Sec. 12-20. Perjury.

It is unlawful for any person to commit perjury before any tribunal or officer of the city.

(Code 1976, § 10-16-2)

State law reference--Perjury, 21 O.S. § 491 et seq.

Sec. 12-21. Escape from custody.

No person shall:

(1) Remove or aid in the removal of any prisoner from custody except by legal process; or

(2) Break or attempt to break from custody after having been arrested and taken into custody.

(Code 1976, § 10-2-1(f), (g))

State law reference--Escapes from prison, etc., 21 O.S. § 431 et seq.

Sec. 12-22. Unauthorized deliveries to prisoners.

No person shall deliver any article or thing to any person under arrest and in custody without the consent and permission of the city officer or employee who has such prisoner in his charge and custody.

(Code 1976, § 10-2-1(e))

State law reference--Carrying into prisons things to aid escape, 21 O.S. § 438.

Sec. 12-23. Impersonation of city officers and employees.

No person shall impersonate an officer or employee of the city falsely by any kind of representation, pretense, insignia, sound, clothing, or conduct.

(Code 1976, § 10-2-1(d))

State law reference--Impersonation of police, 21 O.S. §§ 263, 264, 1533.

Sec. 12-24. Refusal to aid police.

No person shall refuse when in his presence to aid a police officer in making an arrest if the officer so requests.

(Code 1976, § 10-2-1(c))

State law reference--Similar provisions, 21 O.S. § 538.

Sec. 12-25. Fleeing from police.

No person shall flee from any police officer after having been notified by him of his identity and intention to arrest the person addressed. It shall be a defense under this section that the officer failed to reasonably identify himself or his purpose.

(Code 1976, § 10-2-1(h))

Sec. 12-26. Acts against Police Dog or Police Horse.

(a) No person shall willfully torture, torment, beat, mutilate, injure, disable, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by The Village Police Department.

(b) No person shall willfully interfere with the lawful performance of any police dog or police horse.

(c) Any person who is convicted of violating any provision of this section shall be guilty of Class A Offense, punishable by the imposition of a fine not exceeding seven hundred and fifty ($750.00) dollars, or by imprisonment in the county jail not exceeding sixty (60) days, or by both such fine and imprisonment.

State law reference: O.S. Title 21, §649.1

(Ord No. 546, §1, 2-2-99)

Sec. 12-27. Kill Police Dog or Police Horse.

(a) No person shall willfully kill any police dog or police horse owned, or the service of which is employed, by The Village Police Department.

(b) Any person who is convicted of violating any provision of this section shall be guilty of Class A Offense, punishable by the imposition of a fine not exceeding Seven Hundred and Fifty ($750.00) dollars, or by imprisonment in the county jail not exceeding sixty (60) days, or by both such fine and imprisonment.

State law reference: O.S. Title 21, §649.2

(Ord No. 546, §2, 2-2-99)

Sec. 12-28. Intimidation of witnesses.

a) It shall be unlawful for any person to maliciously and with intent to intimidate or harass another person or to damage, destroy vandalize or deface any real or personal property of another person in an attempt to deter or prevent such other person from either making a report to the police of an alleged violation of this Code or for providing testimony in any matter before the municipal court.

b) Any person violating or permitting the violation of any provision of this Section shall be guilty of a Class A offense and upon conviction whereof shall be subject to a fine of not more than Seven Hundred and Fifty Dollars ($750.00) and up to sixty (60) days imprisonment or both said fine and imprisonment.

(Ord. No. 608, §1, 08-16-2005)

Secs. 12-29--12-40. Reserved.

ARTICLE III. OFFENSES AGAINST PUBLIC ORDER AND SAFETY

DIVISION 1. GENERALLY

Sec. 12-41. Assault, battery, etc.

(a) It is unlawful for any person to attempt to strike or in any unlawful manner offer to do bodily harm to another, or to make an attempt to apply, either directly or indirectly, any degree of force or violence to the person of another.

(b) It shall be unlawful for any person to strike, beat, maim, or in any unlawful manner do bodily injury to another, or in a violent, angry, rude, or insolent manner touch or lay hands upon the person of another.

(Code 1976, §§ 10-9-1, 10-9-2)

State law references--Assault, battery, etc., 21 O.S. § 461 et seq.; authority to punish assaults, etc., 11 O.S. § 22-110.

Sec. 12-42. False alarms.

No person shall harass or attempt to harass or mislead any officer by false alarm or by use of any device to summon police, fire protection, or other emergency aid without reasonable cause.

(Code 1976, § 10-2-1(i))

Sec. 12-43. Disturbing the peace.

If any person shall willfully or maliciously disturb, either by day or night, the peace and quiet of the city or any neighborhood, family or person by loud or unusual noise, or by abusive, violent, obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to kill, do bodily harm or injury, destroy property, fight, or by quarreling or challenging to fight, or fighting, or shooting off any firearms, or brandishing the same he shall be deemed guilty of a misdemeanor.

(Code 1976, § 10-3-1)

State law reference--Disturbing the peace, 21 O.S. § 1361 et seq.

Sec. 12-44. Disorderly conduct.

No person shall:

(1) Threaten physical violence; or

(2) Engage in violent or tumultuous conduct.

(Code 1976, § 10-3-2)

State law reference--Disorderly conduct generally, 21 O.S. § 1361 et seq.

Sec. 12-45. Public intoxication.

No person shall appear in any highway or other public place or upon any private property not lawfully under his control under the influence of alcohol, narcotics, or other drugs not therapeutically administered.

(Code 1976, § 10-4-1)

Cross references--Driving under influence of alcohol or drugs, § 13-9; driving while ability impaired by consumption of alcohol, § 13-10.

State law reference--Public intoxication, 37 O.S. § 1.

Sec. 12-46. Indecent exposure.

Any person who shall indecently expose his person, or who shall be guilty of any lewd or lascivious conduct in public shall be guilty of an offense.

(Code 1976, § 10-4-2)

State law reference--Indecent exposure, 21 O.S. § 1021.

Sec. 12-47. Peeping toms.

No person shall look, peer, or peep into, or commit an act of voyeurism around, or within view of any window not on his own property with the intent of watching or looking through said window.

(Code 1976, § 10-4-3)

State law reference--Similar provisions, 21 O.S. § 1171.

Sec. 12-48. Obscene materials and conduct.

(a) As used in this section:

(1) Obscene means that to the average person, applying contemporary community standards, the depiction of sexual conduct in material is patently offensive, and taken as a whole appeals to prurient interest and lacks serious literary, artistic, educational, or scientific purpose or value.

(2) Sexual *conduct* means and includes any of the following:

a. Acts of sexual intercourse including any intercourse, which is normal or perverted, actual, or simulated;

b. Acts of deviate sexual conduct, including oral and anal sodomy;

c. Acts of masturbation;

d. Acts of excretion in a sexual context; or

e. Acts of exhibiting human genitals or pubic areas.

(b) No person shall knowingly sell, offer for sale, give away, exhibit, publish, or otherwise distribute, display, or exhibit any book, magazine, pamphlet, paper, writing, card, circular, print, photograph, motion picture film, video recording, image, case, slide, figure, instrument, statue, drawing, presentation, or other article or material pertaining to sexual conduct, which is obscene as defined herein.

(Code 1976, § 10-4-5; Ord. No. 378, §§ 1, 2, 2-3-87)

Cross-reference--Sexually oriented businesses, § 11-296 et seq.

State law reference--Obscene materials and conduct, 21 O.S. §§ 1021-1040.53.

Sec. 12-49. Material harmful to minors.

(a) In this section:

(1) A *reasonable bona fide attempt* means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, and birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

(2) *Harmful to minors* means that quality of any description, exhibition, presentation or representation, in whatever form, or nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:

a. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and

b. The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and

c. The material or performance lacks serious literary, scientific, artistic, or political value for minors.

(3) Knowingly means having general knowledge of, or reason to know, or a belief or ground for belief, which warrants further inspection or inquiry of both:

a. The character and content of any material or performance which is reasonably susceptible of examination by the defendant; and

b. The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(4) *Material* means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, or recording tape, videotape.

(5) *Minor* means any unmarried person under the age of eighteen (18) years.

(6) *Nudity* means the showing of the human male or female genitals, pubic area, or buttocks with less than full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state.

(7) *Performance* means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

(8) *Sadomasochistic abuse* means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(9) *Sexual conduct* means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

(10) *Sexual excitement* means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(b) No person having custody, control or supervision of any commercial establishment shall knowingly:

(1) Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material provided, however, a person shall be deemed not to have displayed material harmful to minors if the material is kept behind devices commonly known as blinder racks so that the lower two-thirds of the material is not exposed to view;

(2) Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any performance, which is harmful to a minor.

(c) It shall be an affirmative defense to any prosecution under this section that the material or performance involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, quasi-governmental agency and persons acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose.

(d) Each day that any violation of this section occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by this section shall constitute a separate offense as to each item; issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue, or other such identical material shall constitute a single offense.

(Ord. No. 359, § 1(17-17A-1), 9-17-85)

State law reference--Materials harmful to minors, 21 O.S. § 1021.2.

Sec. 12-50. Prostitution.

(a) In this section:

(1) *Lewdness* means the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

(2) *Prostitution* means the giving or receiving of the body for sexual intercourse for hire, and the giving or receiving of the body for indiscriminate sexual intercourse without hire.

(b) It is unlawful for any person to:

(1) Engage in prostitution, lewdness, or assignation;

(2) Solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself;

(3) Reside in, enter, or remain in any structure or any vehicle or conveyance for the purpose of prostitution, lewdness, or assignation;

(4) Aid, abet or participate in the doing of any of the acts herein prohibited; or

(5) Engage in any sexual acts with a prostitute for hire.

(Code 1976, §§ 10-4-6, 10-4-7)

Sec. 12-51. Possession of weapons.

(a) It shall be unlawful for any person to have in his possession, except within his own domicile, or carry or use any air gun, "B-B gun", gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "pea shooter", "slingshot" or "beanie" or any bow of any kind made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, any dagger, bowie knife, dirk knife, switchblade, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon.

(b) Subsection (a) does not:

(1) Apply to United Stated marshals, state sheriffs, constables, and their deputies, and any regular, special, or ex officio police officer, or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties;

(2) Prohibit the transportation of weapons that are in a state of disassembly so as to prevent their being utilized within the city.

(Code 1976, §§ 10-8-1--10-8-3)

Sec. 12-52. Landing helicopters.

No person shall land a helicopter within the city except where a police or medical emergency is involved or unless written permission is secured from the city manager in advance of such landing.

(Ord. No. 256, § 1(7-6A-1), 5-1-79)

Sec. 12-53. Glue sniffing.

(a) It shall be unlawful for any person to deliberately smell, inhale, breathe, drink or otherwise consume any compound, liquid, chemical, narcotic, drug, or any other substance or chemical containing any ketones, aldehydes, or organic acetones, ether, chlorinated hydrocarbons, such as gasoline, blue, fingernail polish, adhesive cement, mucilage, dope, or any other substance or combination thereof containing solvents releasing toxic vapors, which can cause conditions of intoxication, inebriation, excitement, elation, stupification, paralysis, irrationality, dulling of the brain or nervous

system, or any other changing, distorting or disturbing of the eyesight, thinking processes, judgment, balance or coordination of such person.

(b) Subsection (a) does not apply:

(1) To any person who inhales, breathes, drinks or otherwise consumes such material or substance described pursuant to the direction or description of any licensed doctor, physician, surgeon, dentist or podiatrist, or

(2) To the consumption of intoxicating liquor in such place or manner as may be authorized and permitted by law.

(Code 1976, § 10-6-2)

Cross reference--Driving under the influence of alcohol or drugs, § 13-9.

State law reference--Glue sniffing, 37 O.S. § 8, 63 O.S. § 465.20.

Sec. 12-54. Controlled dangerous substances; Drug paraphernalia.

(a) In this section "controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act, Title 63, § 2-101 et seq.

(b) In this section "drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, 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 the Oklahoma Uniform Controlled Dangerous Substances Act. Drug paraphernalia includes, but is not limited to:

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

(2) Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances;

(3) Isomerization devices used or intended for use in increasing the potency of any species of plant, which is a controlled dangerous substance;

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

(5) Scales and balances used or intended for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled dangerous substances;

(6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances;

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

(8) Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances;

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

(10) Containers and other objects used or intended for use in parenterally injecting controlled dangerous substances 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 devises;

(d) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes;

(j) Chillums;

(k) Bongs;

(l) Ice pipes or chillers.

provided, however, drug paraphernalia shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation or pipes designed for smoking tobacco.

(c) It is unlawful for any person:

(1) Under the influence of a controlled dangerous substance as defined herein to appear or be upon or in any street, alley, place of business, or other public place in the city;

(2) To use a controlled dangerous substance as defined herein upon or in any street, alley, place of business, or other public place;

(3) To possess any controlled dangerous substances as defined herein except as legally prescribed by a physician licensed to practice in this state;

(4) To loiter about a place where any controlled dangerous substance as defined herein is sold or furnished illegally;

(5) To sell or furnish illegally to another person any controlled dangerous substance as defined herein.

(6) To have in his possession drug paraphernalia as defined herein.

(7) To sell disposable syringes or permanent type hypodermic needles or hypodermic syringes, except when prescribed by a licensed physician or veterinarian. (Ord. No. 595 §1, 8-3-2004)

(d) Any person who violates any provision of this section shall be guilty of a Class A offense, which is punishable by a fine not to exceed Seven Hundred and Fifty ($750.00) and/or up to sixty (60) days in jail.

(Ord. No. 226, §§ 1, 2, 1-18-77; Ord. No. 515, § 1, 2-7-95)

Cross reference--Driving under the influence of alcohol or drugs, § 13-9.

State law reference--Uniform Controlled Dangerous Substances Act, 63 O.S. § 2-101 et seq.

Sec. 12-55. Liquid wastes.

No person shall discharge or cause to be discharged the following described water or liquid waste on any public highway or street thereby endangering life, limb, public property, or constituting a nuisance:

(a) Any gasoline, benzene, naptha, fuel, oil, oil based paint, or other flammable or explosive liquids; or

(b) Any water based paint or any wastewater containing hazardous chemicals, antifreeze, fats, wax, grease or oils, whether emulsified or not.

The violation of any provision of this section shall be punishable as a Class B offense. Each day any violation of this section exists shall be deemed a separate offense.

(Ord. No. 424, §§ 1, 3, 6-6-89)

Sec. 12-56. Skateboards.

a) It shall be unlawful for any person to skateboard or to place or use any skateboard ramp in a commercially zoned area.

b) It shall be unlawful for any person to place or use any skateboard ramp at any single family residence.

(Ord. No. 438, Section 1, 4-3-90; Ord. No. 444 Section, 1, 6-19-90; 2012 Code; Ord. No. 680, §1, §2, 02-19-2013; Ord. No. 693, §1, 04-15-2014; 2014 Code)

Sec. 12-57. Throwing lighted cigarette, litter from a vehicle.

A) The operator of a vehicle, unless any other person in the vehicle admits to or is identified as having committed the act, shall be liable pursuant to subsection B of this section for any act of throwing, dropping, depositing,

or otherwise placing any lifter from a vehicle upon highways, roads, or public property.

B) Any person convicted of violating the provisions of subsection A of this section shall be guilty of a Class A offense punishable by a fine of not more than Seven Hundred and Fifty Dollars ($750.00) and up to sixty (60) days imprisonment or both such fine and imprisonment.

C) As used in this section, "litter' means any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, any substance which may cause a fire, any bottles, cans, trash, garbage, or debris of any kind. As used in this section, "litter' shall not include trash, garbage, or debris placed beside a public road for collection by a garbage or collection agency.

State law reference: Title 21, O.S. Section 1753.3 (2004 City Code)

Sec. 12-58. Transporting a handgun without a valid license.

A. Notwithstanding the provisions in Section 1272 or 1289.13 In Title 21 of the Oklahoma Statutes, it shall be unlawful for any person stopped pursuant to a moving traffic violation on the City streets or highways to be transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, whether the loaded firearm is concealed or unconcealed in the vehicle.

B. Any person violating Section A. above shall be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting the firearm improperly.

C. In addition to the traffic citation in Section B. above, the person may also be given a ticket or arrested for any other violation of law.

(Ord. No. 679, §1, 01-15-2013)

Secs. 12-59--12-65. Reserved.

DIVISION 2. NOISE

Sec. 12-66. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Allowable level of noise means not more than ninety-five (95) decibels as measured on the A scale of a General Radio Company No. 1551-B sound level meter, or equivalent, stationed at a distance of not less than twenty (20) feet to the side of a motor vehicle as such motor vehicle passes the sound level meter, or is stationed not less than twenty (20) feet from a stationary motor or engine.

Motor vehicle means every vehicle, which is self-propelled.

(Code 1976, § 10-14-1)

Sec. 12-67. Exemptions.

This article does not apply to emergency situations where life, health, or property is at stake, or to those normal situations of community life where noise is inherent and has been long accepted by the community, such as activities during school recess, and at public parks and athletic contests.

(Code 1976, § 10-14-16)

Sec. 12-68. Horns and other signaling devices.

The sounding of any horn or other signaling device on any motor vehicle on any highway or public place of the city, except as specifically permitted or required by law, or as a danger warning, and the sounding of any such device for any unnecessary period of time is unlawful.

(Code 1976, § 10-14-3)

Sec. 12-69. Exhausts.

The discharge into the open air of the exhaust of any stationary or portable internal combustion engine, or motor vehicle except through a muffler in good repair or other device which will effectively prevent loud or disturbing noises there from above the allowable level of noise is unlawful; provided, that where such stationary or portable internal combustion engine is enclosed within a building used for industrial or commercial purposes, the allowable level of noise shall be measured at the nearest point on the

boundary of the property on which such engine is located. This section shall not apply to aircraft or to supporting ground equipment for aircraft.

(Code 1976, § 10-14-4)

Sec. 12-70. Mismanagement, misuse, repair of vehicles; deposit of automotive fluids, lubricants, and other pollutants; salvage yards and vehicle storage.

a) The use of any motor vehicle, which, because of it being out of repair, or because of it not being loaded properly, or because of the manner of its operation creates a loud and disturbing noise, is unlawful. (Code 1976, § 10-14-5)

b) It shall be unlawful for any person to make mechanical or body repairs to any vehicle, which is legally parked on a public street or right-of-way between the hours of 8:00 pm and 8:00 am.

c) It shall be unlawful for any person to cause, allow, or permit any automotive fluid, lubricant, or other pollutant to be deposited on any public street, right-of-way, driveway, or any other location, which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S.

d) It shall be unlawful for any renter, landlord, or person in control of any residential property to cause, allow, or permit a salvage yard on a residential lot. The storage of more than two unused vehicles in an enclosed yard shall constitute a salvage yard. For the purpose of this section, unused vehicle shall mean any motor vehicle, which is not driven from the property under its own power at least one time a week. (Effective May 18, 2006)

e) The violation of this section shall be a Class A offense carrying a penalty of up to seven hundred and fifty dollars ($750.00) or sixty days (60) imprisonment or both said fine and imprisonment. Each day that a violation occurs shall be deemed a separate offense.

(Ord. No. 612, §1, 11-15-2005; Ord. No. 615, §1, 04-18-2006) (Code Cross Reference – Chapter 9, Section 209)

Sec. 12-71. Loading, unloading, or opening of boxes.

The creation of a loud and disturbing noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers between the hours of 10:00 p.m. and 7:00 a.m. is unlawful.

(Code 1976, § 10-14-6)

Sec. 12-72. Blowers.

The operation of any noise-creating blower or power fan, unless the noise from such blower or power fan is adequately muffled, is unlawful.

(Code 1976, § 10-14-7)

Sec. 12-73. Whistles.

The blowing of any whistle, except in conjunction with organized sports events or school playground activities or as a warning of fire or danger or upon request of proper city authorities, is unlawful.

(Code 1976, § 10-14-8)

Sec. 12-74. Loudspeakers, amplifiers, or noise devices for advertising.

The using of any radio or television set, musical instrument, phonograph, loudspeaker, sound amplifier, bell, drum, horn or other machine or device for the producing or reproducing of sound directed upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or tent is unlawful. Temporary exceptions for civic events or for civic or religious organizations or for the playing of music during the Christmas season only may be authorized by the city manager for such periods of time and under such conditions as may be consistent with the public interest.

(Code 1976, § 10-14-9)

Sec. 12-75. Radios, television sets, sound equipment, etc.

The playing of any radio or television receiving set, musical instrument, or other machine or device for producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants is unlawful.

(Code 1976, § 10-14-10)

Sec. 12-76. Yelling, shouting, making noise on public rights-of-ways, or on certain private property.

No person, while on public property, public right of way or private property adjacent to any property described herein, shall willfully make or assist in making noise, whether by use of loudspeaker, sound amplifier or other similar device for reproducing sound, or otherwise yell, hoot or shout, so as to disturb the comfort, peace, solemnity, repose, or good of the order of any:

(a) public or private school or class thereof while in session;

(b) person(s) inside of their home, residence or dwelling;

(c) person(s) engaged in the judicial function of the municipal court while in session; or

(d) congregation or assembly of persons gathered for religious worship or ceremony within a church building.

(Ord. No. 577, §1, 10-15-02; Code 1976, § 10-14-11)

Sec. 12-77. Domestic pets.

The keeping of any domestic bird or animal, which emits frequent or long continued noise so as to disturb the peace, quiet, and comfort of the neighboring inhabitants is unlawful.

(Code 1976, § 10-14-12)

Sec. 12-78. Tools.

The use in a residential zone of hand or power tools, or machinery, resulting in loud and disturbing noises between 10:00 p.m. and 7:00 a.m. is unlawful.

(Code 1976, § 10-14-13)

Sec. 12-79. Hawkers, peddlers, and vendors.

The shouting and crying of peddlers, hawkers, or vendors on any public street or place or on private property so closely adjacent thereto that thereby crowds may be collected and traffic obstructed thereon is unlawful.

(Code 1976, § 10-14-14)

Sec. 12-80. Sirens.

The sounding of sirens on escort service, except where specifically required or permitted by law and not for the purpose of calling attention to a vehicle or caravan is unlawful. The sounding of a siren on an ambulance, except when operated in response to an emergency call and when reasonably necessary to warn pedestrians and other drivers of the approach thereof is unlawful.

(Code 1976, § 10-14-15)

Sec. 12-81. Loitering.

It shall be unlawful for any person, to loiter, stand, sit or lie in or upon any private property where a "no loitering" sign or signs have been posted.

(Ord. 655, § 1, 10-19-2010)
Code Cross Reference, Chapter 21, Section 21-29.

Sec. 12-82. Prohibited Noise.

a) Definitions:

    a. *Person* means any individual, association, partnership or corporation and includes any officer, employee or agent of said individuals or entities.

    b. *Noise* means any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on a human of reasonable or normal sensitivities.

b) It shall be unlawful for any person who owns or leases commercial property, retail space or other business space that is within five hundred feet of a residential lot, to permit or allow any other person

using said property during regular business hours to make or cause noise between the hours of 8:00 p.m. and 6:00 a.m.

(Ord. No. 694, §1, 04-15-2014)

Secs. 12-83--12-95. Reserved.

ARTICLE IV. OFFENSES INVOLVING PROPERTY

Sec. 12-96. Larceny.

The taking of personal property, accomplished by fraud or stealth, and with the intent to deprive another thereof, is hereby defined as an offense.

(Code 1976, § 10-10-1; Ord. No. 410, § 1, 6-21-88)

State law reference--Larceny, 21 O.S. § 1701 et seq.

Sec. 12-97. Fraud.

It is unlawful for any person, with intent to cheat and defraud, obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, 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 instrument or device, commonly called a confidence game.

(Code 1976, § 10-10-2)

State law reference--Fraud, 21 O.S. § 1500 et seq.

Sec. 12-98. Altering price labels; switching merchandise from containers.

(a) It shall be unlawful for any person to alter, transfer, or remove any label, price tag, marking, indicator of value or other marking which aids in determining value affixed to any merchandise displayer, held, stored, or offered for sale in a retail mercantile establishment and to attempt to purchase such merchandise personally or in concert with another at less than retail price with the intention of depriving the merchant of the retail price of such merchandise.

(b) It shall be unlawful for any person to transfer any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container or place in which such merchandise is

displayed to any other container or place with the intention of depriving the merchant of the retail price of such merchandise.

(Ord. No. 361, § 1, 12-17-85)

Sec. 12-99. Bad checks.

(a) In this section,*" false or bogus check"* includes check or order given for money or property or in any case, where the maker received a benefit or thing of value, which is 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 the check or order is presented for payment within thirty (30) days after the same is delivered and accepted.

(b) It is unlawful for any person to obtain from any other person any money, property, or thing of value by means or use of any false or bogus check, or by any other written, printed, or engraved instrument.

(Code 1976, § 10-10-4)

State law reference--Bad checks, 21 O.S. § 1541.3 et seq.

Sec. 12-100. Unlawful use of credit card.

(a) It is unlawful for a person to use a credit card for the purpose of obtaining property or services with knowledge that:

(1) The card is stolen or forged; or

(2) The card has been revoked or canceled; or

(3) For any other reason his use of the card is unauthorized.

(b) In this section *"credit card"* means an identification card or device issued to a person by a business organization, which permits such person to purchase or obtain goods, property, or services on the credit of such organization.

(Code 1976, § 10-10-5)

State law reference--Credit card crimes, 21 O.S. § 1500.1 et seq.

Sec. 12-101. Receiving stolen property.

(a) In this section:

(1) *Dealer* means a person in the business of buying or selling goods.

(2) *Movable property* means property the location of which can be changed, including things growing on, affixed to, or found in land, and documents although the rights represented thereby have No physical location.

(3) *Receiving* means acquiring possession, control, or title or lending on the security of the property.

(b) It is unlawful for a person to receive, retain, or dispose of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with purpose to restore it to the owner.

(c) The requisite knowledge of belief is presumed in the case of a dealer who:

(1) Is found in possession or control of property stolen from two (2) or more persons on separate occasions; or

(2) Has received stolen property in another transaction within the year proceeding the transaction charged; or

(3) Being a dealer in property of the sort received, acquires it for a consideration, which he knows, is far below its reasonable value.

(Code 1976, § 10-10-6)

State law reference--Receiving stolen property, 21 O.S. § 1713.

Sec. 12-102. Injury to motor vehicles.

It shall be unlawful for any person to operate, loiter in or upon, deface or injure, or meddle with any machinery or parts of, any automobile or motor

vehicle without the consent of the owner of such automobile or motor vehicle. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the owner would have consented to the operation had he known of it.

(Code 1976, § 10-10-7)

State law references--Injuring or molesting motor vehicles, 21 O.S. § 1787 et seq.; car theft, 21 O.S. § 1720.

Sec. 12-103. Criminal mischief.

It is unlawful for any person to:

(1) Damage tangible property of another purposely, recklessly, or by negligence in the employment of fire, explosives, or other dangerous instrumentalities or substances; or

(2) Purposely or recklessly tamper with tangible property of another so as to endanger a person or property; or

(3) Purposely or recklessly cause another to suffer from pecuniary loss by deception or threat; or

(4) Purposely or recklessly damage or destroy any street marker, or traffic control sign of this city; or

(5) Purposefully remove or recklessly damage or destroy any sign of the city notifying the public of condemnation or nuisance abatement proceedings.

(Code 1976, § 10-10-8; Ord. No. 399, § 1, 11-17-87)
State law reference--Malicious mischief, 21 O.S. § 1751 et seq.

Sec. 12-104. Trespass.

(a) It shall be unlawful for any person to commit a trespass within this city upon either public or private property.

(b) Without constituting a limitation on subsection (a) of this section, any of the following acts shall be deemed a trespass:

(1) An entry, by vehicle or person, upon the premises or any part thereof, of another in violation of any notice, warning or protest given orally or in writing, by an owner or occupant thereof; or

(2) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing by any owner or occupant thereof; or

(3) An entry into any vehicle made without the consent of the person having the right of possession or control thereof, or a failure to leave such vehicle after being requested to leave by the person having such right.

(c) The burden of showing permission rests on party entering. In all cases where such entry is made, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises or is observed by a police officer who files charges against the party so entering, the burden is put upon the person making the entry to show that permission for such entry was given.

(Code 1976, §§ 10-15-1, 10-15-2; Ord. No. 346, § 1, 7-3-84)
State law reference--Trespass, 21 O.S. § 1835.

Sec. 12-105. Theft or destruction of library materials.

(a) As used in this section:

(1) Library facility means any:

a. Public library; or

b. Library of an educational, historical, or eleemosynary

c. Museum; or

d. Repository of public or institutional records.

(2) Library material means any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, catalog cards or catalog records, electronic data processing records, computer software, artifacts, or other documentary, written or printed materials regardless of

physical form or characteristics, belonging or on loan to, or otherwise in the custody of a library facility.

(3) Demand means either actual notice to the possessor of any library materials or the mailing of written notice to the possessor at the last address of record, which the library facility has for said person, demanding the return of the designated library materials. If demand is made by mail, it shall be deemed to have been given as of the date the notice is mailed by the library facility.

(b) Any person shall be guilty, upon conviction, of library theft who willfully:

(1) Removes or attempts to remove any library material from the premises of a library facility without authority; or

(2) Mutilates, destroys, alters or otherwise damages, in whole or in part, any library materials; or

(3) Fails to return any library materials, which have been lent to said person by the library facility, within seven (7) days after demand has been made for the return of the library materials.

(c) A person convicted of library theft shall be subject to a fine not exceeding two hundred dollars ($200.00) or restitution, or both fine and restitution to the library facility including payment of all expenses incurred by the library facility as a result of the actions of the offender.

(Ord. No. 412, §§ 1, 3, 9-6-88)

Sec. 12-106. Shoplifting; definitions.

(a) As used in this Section:

(1) *"Mercantile establishment"* means any mercantile place of business in, at, or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale;

(2) *"Merchandise"* means all goods, wares and merchandise offered for sale or displayed by a merchant;

(3) *"Wrongful taking"* includes stealing or any other wrongful appropriation of merchandise.

(b) It shall be an offense for any person to conceal un-purchased merchandise, either on the premises or outside the premises of any mercantile establishment. Said act of concealment by any person shall constitute intention to commit a wrongful taking of such merchandise from a merchant.

(Ord. No. 478, § 1, 8-4-92)

State law reference--22 O.S. §1341 et seq.

Secs. 12-107--12-115. Reserved.

ARTICLE V. GAMBLING

Sec. 12-116. Prohibited generally.

(a) Except as authorized by state law, no person shall bet or wager, within the city, any money, thing or consideration of value, either directly or by means of books, cards, machines, or any other device, apparatus, paraphernalia, or any kind, upon the result of any trial of speed, or power of endurance, or pretended trial of speed, or power of endurance of any animal, or upon any other event.

(b) Any person who opens, causes to be opened, conducts or carries on, whether for hire or not, any poker, roulette, crap game, banking or percentage game, or any gambling game played with dice, cards or any device, for money, checks, credits or any thing of value, or who deals for those engaged in any such game shall be guilty of an offense.

(Code 1976, §§ 10-5-1, 10-5-11)

Sec. 12-117. Establishments.

Except as authorized by state law, no person, either as owner, lessor, or occupant, shall occupy, use, or permit to be used or occupied, or consent to the use, or occupancy of any room, tenement, shed, booth, building, ground or plot of ground, or any part thereof, within the city, for the purpose or with the intent to use, occupy the same, or any part thereof, for receiving, accepting, or offering to receive, or accept, or place any bet, or wager of any money, thing or concept, or place any bet, or wager of any money, thing or consideration of value, offered, received, or accepted, either directly or by means of any mutuels, books, apparatus, paraphernalia, machines or other

devices, on the result or pretended result of any trial of speed, or power of endurance of any animal or any other kind of event.

(Code 1976, § 10-5-2)

Sec. 12-118. Paraphernalia.

Except as authorized by state law, no person shall have in his possession, keep, exhibit, use or employ, any device, paraphernalia, books, machines, or instrument of any kind, or character, within the city for the purpose of:

(1) Receiving, accepting, recording or registering any bet or wager; or

(2) Selling or making of any books, pools or mutuels; or

(3) Becoming custodian, or depository for gain, hire, or reward of any money, property, thing, or consideration of value, bet or wagered or contrary to this article.

(Code 1976, § 10-5-3; 2004 City Code)

Sec. 12-119. Taking bets.

No person shall accept, receive, register, record, forward, or pretend to receive, register, records, or forward any bet or wager or reward, to or for any race, course, or place where any contest or trial of speed, or power of endurance of any animal.

(Code 1976, §§ 10-5-3, 10-5-4)

Sec. 12-120. Messages.

It shall be unlawful for any person, to intentionally, or knowingly transmit, or deliver any message, or information within the city, to or from, or for the use of any person engaged in any manner, either as principal or agent, in receiving, accepting, making, or placing any bet, or wager, upon any horse race, or pretended horse race, or any contest or trial of speed, or power of endurance of any animal, or the result of any pretended trial of speed, or power of endurance of any animal. Each message, or pretended message accepted, or received by such person for transmission or delivery shall constitute a separate and distinct offense.

(Code 1976, § 10-5-5)

Sec. 12-121. Frequenting gambling establishments.

It shall be unlawful for any person to frequent or loiter in or about any place where any bet, or wager of money, or property or thing or consideration of value is being bet, wagered, or made directly or by means of any books, mutuels, machines, apparatus or other devices upon the result of any trial of speed, or power of endurance, or contest of animals, or any pretended trial of speed, or power of endurance, or contest of animals, or any other event.

(Code 1976, § 10-5-6)

Sec. 12-122. Slot machines.

(a) In this section *"slot machine"* means any machine, which may be played by others for money, property, checks, credits, or representative of value, or any machine which shall vend merchandise in varying quantities, such quantities in any way depending upon chance. "Slot machine" does not include vending machines, which only store merchandise and deliver a stated amount upon deposit of a coin.

(b) It shall be unlawful for any person to operate or be in control of a slot machine. It shall be unlawful for any person to deposit any coin or slug for the purpose of playing a slot machine.

(c) It shall be the duty of police officers to seize and take charge of any slot machine operated or used in violation hereof and convey the same to the municipal judge. If the judge finds, after a hearing that such machine was used in violation of any provisions hereof he shall declare same a nuisance and unlawful and shall order it destroyed forthwith in manner and form as he shall prescribe.

(Code 1976, §§ 10-5-7, 10-5-8, 10-5-10)

Sec. 12-123. Card raffles, etc.

No person shall exhibit or be in charge of any card raffle or lottery or game of chance, except as permitted by state law.

(Code 1976, § 10-5-8)

ARTICLE VI. FIREWORKS

Sec. 12-124. Possession and use prohibited.

The possession or use of fireworks within the city is prohibited.

(Ord. No. 387, § 1, 7-21-87)

Sec. 12-125. Definitions.

The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article, prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy gun in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, dagobombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets, or other device containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with United Stated Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Nothing in this article shall be construed as applying to the possession or use of signals necessary for the safe operation public or private transportation, or applying to the military or naval forces of the United States or of this state, or to peace officers, or to prohibiting possession or use of blank cartridges for ceremonial, theatrical, or athletic events.

(Ord. No. 387, § 1, 7-21-87)

Sec. 12-126. Manufacture, sale and discharge of fireworks.

(a) The manufacture of fireworks is prohibited within the municipality.

(b) Except as otherwise specifically provided in this article, it shall be unlawful for any person to possess, assemble, store, transport, receive, keep, sell, offer or have in his possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description except as provided in subsections (c) through (g) herein.

(c) The fire chief may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by fair

associations, amusement parks, and other organizations or groups of individuals. Such permits may be granted upon application to the fire chief after approval of the chief of police and the filing of such insurance by the applicant as provided in section 12-127. Every such display shall be handled by a competent operator approved by the fire chief and the chief of police and shall be of such composition, character, and so located, discharged or fired as in the opinion of the fire chief, after proper inspection, and of the chief of police, shall not be hazardous to property or endanger any person or persons.

(d) Application for permits shall be made in writing at least five (5) days in advance of the date of the display. After such privilege has been granted, sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(e) The sale, possession, use, and distribution of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property. Evidence that the sale, possession, use and distribution of fireworks for display purposes has been conducted in accordance with the applicable standard specified shall be evidence that such sale, possession, use and distribution of fireworks for display purposes provide reasonable safety to persons and property.

(f) The fire chief may adopt reasonable rules and regulations for the use of model rockets. The design, construction, and use of model rockets shall be reasonably safe to persons and property. Evidence that the design, construction, and use of model rockets is in accordance with the applicable standard specified shall be evidence that such design, construction, and use provides reasonable safety to persons and property.

(g) It shall be unlawful for any person to transport fireworks through the City of The Village unless said fireworks are kept at all times in its original packaging.

(Ord. No. 387, § 1, 7-21-87; 2006 City Code)

Sec. 12-127. Insurance required.

The permittee shall furnish a certificate of insurance in an amount deemed adequate by the chief of the fire department or his designated

representative for the payment of all damages, which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors. Said amounts shall be not less than twenty-five thousand dollars ($25,000.00) for any one person, fifty thousand dollars ($50,000.00) for any one accident, and twenty-five thousand dollars ($25,000.00) for property damage.

(Ord. No. 387, § 1, 7-21-87)

Sec. 12-128. Disposal of unfired fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way that is safe for that particular type of fireworks remaining.

(Ord. No. 387, § 1, 7-21-87)

Sec. 12-129. Seizure of fireworks.

The presence of any fireworks within the jurisdiction of the city in violation of this article is hereby declared to be a common and public nuisance. The fire chief is directed and required to seize, remove and cause to be safely destroyed at the expense of the owner any fireworks found in violation of this article and any officer of the fire department or any police officer of the city or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally until the fire chief can be notified in order that such fireworks may be seized and destroyed in accordance with the terms of this section.

(Ord. No. 387, § 1, 7-21-87)

Sec. 12-130. Use of property.

Any person who knowingly permits others to possess or use fireworks on property owned, possessed, occupied, or under his control or supervision is guilty of an offense.

(Ord. No. 387, § 1, 7-21-87)

Sec. 12-131. Responsibility for acts of minors.

Any adult person who knowingly permits any minor within his or her lawful control, supervision, or custody to use or possess fireworks is guilty of an offense.

(Ord. No. 387, § 1, 7-21-87)

Sec. 12-132. Right of entry to enforce article.

The fire chief or any member of the fire department of the city is hereby authorized to enter any building, dwelling, or out building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.

Sec. 12-133. Certain signal flares, torpedoes, and rockets exempt from article.

This article shall not apply to signal flares or rockets for military or police use.

(Ord. No. 387, § 1, 7-21-87)

Secs. 12-134, 12-135. Reserved.

ARTICLE VII. WATER EMERGENCIES

Sec. 12-136. Definitions.

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section:

State of emergency shall be deemed to exist whenever, by reason of a legally proclaimed emergency water-rationing program by the City of Oklahoma City, Oklahoma, its city manager, city council or appropriate designee, the city manager or city council proclaims a state of emergency as provided in this article.

(Ord. No. 372, § 2, 8-19-86)

Sec. 12-137. General Powers during state of emergency.

If a state of emergency is proclaimed by the city manager or city council as provided in this article, the city manager, with the approval of the city

council, may exercise the power to enforce any and all regulations and rules relating to the state of emergency.

(Ord. No. 372, § 3, 8-19-86)

Sec. 12-138. Authorization and termination of emergency powers.

(a) The emergency powers conferred in this article shall become effective immediately upon the issuance of a proclamation of the existence of a state of emergency:

(1) By the city manager or his designee;

(2) By resolution of the city council.

(b) If the urgency of the situation requires, the city manager is authorized to declare the state of emergency until such time as the city council may meet and determine the state of emergency exists. The powers conferred in this article are limited to the duration of the state of emergency as determined in this article.

(c) Proclaimed stated of emergency shall be terminated either by the city manager or upon adoption of a resolution by the city council.

(Ord. No. 372, § 4, 8-19-86)

Sec. 12-139. Offense.

It shall be unlawful for any person to use any water from the water system owned and operated by the City of Oklahoma City during a state of emergency proclaimed by the city manager or city council except in accordance with the rules and regulations approved by the city manager or city council.

(Ord. No. 372, § 5, 8-19-86)

Sec. 12-140. Penalty for violation.

Any person, firm, or corporation who violates any provision of this article shall be punishable by a fine, excluding costs, not to exceed two hundred dollars ($200.00). Every day that a violation exists of the provisions of this article shall constitute a separate offense.

(Ord. No. 372, § 8, 8-19-86)

Secs. 12-141--12-149. Reserved.

ARTICLE VIII. CURFEW FOR MINORS

Sec. 12-150. Purpose and intent.

The public purpose of this ordinance is to protect juveniles from nocturnal dangers, enhance parental supervision and responsibility for juveniles and to protect the public at large.

(Ord. No. 513, §1, 10-4-94)

Sec. 12-151. 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:

Curfew hours means:

(a) 12:01 a.m. until 6:00 a.m. on any Monday, Tuesday, Wednesday, Thursday or Friday; and

(b) 1:00 a.m. until 6:00 a.m. on any Saturday or Sunday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means:

(a) a person who, under court order, is the guardian of the person of a juvenile; or

(b) A public or private agency with which a juvenile has been placed by a court.

Juvenile means any person under eighteen (18) years of age.

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

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and retail establishments.

Remain means to:

(a) linger or stay; or

(b) Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Responsible adult means any person having, assuming, or charged with permanent and/or temporary care and/or custody of a juvenile, including, but not limited to:

(a) Any legal guardian or adult exercising legal guardianship over a juvenile;

(b) An adult who stands in loco parentis to a juvenile;

(c) Any person to whom legal custody of a juvenile has been given by order of a court;

(d) Any adult, who has, assumes or is charged with the care and/or custody of a juvenile at the request of, or on behalf of, a parent, guardian, loco parentis, or person to whom legal custody has been given by order of a court.

(e) Any adult, who has, assumes or is charged with the care and/or custody of a juvenile at the request of, or on behalf of, another parent.

Knowingly permit means the parent, other responsible adult and/or operator as defined herein is aware of the fact the juvenile is in violation of the curfew hours or that said person by exercise of reasonable care would have known that the juvenile is in violation of the curfew hours.

(Ord. No. 513, §1, 10-4-94)

Sec. 12-152. Offenses.

(a) A juvenile commits an offense if he/she remains in any public place or on the premises of any establishment within the corporate limits of the City of The Village during curfew hours.

(b) A parent and/or other responsible adult of a juvenile commits an offense if:

(1) He/she knowingly permits or allows the juvenile to remain in any public place or on the premises of any establishment within the corporate city limits of the City of The Village during curfew hours.

(2) the parent and/or other responsible adult of a juvenile has twice previously acted within any consecutive six (6) month period so as to knowingly permit or allow said juvenile to remain in any public place or on the premises of any establishment within the corporate limits of the City of The Village during curfew hours. Every subsequent violation thereof will constitute a separate violation.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly permits or allows a juvenile to remain upon the premises of the establishment during curfew hours.

(Ord. No. 513, §1, 10-4-94)

Sec. 12-153. Defenses.

(a) It is a defense to prosecution under Section 12-152 that the juvenile was at the time in question:

(1) accompanied by the juvenile's parent or responsible adult;

(2) on an errand at the direction of the juvenile's parent or responsible adult, without any detour or stop;

(3) in a motor vehicle involved in interstate travel;

(4) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) involved in an emergency;

(6) On the sidewalk abutting the juvenile's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the juvenile's presence;

(7) Attending, going to or returning home, without any detour or stop, from an official school, religious, or other recreational activity supervised by adults or an event sponsored by the City of The Village, a civic organization, or another similar entity that takes responsibility for the juvenile;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly or other rights protected by he United States or the Oklahoma Constitution; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

(b) It is a defense to prosecution under Section 12-152 (c) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. No. 513, §1, 10-4-94)

Sec. 12-154. Enforcement.

(a) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, no defense in Section 12-153 is present.

(b) Absent an interlocal agreement with the district court for the municipal court to exercise jurisdiction over juveniles under eighteen (18) years of age under Section 12-152 pursuant to 10 O.S. § 1102(E) as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature, the municipal court must refer all alleged juvenile violations to the Juvenile Bureau of the District Attorney's Office.

(Ord. No. 513, §1, 10-4-94)

State law reference-Title 10, O.S. §1102 (E); H.B. 2640, 1994.

Sec. 12-155. Penalty.

(a) A person who violates a provision of this Article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed two hundred ($200.00) dollars, plus costs.

(b) The municipal court's jurisdiction over a juvenile who violated Section 12-152 of this Article shall be expressly subject to Title 10 of the Oklahoma Statutes, as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature.

Section 12-156. Truant children.

1) It shall be unlawful for any child subject to compulsory school attendance by law and who is within the corporate City limits of The Village, who is over the age of 12 years and under the age of 18 years, and who has not finished four years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session; and

2) Any child subject to compulsory school attendance who is absent without lawful excuse is truant and guilty of an offense pursuant to this Section.

3) **Defense:** It is a defense under this Section that the child:

A. Is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

B. Is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

C. Has attained his or her sixteenth birthday and is excused from attending school by written, joint agreement between:

1. The school administrator of the school district where the child attends school; and

2. *The parent, guardian or custodian of the child.*

D. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of 18 years: or

E. It is also a defense under this section if any such child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence.

4) **Temporary detention of truant children.**

A. An attendance officer, any school administrator, or designee of the school administrator who is employed by the school, or any peace officer may, except for children receiving an education by other means as allowed by law, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and within the school district that they are truant from and who is absent from school without lawful excuse and there is prior approval from the school district for temporary detention and custody pursuant to this Section.

A. Any person temporarily detaining and assuming temporary custody of a child pursuant to this section shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a non-secure youth service or community center servicing the school district, or to a community intervention center, as defined by State law.

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

5) Penalties.

A. Each day the child remains out of school shall constitute a separate offense.

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

(Ord. No. 696, §1, 05-20-2014) (State law reference, 10A O.S. §2-2-103; O.S. Title 70, §10-109)

ARTICLE IX. YOUTH ACCESS TO TOBACCO

Secs 12-157--12-199 Reserved.

State law reference--Title 37 O.S. Supp. 1995, Sections 600.2 et seq.

Sec. 12-200. Definitions.

The terms used in this Article shall have the following meanings unless the context clearly indicates another meaning:

Person means an individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

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;

Sample means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

Tobacco product means any product that contains tobacco and is intended for human consumption.

Sec. 12-201. Sale to minors prohibited.

(a) It is unlawful for any person to sell, give 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. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

(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 less than eighteen (18) years of age. If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.

(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.

(Ord. No. 534, §1, 12-3-96; Ord. No. 618. §2, 7-18-2006; Title 37. O.S. § 600.3)

Sec. 12-202. Purchase or possession of tobacco products by minors prohibited.

It is unlawful for a person who is under eighteen (18) years of age to purchase, accept receipt of, or have in their 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, that it shall not be unlawful for such a person to handle such tobacco product when required in the performance of such person's duties.

(Ord. No. 534, §1, 12-3-96)

Sec. 12-203. Distribution of tobacco product samples to minors prohibited.

(a) It shall be unlawful for any person or retailer to distribute tobacco products or product samples to any person under eighteen (18) years of age.

(b) No person shall distribute tobacco products or 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.

(Ord. No. 534, §1, 12-3-96; Ord. No. 618, §2, 7-18-2006; Title 37. O.S. § 600.8)

Sec. 12-204. Sale of cigarettes in original, sealed package required.

It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

(Ord. No. 534, §1, 12-3-96)

Sec. 12-205. Display or sale of tobacco products-- Public access-Fines

A) It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores, which do not admit into the store persons under eighteen (18) years of age.

B) Any person who violates subsection A of this section, shall be subject to a fine of not more than Two Hundred Dollars ($200.00) for each offense.

C) Every person who sells or displays tobacco products at retail shall post conspicuously and keep so posted at the place of business a sign as specified by the ABLE Commission, stating the following: "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE". The sign shall also provide the toll-free number operated by the ABLE commission for the purpose or reporting violations of the Prevention of Youth Access to Tobacco Act. Any person who violates this subsection shall be subject to a fine of not more than Fifty Dollars ($50.00) for each day a violation occurs. Each day a violation continues shall constitute a separate offense. The notice required by this section shall be the only notice required to be posted or maintained in any store that sells tobacco products at retail.

(Ord. No. 534, §1, 12-3-96; Ord. No. 618, §2, 7-18-2006; Title 37, O.S § 600.10A)

Sec. 12-206. Enforcement of Act; compliance checks.

A) Any conviction for a violation of a municipal ordinance authorized by the Prevention of Youth Access to Tobacco Act and any compliance checks by a municipal police officer to subsection C of this section shall be reported in writing to the ABLE Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission.

B) For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and

the offenses penalized by the city and reported to the ABLE Commission, shall be considered together in such determination.

C) Persons under eighteen (18) years of age may be enlisted by the city to assist in compliance checks and enforcement; provided, such persons may be used to test compliance only if written parental consent has been provided. The city is hereby authorized to conduct, pursuant to rules of the ABLE Commission, compliance checks without prior notification to the ABLE Commission. This subsection shall not apply to the use of persons under eighteen (18) years of age to test compliance if the compliance test is being conducted by or on behalf of a retailer of cigarettes, as defined in Section 301 of Title 68 of the Oklahoma Statutes, at any location the retailer of cigarettes is authorized to sell cigarettes. Any other use of persons under eighteen (18) years of age to test compliance shall be unlawful and punishable by the assessment of an administrative fine of One Hundred Dollars ($100.00).

(Title 37, O.S § 600.11)

Sec. 12-207. Penalty.

A) Except as otherwise provided in this Article, any person who violates any provision of this Article shall be guilty of an offense and shall be subject to a fine of :

a. not more than One Hundred Dollars ($100.00) for the first offense,

b. not more than Two Hundred Dollars ($200.00) for the second offense within a two-year period,

c. not more than Three Hundred Dollars for a third or more offenses within a two-year period following the first offense.

B) Proof that the defendant demanded, was shown, and reasonably relied upon proof of age, shall be a defense to any action brought pursuant to Section 12-201 of this Article.

(Ord. No. 534, §1, 12-3-96; Ord. No. 618, §2, 7-18-2006; Title 37. O.S. § 600.3 C)

Secs. 12-208—12-249 Reserved

Article X: Smoking in Public Places and Indoor Work Places

Sec.12-250. Legislative intent.

The State Legislature by adopting the Smoking in Public Places Act intends to preempt any other regulation promulgated to control smoking in public places and to standardize laws that governmental subdivisions may adopt to control smoking. Cities and towns may enact and enforce laws prohibiting and penalizing conduct under provisions of this Article.

(Ord. No. 618, §1, 7-18-2006, State law reference – O.S. Title 63, § 1-1527.)

Sec. 12-251. Definitions.

A. As used in this Article:

a. "Educational facility" means a building owned, leased or under the control of a public or private school system.

b. “Electronic Smoking Device”, as used herein, means an electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. An Electronic Smoking Device includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, also known as an e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or description which can be classified as an Electronic Smoking Device, including Electronic Nicotine Delivery Systems (ENDS), and vapor products.

c. "Health facility" means an entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers;

d. "Indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or fulltime and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner,

proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed;

e. "Meeting" means a meeting as defined in the Oklahoma Open Meeting Act;

f. "Public body" means a public body as defined in the Oklahoma Open Meeting Act;

g. "Public place" means an enclosed indoor area where individuals other than employees are invited or permitted;

h. "Restaurant" means any eating establishment regardless of seating capacity;

i. "Smoking" means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device;

j. "Stand-alone bar", "stand-alone tavern", and "cigar bar" mean an establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under twenty-one (21) years of age is admitted, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

k. “Tobacco”, as used herein, includes, but is not limited to, smoking tobacco such as used in pipes, cigarettes and cigars, and chewing or dipping tobacco, such as snuff and chewing tobacco.

(Ord. No. 618, §1, 7-18-2006; Ord. No. 620, §1, 8-15-2006; 2014 City Code) State law reference – O.S. Title 63, § 1-1522)

Sec. 12-252. Smoking in certain places prohibited-Exemptions

A. Except as specifically provided in this Article, no person shall smoke in a public place, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act, or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Licensing Act. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is re-circulated to nonsmoking areas of the building.

B.

1. Except as otherwise provided in paragraph 2 of this subsection, an educational facility which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the buildings and on the grounds of the facility by all persons including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.

2. Career and technology centers may designate smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.

3. An educational facility may designate smoking areas outside the buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests.

C. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the grounds of the facility.

D. A private residence is not a "public place" within the meaning of this Article except that areas in a private residence that are used as a

licensed child care facility during hours of operation are "public places" within the meaning of this Article.

E. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside, in such manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake. If smoking is to be permitted in any space exempted in subsection F of this section or in a smoking room pursuant to subsection G of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake.

F. This Article shall not prohibit smoking in:

1. Stand-alone bars, stand-alone taverns or cigar bars;

2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

3. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

4. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

5. Workplaces where only the owner or operator, of the workplace, or the immediate family of the owner or operator, performs any work in the work place, and the workplace has only incidental public access;

6. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

7. Private offices occupied exclusively by *one* or more smokers;

8. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours *of* operation;

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Sections 501 (c)(8), 501 (c)(10) or 501 (c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501 (c)(8), 501 (c)(10) or 501 (c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public;

10. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant; and

11. Medical research or treatment centers, if smoking is integral to the research or treatment.

G. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms, which shall be in a location, which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

(Ord. No. 618, §1, 7-18-2006; Ord. No. 620, §1, 8-15-2006, State law reference – O.S. Title 63, § 1-1523.)

Sec. 12-253. Measures to prevent smoking in public places.

(a) The person who owns or operates a public place shall, at a minimum, do the following in' order to prevent smoking in public places:

(1) Post signs at entrances to places where smoking is prohibited which state that smoking is prohibited or that the indoor environment is free of tobacco smoke; and

(2) Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act.

(Ord. No. 618, §1, 7-18-2006; Ord. No. 620, §1, 8-15-2006, State law reference – O.S. Title 63, § 1-1525.)

Sec. 12-254. Governing body may designate smoking and non-smoking areas in municipal facilities.

(a) All buildings, or portions thereof, that are owned and operated by the City, at the discretion of the City Council, may be designated as entirely nonsmoking or may be designated nonsmoking with one designated smoking room.

(b) A smoking room as provided for in subsection (a) of this section:

1. Shall not be used for the conduct of public business.

2. Shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No smoking exhaust shall be located within twenty-five (25) feet of any entrance, exit or air intake.

(Ord. No. 620, §1, 8-15-2006, State law reference – O.S. Title 21, § 1-1247.

Sec. 12-256. Penalty.

Any person who knowingly violates any provision of this Article is guilty of an offense, and upon conviction thereof, shall be punished by a fine of not

less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00). (Ord. No. 620, §1, 8-15-2006, State law reference – O.S. Title 21, § 1-1247.

Sec. 12-257. Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

1) *Indoor area*: means any indoor property owned or operated by the City, The Village Development Authority ("TVDA"), or The Village Public Works Authority ("VPWA"). An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees of the public, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed.

2) *Outdoor area*: means any covered area, partially covered area or area open to the sky that is on property owned or operated by the City, TVDA, or VPWA.

3) *Recreational area*: means any area that is owned, controlled or used by the City, TVDA, or VPWA and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, riding trail, swimming pools, roller and ice-skating rinks, and skateboard parks.

4) *Smoking*: means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

5) *Smoke free*: means to prohibit the use of combustible tobacco products by anyone, anywhere, at any time.

Sec. 12-258. Prohibition on Smoking and the possession of lighted tobacco on property owned or operated by the City of The Village, The Village Development Authority, and the Village Public Works Authority.

1) All buildings and other property, including, without limitation, Indoor areas, Outdoor areas, and Recreational areas, vehicles and equipment, owned or operated by the City, TVDA, and VPWA shall be entirely Smoke free.

2) Smoking and the possession of lighted tobacco in any form are prohibited in all buildings and on all property owned or operated by the City, TVDA, and VPWA, including, without limitation, Indoor areas, Outdoor areas, Recreational areas, vehicles and equipment.

3) The prohibition on smoking described herein shall not apply to public streets, rights-of-way, and sidewalks.

State law reference: O.S. Title 21, §1247 (C)

Sec. 12-259. Posting.

1) The City shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of each City, TVDA and/or VPWA owned or operated building indicating the property is smoke free.

2) The posting of signs or decals shall be the responsibility of the manager and/or supervisor of the City, TVDA and/or VPWA owned or operated facility.

Sec. 12-260. Violation and Penalty. Any person who knowingly violates Section 12-258 of the Code is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00).

Sec. 12-261. Enforcement.

The State and local governmental agencies are authorized to do the following in order to prevent Smoking in City, TVDA, and VPWA owned or operated places:

a) Post signs at entrances to City, TVDA and VPWA owned and operated buildings and parks which state that smoking is not permitted; and

b) Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act.

Article XI. Remediation of Methamphetamine Labs

Sec. 12-300. Legislative Intent.

The contamination present in former methamphetamine labs can affect soil, ground water, air, furniture, and structure materials, such as flooring, vents, and walls. Many of the contaminants present during the methamphetamine manufacturing process can be harmful if humans or pets are exposed to them. The contaminants can cause health problems, including headaches, nausea, dizziness, and skin and eye irritation and burns. Short-term exposures to high concentrations of some of these chemicals are common to first responders, such as fire departments or law enforcement officers first entering a lab. These exposures may cause severe health problems including lung damage and chemical burns to the body. This Article is intended to provide the regulations deemed necessary to protect the public from the serious public health threats posed by methamphetamine residues.

Sec. 12-301. Identification of public health threat, testing, remediation.

a) Any property or premises located in the City shall be considered a potential threat to public health when chemicals and equipment used in the production of methamphetamines have been seized by a local, state, or federal law enforcement agency on the property.

b) The property owner of any such property shall take appropriate steps to detect and remove chemical residues left by the production of methamphetamines, including but not limited to the following:

    1) **Testing:** After law enforcement agencies have completed their investigation and hazardous materials cleanup of the subject property, the owner of said property shall be responsible for engaging the services of a qualified environmental testing company to determine if harmful levels of contamination remain on the property. The environmental testing company selected shall be subject to the approval by the City.

    2) **Contamination Limits:** The property owner shall perform cleanup of the property as provided below if tests performed by said environmental testing company detect on said property contamination levels of more than five micrograms of methamphetamine residue per square foot.

3) **Remediation:** Upon a finding that more than five micrograms of methamphetamine residue are present on said property, the property owner shall be responsible for the following:

   i. **Air out the structure** – suitably ventilate the property for several days before cleaning. The property owner shall open all the building's windows and set up exhaust fans to circulate air out of the house. During this time, the property shall remain off limits unless it is necessary to make short visits to the property. After the initial airing out, the property owner shall maintain good ventilation throughout the property's cleanup.

   ii. **Contamination removal and disposal:**

      a) Remove from the property all surfaces that are visibly contaminated, discolored or stained and dispose of them in an approved landfill.

      b) Remove and dispose of in an approved landfill any absorbent materials, such as carpet and pad, drapes, and clothing that can accumulate the vapors dispersed through the air during the methamphetamine production process.

      c) Thoroughly clean all surfaces, such as walls, counters, floors, and ceilings, etc. where the methamphetamine production process was conducted.

      d) If a surface has visible contamination or staining, completely remove and replace that surface section. This could include removal and replacement of wallboard, floor coverings, and counters. If this is not possible, intensive cleaning, followed by the application of a physical barrier such as paint or epoxy shall be required.

      e) Replace all of the air filters in the ventilation system and/or heating and cooling system; remove and clean vents, clean the surfaces near system inlets and outlets, and clean the ventilation system's ductwork in order to ensure that vapors and residues are properly removed from these areas.

f) If a strong chemical odor is coming from household plumbing, contact a plumbing contractor for professional drain/pipe cleaning assistance.

g) Surfaces in areas where contamination was found or suspected shall be cleaned and painted when possible so as to provide a barrier between the contamination and anyone who may come in contact with those surfaces.

4) **Certification.** Prior to obtaining an occupancy permit for any property considered to be a potential threat to public health as provided herein, the property owner shall provide the City with proper evidence and documentation that methamphetamine residues on said property do not exceed five micrograms per square foot. It shall be unlawful for any person to occupy or to allow any person to occupy any such property that is not certified by the city for human occupancy.

Sec. 12-302. Duty to disclose to tenants.

The owner of any property considered a potential threat to public health as provided by this Article shall disclose to any prospective renter or occupant of the property, the prior existence of a methamphetamine manufacturing operation on said property.

Sec. 12-303. Penalty.

Any person who violates any provision of this Article shall, upon conviction, be guilty of a Class A offense and shall be subject to a fine not to exceed Seven Hundred and Fifty Dollars ($750.00) and up to sixty (60) days imprisonment, or both said fine and imprisonment. Every day that a violation exists shall be deemed a separate offense.

CHAPTER 13
MOTOR VEHICLES AND TRAFFIC

Art. I. In General, §§ 13-1--13-30
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ARTICLE I. IN GENERAL

Sec. 13-1. 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:

Authorized emergency vehicles. Vehicles of fire departments, ambulances and police vehicles, including vehicles owned or operated by the United States Marshals Service, the Federal Bureau of Investigation or by any local organization for civil defense such vehicles shall be equipped with siren capable of giving an audible signal, as required by law, and a flashing red light.

State law reference--Similar provisions, 47 O.S. § 1-103.

Cross references--Injury to motor vehicles, § 12-102 arrests for violation of traffic ordinances, § 14-18(d) abandoned, junked, etc., vehicles, § 15-36 et seq. parades, § 21-25 et seq.

Automobile. Every motor vehicle of the type constructed and used for the transportation of persons for purposes other than for hire or compensation.

This shall include all vehicles of the station wagon type whether the same are called station wagons, or ranch wagons, van wagons, except those used for commercial purposes, suburbans, town and county, or by any other name, except when owned and used as a school bus or motor bus by a school district or a religious corporation or society as elsewhere provided by law.

State law reference--Similar provisions, 47 O.S. § 1-103.1.

Bicycle: A *bicycle* is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

As used in this chapter the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles, unless otherwise specifically indicated.

(Ord, No. 601, 4-19-2005; Ord, No. 619, §1, 08-01-2006)

State law reference--Similar provisions, 47 O.S. § 1-104.

Boulevard. Any highway or portion thereof where vehicles are required to come to a full stop before entering from an intersecting highway.

Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

State law reference--Similar provisions, 47 O.S. § 1-105.

Business district. The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations and public buildings, which occupy at least three hundred (300) feet in frontage on one side or three hundred (300) feet collectively on both sides of the highway.

State law reference--Similar provisions, 47 O.S. § 1-106.

Controlled-access highway. 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.

State law reference--Similar provisions, 47 O.S. § 1-110.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway. The term shall also mean any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

State law reference--Similar provisions, 47 O.S. § 1-111.

Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver. Every person who drives or is in actual physical control of a vehicle.

State law reference--Similar provisions, 47 O.S. § 1-114.

Electric-assisted bicycle is any bicycle with:

(1) Two or three wheels; and

(2) Fully operative pedals for human propulsion and equipped with an electric motor:

(a) With a power output not to exceed one thousand (1,000) watts;

(b) Incapable of propelling the device at a speed of more than twenty (20) miles per hour on level ground; and,

(c) Incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of twenty (20) miles per hour or more.

An electric-assisted bicycle shall meet the requirements of the Federal Motor Vehicle Safety Standards as set forth in federal regulations, and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied.

(Ord. No. 601, 4-19-2005; Ord. No. 619 §1, 08-01-2006)

Freight curb loading zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Highway or street. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The words "highway" and "street" are synonymous.

State law reference--Similar provisions, 47 O.S. §§ 1-122, 1-171.

Implement of husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallon capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or fields or from one farm or field to another, shall be considered implements of husbandry for purposes of this chapter. Trailers or semi trailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm materials or things to be used thereon shall also be considered implements of husbandry for purposes of this chapter.

State law reference--Similar provisions, 47 O.S. § 1-125.

Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways, which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle, may come in conflict. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event, such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

State law reference--Similar provisions, 47 O.S. § 1-126.

Laned roadway. A roadway, which is divided into two (2) or more clearly marked lanes for vehicular traffic.

State law reference--Similar provisions, 47 O.S. § 1-127.

Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails the term shall exclude implements of husbandry.

State law reference--Similar provisions, 47 O.S. § 1-134.

Motorcycle: A motorcycle is any motor vehicle having:

(1) A seat or saddle for the use of each rider;

(2) Not more than three (3) wheels in contact with the ground, but excluding a tractor; and,

(3) A combustion engine with a piston or rotor displacement of greater than one hundred fifty cubic centimeters (150 cu cm).

State law reference--Similar provisions, 47 O.S. § 1-135.

Motor-driven Cycle. A motor-driven cycle is any motor vehicle having:

(1) A power source that:

(a) If the power source is a combustion engine has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 cu cm) but less than one hundred fifty cubic centimeters (150 cu cm) regardless of the number of chambers in the power source;

(b) If the power source is electric, has a power output of greater than one thousand (1,000) watts; and,

(2) A seat or saddle for the use or each rider;

(3) Not more than three (3) wheels in contact with the ground;

A motor-driven cycle requires a driver's license of proper class with endorsement.

State law reference--Similar provisions, 47 O.S. § 1-136.

Motorized bicycle is any bicycle having:

(1) Fully operative pedals for propulsion by human power;

(2) An automatic transmission; and,

(3) A combustion engine with a piston or rotor displacement of fifty cubic centimeters (50 cu cm) or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty (30) miles per hour on level ground.

State law reference--Similar provisions, 47 O.S. § 1-136.1.

Motorized Scooter: A motorized scooter is any vehicle having:

(1) Not more than three (3) wheels in contact with the ground;

(2) Handlebars and a foot support or seat for the use of the operator;

(3) A power source that is capable of propelling the vehicle at a maximum design speed of not more than twenty-five (25) miles per hour on level ground, and:

(a) If the power source is a combustion engine, has a piston or rotor displacement of thirty-five cubic centimeters (35 cu cm) or less regardless of the number of chambers in the power source;

(b) If the power source is electric, has a power output of not more than one thousand (1,000) watts.

For purposes of this section, an electric personal assistive mobility device, bicycle, electric-assisted bicycle, or motorized bicycle, shall not be considered a motorized scooter.

A motorized scooter shall not be required to be registered under the laws of this State. The operator of a motorized scooter shall not be required to possess a driver's license or to comply with the vehicle insurance or financial responsibility laws of this State.

Official traffic-control devices. All signs, barricades, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

State law reference--Similar provisions, 47 O.S. § 1-139.

Park or parking. 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.

State law reference--Similar provisions, 47 O.S. § 1-142(a).

Passenger curb loading zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian. Any person afoot.

State law reference--Similar provisions, 47 O.S. § 1-143.

Police officer. Every officer of the police department and any other officer who is authorized to direct or regulate traffic or to make arrests for violation of traffic ordinances.

State law reference--Similar provisions, 47 O.S. § 1-147.

Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

State law reference--Similar provisions, 47 O.S. § 1-148.

Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

State law reference--Similar provisions, 47 O.S. § 1-149.

Railroad sign or signal. Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

State law reference--Similar provisions, 47 O.S. § 1-150.

Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

State law reference--Similar provisions, 47 O.S. § 1-151.

Resident district. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

State law reference--Similar provisions, 47 O.S. § 1-154.

Right-of-way. The privilege of the immediate use of the roadway.

State law reference--Similar provisions, 47 O.S. § 1-156.

Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein refers to any such roadway separately but not to all such roadways collectively.

State law reference--Similar provisions, 47 O.S. § 1-158.

Safety zone or island. An 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 or island.

State law reference--Similar provisions, 47 O.S. §1-159.

Shoulder. The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

State law reference--Similar provisions, 47 O.S. § 1-158.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

State law reference--Similar provisions, 47 O.S. § 1-163.

Stand or standing. The halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

State law reference--Similar provisions, 47 O.S. § 1-167.

Stop. When required, the complete cessation from movement.

State law reference--Similar provisions, 47 O.S. § 1-169.

Stop or stopping. When prohibited, 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 directions of a police officer or traffic-control sign or signal.

State law reference--Similar provisions, 47 O.S. § 1-170.

Taxicab. Any motor vehicle for hire, designed to carry seven (7) persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported but this classification shall not include motor vehicles of seven (7) passenger capacity or less operated by the owner where the cost of operation is shared by fellow workmen between their homes and the place of regular daily employment, when not operated for more than two (2) trips per day, nor shall the classification include automobiles operated by the owner where the cost of operation is shared by the passengers on a "share the expense plan," nor shall this classification include motor vehicles transporting students from the public school system when said motor vehicle is so transporting under contract with public, private or parochial school board or governing body.

State law reference--Similar provisions, 47 O.S. § 1-174.

Through highway. Every highway or portion thereof on which vehicle traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.

State law reference--Similar provisions, 47 O.S. § 1-175.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

State law reference--Similar provisions, 47 O.S. § 1-177.

Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

State law reference--Similar provisions, 47 O.S. § 1-178.

Traffic lane. The portion of the traveled way for the movement of a single line of vehicles.

State law reference--Similar provisions, 47 O.S. § 1-179.

Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property.

State law reference--Similar provisions, 47 O.S. § 1-182.

Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

State law reference--Similar provisions, 47 O.S. § 1-185.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks provided, however, the definition of "vehicle" as used in this chapter shall not include implements of husbandry.

State law reference--Similar provisions, 47 O.S. § 1-186.

(Code 1976, § 15-1-1)

Sec. 13-2. Compliance.

It is an offense for any person to do any act forbidden or fail to perform any act required in this chapter.

State law reference--Similar provisions, 47 O.S. § 11-102.

Sec. 13-2.1. Penalty for violations.

(a) Any person who violates sections 13-9, 13-14 or 13-356 herein shall be punished according to a Class A offense subject to fine limitations as provided in section 1-9 of the Code.

(b) Any Chapter 13 Class B offense, when coupled with any Chapter 13 Class A offense, shall become punishable according to a Class A offense subject to fine limitations as provided in section 1-9 of the Code.

(Ord. No. 382, § 2, 5-19-87 Ord. No. 384, § 1, 6-16-87)

Editor's note--Codification of § 2 of Ord. No. 382, adopted May 19, 1987, as § 13-2.1 hereof was at the editor's discretion.

Sec. 13-3. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

State law reference--Similar provisions, 47 O.S. § 11-103.

Sec. 13-4. Persons propelling pushcarts, riding animals or driving animal-drawn vehicles to obey traffic regulations.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter, which by their very nature can have no application.

State law reference--Similar provisions, 47 O.S. § 11-104.

Sec. 13-5. 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 other governmental unit or agency, as well as to other vehicles and it is unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

State law references--Similar provisions, 47 O.S. § 16-103 exemption for military convoys, and 47 O.S. § 11-107.

Sec. 13-6. Application of chapter to persons working on streets.

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 provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen but the provisions of this chapter shall apply to such persons and vehicles when traveling to or from such work.

State law reference--Similar provisions, 47 O.S. § 11-105.

Sec. 13-7. 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 herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation:

(3) Exceed the maximum speed limits so long as he does not endanger life or property and

(4) Disregard regulations governing direction of movement or turning in specific directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except 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 foregoing provisions 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--Similar provisions, 47 O.S. § 11-106.

Sec. 13-8. Reckless driving, careless driving, etc.

(a) It shall be unlawful for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property.

(b) The operator of every vehicle while driving shall devote full time and attention to such driving.

(Code 1976, § 15-14-2)

State law reference--Reckless driving, 47 O.S. § 11-901.

Sec. 13-9. Driving while intoxicated.

(a) It is an offense for any person to drive, operate, or be in actual physical control of a motor vehicle within this state who:

(1) Has a blood or breath alcohol concentration, as defined in Section 756 of Title 47 of the Oklahoma Statutes, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person or

(2) Is under the influence of alcohol or

(3) Is under the influence of any other intoxicating substance to a degree which renders 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 to a degree, which renders 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) As used in this section, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

Cross references--Public intoxication, § 12-45 glue sniffing, and § 12-53 use of narcotics, § 12-53.

State law references--Similar provisions, 47 O.S. § 11-902 uniform Controlled Dangerous Substances Act, 63 O.S. § 2-101 et seq.

Sec. 13-10. Driving while ability impaired by consumption of alcohol.

1) No person shall drive or operate a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol or intoxicating liquor which renders such person's driving to be affected by the consumption of alcohol to the extent that the public health and safety is threatened or that the person had violated a state statute or city ordinance in the operation of a motor vehicle.

2) It is unlawful for any person under twenty-one years of age to drive, operate or be in the actual physical control of a motor vehicle who:

    a) Has any measurable quantity of alcohol in the person’s blood or breath at the time of the test administered within two (2) hours after an arrest of the person;

    b) Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

    c) **Penalty:** Any person under twenty-one (21) years of age who violates any provision of this section shall be subject to the seizure of the driver license of that person at the time of arrest or detention and the person, upon conviction, shall be guilty of operating or being in actual physical control of a motor vehicle while under the influence while under age and shall be punished:

        1. For a first conviction, by:

2. A fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00),
3. Assignment to and completion of twenty (20) hours of community service,
4. Requiring the person to attend and complete a treatment program, or
5. Any combination of fine, community service, or treatment

(Ord. No. 317, § 3, 6-7-83; Ord. No. 676, §1, 10-16-2012)

Cross reference--Public intoxication, § 12-45.
State law reference--Similar provisions, 47 O.S. § 756; 47, O.S § 11-906.4

Sec. 13-11. Tests for alcohol use implied consent, etc.

Any person who operates a motor vehicle upon the highways of this city shall be deemed to have given consent, subject to the provisions of law, to a chemical test or tests of his blood, breath, urine, or saliva at the election of the law enforcement officer, for the purpose of determining the alcoholic content of his blood. The test or tests shall be administered at the direction of a law enforcement officer and in accordance with the standards provided by law after having arrested a person and having reasonable grounds to believe the person driving or in actual physical control of a motor vehicle upon the highways of this city was under the influence of alcohol or intoxicating liquors.

(Ord. No. 304, § 1, 10-2-82)

State law reference--Similar provisions, 47 O.S. § 751.

Sec. 13-12. Transportation of alcoholic beverages.

It shall be unlawful for any person to 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 said vehicle while it is in motion.

State law reference--Similar provisions, 37 O.S. § 537(a) (7).

Sec. 13-13. Transportation of non-intoxicating beverages.

It shall be unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any non-intoxicating beverage containing more than one-half of one percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight 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 open container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

(Code 1976, § 15-14-8 Ord. No. 353, § 1, 7-2-85)

State law reference--Similar provisions, 21 O.S. § 1220.

Sec. 13-14. Driver's license.

(a) It shall be unlawful for any person to operate any motor vehicle upon the highways of this city without having in his possession while operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license and conforming to any specific restrictions contained thereon as required by the laws of the state unless such person is specifically exempted from such laws by the provisions thereof. However, no person charged with violating this subsection shall be convicted if he produces in court an operator's or chauffeur's license previously issued to him and valid at the time of his arrest.

(b) It is unlawful for any person whose license as required by state law for operation of a motor vehicle upon the state highways has been revoked or suspended to operate a motor vehicle during the period of suspension or revocation.

(Code 1976, §§ 15-9-1, 15-9-5 Ord. No. 338, § 1, 11-1-83 Ord. No. 339, § 1, 11-1-83 Ord. No. 357, § 1, 9-3-85)

State law reference--Drivers licenses, 47 O.S. § 6-101 et seq.

Sec. 13-15. Permitting unauthorized persons to drive.

It shall be unlawful for any person to cause or knowingly permit his child or ward under the age of sixteen (16) years to drive a motor vehicle on any of the streets of this city when such minor is not authorized to do so by the provisions of the laws of the State of Oklahoma.

(Code 1976, § 15-9-2)

Sec. 13-16. Certification of existence of security.

(a) The owner of a motor vehicle registered in this state and operating the vehicle within the city 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 used by the state department of public safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer. In case of a 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 subdivisions 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 which reflect a deposit, bond, self-insurance, or fleet policy

(3) Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission

(4) Any licensed taxicab and

(5) Any vehicle owned by a licensed used motor vehicle dealer.

(c) In this section:

(1) 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 of title 47 of the Oklahoma Statutes.

(2) Operator's policy means an operator's policy of liability insurance that shall insure the named person against loss for the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

(3) Owner's policy means an owner's policy of liability insurance that:

a. Designates by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted

b. Shall insure the person named therein and insure any other person, except as provided in subparagraph c. of this section, 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.

(4) Security means:

a. A policy or bond meeting the requirements of section 7-204 of title 47 of the Oklahoma Statutes

b. A deposit of cash or securities having the equivalency of limits required under section 7-204 of title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond or

c. Self-insurance, pursuant to the provisions of section 7-503 of title 47 of the Oklahoma Statutes, having the equivalency of limits required under section 7-204 of title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond.

(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.

(d) Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon or an equivalent form issued by the 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 city, shall be guilty of an offense. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

(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 for such person was in force at the time of the alleged offense, shall be entitled to dismissal of such charge.

(g) Upon conviction, bond forfeiture, or deferral of sentence, the court clerk shall forward an abstract to the department of public safety within ten (10) days reflecting the action taken by the court.

(Ord. No. 319, §§ 1, 2, 6-21-83)

State law reference--Certificate of insurance, 47 O.S. § 7-602.1.

Section 13-17. Impoundment of Vehicles/Seizure of License Plate for No Insurance.

1. Upon issuing a citation for failure to comply with the Compulsory Insurance Law of the state, the law enforcement officer issuing the citation may as provided by Title 47, O.S. Chapter 7, Article 6, Section 7-606:

    a. Seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided by Title 47 O.S. Section 955, Subsection B of Section 955, provided the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state, or

b. Seize the license plate of the vehicle and issue the citation to the vehicle operator, provided that the vehicle is in a drivable condition at the time of issuing the citation.

2. After the issuance of the citation, The Village Police Department shall, within three (3) days, deposit the license plate and deliver a copy of the citation to the Oklahoma County Sheriff's office.

3. The vehicle owner or operator may retrieve the license plate from the County Sheriff's office upon providing verification of compliance with the Compulsory Insurance Law, payment in full of all administrative fees and other charges authorized specifically by applicable law.

4. If the operator of the vehicle produces what appears to be a valid security verification form and the officer is unable to confirm compliance through the online verification system or noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the license plate or seizing the vehicle and causing such vehicle to be towed and stored. Further, no vehicle shall be seized and towed under the provisions of this paragraph if said vehicle is displaying a temporary license plate that has not expired pursuant to the provisions of Title 47, O.S. Sections 1137.1 and 1137.3.

(Ord. No. 687 §1, 11-19-2013, Effective Date 02-01-2014)

Sacs. 13-18--13-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 13-31. General Powers of police and fire departments and building inspector.

(a) It is the duty of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents, and to cooperate with other officers of the city 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 any traffic ordinances of this city.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws and ordinances provided that 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.

(c) Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(d) The Building Inspector and Code Enforcement Officer are hereby authorized to issue citations for all parking and other nonmoving violations under this chapter.

(Ord. No. 282, § 1(15-18a-1), 8-5-80)

Sec. 13-32. Traffic safety commission.

(a) There is hereby established a traffic and safety commission, which shall consist of five (5) members, appointed by the mayor with the consent of city council. Members shall serve without compensation. The chief of police shall serve as an ex officio member of the commission.

(b) Members shall serve for terms of three (3) years. Vacancies occasioned by resignations or otherwise shall be filled in the same manner as the original appointments except that the person filling the vacancy shall serve the remainder of the un-expired term of the member he is replacing.

(c) The commission shall organize by the selection of one (1) of its members as chairman, another as vice-chairman, and another as secretary, who shall serve for one (1) year. Such selection of officers will again be made by the members of the commission each year.

(d) The traffic commission shall study traffic, streets and highways, traffic control devices and their location, and traffic regulations, and make recommendations and reports thereon as it deems desirable, or as may be required by ordinance to the city council, the city manager, and other appropriate officers and agents. It shall have all powers and duties prescribed for it by ordinance.

(Code 1976, §§ 15-2-1--15-2-4)

Sec. 13-33. Payment of fines in advance.

Persons charged with a violation of this chapter may enter a plea of guilty and pay a fine in the amount designated by the municipal judge before such person's assigned date to appear in court.

Cross reference--Municipal court, Ch. 14.

Sec. 13-34. Impoundment of vehicles.

Authorized agents of the city may impound vehicles parked or left standing upon the streets under the circumstances enumerated in section 15-38, subsection (b) in the manner provided for in such subsection.

Sec. 13-35. Arrests on boundary line streets and highways.

Any police officer is authorized to make arrests for violations of traffic ordinances of the city he observes on any highway or street that forms the boundary line of the city and any other adjoining political jurisdiction.

(Ord. No. 405, § 2, 2-2-88)

Cross reference--Speed limits on boundary roads, § 13-151.

State law reference--Authority to enforce traffic ordinances on boundary line streets, 47 O.S. Section 15-101.1.

Secs. 13-36--13-45. Reserved.

DIVISION 2. TRAFFIC-CONTROL SIGNS, SIGNALS AND DEVICES

Sec. 13-46. Obedience.

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 or law, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

State law reference--Similar provisions, 47 O.S. § 11-201(a).

Sec. 13-47. Ratification.

All traffic control signs, signals, devices and marking which are in place on the adoption date of this Code are hereby ratified and confirmed and shall be considered to have been authorized by the board of commissioners.

Sec. 13-48. When required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

State law reference--Similar provisions, 47 O.S. § 11-201(b).

Sec. 13-49. Erection, etc.

All traffic control signs, signals, devices, and marking shall be designated:

Upon the recommendation of the traffic and safety commission and with the approval of the city council. The city manager shall cause same to be installed.

(Code 1976, § 15-6-1)

Sec. 13-50. Traffic-control signal legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows successively one at a time, or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(a) Vehicular traffic facing a circular green signal, except when prohibited under section 13-307 of this Code, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication:

(a) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(3) Steady red indication:

(a) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph b. below.

(b) Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by paragraph a. above. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady circular red signal alone shall not enter the roadway.

In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions, which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

State law reference--Similar provisions, 47 O.S. § 11-202.

Sec. 13-51. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" is in place, such signals shall indicate 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 in the direction of the signal by the driver of all vehicles.

(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 island while the wait signal is showing.

State law reference--Similar provisions, 47 O.S. § 11-203.

Sec. 13-52. Flashing signals.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the

intersection or past such signal only with caution, and in obedience to any signs posted in addition to such signal device denoting rate of speed either for approaching or passing through the intersection or zone governed by such caution signal.

State law reference--Similar provisions, 47 O.S. § 11-204.

Sec. 13-53. Lane use control signals.

When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

(1) Green indication: Vehicular traffic may travel in any lane over which a green signal is shown

(2) Steady yellow indication: Vehicular traffic is thereby warned that a lane control change is being made

(3) Steady red indication: Vehicular traffic shall not enter or travel in any lane over which a red signal is shown

(4) Flashing yellow indication: Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

State law reference--Similar provisions, 47 O.S. § 11-204.1.

Sec. 13-54. Pedestrian-actuated school crossing signals.

Whenever a pedestrian actuated school-crossing signal is provided, it shall require obedience by vehicular traffic and pedestrians in accordance with sections 13-50 and 13-51 of this Code.

State law reference--Similar provisions, 47 O.S. § 11-205.

Sec. 13-55. Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic 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 and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal, marking, or device is hereby declared to be a public nuisance the city manager is hereby empowered to remove the same without notice.

State law reference--Similar provisions, 47 O.S. § 11-206.

Sec. 13-56. Interference with official control devices or railroad signs or signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

State law reference--Similar provisions, 47 O.S. § 11-207.

Secs. 13-57--13-85. Reserved.

ARTICLE III. ACCIDENTS AND ACCIDENT REPORTS*

Sec. 13-86. Driver to give immediate notice of accident.

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within this city.

State law reference--Similar provisions, 47 O.S. § 10-107.

Sec. 13-87. Duty to give information and render aid.

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other personal property shall give his correct name,

address and registration number of the vehicle he is driving, and shall, upon request and if available, exhibit his operator's or chauffeur's license and his security verification form as defined in section 13-16 to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

State law reference--Accidents and accident reports, 10 O.S. § 10-101 et seq.

(b) Any person willfully or maliciously failing to stop, or to comply with said requirements herein, shall be guilty of a Class A offense.

(Ord. No. 409, § 1, 6-21-88)

State law reference--Similar provisions, 47 O.S. § 10-104.

Sec. 13-88. Written report of accident.

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 total property damage to an apparent extent of Five Hundred Dollars ($500.00) or more shall, within six (6) months after such accident, forward a written report of such accident to the state department of public safety. If settlement of the collision has not been made within six (6) months after the date of the accident, and provided that if a settlement has been made, a report of such settlement must be made by the parties.

State law reference--Similar provisions, 47 O.S. § 10-108.

Secs. 13-89--13-100. Reserved.

ARTICLE IV. OVERTAKING, PASSING, ETC.*

Sec. 13-101. Drive on right side of roadway.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

State law reference--Overtaking, passing, etc., 47 O.S. § 11-301 et seq.

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon

(4) Upon a roadway restricted to one-way traffic or

(5) Upon a roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available 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.

(c) Upon any roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a), paragraph (2) of this section. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

State law reference--Similar provisions, 47 O.S. § 11-301.

Sec. 13-102. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

State law reference--Similar provisions, 47 O.S. § 11-302.

Sec. 13-103. Overtaking a vehicle on the left generally.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) 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.

(3) Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

State law reference--Similar provisions, 47 O.S. § 11-303.

Sec. 13-104. 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.

(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 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.

State law reference--Similar provisions, 47 O.S. § 11-304.

Sec. 13-105. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, 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.

State law reference--Similar provisions, 47 O.S. § 11-305.

Sec. 13-106. Other limitations on driving to left of center of roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction

(2) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic-control devices:

(3) When the view is obstructed upon approaching when within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway nor under the conditions described in section 13-101, subsection (a), paragraph (2) of this Code, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

State law reference--Similar provisions, 47 O.S. § 11-306.

Sec. 13-107. No-passing zones.

(a) Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(b) It shall be unlawful for any person driving any vehicle to pass any other vehicle, which is in motion and being driven in the same direction in any school zone between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise designated, on all days when any school or schools are in session.

(Code 1976, § 15-4-5)

State law reference--Similar provisions, 47 O.S. § 11-307.

Sec. 13-108. One-way streets and alleys.

Upon those alleys and parts of alleys designated as one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

State law references--Municipal authority to designate one-way streets, 47 O.S. § 15-102(a) 4 one-way streets, and 47 O.S. § 11-308.

Sec. 13-109. Rotary traffic islands.

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. § 11-308.

Sec. 13-110. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from such lane until the driver has first

ascertained that such movement can be made with safety, and then given a signal, not less than one hundred (100) feet traveled by the vehicle, or his intention to change lanes.

(2) Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(3) Upon a roadway which is divided into four (4) or more lanes, a vehicle proceeding at less than the maximum posted speed, except when reduced speed is necessary for safe operation, shall not impede the normal flow of traffic by driving in the left lane. Such vehicle shall be driven in the right-hand lane except when overtaking the 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.

Official signs may be erected directing 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, and drivers of vehicles shall obey the directions of every such sign.

State law reference--Similar provisions, 47 O.S. § 11-309.

Sec. 13-111. Following too closely.

(a) 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 vehicle and the traffic upon and the condition of the highway.

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or another vehicle.

(c) No vehicle, which has more than six (6) tires in contact with the road, shall approach from the rear of another vehicle, which has more than six (6)

tires in contact with the road closer than three hundred (300) feet except when passing the vehicle.

(d) Motor vehicles being drawn upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. The distance between such vehicles shall be a minimum of two hundred (200) feet under all conditions. This provision shall not apply to funeral or other permitted processions.

State law reference--Similar provisions, 47 O.S. § 11-310.

Sec. 13-112. Driving on divided highways.

Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established unless specifically prohibited by public authority.

State law reference--Similar provisions, 47 O.S. § 11-311.

Secs. 13-113--13-125. Reserved.

ARTICLE V. RIGHT-OF-WAY*

Sec. 13-126. Vehicle approaching or entering intersection.

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway provided that the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

State law reference--Right-of-way generally, 47 O.S. § 11-401 et seq.

(b) When two (2) vehicles enter or approach an intersection from different highways, at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The right-of-way rules declared in subsections (a) and (b) are modified at through highways and otherwise as stated in this chapter.

State law reference--Similar provisions, 47 O.S. § 11-401.

Sec. 13-127. Vehicle turning left at intersection.

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 but said driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn, and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

State law reference--Similar provisions, 47 O.S. § 11-402.

Sec. 13-128. Vehicle entering stop or yield intersection.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by section 13-193 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sigh slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in section 13-193, subsection (e), 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 highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if

such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

(d) Where two (2) or more vehicles face stop, slow, warning or caution signs or signals on two (2) or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle, which has already entered the intersection, shall have the right-of-way over one, which has not so entered the intersection.

State law reference--Similar provisions, 47 O.S. § 11-403.

Sec. 13-129. Vehicles entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

State law reference--Similar provisions, 47 O.S. § 11-404.

Sec. 13-130. 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 property 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--Similar provisions, 47 O.S. § 11-405.

Sec. 13-131. Vehicles parking.

(a) On leaving a parking space, the driver shall yield the right-of-way to all vehicles moving along the street.

(b) Any vehicle attempting to park by backing into a parking space shall have the right-of-way to such parking space over any other vehicle heading into such place.

(Code 1976, §§ 15-8-4, 15-8-5)

Secs. 13-132--13-145. Reserved.

ARTICLE VI. SPEED AND RELATED OFFENSES*

Sec. 13-146. Basic rule and maximum limits.

(a) Any person driving a vehicle on a highway shall drive the same 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 highway and any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

(b) No person shall drive any vehicle or combination of vehicles with solid rubber or metal tires at a speed greater than ten (10) miles per hour.

State law references--Municipal authority to alter speed limits, 47 O.S. §§ 15-102(a) 10, 11-803 speed generally, 47 O.S. § 11-801 et seq.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

State law reference--Similar provisions, 47 O.S. § 11-801.

Sec. 13-147. Specific limits.

Except when a special hazard exists that requires lower speed for compliance with law or ordinance, the limits specified in this chapter, or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits as follows:

(1) On designated boulevards, thirty-five (35) miles per hour and on boulevards designated as state highways, forty (40) miles per hour, except as otherwise provided in this section

(2) On streets not designated as boulevards, twenty-five (25) miles per hour

(3) Within any school zone, twenty-five (25) miles per hour where that portion of the highway surrounds or is adjacent to any school between the hours of 8:00 a.m. and 4:00 p.m., unless such speed or time is otherwise designated, on all days when any such school is in session and in all other areas where school zone warning lights are on and operating.

(Code 1976, § 15-7-2 Ord. No. 287, § 1, 1-20-81)

Sec. 13-148. Minimum speed.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the state, the city or other local authority has determined on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, no person shall drive a vehicle below such speed except when necessary for safe operation or in compliance with law.

State law reference--Similar provisions, 47 O.S. § 11-804.

Sec. 13-150. Special speed limitations.

(a) No person shall drive a vehicle over any bridge, viaduct, or other elevated structure constituting a part of a highway at a speed, which is greater

than the maximum speed, which can be maintained with safety to such bridge or structure, when such structure is signposted as provided by law.

(b) Where any street or state or federal highway shall be under construction or repair or a detour shall have been designated by reason of construction or repairs in progress and the Oklahoma Department of Highways, or the city shall have determined a maximum safe, careful and prudent speed on such highway, street or detour during the period of such construction or repairs and shall have plainly posted at each terminus thereof and at not less than each half mile along the route thereof such determined maximum speed, no person shall drive any vehicle upon such portion of such highway or upon such detour at a speed in excess of the speed so determined and posted.

(c) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by the city or the department of highways and the existence of said signs shall constitute conclusive evidence of the maximum speed, which can be maintained with safety.

State law reference--Similar provisions, 47 O.S. § 11-806.

Sec. 13-151. Specific limits on city boundaries.

No person shall drive any vehicle in violation of the speed limits set forth in section 13-147 on any highway or street that forms the boundary line of the city and any other adjoining political jurisdiction.

(Ord. No. 405, § 2, 2-2-88)

Cross reference--Enforcement of traffic ordinances on boundary roads, § 13-35.

State law reference--Authority to adopt ordinances regulating traffic on boundary line streets, 47 O.S. Section 15-101.1.

Sec. 13-152. Child Restraint Systems

A. Every driver, when transporting a child under eight (8) years of age in a motor vehicle operated on the roadways, streets, or highways of this city, shall provide for the protection of said child by properly using a child passenger restraint system as follows:

   1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. The child passenger restraint

system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and

2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.

For purposes of this section a "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;

2. The driver of an ambulance or emergency vehicle;

3. The driver of a vehicle in which all of the seat belts are in use;

4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason; or

5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met

the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars ($50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars ($15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.

E. This section shall become effective November 1, 2015.

State law reference – Title 47 O.S. 2011, Section 11-1112 as amended.
(Ord. No. 709, §1, 07-21-2015)

Sec. 13-153. Seat belts required for operator, front passengers.

(a) Every operator and front seat passenger of a passenger car operated in this city shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R. §571-.208. For the purpose of this section, "passenger car" shall mean "vehicle" as defined by O.S. Title 47, Section 1102. “Passenger car" shall include the passenger compartment of pickups, vans, minivans, and sport utility vehicles. “Passenger car” shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles. Passenger car shall not include a vehicle used primarily for farm use, which is registered and licensed pursuant to the provision of O.S. Title 47, Section 1134.

(b) This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety seat belt system for medical reasons. Provided, the issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system.

(c) This section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

(d) Any person convicted of violating this section shall be punished by a fine and court costs not to exceed twenty ($20.00) Dollars.

(Ord. No. 551, §1, 1-18-00; 2004 City Code)

State Law Reference: Title 47 §12-417 as amended.

Sec. 13-154. Fines Doubled For Speeding in School Zones.

Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit as properly posted, shall be in effect during certain times due to the presence or potential presence of school children, no person shall drive any vehicle upon that portion of the highway which is the school zone in excess of the reduced speed limit so posted when the reduced speed limit is in effect. Violation of the posted reduced speed limit in the school zone shall result in the doubling of the appropriate fine.

(Ord. No. 587, §1, 10-7-2003)

State Law Reference – Title 47 O.S. 2001, Section 11-403, 76, Chapter 468, O.S.L. 2002

Secs. 13-155--13-165. Reserved.

ARTICLE VII. TURNING MOVEMENTS, ETC.*

Sec. 13-166. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Left turns on other than two-way roadway. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

State law reference--Similar provisions, 47 O.S. § 11-601.

State law references--Municipal authority to regulate turning, 47 O.S. § 15-102(a) 10 turning movements generally 47 O.S. § 11-601 et seq.

Sec. 13-167. Authority to place and obedience to turning markers.

(a) The city manager is authorized to have placed markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(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.

State law reference--Similar provisions, 47 O.S. § 11-601.

Sec. 13-168 Reserved.

(Code 1976, § 15-5-5 Ord. No. 489, § 1, 8-17-93)

Sec. 13-169. Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Sec. 13-170. Turning on curve or crest of grade.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such

vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

State law reference--Similar provisions, 47 O.S. § 11-602.

Sec. 13-171. 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 by ordinance or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, 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 in the event any other traffic may be affected by such movement.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

State law reference--Similar provisions, 47 O.S. § 11-604.

Sec. 13-172. Unauthorized use of turning lane.

It shall be unlawful and an offense to use a lane designated for turning for any other purpose.

(Code 1976, § 15-5-8)

Sec. 13-173. 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.

State law reference--Similar provisions, 47 O.S. § 11-603.

Sec. 13-174. Signals by hand and arm or signal lamps.

(a) Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, and also to any combination of vehicles.

State law reference--Similar provisions, 47 O.S. § 11-605.

Sec. 13-175. 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.

(3) Stop or decrease speed: Hand and arm extended downward.

State law reference--Similar provisions, 47 O.S. § 11-606.

Secs. 13-176--13-190. Reserved.

ARTICLE VIII. SPECIAL STOPS

Secs. 13-191, 13-192. Reserved.

Sec. 13-193. Signs and yield signs.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.

(b) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the

nearest line of the intersecting roadway however, such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

(c) Every stop sign shall bear the word "Stop." Every yield signs shall bear the word "Yield." Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign or by efficient reflecting elements in or on the face of the sign.

(d) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly-marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(e) 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 or, in the event there is no crosswalk, at a clearly-marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

State law reference--Similar provisions, 47 O.S. § 11-703.

Sec. 13-194. Emerging from 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 alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State law reference--Similar provisions, 47 O.S. § 11-704.

Sec. 13-195. Meeting or overtaking stopped 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, is to stop his 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) Every school bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight (8) inches in height and in addition shall be equipped with visual signals meeting the requirements of law which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

State law reference--Similar provisions, 47 O.S. § 11-705.

Sec. 13-196. Meeting and overtaking stopped church buses.

(a) "Church bus" as used herein shall mean a vehicle operated by a nonprofit religious organization, which transports persons, including school-age children, to and from religious services.

(b) The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.

(c) Every church bus used for the transportation of persons to and from religious services shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight (8) inches in height and in addition may be equipped with visual signals meeting the requirements of law, which shall be actuated by the driver of said church bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging passengers.

(d) The driver of a vehicle upon a highway with separated roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled-access highway and the church bus is stopped in a

loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

State law reference--Similar provisions, 47 O.S. § 11-705.1.

Secs. 13-197--13-210. Reserved.

ARTICLE IX. STOPPING, STANDING OR PARKING

Sec. 13-211. Compliance.

(a) Whenever parking has been prohibited upon any street, or has established parking time limits for any street or portion thereof, and the same has been duly posted, no vehicle shall be parked thereon in violation therefore or in excess of the time limits as posted.

(b) When any street has been designated and posted for one-way traffic, or for parking on only one (1) side of any street, vehicles shall not be parked thereon except upon the side posted and indicated for parking, and shall not be parked so as to face against the flow of traffic thereon.

Sec. 13-212. Exceptions, etc., for authorized emergency vehicles and vehicles used in road construction or maintenance.

The provisions of this article shall not apply to authorized emergency vehicles or to vehicles or machinery used in the construction or maintenance of highways, and such vehicles or machinery may be operated on any part of the road, whether same is open to traffic or closed, when such operation is necessary in the maintenance or construction of the highway provided that all such operations shall be protected with adequate warnings, signs, signals, lights, devices or flagmen.

Cross-reference--Parking in fire lanes, § 10-5.

State law references--Municipal authority to regulate stopping, standing or parking, 47 O.S. § 15-102(a) 2 stopping, standing or parking generally, 47 O.S. § 11-1001 et seq.

Sec. 13-213. Manner of parking.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or

parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

(b) Vehicles may be parked with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway when so allowed by the city.

(c) Angle parking shall be allowed only in those locations designated by the city.

State law reference--Similar provisions, 47 O.S. § 11-1004.

Sec. 13-214. Parking prohibited in specified places.

(a) No person shall stop, stand, or park a vehicle at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with law or ordinance or the directions of a police officer or traffic-control device:

(1) On a sidewalk

(2) In front of a public or private driveway

(3) Within an intersection

(4) Within fifteen (15) feet of a fire hydrant, except when a no parking zone adjacent to a fire hydrant has been clearly marked with red paint as approved by the Fire Marshal.

(5) On a marked crosswalk

(6) Within twenty (20) feet of a marked 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 the city indicates a different length by signs or markings

(9) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to

any fire station within seventy-five (75) feet of the entrance when properly signposted

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street

(12) Upon any bridge or other elevated structure upon a highway or within a highway underpass

(13) At any place where official signs prohibit stopping, standing or parking.

(14) On Britton Road, Hefner Road, Pennsylvania Avenue, May Avenue or Vineyard Boulevard.

(b) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb, such distance as is unlawful.

(Ord. No. 406, § 1, 5-3-88 Ord. No. 545, §2, 12-15-98; Ord. No 560 §1, 9-19-00)

State law reference--Similar provisions, 47 O.S. § 11-1003.

Sec. 13-215. Authorized use of bus or taxicab stands.

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 appropriately signed, except that 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 such zone.

Sec. 13-216. Stopping, standing, and parking of buses and taxicabs.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand.

(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 other than at a bus stop, bus stand or passenger loading zone so 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.

Sec. 13-217. Construction equipment on residential streets.

All tractors, trailers, backhoes, or any other construction related equipment, machine, or vehicles may not park on the residential streets or highways of the city except during the hours of actual construction on abutting property and loading or unloading. Members of the police department are hereby authorized to cause tractors, trailers, backhoes, or any other construction related equipment, machines or vehicles to be impounded where there is a violation of this section. All impoundment expenses shall be the obligation of the owner or operator of the vehicle and any impounded vehicle will be released only after such charges are paid. All impoundment fees and charges shall be in addition to any fines or costs in connection with violations.

(Code 1976, § 15-3-7(c) Ord. No. 292, 6-2-81)

Sec. 13-218. Truck parking.

No tractor-trailer, van, or similar vehicle may be parked on public or private property within the city unless the city fire department is notified of the vehicle location and contents, if any. The fire chief may require the relocation of any such vehicle containing explosives or other volatile substances.

(Code 1976, § 15-17-13)

Sec. 13-219. Parking of vehicles on posted private property.

(a) It shall be unlawful to place or park any motor vehicle or any trailer upon the posted private property of another, without first obtaining permission

from the landowner or the person in charge of such property, except where said placing or parking is casual or involuntary.

(b) Violation of the terms of this section shall be considered to be an offense and violators shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any vehicle or trailer removed from his property and stored.

State law reference--Similar provisions, 47 O.S. § 11-1006. (Ord. No. 557, §1, 7-18-00)

Sec. 13-220. Bicycles or motorcycles.

(a) No bicycle, motorcycle, or other similar vehicle shall be parked or left unattended in such a way as to obstruct traffic on public highways or in areas set aside for public parking.

(b) No bicycle, motorcycle, or other similar vehicle shall be parked or left unattended on any sidewalk adjacent to any business open to the public or any private membership meeting place in such a manner as to obstruct pedestrian traffic on said sidewalk or interfere in any way with exit from or entrance to such building. It shall be conclusively presumed to constitute an obstruction if more than two (2) such vehicles are parked abreast on such a sidewalk.

(c) Owners, managers, and employees of any business open to the public or of any business open only to members shall be individually responsible to maintain the sidewalks adjacent to their premises free from obstructions to pedestrian traffic on adjacent sidewalks as required in subsection (b). Violation of this section shall constitute an offense.

(d) Any law enforcement agent of the city may remove an offending vehicle from the premises and impound the vehicle as security for the payment of the necessary fines and expenses of impoundment.

(e) Vehicles impounded under this section shall be held a minimum of thirty (30) days if fines and expenses have not been satisfied. After the thirty-day period has passed, such vehicles may be sold at public auction by the chief of police or his delegate according to rules and regulations for such auctions duly promulgated by the city manager.

(Code 1976, § 15-15-7)

Sec. 13-221. Placing or Parking Vehicle in Parking Space Designated and Posted for Physically Disabled Persons.

a) It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability under the provisions of Title 47 O.S. § 15-112, and such placard is displayed as provided in said title or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled license plate pursuant to the provisions of Title 47 O.S. § 1135.1 or 1135.2 and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

b) It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

c) Violation of these provisions shall be a misdemeanor and upon conviction the person shall be guilty of a Class B Offense and subject to a fine of up to two-hundred ($200.00) dollars. Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to Title 47 O.S paragraph 4 or 5 of subsection D of Section 15-112 shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from the Department of Public Safety that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this title. (Ord. No. 704 §1, 04-21-2015)

d) In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle."

State law reference - Title 47 O.S. § 11-1007 et seq.

(Ord. No. 703 §1, 03-03-2015)

Sec. 13-222. Parking of trailers, boats, motor homes, or recreational vehicles.

(a) Except as provided in subsection (b) of this section, all trailers, boats, motor homes or recreational vehicles of any kind, are prohibited from parking on any street or highway in the city at any time except for the purposes of loading or unloading, which procedure shall be limited to a total of two (2) hours.

(Ord. No. 386, §1. 7-21-87 Ord. No. 469, §1, 5-19-92)

(b) A permit may be obtained from the city clerk for the temporary parking of motor homes or recreational vehicles on residential streets. Motor homes or recreational vehicles that have obtained a temporary parking permit pursuant to this section shall not be subject to the twenty-four (24) hour parking provisions contained in Section 13-224 of this chapter. Said permit shall be in an amount established by resolution of the city council and shall be issued in accordance with the following regulations:

(1) No permit shall authorize temporary parking for more than four (4) consecutive days.

(2) No residence shall be allowed more than two (2) temporary parking permits per calendar year.

(3) All permits shall be subject to revocation if the parking of any motor home or recreational vehicle is determined by the city to constitute a traffic hazard.

(4) Permits shall be placed on the vehicle in plain view at all times.

(Ord. No. 469, §1, 5-19-92)

Cross references--Chapter 13, Sections 13-214 (c), 13-224.

Sec. 13-223. Parking of trucks, vans, buses.

a) No van or bus in excess of one-half-ton capacity or any dual-wheeled pickup truck may be parked on any street or highway within the city

between the hours of 6:00 p.m. and 6:00 a.m., except for the purpose of loading or unloading, which procedure shall be limited to a total of two hours.

b) No bus or van designed to carry more than twelve passengers may be parked on any residential lot or driveway, unless said bus or van is parked in an enclosed area and out of public view.

(Ord. No. 386, §1, 7-21-87; Ord. No. 616, §1, 04-18-2006; 2014 City Code).

Sec. 13-224. Parked vehicles must be moved every twenty-four hours.

All vehicles, which may properly be parked on the streets or highways of the city, must be moved from the place where such vehicle is parked at least once every twenty-four (24) hours. For the purpose of this section “moved” means relocation of the vehicle away from the premises or from the street on which it is located for at least fifteen (15) minutes.

(Ord. No. 386, § 1, 7-21-87)

Sec. 13-225. Unauthorized parking or sale of vehicles.

1. Commercial Areas:

a) It shall be unlawful for any person to park or leave unattended any vehicle displaying a "For Sale" or similar sign in the parking lot area of any commercially zoned property without the written authorization of the property owner of said area. This section, however, shall not apply to any person who has parked a vehicle displaying a "For Sale" or similar sign in said area for the purpose of engaging in commercial activity with any of the businesses in said area during regular business hours.

b) The prohibition in the above paragraph shall not apply unless the owner of said area has posted a sign or signs no less than one square foot in area bearing the inscription "Unauthorized and/or Non-Customer Parking Not Permitted. Violators subject to Fine and Impoundment of Vehicles Under Authority of City of The Village Ordinances" or words to this effect.

c) It shall be presumed that the owner of a vehicle referred to in this section, which is parked in said area does not have the written permission of the property owner of said area.

(Ord. No. 385, § 1, 7-21-87)

2. Residential Areas:

a) It shall be unlawful for any person to bring into a residential area, or park any vehicle on a residential street, for the sole purpose of offering said vehicle for sale to the public.

b) It shall be unlawful for any person to offer for sale in any residential area, more than two (2) vehicles per calendar year.

c) It shall be unlawful for any person to offer for sale more than one vehicle at the same time in any residential area.

(Ord. No. 611, §1, 11-15-2005)

Sec. 13-226. Truck parking on commercial lots and on residentially zoned property.

(a) It shall be unlawful for any person to park or leave unattended any eighteen-wheel tractor-trailer unit, semi tractor, or semi trailer in the parking lot of any commercially zoned district from 10:00 p.m. to 8:00 am. This section shall not apply to any person who has parked said tractor-trailer unit, semi tractor, or semi trailer for the purpose of loading or unloading it for a business during its regular business hours. (Ord. No. 390, § 1, 8-4-87)

(b) It shall be unlawful for any person to park or leave unattended any eighteen-wheel tractor-trailer unit, semi tractor, or semi trailer in any residentially zoned district, except for the purpose of loading or unloading said truck. This paragraph shall not apply to any semi trailer parked or left unattended as incidental and accessory to construction activities on any lot in said district.

(c) It shall be unlawful for any person to park or leave unattended in any driveway located in a residentially zoned district any truck in excess of 3/4 Ton capacity that is equipped with a flat or dump bed, except for the purpose of loading or unloading said truck.

(Ord. No. 390, § 1, 8-4-87 Ord. No. 449, § 1, 8-21-90 Ord. No. 469, §2, 5-19-92 Ord. No. 557, §2, 7-18-00; Ord. No. 602 §1, 05-02-2005)

Sec. 13-227. Parking of vehicles transporting portable toilets.

It shall be unlawful for any person to park any vehicle transporting a portable outdoor toilet(s) on any residential property or street abutting residential property in the city unless said portable outdoor toilet(s) are completely screened from view by adequate sideboards or similar devices.

(Ord. No. 370, § 1, 7-15-86)

Sec. 13-228. Parking vehicles/farm equipment on paved surface, rights-of-ways, etc.

(1) **Definitions:** In this section:

(a) Vehicle shall be defined to mean automobiles, boats, vans, trucks, travel trailers, or any other similar type conveyance propelled or towed by motorized power.

(b) Farm *equipment* shall mean any tractor designed and used primarily as a farm implement or any trailer or wagon designed or used for carrying passengers or property and being drawn by animal or motive power.

(c) *Paved surface* shall mean a solid, sealed surface constructed of asphalt, concrete, stone, brick, or other similar material which is designed to adequately support the weight of vehicles using such surface and which is designed to prevent the occurrence of mud and dust with continued vehicular use. Honeycombed concrete, brick, or stone pavers that are designed by the manufacturer for use as a decorative parking surface shall be deemed a paved surface, provided that adequate surface area is provided so that all wheels of the vehicle are parked on such surface. Gravel, loose aggregate or other similar materials that are not bonded together so as to provide a solid, sealed surface shall not be deemed a paved surface.

(d) *Yard, front* means a yard located in front of the front elevation of a main building and extending across a lot between the side yard lines and being the horizontal distance between the front property line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches.

(e) *Yard, rear* means a yard extending across the rear of a lot measured between the side yard lines and being the horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed 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.

(f) *Yard, side* means a yard between the main building and sideline 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, unenclosed balconies or unenclosed porches.

(g) *Front building line* means a line extending from side property line to side property line and being the minimum horizontal distance between the front property line and the front of the main building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.

(h) Interior *lot* means a residential lot, which has frontage on or abuts only one street.

(I) Corner *lot* means a residential lot, which has frontage on or abuts two or more streets.

(2) **Parking on Unpaved Surfaces:** Parking on unpaved surfaces shall be regulated as follows:

(a) **Rear yard of interior lots:** It shall be unlawful for any person to park more than one (1) vehicle on any unpaved surface located in the rear yard of any interior lot in the city without providing for a minimum of a six (6) foot high sight-proof fence erected so that any vehicle, except for the one permitted, will not be visible from outside the premises.

(b) **Behind the front building line of the side yard of interior lots:** It shall be unlawful for any person to park more than one (1) vehicle on any unpaved surface located in the portion of the side yard of any interior lot that is situated behind the front building line without providing for a minimum of a six (6) foot high sight-proof fence erected so that any vehicle, except for the one permitted, will not be visible from outside the premises.

(c**) Front yard Interior and corner lots:** It shall be unlawful for any person to park any vehicle on any unpaved surface located in the front yard of any interior or corner lot.

(d) **Side yard In front of the front building line**: It shall be unlawful for any person to park any vehicle on any unpaved surface located in the portion

of the side yard of any interior or corner lot that is situated in front of the front building line.

(e) **Rear and side yard Corner lots:** It shall be unlawful for any person to park any vehicle on any unpaved surface located in the side yard or rear yard of any corner lot without providing for a minimum of a six (6) foot high sight-proof fence erected so that the vehicle is not visible from the abutting side street.

(3) **Maximum Number of Vehicles Permitted on a Residential Lot:**

(a) Each legal and current occupant of any single-family residence who holds a valid Oklahoma Driver's License shall be allowed to park two (2) passenger vehicles on the lot occupied by said residence provided however, that in no instance shall more than six (6) vehicles be parked in an unenclosed parking area on any residential lot occupied as a single-family residence.

(b) No more than two (2) vehicles may be stored in an unenclosed parking area on any unoccupied or vacant single-family residential property.

(c) Nothing contained in this subsection shall be construed to supersede or negate other parking regulations contained in this chapter, including by not limited to, provisions relating to parking on a paved surface parking in the front, side and rear yards, sight-proof fencing and green area requirements.

(Ord. No. 570, §1, 10-16-01)

(4) **Exposure of Unpaved Rights-of-Way to Vehicle Traffic:**

(a) It shall be unlawful for any person, firm, or corporation to allow the unpaved right-of-way adjacent to the front or side property line of any lot to be subjected to continued exposure of vehicle traffic so as to create mud, dust, or ruts in said right-of-way.

(b) City street rights-of-way shall not be paved or used for vehicle parking except for ingress and egress driveways or as may otherwise be provided for herein.

(5) **Parking of Farm Equipment:** It shall be unlawful for any person to park, place, keep, or maintain on any residential lot in the city any farm equipment, regardless of use or purpose, without storing said farm equipment behind a minimum six (6) foot high sight-proof fence so that said farm equipment will not be visible from outside the premises.

(6) **Parking on Driveways.**

(a) No person shall stop, stand or park upon a paved portion of the right-of-way used for an ingress and egress driveway, except for the purpose of loading or unloading, any vehicle, which by virtue of its length or height, creates a sight restriction for motorists using an adjacent ingress-egress driveway.

(b) No recreational vehicle (RV) or motor home shall be parked so as to encroach on any paved portion of the right-of-way, including a paved portion of the right-of-way used for an ingress and egress driveway. Recreational vehicles or motor homes tagged with a legal and current handicap license plate shall be exempt from this subsection. (Ord. No. 643, §1, 09-15-2009)

(7) **Exemptions:** The following vehicles shall be exempt from the provisions of this section:

(a) Vehicles engaged in the construction and/or maintenance of utilities, buildings, or properties when parking on an unpaved surface is necessary to facilitate the timely completion of the activity and

(b) Vehicles parked at YMCAs, schools, churches or public property during sporting events, carnivals, circuses and similar public events when adequate paved parking space is not available.

(8) **Additional Uses Not Authorized:**

(a) This section shall not be deemed to allow uses in any zoning district where the provisions of any such zoning district do not expressly allow such use.

(b) This section shall not be deemed to authorize the erection of any fence on property that does not conform to other applicable building regulations or area regulations to which the authorized use of the property is subject.

(Code 1976, §12-5-2 Ord. No. 262, § 1, 8-7-79 Ord. No. 288, § 2, 4-21-81 Ord. No. 362, § 1, 4-1-86 Ord. No. 365, § 1, 6-3-86 Ord. No. 368, §§ 2--7, 6-17-86 Ord. No. 375, § 1, 11-4-86 Ord. No. 406, § 1, 5-3-88 Ord. No. 461, § 4, 11-5-91 Ord. No. 508, § 1, 9-20-9 Ord. No. 545, §1, 12-15-98)

Sec. 13-229. Commercial parking, sale of certain vehicles in residential districts prohibited.

It shall be unlawful for any person to use any property in residential zoned districts for commercial parking purposes, including but not limited to, the sale or offer to sell of automobiles, trucks, buses, vans, boats, recreational vehicles, motor scooters or motorcycles, except in connection with, or as an accessory to the primary use of such property for residential purposes.

(Ord. No. 312, §1(12-6-16), 11-16-82 Ord. No. 508, § 1, 9-20-94)

Sec. 13-230. Parking, current inspection sticker, and registration to be displayed.

(a) Every motor vehicle parked on any public street or right-of-way within the city is required to display on the rear of said vehicle the current year's license plate issued by the state or any other state in the United States, the United States Government or by any Native American Tribe recognized by the State of Oklahoma. Such plate shall be so placed on the vehicle so that the plate may be read or seen at all times during the day or night. Said plates shall be kept reasonably clean and clear of mud, grease, dirt or any other substance in order that the same may be easily seen, discerned, and read.

(b) Vehicles found in violation of subsection (a) above are subject to the issuance of a parking citation and/or impoundment.

(Ord. No. 550, §1, 1-4-00 Ord. No. 557, §3, 7-18-00)

Sec. 13-231. Parking or placement of storage pods.

(a) It shall be unlawful for any person to park or place a storage pod on any public street, approach, easement, right-of-way, or unpaved surface.

(b) It shall be unlawful for any person to park or place a storage pod on any private driveway for more than thirty (30) consecutive days in any calendar year.

(c) It shall be unlawful for any person to park or place a storage pod on any residential property without first having secured a permit from the City. The amount of the permit shall be established by resolution of the City Council. (2008 Code)

(2006 City Code; 2008 City Code)

Section 13-232. Placement of commercial roll off dumpsters.

a) **Time Period.** It shall be unlawful for any person to place a twenty yard or larger commercial roll off dumpster on residential property for more than ninety (90) consecutive days in any twelve (12) month period. This subsection shall not apply to new residential subdivisions where new housing is under construction.

b) **Placement Prohibited:** It shall be unlawful for any person to park or place a commercial roll off dumpster on any public street, approach, easement, or right-of-way.

c) **Remedies.** Commercial roll off dumpsters that are placed in violation of this section are declared a public nuisance and shall be subject to summary abatement and removal by the City.

(Ord. 646, §1, 10-06-2009)

Sec. 13-233. Vehicles Parked in Driveways, extension into street unlawful.

It shall be unlawful for any vehicle, boat or trailer, or any equipment or material placed in or attached thereto, parked in a driveway to extend into the street more than eighteen (18”) inches past the curb.

(Ord. 672, §1, 07-17-2012)

Secs. 13-234--13-255. Reserved.

ARTICLE X. PEDESTRIANS

Sec. 13-256. Subject to traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in section s 13-50 and 13-51 of this Code.

(c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

State law reference--Similar provisions, 47 O.S. § 11-501.

Sec. 13-257. Right-of-way in crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield.

State law reference--Pedestrians generally, 47 O.S. § 11-501 et seq.

(c) Subsection (a) shall not apply under the conditions stated in subsection (b) of section 13-258 of this Code.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

State law reference--Similar provisions, 47 O.S. § 11-502.

Sec. 13-258. When pedestrian shall yield.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) The foregoing rules in this section have no application under the conditions stated in section 13-259 of this Code, when pedestrians are prohibited from crossing at certain designated places.

State law reference--Similar provisions, 47 O.S. § 11-503.

Sec. 13-259. Use of crosswalks.

Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

State law reference--Similar provisions, 47 O.S. § 11-503.

Sec. 13-260. Use of right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

State law reference--Similar provisions, 47 O.S. § 11-505.

Sec. 13-261. Walking on 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 practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

State law reference--Similar provisions, 47 O.S. § 11-506.

Sec. 13-262. Persons soliciting rides or business not to stand in roadway.

No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment, or business from the occupant of any vehicle.

State law reference--Similar provisions, 47 O.S. § 11-507.

Sec. 13-263. Stopping vehicles to solicit prohibited.

No person shall stand in or beside any highway in the city and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting donations or sell or attempt to sell anything to any person in any vehicle or 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 in any manner attempt to interfere with the normal flow of traffic for any other similar purpose.

(Code 1976, § 15-17-12(b))

Sec. 13-264. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this article, every driver of a vehicle 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 upon a roadway.

State law reference--Similar provisions, 47 O.S. § 11-504.

Secs. 13-265--13-280. Reserved.

ARTICLE XI. BICYCLES AND PLAY VEHICLES

Sec. 13-281. Compliance, parental responsibility, and scope.

(a) It is an offense for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to the exceptions stated herein.

State law reference--Similar provisions, 47 O.S. § 11-1201.

Sec. 13-282. Traffic laws apply to persons riding bicycles.

A. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

B. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.

C. If a person violates the provisions of Subsection B of this section and the violation results in a collision causing serious physical injury to another person, the person shall be subject to a fine of not more than Five Hundred Dollars ($500.00).

D. If a person violates the provisions of Subsection B of this section and the violation results in the death of another person, the person shall be subject to a fine of not more than Seven Hundred and Fifty Dollars ($750.00), in addition to any other penalties prescribed by law.

(Ord. No, 619, §4, 08-01-2006)

State law reference--Similar provisions, 47 O.S. § 11-1202, §11-1208.

Sec. 13-283. Impoundment of bicycles.

Any bicycle found upon any of the streets, sidewalks, alleys, parks, or public ways, or upon private property not under the control of the owner of the bicycle, and not licensed as herein required, or which does not otherwise comply with the provisions hereof, shall be impounded until compliance is made. Abandoned bicycles shall be seized and impounded for safekeeping by the police department.

(Code 1976, § 15-18-6)

Secs. 13-284, 13-286. Reserved

Sec. 13-287. Clinging to vehicles.

No person on foot, riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

State law reference--Similar provisions, 47 O.S. § 11-1204.

Sec. 13-290. Equipment.

(a) Every bicycle in use a the times described by subsection B of Section 12-201 of Title 47 of the Oklahoma Statutes shall be equipped with a lamp on the front emitting a white light visible from a distance of at least one thousand (1000) feet to the front, provided however that this section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less. Title 47. O.S. §12-702.

(b) Every bicycle in use a the times described by subsection B of Section 12-201 of Title 47 of the Oklahoma Statutes shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least one thousand (1000) feet to the rear, provided however that this section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less. Title 47. O.S. §12-703.

(c) Every bicycle shall be equipped with a lighted lamp visible from both sides from a distance of at least one thousand (1000) feet, provided however that this section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less. Title 47. O.S. §12-705.

State law reference--Similar provisions, 47 O.S. § 12-702 et seq.

Sec. 13-291. Skateboards.

No person shall ride or propel a skateboard upon May Avenue, Hefner Road, Britton Road or Pennsylvania Avenue.

Secs. 13-292--13-305. Reserved.

ARTICLE XII. MAINTENANCE, CONSTRUCTION AND SAFETY ZONES

Sec. 13-306. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone or island.

State law reference--Similar provisions, 47 O.S. § 11-1301.

Sec. 13-307. Maintenance and construction zones, etc.

(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 city council to close any street or section thereof to traffic during such repair, maintenance, or construction and in exercising such authority, 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) or pursuant to state law 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 except that the provisions of this subsection shall not apply to persons while engaged in such construction, maintenance, and repair, or to persons entering therein for the protection of lives or property provided that 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.

State law reference--Maintenance, construction and safety zones, 47 O.S. § 11-1301 et seq.

(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 and every person using such street shall obey all signs, signals, markings, flagmen, or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

(d) No person shall remove, change, modify, deface, or alter any traffic-control device or barricade, which has been erected on any highway under the provisions of this section.

(e) Nothing in this section shall relieve the state or any of its subdivisions or their contractors, agents, servants or employees from liability for failure to perform any of the duties imposed herein.

State law reference--Similar provisions, 47 O.S. § 11-1302.

Secs. 13-308--13-320. Reserved.

ARTICLE XIII. MOTORCYCLES, ETC.

Sec. 13-323. Required equipment.

The following equipment shall be required on all motorcycles and all motor scooters being operated and driven in the city:

(1) Rear view mirrors. All vehicles covered under this section shall be equipped with two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle.

(2) Windshield. All vehicles covered under this section shall be equipped with a windshield of sufficient quality, size, and thickness to protect the operator from foreign objects, except that in lieu of such windshield the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

(3) Brakes. All vehicles covered under this section shall be equipped with brakes adequate to control the movement of same to stop and hold such vehicles, including two (2) separate means of applying the brakes to the front wheel and one means shall be effective to apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle, which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service brake.

(4) Speedometer. All vehicles covered under this section shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.

(5) Fenders. All vehicles covered under this section shall be equipped with a fender over each wheel. All fenders shall be of the type provided by the manufacturer.

(6) Lights. All vehicles covered under this section shall carry at least one lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the same are proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear, and such lights required by this section shall be burning whenever such vehicles are in motion during the period from one-half hour after sunset and one-half hour before sunrise and at any other time when, due to insufficient light or

unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead.

(7) Headgear. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this section unless such person is equipped with and wearing on the head a crash helmet of a type, which complies with standards established, by the state. All crash helmets shall consist of lining, padding, and chin straps and be of the type as not to distort the view of the driver.

State law reference--Similar provisions, 47 O.S. § 40-105.

Sec. 13-324. Driver's license.

No person shall operate a motorcycle, motor driven cycle or a motorized bicycle on the streets within the city without first having obtained a Class A, B, C, or D license with a motorcycle endorsement.

(Ord. No. 493, § 1, 10-19-93)

Sec 13-325. Special rules for motorized scooters, motor-driven cycles, and motor-driven bicycles.

(A) Motorized Scooters and Motor-Driven Cycles:

(1) No person shall operate any motor-driven cycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motor-driven cycle at a speed greater than thirty-five (35) miles per hour;

(2) No person shall operate a motorized scooter at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motorized scooter at a speed greater than twenty-five (25) miles per hour, or on any roadway with a posted speed limit of greater than twenty five (25) miles per hour.

(3) Operators of motorized scooters and motor-driven cycles shall wear goggles or a face shield, and all operators under the age of eighteen (18) years shall wear protective headgear meeting the standards established by the State of Oklahoma.

(4) Motor-driven cycles operated on City streets shall be equipped with all lights and equipment required for motorcycles by Oklahoma law.

(5) No motor-driven cycle or motorized scooter shall be driven on any public street between sunset and sunrise.

(B) Motorized Scooters and Bicycles.

(1) Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as is safe to the right-hand curb or edge of the roadway, except under any of the following situations:

(a) When overtaking and passing another vehicle proceeding in the same direction;

(b) When preparing for a left turn at an intersection or into a private road or driveway;

(c) When reasonably necessary to avoid conditions and while exercising due care, including bur not limited to:

i. Fixed or moving objects;
ii. Parked or moving vehicles;
iii. Pedestrians or animals;
iv. Surface hazards; or,
v. Any time it is unsafe to continue along the right-hand curb or edge of the roadway.

(d) When riding in the right-turn-only lane.

(2) Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may ride as close as is safe to the left-hand curb or edge of the street or highway.

(3) No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling the same direction.

(4) Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not

impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

(5) A Class A, B, C, or D license, but no motorcycle endorsement, is required to operate an electric-assisted bicycle.

(6) No person operating a bicycle or motorized scooter shall carry any package, bundle, or article which prevents the driver from keeping at least one hand on the handlebars.

(7) No person riding upon any bicycle or motorized scooter shall attach the same or himself to any vehicle upon a roadway.

(8) A person propelling a bicycle or motorized scooter shall not ride other than astride a permanent and regular seat attached thereto.

(9) No bicycle or motor scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(10) Persons shall ride a bicycle or motor scooter only in the manner in which it is designed and equipped to carry them.

(Ord. No. 619, §3, 08-01-2006)

(C) All motor vehicles shall comply with all rules of the road in operation of a vehicle on the public streets.

Secs. 13-326--13-335 Reserved.

ARTICLE XIV. VEHICLE EQUIPMENT, CONDITION, ETC.

Sec. 13-336. Equipment generally.

It is unlawful and an offense for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway or street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required by 47 O.S. § 12-101 et seq., or which is equipped in any manner in violation of said law or for any person to do any act forbidden or fail to perform any act required under said law.

(1986 Code §13-336 Ord. No. 477, §§1, 2, 8-4-92; Ord. No. 526, §1, 5-6-96)

State law reference--Vehicle equipment, 47 O.S. § 12-101 et seq.

Sec. 13-337. Unsafe conditions, etc.

No person shall drive or move on any highway or street any motor vehicle, trailer, semi trailer or pole trailer, or any combination of vehicles, unless the equipment upon any and every said vehicle is in good working order and adjustment as required by law and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant of any vehicle upon the highway.

State law reference--Similar provisions, 47 O.S. § 13-101.

Sec. 13-338. Mufflers, prevention of noise.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway. No person shall modify the exhaust system of a motor vehicle in any manner, which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

State law reference--Mufflers, 47 O.S. § 12-402.

Sec. 13-339. Width, height, length, weight, 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.

State law reference--Size, weight and load restrictions, 47 O.S. § 14-101 et seq.

Cross-reference--Motor vehicle pollution control devices, § 3-22.

Sec. 13-340. Trucks.

No eighteen-wheel or other vehicle used primarily or exclusively for the purpose of hauling cars, trucks, and other vehicles, whether loaded or not, or any tractor or tractor trailer rig shall be permitted to use or drive upon any street if the street is abutted by residences or other types of living quarters except on May Avenue, Hefner Road, Britton Road, and Pennsylvania Avenue.

(Ord. No. 264, § 1(15-17-1), 8-7-79 Ord. No. 275, § 1, 1-15-80)

Sec. 13-341. Towing vehicles.

When any vehicle is drawn along the highways of this city by means of ropes, cables, or other method of towing, which are attached to any other vehicle, the total length of such ropes, cables or material used shall be so fastened to each said vehicle that the distance between the towing vehicle and the towed vehicle shall not exceed twelve (12) feet in length.

(Code 1976, § 15-17-9)

Sec. 13-342. Dismissal of Charges upon Remedy of Defective Condition.

Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs.

(Ord. No. 587, §3, 10-7-2003)

State law reference--Vehicle inspection stickers, 47 O.S. § 851 et seq.

Sec. 13-343. Vehicle license tag/sticker.

(a) It shall be an offense for any person to operate a motor vehicle without displaying on the rear of said vehicle the current year's license plate and sticker issued by the State or any other State in the United States or the United States Government. Such plate and sticker shall be so placed on the vehicle so that the plate may be read or seen at all times during the day or night. Said plates and stickers shall be kept reasonably clean and clear of mud, grease, dirt or any other substance in order that the same may be easily seen, discerned, and read.

(Ord. No. 684 § 1, 04-16-2013)

(b) Subsection (a) does not apply to vehicles stored in enclosed buildings.

(c) The police department is authorized to impound vehicles found in violation of subsection (a) above, provided that the vehicle's annual registration has been expired more than ninety (90) days. A vehicle impounded pursuant to this section shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to O.S. Title 47 Section 7-600, et. seq. is furnished, and the cost of seizure including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid.

(Ord. No. 552, §1, 1-18-00)

(d) Either a tail lamp or a separate lamp shall be so constructed as to illuminate with a light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps together with any separate lamp for illuminating the rear registration plate shall be so wired as to be lighted whenever the headlamps, clearance lamps, or auxiliary driving lamps are lighted.

(Code 1976, § 15-11-9 Ord. No. 500, § 1, 3-15-94)

State law reference--Licensing and use of wreckers and towing services, 47 O.S. § 951 et seq.

Sec. 13-344. Inspection by police

Police officers shall have authority to inspect and test any vehicle upon the streets of the city at any time to determine whether it is safe, whether it is properly equipped, and/or whether its equipment is in proper adjustment and repair.

State law reference--Refusal to allow inspection, 47 O.S. § 13-103.

Sec. 13-345. Window tint.

It shall be an offense for any person to operate a motor vehicle upon public roads and streets of this city on which the percentage of tint on the front windshield, the side windows to the immediate right or left of the driver, [or] the side wings forward of and to the left and right of the driver, exceed thirty (30) percent tint available as a factory option or after-market application.

(Ord. No. 428, § 1, 9-5-89)

Secs. 13-346--13-355. Reserved.

ARTICLE XV. MISCELLANEOUS REGULATIONS

Sec. 13-356. Eluding police officer.

Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a police officer driving a motor vehicle showing the same to be an official police patrol car directing the said 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 willfully attempts in any other manner to elude the police officer or who does elude such police officer, is guilty of an offense.

(Code 1976, § 10-16-3, 15-17-11)

Cross-reference--Offenses against public authority, § 12-16 et seq.
State law reference--Similar provisions, 21 O.S. § 540A.

Sec. 13-357. Unattended motor vehicle.

(a) The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

(b) No person shall back a vehicle across lanes on a thoroughfare.

State law reference--Similar provisions, 47 O.S. § 11-1101.

Sec. 13-358. Limitations on backing.

(a) No vehicle shall be backed upon any street or highway except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be done only after the driver of said vehicle has ascertained that such movement can be made without endangering other traffic.

(b) No person shall back a vehicle across lanes on a thoroughfare.

State law reference--Similar provisions, 47 O.S. § 11-1102.

Sec. 13-359. Riding on motorcycles, etc.

No person shall drive a motorcycle, motor scooter, or a motor bicycle while transporting more than one passenger, except a motorcycle, motor scooter, or motor bicycle factory-designed for the purpose of carrying additional passengers.

State law reference--Similar provisions, 47 O.S. § 11-1103.

Sec. 13-360. Driver's view not to be obstructed.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

(c) No school bus shall be operated on the streets or highways in the city when loaded with passengers in excess of the number of which such bus is designed to carry. The number of passengers, as determined by the local school board, which the bus is designed to carry, shall be posted in a conspicuous place on the bus.

State law reference--Similar provisions, 47 O.S. § 11-1104.

Sec. 13-361. 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 provisions, 47 O.S. § 11-1105.

Sec. 13-362. Coasting.

(a) The driver of a motor vehicle when traveling on a downgrade shall not coast with the gears of such vehicle in neutral.

(b) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the clutch, disengaged.

State law reference--Similar provisions, 47 O.S. § 11-1107.

Sec. 13-363. Following fire apparatus prohibited.

(a) The driver of any vehicle other than one (1) on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. The driver of any vehicle other than one (1) on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the highway at that location.

(b) For the purpose of this section, the definition of emergency shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion.

(c) The purpose of this section is to eliminate sightseers and other persons who do not have official business at the scene of an emergency, and whose presence would tend to cause traffic congestion.

State law reference--Similar provisions, 47 O.S. 11-1108.

Sec. 13-364. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State law reference--Similar provisions, 47 O.S. § 11-1109.

Sec. 13-365. Putting glass, etc., on highway.

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substances likely to injure any person, animal, or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(d) No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to the highway.

State law reference--Similar provisions, 47 O.S. § 11-1110.

Sec. 13-366. Driving through service drives and private residential driveways.

No person shall drive any vehicle through any service drive or any residential driveway without stopping, where such service drive or residential driveway is located at a street intersection within the city. It is the intent of this section to make it unlawful to drive any vehicle through such service drive or residential driveway for the purposes of avoiding a stop sign or traffic-control signal at such intersection or for the purpose of traveling from one street or thoroughfare to another or for the purpose of traveling in the opposite direction on the same street or thoroughfare when the driver of such vehicle does not intend to transact business on the premises or visit the premises where such service drive or residential driveway is located. (Code 1976, § 15-17-5; Ord. No. 701 §1, 02-03-2015)

Sec. 13-367. Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (Code 1976, § 15-7-1)

Sec. 13-368. Drivers in a procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway a practicable and shall follow the vehicle ahead as close as is practicable and safe.

State law reference--Municipal authority to regulate processions, 47 O.S. § 15-102(a) 3.

Sec. 13-369. Driving vehicle on sidewalk.

The driver of a vehicle shall not drive upon a sidewalk or within any sidewalk area except at a permanent or temporary driveway.

Sec. 13-370. Boarding or alighting from vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

(Code 1976, § 15-17-6)

Sec. 13-371. Riding in portions of vehicles not intended for passengers.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. (Code 1976, § 15-17-2)

Sec. 13-372. Texting while driving.

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this city while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00).

C. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

   1. *An emergency response operator;*

   2. *A hospital, physician's office or health clinic;*

   3. *A provider of ambulance services;*

   4. *A provider of firefighting services; or*

5. *A law enforcement agency.*

D. For the purpose of this section:

1. *"Cellular telephone"* means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "*Compose", "send" or "read"* with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. *"Electronic communication device"* means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

4. *"Text message"* includes a text-based message, instant message, electronic message, photo, video or electronic mail.

E. Chapter 13, Section 13-372 shall become effective November 1, 2015."

State law reference – Title 47, O.S. Section 11-901d
(Ord. No. 708, §1, 07-21-2015)

CHAPTER 14

MUNICIPAL COURT

Charter reference--Municipal court, 34.

Cross references--Penalty for violation of code, 1-9; failure to appear in court, 12-16; offenses against public authority, 12-16 et seq.; payment of traffic fines in advance, 13-33.

Sec. 14-1. Scope.

This chapter shall govern the organization and operation of the municipal court of the city as put into operation by resolution duly passed on January 21, 1969, and filed in accordance with law.

(Code 1976, 9-1-1)

State law reference--Authority to create municipal court, 11 O.S. 27-101.

Sec. 14-2. 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:

Clerk means the city clerk, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office.

Court means the municipal court not of record of this city.

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

(Code 1976, 9-1-2)

Sec. 14-3. Jurisdiction.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this city is charged,

including any such prosecutions transferred to the court in accordance with applicable law.

(Code 1976, 9-1-3)

State law reference--Similar provisions, 11 O.S. 27-103.

Sec. 14-4. Judge generally.

(a) There shall be one (1) judge of the court. The judge must be duly licensed to practice law in the state. He may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein.

(b) The judge is appointed for an indefinite term and may be terminated at will by the city council.

(Code 1976, 9-1-4, 9-1-5)

State law reference--Judge generally, 11 O.S. 27-104.

Sec. 14-5. Alternate judge.

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

(Code 1976, 9-1-6)

State law reference--Alternate judges, 11 O.S. 27-106.

Sec. 14-6. Acting judge.

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

(Code 1976, 9-1-7)

State law reference--Acting judges, 11 O.S. 27-106.

Sec. 14-7. Appointment of judges.

Judges and alternate judges shall be appointed by the city council.

(Code 1976, 9-1-8)

State law reference--Appointment of judges, 11 O.S. 27-104, 27-106.

Sec. 14-8. Removal of judges.

Judges shall be subject to removal from office by the city council.

(Code 1976, 9-1-9)

Sec. 14-9. Vacancies in office of judge.

A vacancy in the office of judge shall occur if the incumbent:

(1) Dies;

(2) Resigns;

(3) Ceases to possess the qualifications for the office; or

(4) Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.

Upon the occurrence of a vacancy in the office of judge, the city council shall appoint a successor to complete the un-expired term, upon the same procedure as an original appointment is made.

(Code 1976, 9-1-10)

State law reference--Vacancies in office of judge, 11 O.S. 27-107.

Sec. 14-10. Change of venue; disqualification of judge.

In prosecutions before the court, no change of venue shall be allowed. The judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate or acting judge.

(Code 1976, 9-1-11)

State law reference--Similar provisions, 11 O.S. 27-105.

Sec. 14-11. Clerk.

(a) The city clerk, or a deputy designated by him, shall be the clerk of the court. The court clerk shall assist the judge in recording the proceedings of the court and preparing writs, processes and other papers. The court clerk shall administer oaths required in proceedings before the court and shall enter all pleadings, processes, and proceedings in the dockets of the court. The court clerk shall perform such other clerical duties relating to the proceedings of the court, as the judge shall direct and shall receive and receipt forfeitures, fees, deposits, and sums of money payable to the court. The court clerk shall pay to the treasurer of this municipality all such money, except such special deposits or fees as shall be received to be disbursed by the court for special purposes. All money paid to the treasurer shall be placed in the general fund of the municipality, or in such other fund as the city council may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

(b) The clerk of the court shall give bond, in the form provided by law in the sum of five thousand dollars ($5,000.00). When executed, said bond shall be submitted to the city for approval. When approved, it shall be filed with the city clerk and retained in the municipal archives.

(Code 1976, 9-1-13, 9-1-15)

State law reference--Clerk, 11 O.S. 27-109, 27-111.

Sec. 14-12. Prosecutor.

The city prosecutor, or his duly appointed assistant shall be the prosecuting officer of the court. He shall prosecute all alleged violations of all

ordinances. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from the municipal court to any other courts of the state, and to represent this city in all proceedings arising out of matters in the municipal court.

(Code 1976, 9-1-14; 2014 City Code)

State law reference--Similar provisions, 11 O.S. 27-108.

Sec. 14-13. Writs or process.

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

(Code 1976, 9-1-12)
State law reference--Similar provisions, 11 O.S. 27-110.

Sec. 14-14. Cash bond fund.

The city clerk and the city treasurer shall establish a bank account to be designated as "The Village Municipal Court Cash Bond Fund." All cash bonds posted for violations of ordinances shall be deposited in such fund. All cash bonds posted for violations of ordinances shall be regularly deposited to this fund. When it is determined by the judge that any such bond shall be returned to the person posting the same, in whole, or in part, and approved by the City clerk, the city treasurer shall prepare and give to the person posting such bond a check in the appropriate amount as the method of returning his posted cash bond, in whole or in part, to such person.

From time to time all monies in the fund, which represent forfeitures as, determined by the judge and the city clerk, shall be transferred to the general fund.

(Ord. No. 259, 1(9-1-13a), 8-7-79)

Sec. 14-15. Rules.

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

(Code 1976, 9-1-16)

State law reference--Similar provisions, 11 O. S. 27-114.

Sec. 14-16. Contempt of court.

(a) 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 as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state.

(b) It shall be unlawful for any person to be in contempt of court. Any person in contempt of court shall be guilty of a Class A offense punishable by a fine not to exceed Seven Hundred and Fifty ($750.00) Dollars and up to sixty (60) days imprisonment or both such fine and imprisonment.

(Code 1976, 9-1-17)
State law reference--Similar provisions, 11 O.S. 27-125.

Sec. 14-17. Style of prosecutions; filing of complaints.

All prosecutions for violation of ordinances of this municipality shall be styled "The City of The Village, Oklahoma v. naming defendant or defendants." Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged.

(Code 1976, 9-1-18)

State law reference--Similar provisions, 11 O.S. 27-115.

Sec. 14-18. Arrests; release by signing citation; bail; amount and conditions; temporary cash bond.

(a) If a resident of the city is arrested for the violation of any ordinance, traffic or non-traffic, by a law enforcement officer, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it unless it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If the person fails to appear in response to the citation, a warrant shall be

issued for his arrest and his appearance shall be compelled.

(b) If a resident of the city is arrested by a law enforcement officer for the violation of any ordinance and is not released by being permitted to sign a citation as provided for in subsection (a) of this section, he shall be admitted to bail either before or after arraignment, or shall be released on his own recognizance.

(c) If a nonresident of the city is arrested for a violation of any ordinance other than a traffic violation by a law enforcement officer, the defendant shall be eligible to be admitted to bail either before or after arraignment.

(d) A person who is arrested for a municipal traffic violation by a law enforcement officer to comply with the procedures provided by law in Section 1114.1 of Title 22 of the Oklahoma Statutes for state traffic violations with respect to release of the arrested person. The following methods of posting bail shall apply:

(1) Posting cash bail; or

(2) Depositing with the arresting officer a "guaranteed arrest bond certificate;" or

(e) The amount and conditions of bail granted pursuant to the provisions of subsections (b) and (c) of this section shall be determined by the judge who shall prescribe rules for the receipt of bail and for the release of one's own recognizance. In the event of arrests at night, emergencies, or when the judge is not available, the chief of police or his designated representative may be authorized by the judge subject to such conditions as shall be prescribed by the judge to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not be more than the maximum fine provided for by ordinance for each offense charged. The chief of police or his designated representative is authorized, subject to such conditions as shall be prescribed by the judge, to release a resident of the city on his own recognizance.

Cross reference--Motor vehicles and traffic, Ch. 13.

State law reference--Similar provisions, 11 O.S. 27-117.

Sec. 14-19. Summons.

(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 and to answer the summons within the prescribed period, a warrant shall be issued for his arrest.

(Code 1976, 9-1-21)
Cross reference--Failure to appear, 12-16.

State law reference--Forfeiture of bond for failure to appear,
11 O.S. 27-118.

Sec. 14-20. Arrest warrants.

(a) Except as otherwise provided by ordinance, upon the filing of a complaint approved by endorsement by the judge, and there shall be issued a warrant of arrest. In substantially the following form:

The City of The Village, Oklahoma, to the Chief of Police of The Village, Oklahoma. Complaint upon oath having this day been made by (naming complainant) that the offense of (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 (name of defendant) and bring_____ (insert him, her, or them as appropriate) before me, at _____ (naming the place). Witness by hand this _____ day of _____, 20_____.

(b) It shall be the duty of the chief of police personally, or through a duly constituted member of the police force, or through any other persons lawfully authorized so to act, to execute the warrant as promptly as possible.

(Code 1976, 9-1-22)

State law reference--Issuance of arrest warrants, 11 O.S. 27-115.

Sec. 14-21. Arraignment.

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, 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.

(Code 1976, 9-1-24)

State law reference--Arraignment, 11 O.S. 27-116.

Sec. 14-22. Procedures during trials.

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

(Code 1976, 9-1-27)

Sec. 14-23. Orders of no imprisonment or maximum fine.

(a) Prior to the trial of a case, the judge may enter an order with respect to such case providing for one (1) or both of the following:

(1) The defendant will not be imprisoned if he is convicted;

(2) A maximum fine that can be assessed if the defendant is convicted.

(b) If such an order is entered, sentencing must be in accordance with such order.

(c) This section does not restrict the right of the judge to order imprisonment of a financially able person for failure to pay a fine.

Cross reference--General penalty for violation of Code, 1-9.

Sec. 14-24. Postponement of trial.

Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof. (Code 1976, 9-1-25)

Sec. 14-25. Presence of defendant at trial.

The defendant must be present in person at the trial.

(Code 1976, 9-1-26)

Sec. 14-26. Judgment and sentence.

(a) If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket. After conviction and sentence, the judge may suspend the sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by law.

State law reference--Suspension of sentence, 11 O.S. 27-123, 27-124.

(b) A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied at the rate of one (1) day of imprisonment for each twenty-five dollars ($25.00) of fine.

State law reference--Similar provisions, 11 O.S. 27-122.

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

(Code 1976, 9-1-28--9-1-32)

Sec. 14-27. Execution of sentences of municipal court; Assessment of Costs, Penalty Assessments and Administrative Fees.

A) All sentences of imprisonment shall be executed by the chief of police of the city, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, or workhouse of the city, 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. (Title 11, 27-122.1 A)

B) The judge of the municipal court imposing a judgment and sentence, at the judge's discretion, is empowered to modify, reduce, suspend, or defer the imposition of a sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence under 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 terms of probation, 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. (Title 11, 27-122.1 B)

C) The judge of the municipal court 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 this period of time the judge may allow the municipal attorney to amend the charge to a lesser offense. (Title 11, 27-122.1 C)

D) **Administrative Fee.** If a deferred sentence is imposed, an administrative fee not to exceed five hundred ($500.00) dollars may be imposed as costs in the case, in addition to any deferral fee otherwise authorized by law. (Title 11, 27-122.1 D)

E) **Deferral Fee.** The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Five Hundred ($500.00) dollars. For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred and Fifty ($750.00) dollars. (Title 11 O.S. Section 14-111 C.) (Ord. No. 599, 2-15-

2005)

F) **Court Costs**. If the judgment of conviction is entered, or the city agrees to a dismissal of charges with costs, the clerk of the municipal court shall be authorized to tax the costs to the defendant in an amount up to thirty ($30.00) dollars, all of which the defendant shall pay in addition to any fine. (Ord. No. 642, §1, 08-18-2009; State law reference – Title 11 O.S. Art. XXVII, § 27-126)

G) **Community Service.** If the judge orders 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 the direction of the public works director or other proper offices, at a rate per day of Twenty Five ($25.00) Dollars for useful labor until the fine or costs are satisfied. (Title 11 O.S. Section 14-111 A.)

H) **Penalty Assessment.** The Municipal Court Clerk shall collect Penalty Assessment Fees on a finding of guilt for any offense for which the fine is greater than $10 as follows:

1) *CLEET Assessment: $9.00*
2) *AFIS Assessment: $5.00*
3) *Forensic Assessment: $5.00*

The fees listed herein shall not be assessed for parking violations or for the violation of seatbelt laws pursuant to 47, O.S. §12-417.

(Code 1976, § 9-1-33; Ord. No. 316, § (9-1-34), 1-18-83; Ord. No. 402, §1, 2-2-88; Ord, No. 394, §1, 07-06-2004; 2004 City Code)

State law reference--Assessment of costs, 11 O.S. 27-126; 20 O.S. §1319.2; 11 O.S. § 14-111; 19 O.S. §220. State law reference Title 11, 27-122.1 A, et seq.

Sec. 14-28. Minor Traffic and Parking Fine Schedule

The Judge is authorized to create a minor violations schedule setting forth designated minor violations pertaining to minor traffic and parking violations on request of accused persons who desire to plead guilty and pay fines and cost without having to be arraigned and tried on the matter.

(Ord. No. 692 §1, 04-15-2014) (Charter reference, Article V, Section 34)

CHAPTER 15

NUISANCES

Art. I. In General, 15-1--15-3
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Cross-references--Air pollution, Chapter 3 oil and gas wells, Chapter 16 structures, or growth overhanging right-of-way, 21-10.

State law reference--Municipal authority to define and abate nuisances, 50 O.S. 16.

ARTICLE I. IN GENERAL

Sec. 15-1. 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:

Abandoned Vehicle means a vehicle that a person in charge or control of any property within the city, whether as owner, tenant, occupant, or lessee, requests is removed from said property and where said vehicle is owned by another.

Blight means any deteriorated, decayed, corroded, oxidized, decomposed, impaired, unhealthy, or unsafe condition that depreciates the value of the property of others.

Boarding and securing or *boarded and secured* means closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.

Code official means any employee of the city designated by the city manager to enforce the provisions of this chapter.

Condemn or *condemnation* means to adjudge and order any structure or equipment unfit and unlawful for its intended use.

Cleaning means the removal of trash from property.

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 Title 11, O.S. Section 22-112.1, more than three times within any twelve-month period;

d) A structure which has been boarded and secured, as defined by Title 11, O.S. Section 22-112.1, for more than thirty-six (36) consecutive months, or

e) A structure declared by the municipal governing body to constitute a public nuisance.

(Ord. No. 659, §108-16-2011)

Derelict Vehicle means any vehicle which is in poor condition due to lack of exterior maintenance including excessive peeling of paint, excessive rusting and other similar conditions, which render the vehicle unsightly.

Dismantled Vehicle means any vehicle capable of being driven upon the streets and highways of the city and which is temporarily disassembled to include, but not limited to, an absence of windows, windshield, fenders, doors, hoods, or bumpers.

Excessive peeling of paint means five (5%) percent or more of the paint, stain or bonded material of any exterior side of a wall, gable, soffit, fascia, gable, gutter, window, or door of any structure which is no longer adhering to the exterior surface due to deterioration, chipping, or peeling.

Fence in disrepair means any fence which fence boards are rotten, missing, loose, and/or partially missing due to the partial breakage of any individual boards; provided however, when a dog is harbored, maintained, or otherwise kept on the premises, *fence in disrepair* means a fence

which, is not maintained in a strong and sturdy condition and/or contains holes or gaps large enough for a human limb or dog to go through.

(Ord. No. 609, §1, 09-06-2005)

Loud noise means not less than ninety (90) decibels as measured on a commercial sound level meter, using the A-weighted network scale, measured at any point away from the property or vehicle from which said noise emanates.

Missing roof shingles means five (5%) percent or more of the area of any shingle roof, which is no longer adhering to the exterior roof surface due to deterioration. Damage to shingle roofs caused by windstorm, hail, or other similar acts of nature shall be exempt from the provisions of this section for a period of six (6) months after damage occurs.

Non-Operable Vehicle means any vehicle, which upon visual inspection appears incapable of being operated legally upon the streets and highways of the city due to an absence of any essential parts or due to any temporary condition, which in itself limits or prevents its intended use to include, but not limited to, wheels, tires, suspension and dismantled engines. *Non-Operable Vehicle* shall also include any vehicle for which vehicle registration which has been expired for ninety (90) days or more.

Owner means the owner of record as shown by the most current tax rolls of the county treasurer.

Paved surface means a solid, sealed surface constructed of asphalt, concrete, stone, brick, or other similar material, which is designed for use by vehicles and/or pedestrians including driveways, sidewalks, and other similar surfaces.

Paved surface area means any area of paved surface consisting of one hundred (100) square feet or less.

Person means any person, which is the owner of, or person in control or custody of, any property where a public nuisance exists. The word "person" shall extend and be applied to associations, corporations, firms, partnerships as well as to occupants, tenants, business managers, and other individuals.

Potholes means a depression in any paved surface, which is at least one half inch (1/2”) deep and has a diameter of twelve inches (12”) or more resulting from the deterioration of the paved material.

Public nuisance means unlawfully doing an act, or omitting to perform a duty, or any thing or condition which affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage inflicted upon the individuals may be unequal, and where such unlawful act, omission, thing, or condition either:

(1) Annoys, injures or endangers the comfort, repose, health or safety of others

(2) Offends decency

(3) Unlawfully interferes with, obstructs or renders dangerous for passage any lake, stream, canal or basin, ditch or drainage, or any public park, square, street, avenue, alley, sidewalk, or other public property

(4) In any way renders other persons insecure in life, or in the use of property

(5) Essentially interferes with the comfortable enjoyment of life and property, creates an unhealthy condition, or depreciates the value of the property of others.

Publish or *publication* means printing in a newspaper which:

a. Any newspaper which is of general circulation in the city, and

b. Meets the requirements of a legal newspaper as provided in 106 of Title 25 of the Oklahoma Statutes.

If there is no newspaper meeting the requirements as provided for in this paragraph, the term publish or publication shall mean posting a copy of the item to be published in ten or more public places in the city. When a notice is required to be published for prescribed period of time, publishing the notice one (1) day each week during the prescribed period of publication is sufficient in accordance with 103 of Title 25 of the Oklahoma Statutes.

Spalling means pitting in any paved driveway or paved surface covering twenty-five (25%) percent of its paved surface area resulting from the deterioration of the paved material.

Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location

on the ground including, buildings, signs, antennae, poles, satellite receivers and other similar structures.

Trash means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form, which is uncared for, discarded, or abandoned.

Unfit for human occupancy means a structure that due to lack of necessary repairs is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public.

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 (1) 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.

Vegetation means any plant life, including, but not limited to, weeds, trees, shrubs, grass, and crops.

Weed includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

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

(2) Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;

(3) Harbors rodents or vermin;

(4) Gives off unpleasant or noxious odors;

(5) Constitutes a fire or traffic hazard; or

(6) Is dead or diseased.

Weed does not include tended crops on land zoned for residential use.

Wrecked Vehicle means any vehicle, which is incapable of being driven upon the streets and highways of the city, which has been damaged by striking another object or by being over turned. *Wrecked Vehicle* shall also mean any vehicle with severe indentation on any quarter panel, front end, rear end, side or top of the vehicle, whether the vehicle is capable of being driven upon the streets and highways of the city or not.

(Code 1976, 10-12-1 Ord. No. 320, 1(10-11-4(a)), 6-21-83 Ord. No. 373, 2, 9-16-86 Ord. No. 430, 1, 10-3-89 Ord. No. 470, 1, 6-16-92 Ord. No. 495, 2, 2-1-94 Ord. No. 538, 1, 1-6-98; 2004 City Code) State law reference--Similar provisions, 50 O.S. 1, 2.

Sec. 15-2. Duties and powers of code official.

(a) General**:** The code official shall enforce all of the provisions of this chapter.

(b) **Notices and orders:** The code official shall issue all necessary notices or orders to ensure compliance with this chapter.

(c) **Right of entry:** The code official is authorized to request entry into a structure or onto property or premises for the purpose of inspection and investigation for compliance with the provisions of this chapter. Said entry shall not be earlier than 8:00 a.m. or later than 6:00 p.m. No code official shall so enter the structure, property, or premises without approval by the person responsible for the structure, property, or premises. Prior to entering the structure, property, or premises, the code official shall present an official badge, if so requested by the person responsible. If requested entry is refused, the code official shall not enter the structure, property or premises absent an emergency condition where life or property is in immediate threat or danger.

(d) **Access by owner:** Every occupant of a structure, premises or property shall give the owner or operator thereof, or agent or employee, access to any part of such structure, property or premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.

(e) **Identification:** The code official shall present an official badge or other proper identification when inspecting structures, property, or premises in the performance of duties under this chapter.

(f) **Removal of nuisances:** The code official may order the person responsible for any structure, property, or premises to abate any nuisance as defined by this chapter, which has been determined to exist in said structure or on said property or premises by the code official. Any person responsible for any such structure, property or premises who fails to comply with the notice set out in this section within ten (10) days from the receipt of such notice, or such other period of time as deemed reasonable and set out in the notice shall be guilty of an offense.

Sec. 15-3. Penalty.

Any person who violates any provision of this chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine not to exceed two-hundred ($200.00) dollars. Each day that a violation continues after due notice has been given shall be deemed a separate offense.

(Code 1976, 10-12-6, Ord. No. 454, 1, 4-16-91 Ord. No. 495, 2, 2-1-94; 2004 Code)

Secs. 15-4--15-24. Reserved.

ARTICLE II. PUBLIC NUISANCES

Sec. 15-25. Public nuisances enumerated.

The following are hereby declared to be public nuisances:

(1) Any equipment, or structure, or part thereof, which is so constructed, or which has become so dilapidated, or kept in such an unsanitary condition or disrepair that it endangers the health or life of the occupants thereof or of the general public or the property of others.

(2) Any structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(3) Any structure or paved surface, the exterior of which has not been maintained in good repair. The same shall be maintained free of missing roof shingles, excessive peeling of paint, potholes, spalling, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties

protected from blighting influences which would impair the maintenance of property values.

(4) Any advertising sign, signboard, billboard or other object so located that it prevents pedestrians or persons riding in or driving automobiles, or other vehicles, or persons in the rightful use of any street, avenue, alley or other public way, from having a clear and unobstructed view of approaching vehicles or persons coming in a diagonal or cross direction along another highway.

(5) Graffiti and other inscriptions and writing not part of a legal sign or billboard.

(6) Fallen fences or sections thereof, or fences in disrepair.

(7) Any vicious dog that barks at passersby and acts as if it intended to attack them.

(8) Any dog or other animal which repeatedly, frequently or continuously annoys persons in its vicinity by barking or making other noises.

(9) Continuous or intermittent loud noises, which may annoy or prevent others' enjoyment of the use of their property. It shall be the responsibility of the owner, occupant, or person in control, of any property or vehicle from which noises emanate to maintain noise levels within limits prescribed by this chapter. The following sources of potentially excessive sound shall be exempt from the requirements of this subsection:

(a) Safety signals and alarm devices, storm warning sirens or horns and the authorized testing of such equipment, emergency vehicle sirens or horns when responding to an emergency.

(b) Church bells or chimes.

(c) Construction, demolition, and/or repair work on any public project or public utility project.

(d) Construction, repair, or remodeling that is performed between the hours of 7:00 a.m. and 9:00 p.m.

(e) Lawn mowing and the use of yard and garden maintenance equipment between the hours of 7:00 a.m and 9:00 p.m.

(10) The carcasses of animals or fowl not disposed of within forty-eight (48) hours after death;

(11) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires;

(12) Any accumulation of stagnant water permitted or maintained on any property;

(13) Any method of human excreta disposal which does not conform to the provisions of this Code, city ordinance or state law;

(14) Any vehicle part or parts, household furniture or appliances, cans, or any kind of container or cart used for refuse collection or recycling for which the lids are (1) incapable of closure due to trash, refuse or recyclable materials overflowing from the top of such container and (2) in plain view of the public.

(15) Any motor vehicle, trailer, or similar vehicle containing trash, or junk which is parked, placed, stored, or kept in such a manner that said trash or junk is in view of the public for a period of three (3) or more days.

(16) Any building materials located on residential property, unless such building materials are being utilized in the course of normal construction, repair, or remodeling on said property, and provided further that said construction, repair or remodeling is performed with due diligence.

(17) Any tree log that is modified or used for the purpose of decoration, art, advertising, lawn furniture, patio furniture or similar purpose and which is placed or is located in the front yard or side yard of any residential property, unless said log is concealed from public view by a six-foot high sight-proof fence. This subsection shall not apply to landscape timbers that are properly maintained and in use in flower beds. For the purposes of this Subsection, a tree log shall mean any part of a tree that has a diameter of four (4) inches or more and a length of three (3) feet or longer. (Ord. No. 702 §1, 02-17-2015).

(18) Any abandoned, derelict, dismantled, non-operable or wrecked vehicle as defined herein.

(19) Any occupied building in which water, sewer, sanitation, natural gas or electric service has been terminated for more than two weeks for any reason other than a storm-related and/or a maintenance or construction related service interruption.

(20) Any tree log, cut in lengths for use as firewood or for storage and which is stacked or placed beyond the front building line of any residential property. For the purpose of this subsection, front building line means a line extending from side property line to side property line and being the minimum horizontal distance between the front property line and the front of the main building or any projections thereof. (Ord. No. 702 §2, 02-17-2015)

(Code 1976, 10-12-2 Ord. No. 299, 2, 8-3-82 Ord. No. 430, 1, 10-3-89 Ord. No. 435, 1, 12-19-89 Ord. No. 439, 1, 4-3-90 Ord. No. 443, 1, 5-1-90 Ord. No. 495, 2, 2-1-94; Ord. No. 575. §1, 7-16-02; Ord. No. 691 §1, 03-25-2014; Ord. No. 695 §1, 04-15-2014; Ord. No. 702, §2, 02-17-2015)

Cross reference--Zoning prohibition against such activities, 24-217.

Sec. 15-26. Remedies for public nuisances.

The remedies of nuisances and remedies against any person responsible for a public nuisance are:

(1) Prosecution on complaint before the municipal court

(2) Prosecution on information or indictment before another appropriate court

(3) Suit in the district court for the abatement of the nuisance brought pursuant to a resolution of the city council in accordance with the laws of the state.

(4) Abatement pursuant to the procedures set forth in 15-29 of this chapter.

(5) Summary abatements:

(a) Summary abatement of nuisances that pose an immediate danger to the public health, safety or welfare;

(b) Summary abatement of nuisances pursuant to the provisions of 15-29, Subsection (b) of this chapter.

(Code 1976, 10-12-3 Ord. No. 495, 2, 2-1-94)

State law reference--Similar provisions, 50 O.S. 8.

Sec. 15-27. Persons liable for nuisances.

Every successive owner or person responsible for any property or premises who neglects to abate a continuing nuisance upon or in the use of such property or premises, created by a former owner or person formerly responsible for said property is liable therefore in the same manner as the person who first created it.

(Code 1976, 10-12-4 Ord. No. 495, 2 2-1-94)

State law reference--Similar provisions, 50 O.S. 5.

Sec. 15-28. Lapse of time not to legalize public nuisance.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

(Code 1976, 10-12-5)

State law reference--Similar provisions, 50 O.S. 7.

Sec. 15-29. Abatement of public nuisances.

(a) The city council may cause the removal of nuisances on property within the municipal limits 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 or to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee before the governing body holds a hearing or takes action. The notice shall order the property owner to remove the nuisance on the property, as appropriate, and the notice shall, further state that unless such work is performed within ten (10) days of' the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality 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 (IO) days from the date of mailing by the municipal governing body, notice may be given by

posting a copy of the notice on the property or by publication, as defined in Section 1-102 of this title, one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection B of this section, the notice, whether by mail, posting or publication, shall state: that any reoccurrence of the nuisance on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the municipal governing body; that the costs of such abatement 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; (Ord. No. 671, §1, 07-03-2012)

2. The owner of the property may give written consent to the municipality authorizing the removal of the public nuisance. By giving written consent, the owner waives the owner's right to a hearing by the municipality;

3. A hearing may be held by the municipal governing body to determine whether the alleged nuisance is in fact a nuisance and 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;

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the municipality are granted the right of entry on the property for the removal of the nuisance, and performance of the necessary duties as a governmental function of the municipality. Immediately following the removal of the nuisance on the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on the property for the costs of the nuisance abatement;

5. The governing body shall determine the actual cost of such nuisance abatement and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the removal of the nuisance is done by the municipality, the cost to the property Owner for the removal of the nuisance 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;

In addition to the cost of abatement as heretofore provided for there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs;

6. If payment is not made within thirty {30) days from the date of the mailing of the statement, then within the next sixty (60) days, the municipal 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 on the property and collected by the county treasurer as other taxes authorized by law. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. Until fully paid, the cost and the interest thereon shall be the persona 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. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in person 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 municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien; and

7. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body in subsection A of this section. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the

municipal clerk within ten (10) days after the administrative order is rendered.

B. If a notice is given by a municipal governing body to a property owner ordering the removal of a nuisance from property within the municipal limits in accordance with the procedures provided for in subsection A of this section, any subsequent nuisance on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in subsection A of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs 5 and 6 of subsection A of this section. This subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection A of this section.

(Ord. No. 454, 2, 4-16-91 2, 2-1-94; Ord. No. 652, §1, 04-20-2010, State Law Reference Title 11, § 22-111; Ord. No. 371, §1, 07-03-2012)

Secs. 15-30--15-49. Reserved.

ARTICLE III. WEEDS AND TRASH

Cross references--Garbage and trash, 23-16 et seq. littering Prohibited, 23-21.

State law reference--Weed and trash abatement, 11 O.S. 22-111.

Sec. 15-50. Accumulation of trash, weeds prohibited.

No person responsible for any property shall allow trash to accumulate or weeds to grow or stand upon said property.

(Code 1976, 10-11-1, 10-11-2 Ord. No. 373, 3, 9-16-86 Ord. No. 495, 2, 2-1-94)

Sec. 15-51. Abatement of weeds, trash by city.

(a) The city council may cause property within the municipal 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 or to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee before the governing body holds a hearing or takes action. 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 such work is performed within ten (10) days of' the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality 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 (IO) days from the date of mailing by the municipal governing body, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of this title, one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection B of this section, the notice, whether by mail, posting or publication, shall state: 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 municipal governing body; that the costs of such abatement 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;

2. The owner of the property may give written consent to the municipality authorizing the removal of the trash or the mowing of the weeds or grass. By giving written consent, the owner waives the owner's right to a hearing by the municipality;

3. A hearing may be held by the municipal governing body 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;

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by

the removal of such conditions, the agents of the municipality 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 municipality. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on the property for the cleaning or mowing costs;

5. The governing body shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the municipality, 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;

   In addition to the cost of abatement as heretofore provided for there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs;

6. If payment is not made within thirty {30) days from the date of the mailing of the statement, then within the next sixty (60) days, the municipal 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 on the property and collected by the county treasurer as other taxes authorized by law. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. Until fully paid, the cost and the interest thereon shall be the persona 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. The fee shall be deposited to the credit of the general fund of the

county. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in person 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 municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien; and

7. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body in subsection A of this section. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

C. If a notice is given by a municipal governing body to a property owner ordering the property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in subsection A of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in subsection A of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs 5 and 6 of subsection A of this section. This subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection A of this section.

State law reference--11 O.S. 1981, 22-111 et seq.

(Code 1976, 10-11-3--10-11-6 Ord. No. 269, 1, 11-6-79 Ord. No. 272, 1, 11-20-79 Ord. No. 320, 2, 6-21-83 Ord. No. 373, 4, 9-16-86 Ord. No. 454 3, 4-16-91 Ord. No. 495, 2, 2-1-94; Ord. No. 652, §2, 04-20-2010)

Secs. 15-52--15-59. Reserved.

ARTICLE IV. ABANDONED, JUNKED, ETC., VEHICLES

Sec. 15-60. Public property.

No person shall abandon any vehicle on a highway or other public property within the city and no person shall leave any wrecked, dismantled, or non-operating vehicle on any highway or other public property within the city.

(Ord. No. 470, 2, 6-16-92)

Sec. 15-61. Private property.

(a) No person responsible for any property within the city, whether as owner, tenant, occupant, lessee, manager, or otherwise, shall allow any dismantled, non-operating, wrecked, junked, or discarded vehicle to be placed or remain on such property.

(Ord. No. 470, 2, 6-16-92)

(b) This section shall not apply to:

1) A vehicle in an enclosed building

2) A vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise or

3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

4) Any motor vehicle that for which a monthly vehicle restoration permit has been obtained, said permit to be obtained from the office of City Clerk at a cost of fifteen ($15.00) dollars each, provided that there shall be no more than twelve (12) monthly permits issued for any one vehicle.

(Code 1976, 15-3-8, 15-3-9; Ord. No. 570, §2, 10-16-01)

Sec. 15-62. Removal of vehicles by city.

(a) The city may cause any abandoned, disabled, wrecked, dismantled, junked, discarded or non-operating vehicle to be impounded 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 city council holds a hearing or takes action. The notice shall order the property owner to remove the vehicle and shall further state that unless such removal is performed within ten (10) days of the date of the notice, the removal shall be done by 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 by the city, notice may be given by posting a copy of the notice on the property or by publication, as defined by Title 11 O.S. 1981, 1-102, one (1) time not less than ten (10) days prior to any hearing or action by the city council

(2) The owner of the vehicle may give his written consent to the city authorizing the removal of the vehicle. By giving said written consent, the owner waives his right to a hearing by the city council

(3) A hearing may be held by the city council to determine whether the vehicle is detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard

(4) Upon a finding that the vehicle constitutes a detriment or hazard and that the city would be benefited by the removal of the vehicle, the agents of the city are granted the right of entry on the property for the removal of the vehicle.

(5) The city manager or his designees are authorized to carry out the duties of the city council in paragraphs (1) through (4) of this subsection. The vehicle owner shall have a right to appeal to the city council from any order of the city manager or his designee. 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.

(b) Authorized agents of the city may remove any abandoned, disabled, wrecked, dismantled, junked, discarded or non-operating vehicle on any street, right-of-way, or public property in accordance with the following procedure:

(1) At least three (3) days' notice shall be given to the owner of the vehicle as shown by the current year's registration at the Oklahoma Tax Commission. Notice shall be given by mail at the address shown for the owner of the vehicle by said current year's registration records before the city council holds a hearing or takes action. The notice shall order the vehicle owner to remove the vehicle and shall further state that unless such removal is performed within three (3) days of the date of the notice, the removal shall be done by the city. At the time of mailing of notice to the vehicle 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 vehicle owner cannot be located within three (3) days from the date of mailing by the city, notice may be given by posting a copy of the notice on the vehicle or by publication, as defined by Title 11 O.S. 1981, 1-102, one (1) time not less than three (3) days prior to any hearing or action by the city council.

(2) The owner of the vehicle may give his written consent to the city authorizing the removal of the vehicle. By giving said written consent, the owner waives his right to a hearing by the city council.

(3) A hearing may be held by the city council to determine whether the vehicle is detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard.

(4) Upon a finding that the vehicle constitutes a detriment or hazard and that the city would be benefited by the removal of the vehicle, the agents of the city are granted the right of entry on the property for the removal of the vehicle.

(5) The city manager or his designees are authorized to carry out the duties of the city council in paragraphs (1) through (4) of this subsection. The vehicle owner shall have a right to appeal to the city council from any order of the city manager or his designee. 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.

(c) Authorized agents of the city may remove vehicles from the streets without giving prior notice and hearing under the following circumstances:

1. Report has been made that the vehicle has been stolen or taken

without the consent of its owner;

2. The officer has reason to believe the vehicle has been abandoned as defined in Sections 901 and 902 of O.S. Title 47;

3. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay;

4. At the scene of an accident, when the owner or driver is not in a position to take charge of the vehicle and direct or request its proper removal;

5. The officer has probable cause that the person operating the vehicle has not been granted driving privileges or that the driving privileges of the person are currently suspended, revoked, canceled, denied, or disqualified;

6. The officer has probable cause that the vehicle has been used in the commission of a felony offense and the officer has obtained a search warrant authorizing the search and seizure of the vehicle; or

7. The officer has probable cause that the vehicle is not insured as required by the Compulsory Insurance Law of this state.

8. The owner or person in charge of the vehicle requests that the vehicle be removed;

9. The vehicle constitutes an immediate threat to safety, obstructs traffic or creates a traffic hazard;

10. The vehicle is parked or left unattended in a designated fire lane;

11. The person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for the custody or removal of the vehicle.

(d) Each officer of the Department shall use the services of the licensed wrecker operator whose location is nearest to the vehicle to be towed in all instances in subsection (c) of this section. The requests for services may be alternated or rotated among all licensed wrecker operators who are located within a reasonable radius of each other. In like manner, the officer shall advise any person requesting information as to the availability of a wrecker or towing service, the name of the nearest licensed wrecker operator, giving equal consideration to all

licensed wrecker operators located within a reasonable radius of each other. All licensed wrecker operators located near or in the city limits of The Village shall be considered as being equal distance and shall be called on an equal basis as nearly as possible.

(Ord. No. 454, 4, 4-16-91 Ord. No. 470, 2, 6-16-92 Ord. No. 495, 2-1-94; Ord. No. 683, §1, 04-16-2013)

Cross-references--Parking of vehicles for commercial purpose in residential district, 24-218 abandoned vehicles, etc., 15-38. O.S. Title 42 §900 et seq)

Sec. 15-63. Stolen vehicles.

(a) Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one (1) 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 to 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 one (1) 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.

(Ord. No. 273, 15-3(a)-2, 1-15-80)

State law reference--Removal of stolen vehicle, 47 O.S. 955.

Sec. 15-64. Release of impounded vehicles to other than the registered owner.

(a) The chief of police or the city manager are hereby authorized to release, to someone other than the registered owner, vehicles, which have been impounded by the police department, and accept on behalf of the city agreements and bonds to save the city harmless by such releases.

(b) Any party claiming an interest in an impounded vehicle shall submit to the chief of police or the city manager proof of compliance with the following requirements by written instruments or other suitable documents:

(1) Proof of interest

(2) Agreement to save and hold harmless the city and all of its employees

(3) Proof of financial responsibility showing the net worth of the party seeking the vehicle to be in excess of fifty thousand dollars ($5,000.00) or a surety bond in an amount no less than double the value of the vehicle sought to be released.

(c) The instruments shall be approved as to form and legality by the city attorney or his designated assistant and filed by the chief of police with the city clerk prior to or simultaneous with the release of the vehicle claimed together with a copy of the release order.

(Ord. No. 273, 15-3(a)-6, 1-15-80)

Sec. 15-65. Impoundment expenses.

All impoundment expenses shall be the obligation of the owner or operator of the vehicle and any impounded vehicle will be released only after such charges are paid. All impoundment fees and charges shall be in addition to any fines or costs in connection with violations.

(Ord. No. 273, 15-3(a)-7, 15-3(a) -8, 1-15-80)

Secs. 15-66--15-74. Reserved.

ARTICLE V. UNSAFE EQUIPMENT, STRUCTURES, BOARDING & SECURING

Sec. 15-75. In General.

When a structure is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, such structure shall be condemned pursuant to the provisions of this code.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-76. Unsafe Structure.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect, or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so

damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-77. Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-78. Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance or lacks utility service, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by applicable city codes or state law, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-79. Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(Ord. No. 495, 2, 2-1-94)

Sec 15-80. Closing of vacant structures.

If a structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance in accordance with the procedures set forth by this Article. Such placard shall be posted in a conspicuous place in or about the structure affected by such notice. Notice of such condemnation shall also be mailed to any property owners

and mortgage holders in accordance with the procedures provided in 15-85 of this chapter.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-81. Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-82. Prohibited occupancy.

Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be guilty of an offense.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-83. Removal of placard.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be guilty of an offense.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-84. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has

Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-85. Boarding and securing of vacant buildings.

The city council may cause an unsecured vacant building within the municipal limits to be boarded and secured in accordance with the following procedure:

(1) Before the city council orders such action, at least ten (10) days' 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 by Title 11, O.S. 1981, 22-112. At the time of mailing of notice to the 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. 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 by Title 11 O.S. 1981, 1-102, at least one (1) time not less than ten (10) days prior to any hearing or action by the city council.

If the city anticipates summary abatement of a nuisance in accordance with the provisions of paragraph (9) of this section, the notice shall state that any subsequent need for boarding and securing the building within six (6) months after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the city 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 any costs incurred thereby. By giving said written consent, the owner waives his right 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 such 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 or unsafe building held pursuant to the provisions of 15-51 of this chapter. 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 city council may order the boarding and securing of the unsecured building.

(4) After the city council orders the boarding and securing of such unsecured building, the city clerk shall immediately file a notice of unsecured building and 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 municipality claims a lien on said property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing said 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 such building and for the performance with 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 cost of such actions and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The city clerk shall forward a statement of the actual costs by mail to the property owners and mortgage holders as provided for in paragraph (1) of this section. At the time of mailing of notice to the 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 boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, 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.

In addition to the cost of boarding and securing as heretofore provided for there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs.

(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 unsecured building is not made within thirty (30) days from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Until fully paid the cost and the 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 any time prior to the collection as provided 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. 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

(8) The city manager or his designees are authorized to carry out the duties of the city council in paragraphs (1) through (7) of this section. The property owner shall have a right to appeal to the city council from any order of the city manager or his designee. 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 council 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 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 a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in paragraph (1) of this section. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in paragraphs 6 and 7 of this section.

State law reference--11 O.S. 1981, 22-112.1

(Ord. No. 454, 5, 4-16-91)

Secs 15-86--15-99. Reserved.

ARTICLE VI. DILAPIDATED BUILDINGS

Sec. 15-100. Condemnation and removal of dilapidated buildings.

The city council may cause the removal of dilapidated buildings on property within the city limits in accordance with the following procedure:

(1) At least thirty (30) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the city council holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, copy of said notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting copy of the notice on the property, or by publication, as defined by Title 11, O.S. 1981, 1-102. Such notice may be published once not less than ten (10) days prior to any hearing or action by the city pursuant to the provision of this section.

(2) A hearing may be held by the city council to determine whether the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property. Any action to challenge the order of the city council to tear down a dilapidated building shall be filed within thirty (30) business days from the date of the order of the city council to tear the structure down.

(3) Pursuant to a finding that a condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal of such conditions, the city council may cause the dilapidated building to be torn down and removed. The city council 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 city at the hearing, and stating that the city claims a lien on said 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 said 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 city if the work is not performed by the property owner within dates fixed by the city council.

(4) The city council shall determine the actual costs of the dismantling and removal of dilapidated buildings and any other expenses as 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 said statement shall be mailed to any mortgage holder at the address provided for in paragraph (1) of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the city dismantles or removes any dilapidated building the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated building. If dismantling and removal of the dilapidated building is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

In addition to the cost of dismantling and removal as heretofore provided, there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs

(5) 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. Said 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 interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided for in this paragraph, the city may pursue any 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.

(6) The city manager or his designees are authorized to carry out the duties of the city council in subsections (1) through (5) of this section. The property owner shall have a right to appeal to the city council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within thirty (30) business days after the administrative order is rendered.

(Ord. No. 495, 2, 2-1-94) State Law references--Title 11, 22, 112, Title 25, 103, 106.

Section 15-101. Demolition of buildings unfit for human occupancy.

If a building is vacant and unfit for human occupancy, the city council may authorize the structure to be demolished in accordance with the procedures provided in Section 15-100 of this Chapter.

(Ord. No. 538, §2, 1-6-98)

Secs. 15-102--15-199. Reserved.

Article VII. Property Maintenance Code

Sec. 15-200. International Property Maintenance Code – Adopted.

That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, Oklahoma being marked and

designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of The Village, in the 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 existing 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 of The Village 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 15-201 of this Chapter.

(Ord. No. 665, §1, 09-06-2011)

Sec. 15-201. International Property Maintenance Code, Amendments.

The following sections of the International Property Maintenance Code, 2009 Edition are hereby revised:

Section 101.1. Insert: [City of The Village, Oklahoma]

Section 103.5. Insert: [Fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by resolution of the City Council.]

Section 112.4. Insert: [Any person found guilty of violating any provision of this Article shall be guilty of a Class B offense punishable by a fine of up to Two Hundred Dollars $200.00. Each day that a violation exists shall be deemed a separate offense.]

Section 302.4. Insert: [12”]

Section 304.14. Insert: [April 1 to October 31]

Section 602.3. Insert: [September 15 to April 15 in two locations]

Section 602.4. Insert: [September 15 to April 15 in two locations]

(Ord. No. 665, §1, 09-06-2011

CHAPTER 16

OIL AND GAS WELLS

*State law reference--regulation and inspection of wells, 52 O.S. 291 et seq.

Sec. 16-1. 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. All technical or oil and gas industry words and phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

Abandoned well means:

(1) Each well in which no production casing has been run, and for which drilling or testing operations have ceased for thirty (30) consecutive days; or

(2) Any other well for which there is no current city permit.

Artificial production means the raising to the surface of the earth, by means other than natural flow, petroleum or natural gas.

Corporation Commission means the Oklahoma Corporation Commission.

Deleterious substance means any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas, or condensate.

Enhanced recovery means an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitation of recovery there from.

Natural production means the raising to the surface of the earth, by natural flow, petroleum or natural gas.

Oil and gas inspector means that person qualified and employed by the city to enforce the provisions of this article, or his authorized representatives.

Pollution means the contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the city, or such discharge of any liquid, gaseous or solid substance into any water of the city as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses, or to livestock, animals or aquatic life.

Pressure maintenance means an operation by which gas, water or other fluids are injected into a supply of oil to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery there from, and which has been approved by the corporation commission after notice and hearing.

Salt water means any water containing more than five hundred (500) milligrams per liter of chlorides.

Treatable water means surface and subsurface water in its natural state, which may or may not require treatment to be useful for human consumption, and contains less than ten thousand (10,000) total dissolved solids and/or five thousand (5,000) parts per million chlorides.

Water, waters of the city or city water means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the city or any portion thereof.

Well means any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas, or liquefied petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing.

(Ord. No. 296, 4, 2-2-82)

Sec. 16-2. Scope.

(a) This chapter shall apply to any person drilling an original well, re-entering an abandoned well, conducting natural or artificial production projects or operations, or drilling or maintaining a disposal well within the City of The Village on or after February 2, 1982.

(b) This chapter shall not apply to any such activity, which existed before February 2, 1982 and was otherwise in compliance with the applicable

state laws, rules, regulations, standards, directives, or ordinances of the city. However, when the annual permits for pre-existing activities come due for renewal, then any person reworking an existing well, re-entering an abandoned well, conducting natural or artificial production projects or operations or drilling or maintaining a disposal well within the city shall come into compliance with this chapter.

(Ord. No. 296, 44, 2-2-82)

Sec. 16-3. Oil and gas inspector.

(a) The city manager shall employ a qualified person as an oil and gas Inspector, whose duty it shall be to enforce the provisions of this chapter.

(b) The oil and gas inspector shall have the authority to issue such orders or directives as are required to carry out the intent and purpose of this chapter and its particular provisions. Failure to abide by any such order or directive shall be unlawful.

(c) The oil and gas inspector shall have the authority to go upon and inspect any premises covered by the terms of this chapter to ascertain whether this chapter and the applicable laws, rules, regulations, standards, or directives of the state are being complied with. Failure to permit access to the oil and gas inspector shall be unlawful.

(d) The oil and gas inspector shall have the authority to request and receive any records, specified in this chapter relating to the status or condition of any well or project or the appurtenances thereof within the city. Failure to provide any such requested material shall be unlawful.

(Ord. No. 296, 34, 2-2-82)

Sec. 16-4. Violations.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provision of this chapter. Any person who shall violate any of the provisions of this chapter, or any of the provisions of a drilling operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms shall be guilty of a Class A offense. In addition, the city manager at any regular or special session or meeting of the city council, may, provided ten (10) days' notice has been given to the permittee, that revocation is to be

considered at such meeting, revoke or suspend any permit issued under this chapter and under which drilling or producing operations are being conducted in the event the permittee thereof has violated any provision of permit, said bond, or of this chapter. In the event the permit is revoked, the permittee may make application to the oil and gas inspector for re-issuance of such permit, and the action of the city thereon shall be final. Any continuing offense shall be considered a public nuisance, the remedies for which under law shall be in addition to those hereinbefore enumerated.

(Ord. No. 296, 46, 2-2-82)

Sec. 16-5. Order to cease operations.

The oil and gas inspector shall apply to the city manager for a hearing upon such order, which hearing shall be held not longer than twenty-four (24) hours after the issuance of said order by the oil and gas inspector. The city manager shall determine if proper cause existed, and, if not, shall permit the permittee's activity to resume without delay. If the city manager determines that proper cause did not exist for the order to cease activity to issue, then he shall make whatever ruling is proper to assure rectification of the cause of the peril.

(Ord. No. 296, 39, 2-2-82; Ord. No. 494, 1, 10-19-93)

Sec. 16-6. Appeals.

Any permittee aggrieved by any order, directive or ruling issued by the oil and gas inspector, or by any ruling by the city manager may appeal the same to the city council which shall hear the matter at its next scheduled meeting. The lodging of such appeal shall not stay the enforcement of any of the provisions of this chapter.

(Ord. No. 296, 40, 2-2-82)

Sec. 16-7. City manager review of permit recommendations.

Upon the consideration of any application for a permit required by the terms of this chapter, the oil and gas inspector shall recommend approval or disapproval thereof to the city manager, who shall review the matter and thereupon uphold or reverse the recommendation with or without the addition of any conditions thereto.

(Ord. No. 296, 41, 2-2-82)

Sec. 16-8. Informal complaints.

If, upon information or inspection, it is found that a permittee is violating any portion of this chapter or causing damage or pollution to any surface or underground treatable water the oil and gas inspector shall file a written administrative complaint with the city manager, a copy of which shall be delivered or mailed to the permittee or his agent. If upon subsequent inspection, it is determined that the permittee has taken the corrective actions specified, the complaint may be dismissed; otherwise, formal application will be made to the city council for an order revoking the permit, and for any other appropriate remedy. Pending the outcome of the final determination of the city council on the formal application, the oil and gas inspector shall, after an on-site inspection, have the authority to shut down those operations where conditions appear obvious that surface or underground pollution is occurring.

(Ord. No. 296, 45, 2-2-82)

Sec. 16-9. Permit.

(1) It shall be unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor or independent contractor of any other person, to drill a well within this city, without a permit having first been issued by the authority of the oil and gas inspector in accordance with this chapter.

(2) Every application for a permit to drill an original well or to re-enter an abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the oil and gas inspector and be accompanied by a filing fee in the amount established by resolution.

(3) No application shall request a permit to drill more than one well. The application shall contain full information required by the oil and gas inspector, including the following:

(a) Name and address of applicant and date of application;

(b) Where applying for a proposed original well:

1. A block map of the three hundred (300) feet surrounding the drill site, including thereon the location of the proposed well, and distances therefore to all existing dwellings, buildings or

other structures designed for human occupancy;

2. The names of the mineral, surface and lease owners;

(c) A drilling prognosis, to specify in detail the amount weight, and size of conductor pipe and surface pipe and the procedures to be used in the event production is not established shall also be specified,

(d) A statement of the provisions for water for the drilling rig;

(e) A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation and name of transporter or transport contractor for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site for the disposal of said deleterious substances, or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the city of the amount of salt water and other deleterious substances produced, along with receipts for disposal of same,

(f) The name and address of the person within the state upon whom service of process upon applicant may be made within this state, and in the case of any nonresident person who has no such service agent within this state. There shall be attached to the application the designation of such a service agent resident in the county, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant hereunder;

(g) A verification of the above information by applicant hereunder.

(4) A copy of the approved drilling permit from the corporation commission and a copy of the staking plat shall be filed with the city prior to issuance of the municipal permit.

(5) Where the application is one for the re-entry of an abandoned well, to drill a new well, or to offset a well or a former well, the application shall contain the information required by Section 16-9 (3) (b) above, with the exception that the oil and gas inspector may reduce or eliminate any stated requirements thereof, to suit the circumstances. However, such application for a permit shall provide the following information in every case:

(a) A statement of:

1. The then condition of the well;

2. The depth to which it is proposed such well shall be deepened,

3. The proposed casing program to be used in connection with proposed deepening; and

(b) Evidence of adequate current tests showing that the casing strings currently passed the same tests that are required in the case of the drilling of an original well.

(6) The oil and gas inspector's office within thirty (30) business days after the filing of an application for a permit shall determine whether nor not said application complies in all respects with the provisions of this ordinance and applicable federal and state law, and, if it does, shall recommend to the city manager that the permit be issued. Each permit issued shall:

1. By reference have incorporated therein all the provisions of this chapter with the same force and effect as if this chapter were copied verbatim therein,

2. By reference have incorporated therein all the provisions of applicable state law and the rules, regulations and standards adopted in accordance therewith relating to the protection of human beings, animals, and natural resources;

3. Specify that the terms of said permit shall be for a period of one (1) year from the date of issuance thereof, and for like periods thereafter upon the successful inspection of the permittee's well and operations, as is provided for elsewhere herein;

4. Specify such conditions imposed by the oil and gas inspector as are by this chapter authorized,

5. Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein.

(7) If the permit is issued, it shall, in two (2) originals be signed by the oil and gas inspector and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the city and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required, and applicable state law, rules, regulations, standard and directives. One (1) executed original copy of said permit shall be retained by the oil and gas inspector; the other shall be retained by the permittee and shall be kept available for inspection by any city or state law enforcement official who shall demand to see same.

(8) If the permit is refused, or if the applicant notifies the oil and gas inspector in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bonds of the applicant be not approved, then upon the happening of any said events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained there from by the city the sum in the amount established by resolution as a processing fee.

(Ord. No. 296, 5--7, 2-2-82; Ord. No. 494, 2, 10-19-93)

Sec. 16-10. Insurance and bond coverage required.

All applications for a permit under the provisions of this chapter shall be accompanied by proof of insurance coverage as follows:

1) The applicant for a permit to drill, operate and/or produce a well located within corporate limits of the City of The Village shall submit a pollution insurance policy with the permit application as follows:

    a) Said insurance policy shall be a standard pollution liability insurance policy providing for a minimum coverage of $1,000,000.00.

    b) Said insurance policy must be issued by a reliable insurance broker licensed to do business in the state, with the applicant/permittee and the City named as co-insureds.

    c) Said insurance policy shall be maintained in full force and effect from commencement of drilling operations until the well is plugged and abandoned in accordance with this chapter.

    d) All insurance policy or policies shall provide that they may not be canceled without written notice to the inspector at least 30

days prior to the effective date of such cancellation. In the event said policy or policies are canceled, the permit granted shall immediately terminate without any action on the part of the inspector, and the applicant/permittee's rights to operate under said permit shall cease until the applicant permittee files additional insurance as required herein.

e) The deductible for any pollution insurance policy shall not exceed $25,000.00.

2) In addition to the pollution insurance required in Paragraph (1) of this section, the applicant for a permit shall submit with the permit application a policy or policies of standard comprehensive public liability insurance, including contractual liability insurance covering bodily injuries and property damage naming the applicant/permittee and the City as co-insureds, issued by an insurance company authorized to do business within the state; said policy or policies in the aggregate shall provide for the following minimum coverage:

a) Bodily injuries, $100,000.00 per person; $300,000.00 per accident.

b) Property damage, $200,000.00 per accident.

c) Said insurance policy or policies shall provide that they may not be canceled without written notice to the inspector at least 30 days prior to the effective date of such cancellation. In the event said policy or policies are canceled, the permit granted shall immediately terminate without any action on the part of the inspector and the applicant/permittee's right to operate under said permit shall cease until permittee files additional insurance as required herein.

3) The insurance policies required by this section shall be submitted and maintained in full force and effect at all times by all persons drilling, completing, operating, maintaining and/or producing any well-located within the limits of the City.

4) Bond Required.

a. Any person who drills or operates any well for the exploration, development or production of oil or gas, or as an injection or disposal well, within this City shall furnish on forms approved by the inspector and maintain at all times a blanket bond or blanket irrevocable letter of credit in the principal sum of at least $25,000.00. Said bond or letter of credit must be executed by a reliable insurance company or bank authorized to do business in the state, as surety or creditor, and with the applicant/permittee as principal or debtor, running to the City for the benefit of the City and all persons concerned, conditioned that the applicant/permittee shall comply with the terms and conditions of this chapter in the drilling and operation of oil wells drilled or operated within the City.

b. Said bond or letter of credit must become effective on or before the date the same is filed with the City and remain in full force and effect for at least 12 months subsequent to the expiration of the permit term and, in addition, the bond or letter of credit must be conditioned that the applicant/permittee must promptly pay all fines, penalties and other assessments imposed upon the applicant/permittee by reason of his breach of any of the terms, provisions or conditions of this chapter, and that the applicant/permittee must promptly restore the streets, sidewalks and other public property of the City which may be disturbed or damaged during the applicant/permittee's operations to their former condition; and that the applicant/permittee must promptly clear all premises of all litter, trash, waste and other substances and must, after abandonment, grade, level and restore said property to the same surface condition, as far as possible, as existed prior to commencing operations; and further that the applicant/permittee shall indemnify and hold harmless the City from any and all liability attributable to granting the permit; and that the applicant/permittee shall promptly pay all sums with respect to deductibles on covered losses under insurance policies required by this chapter; and that the applicant/permittee shall comply with all of the terms of this chapter concerning the abandonment and/or plugging of all such wells. Each bond or letter of credit submitted shall cover all wells drilled or operated by said person within the City.

c. For good cause, the inspector, after notice to and hearing for a permittee, may require the filing of a blanket bond or letter of credit in an amount higher than $25,000.00 but not to exceed

$100,000.00. "Good cause" shall include, but shall not be limited to, a showing that the operator or permittee has previously violated any of the provisions of Chapter 16 of this Code.

d. The blanket bond or letter of credit required by this section shall be submitted and maintained in full force and effect at all times by all persons drilling, completing, operating, maintaining and/or producing any well located within the limits of the City.

(Ord. No. 296, 8, 2-2-82; Ord. No. 650, §1, 03-02-2010)

Sec. 16-11. Enhanced recovery and salt water or deleterious substances disposal wells.

(a) No person shall re-enter any well or drill an original well to be used for enhanced recovery or disposal of salt water or other deleterious substances without first obtaining the necessary permit therefore. Such permit shall consist of two (2) separate parts, a permit to drill or re-enter and construct, and a permit to operate.

(b) An application for the permit to drill or re-enter a well for enhanced recovery or substance disposal shall be in the same form as that required for a permit to drill an original well, and shall contain complete information required by the oil and gas inspector, including the following:

(1) A block map of the well site, showing all equipment to be used thereat, location of pipelines, access road, and distances from the well to any and all fences, public roadways, and buildings within a radius of three hundred and thirty (330) feet;

(2) A block map of the project, showing the location of:

a. All water supply wells with a one-fourth mile radius of each injection or disposal well;

b. All public water supply wells, disposal wells, injection wells, producing wells and plugged and abandoned wells with the project area and those sections immediately adjacent;

c. All conduits; and

d. Tank battery, pumping station and appurtenant equipment;

(3) All wells within the project area and those sections immediately adjacent shall be indicated by status (e.g., plugged and abandoned, injection, salt water, oil, etc.), and show the following additional information:

a. Footage location (surface casing);

b. Derrick floor and ground level elevation;

c. Drilled total depth;

d. Packer body total depth;

e. Size, depth and quality of surface and production casing, including zones from which casing has been removed;

f. Location of all plugs, packers, and cement plugs, tubing anchors, etc., with the well bore;

g. Depth and nature of all cement squeeze jobs;

h. Formation name and depth of all open perforations in a producing open hole;

i. Volume and type of cement used on surface and production strings;

j. Top of cement;

(4) One (1) copy of all electric, mechanical, sample and driller's logs, if available;

(5) Fee and operation name for each well,

(6) One (1) copy of all cement bond logs and production logs;

(7) One (1) copy of all work performed on the well,

(8) Copies of all information supplied to the corporation commission, and the commission's approval of the project.

(c) Upon the completion of the application required hereunder, the oil and gas inspector shall have thirty (30) business days to review same and

make a recommendation of approval or disapproval to the city manager.

(d) Prior to placing any enhanced recovery or substance disposal well into service, a permit to operate such well shall be obtained from the oil and gas inspector. Every application for a permit to operate such well shall contain the following information:

(1) Depth to static water level (hydrostatic head). Such date shall be obtained by means of a method approved by the oil and gas inspector. Such data shall be obtained not less than forty-eight (48) hours after openings have been made through the casing into the injection disposal zone,

(2) Based on the static water level identified in the previous paragraph, maximum operating pressures and rates of injection shall be established and maintained so as to prevent the hydraulic pressure level at a radius of ten (10) feet from the injection or disposal wells from rising above the base elevation of treatable water. Such maximum operating pressures and injection rates shall be noted on the permit. No injection or disposal well will be permitted to operate if the well's zone of influence will exceed the above referenced limits.

(e) A fee in the sum established by resolution shall be submitted along with every application for a permit to operate an injection or substance disposal well.

(f) Copies of corporation commission Form No. 1015, indicating successful pressure testing of each injection well at a pressure greater than the maximum proposed for the project, or if no such Form No. 1015 has been filed and approved, then sufficient evidence of the successful pressure testing of each injection well shall be filed with the oil and gas inspector.

(g) Every such injection or disposal well shall be constructed so as to seal the injection zone from the upper portion of the casing. The annulus between the injection tubing and casing shall be filled with a non-corrosive fluid, then sealed and a one-fourth inch female fitting with cut-off valve shall be attached so that the pressure in the annulus may be measured by the oil and gas inspector by attaching a gauge having a one-fourth inch male fitting. A pressure shall be maintained in the annulus sufficient to monitor the fluids in the annulus. Any significant deviation from the established pressure shall be cause to shut down the well, and may result in cancellation of the operating permit, until such time as the established pressure can once again be maintained.

(h) Injection lines shall be buried in a trench of a depth no less than four (4) feet, and shall be pressure tested (static) annually at a minimum of one hundred fifty (150) percent of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the oil and gas inspector. Said oil and gas inspector shall be notified five (5) days in advance of such test and may supervise same. Test results shall be filed with the city upon completion.

(i) Domestic and public water supply wells located within a radius of one-quarter mile of any enhanced recovery or disposal well shall be tested prior to beginning injection or disposal and thereafter semi-annually for the presence of deleterious substances, such as chlorides, sulfates, and dissolved solids. Such testing is the responsibility of the permittee and at permittee's expense, to be conducted by a person approved by the oil and gas inspector. Said oil and gas inspector shall be notified five (5) days in advance of such testing and may be present therefore. Test results shall be filed with the city upon completion.

(Ord. No. 296, 9, 2-2-82)

Sec. 16-12. Annual fee to operate.

An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the city; such fee shall be in the amount established by resolution, payable to the city on or before the annual anniversary date of the issuance of any permit under this chapter. No permit for any well shall be considered valid for any year for which the annual fee has not been paid. Failure to pay any required permit fee within thirty (30) days of a delinquent notice sent to the latest address provided by the permittee will result in cancellation of the permit.

(Ord. No. 296, 10, 2-2-82)

Sec. 16-13. Disposal of salt water.

(a) Every permittee under this chapter shall be responsible for the safe disposal of salt water or other deleterious substances, which he may bring to the surface of the earth and shall provide a plan for such disposal as required in section 16-9. Such disposal shall not result in pollution of the waters of the city and shall not result in any other environmental hazard, and shall incorporate the best available techniques and equipment.

(b) In the event of any leakage or spillage of any pollutant or deleterious substances, whatever the cause thereof, the permittee shall cause the oil and gas inspector to be notified thereof promptly. If in the judgment of the oil and gas inspector, such leakage or spillage represents a potential environmental hazard, he may issue whatever corrective orders he deems appropriate, and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of such test or tests to be borne by the permittee.

(c) No person shall dispose of salt water or other deleterious substance in any lined or unlined earthen pit within the city limits.

(d) No person shall inject any salt water or other deleterious substance into annulus between the inside of the surface casing string and the next inside casing string, except when the bottom of the properly cemented surface casing extends two hundred (200) feet or more through or into a continuous impermeable clay barrier below the base of treatable water.

(Ord. No. 296, 11, 2-2-82)

Sec. 16-14. Compliance with applicable laws.

No person shall drill an original well or re-enter an abandoned well for any purpose, or permit to exist any well, structure, equipment, pipeline, machinery, tank or other appurtenance, in violation of any of the provisions of this chapter or other city ordinances as may be applicable, or the laws, rules, regulations, operative standards, or directives of the state.

(Ord. No. 296, 12, 2-2-82)

Sec. 16-15. Surface casing.

(a) Surface casing shall be set a minimum of two hundred (200) feet below the deepest encounter of treatable water found in eight (8) sections adjacent to the section in which the well is located. Logs, which identify the base of treatable water, shall be run in the surface hole before the surface pipe is set. A copy of such logs shall be filed with the oil and gas inspector.

(b) In lieu of subsection (a), surface casing may be set without the above required logging, provided the applicant can demonstrate to the satisfaction of the oil and gas inspector that the bottom of the

surface casing will extend through or into at least two hundred (200) feet of continuous impermeable clay barrier below the base of treatable water, is properly cemented and cement bond logs run with the quality of the cement bond approved by the oil and gas inspector. Surface pipe shall have a centralizer on the shoe joint, and centralizer no more than two hundred (200) feet apart above the second centralizer.

(c) Surface pipe shall be cemented by attempting to circulate good cement to surface by normal displacement practices. If cement cannot be circulated to surface due to washed out hole or lost circulation, the existing cement shall not be over-displayed and plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining open hole behind the surface pipe shall be cemented by running a tubing string between the conductor string and the surface pipe until the top of the cement is tagged. The remaining un-cemented annular space will then be cemented until good cement is circulated to surface. No further drilling shall be accomplished until the cement has set for at least twenty-four (24) hours, or in the alternative, until samples of the cement have passed independent laboratory tests satisfactory to the oil and gas inspector.

(d) Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of such integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage or bleeding of injection fluids or disposants. Where additional protective operations are undertaken to comply with this paragraph, the oil and gas inspector shall be notified thereof sufficiently in advance in order for him to be present for such operations.

(Ord. No. 296, 13, 2-2-82)

Sec. 16-16. Abandoned and plugging.

Whenever any well is abandoned it shall be the obligation of the permittee and the operator of the well to set a two hundred (200) foot cement plug in the bottom of the surface casing, with the bottom of the plug one hundred (100) feet below the surface casing section; and to set a fifty (50) foot cement plug in the top of the surface casing. No surface or conductor string of casing may be pulled or removed from a well. During initial abandonment operations it will be the obligation of the permittee and operator to flood the

well with mud-laden fluid weighing not less than nine (9) pounds per gallon, and to circulate this mud until stabilized, and the well shall be kept filled to the top with mud-laden fluid above the specifications and the mud will be left in the well bore below and between cement plugs. Any additional provisions or precautionary measures prescribed by the state or the corporation commission of the state in connection with the abandonment and plugging of a well shall be complied with by the permittee.

(Ord. No 296, 14, 2-2-82)

Sec. 16-17. Well location.

No permit shall be issued for the drilling of an original well or the re-entry of an abandoned well at any location which is nearer than three hundred (300) feet of any permanent residence or commercial building, or which is closer than three hundred (300) feet to a producing fresh water well. However, nothing herein shall limit, restrict, or prevent an operator from being able to work over or re-drill a well that was drilled or in production on or before August 1, 1987. A re-drilled well shall be located no further than fifty (50) feet from the original well it replaces.

(Ord. No 296, 15, 2-2-82; Ord. No. 313, 1, 11-18-82; Ord. No. 494, 3, 10-19-93)

Sec. 16-18. Fences.

Any person who completes any well as a producer shall have the obligation to enclose said well, together with its surface facilities, by a fence sufficiently high and properly built so as to ordinarily keep persons and animals out of the enclosure with all gates thereto to be kept locked when the permittee or his employees are not within the enclosure. In non-platted areas the oil and gas inspector, at his discretion, may waive the requirement of any fence or may designate the type of fence to be erected. Fences must be kept locked at all times workers of permittee are not present; a duplicate set of keys to said lock shall be filed with the oil and gas inspector.

(Ord. No. 296, 16, 2-2-82)

Sec. 16-19. Noise and other nuisances.

All oil operations, drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the accepted practices incident to exploration for, drilling for and production of oil, gas and other

hydrocarbon substances. Proven technological improvements in exploration, drilling, and production methods shall be adopted as they become, from time to time, available, if capable of reducing factors of nuisance and annoyance.

(Ord. No. 296, 17, 2-2-82; Ord. No. 494, 4, 10-19-93)

Sec. 16-20. Facilities.

All lease equipment shall be painted and maintained in a good state of appearance, and shall have posted in a prominent place a metal sign no less than two (2) feet square in area upon which the following information shall be conspicuous:

(1) Permittee's name;

(2) Lease name;

(3) Location of the drill site by reference to the United States survey; and

(4) Identifying number of the permit issued by the city.

(Ord. No. 296, 18, 2-2-82)

Sec. 16-21. Storage tanks and separators.

(a) Crude oil storage tanks shall not be constructed, operated or used except to the extent of two (2) steel tanks for oil storage, not exceeding five hundred (500) barrels capacity each and so constructed and maintained as to be vapor tight. Additional tankage may be approved by the oil and gas inspector.

(b) A permittee may use, construct and operate a steel conventional separator and/or such other steel tanks and appurtenances as are necessary for treating oil with each of such facilities to be so constructed and maintained as to be vapor tight.

Each oil gas separator shall be equipped with both a regulation pressure-relief safety valve and a bursting head.

(Ord. No. 296, 19, 2-2-82)

Sec. 16-22. Fire prevention.

Adequate fire fighting apparatus and supplies approved by the city fire department shall be maintained on the drilling site at all times during drilling and production operations. All machinery, equipment and installations on all drilling sites within the city limits shall conform to such requirements as may from time to time be issued by the fire department.

(Ord. No. 296, 20, 2-2-82)

Sec. 16-23. Pits.

Steel mud or circulating pits shall be used. Such pits and contents shall be removed from the premise and the drilling site within fifteen (15) days after completion of the well. Earthen pits will be allowed only as temporary emergency pits and/or as catch basins. Catch basin pits shall be used only for the purpose of catching any deleterious substance runoff and shall be no greater than three hundred and twenty (320) cubic feet. Such catch basin will be equipped with a liquid level activated pump designed to keep fluids pumped out of such catch basin pit. All such earthen pits must be lined and approved in writing by the oil and gas inspector. Emergency pits shall be emptied as soon as the emergency is over and all such pits shall be emptied and then leveled within fifteen (15) days after completion of the well.

(Ord. No. 296, 21, 2-2-82)

Sec. 16-24. Retaining walls.

(a) An earthen retaining wall of adequate size for the terrain involved will be constructed on the low side of the well site in the event the well site is located on sloping or unlevel ground. The top of the retaining wall shall be at least level with the top of the base of the Christmas tree or other wellhead connections on any completed well, or at least level with the ground at the point where surface casing is set in the well when drilling.

(b) An earthen diversion wall of adequate size for the terrain involved shall be constructed on the high side of the well site in the event the well site is located on sloping or unlevel ground. The diversion wall will be of sufficient height and strength so as to divert runoff waters around the well site.

(c) Each permittee or person responsible for operating and maintaining any well or tank battery permitted pursuant to this Chapter shall take appropriate measures to prevent runoff waters around the well or battery site from depositing mud on adjacent properties, streets, parking lots and public ways.

(Ord. No. 296, 22, 2-2-82; 2004 City Code)

Sec. 16-25. Motive power for pumps.

Motive power for well pumping equipment may be by gas, gasoline, or diesel engine if equipped with "hospital" type mufflers; otherwise, it shall be by electric motor.

(Ord. No. 296, 23, 2-2-82; Ord. No. 494, 5, 10-19-93)

Sec. 16-26. Derrick and rig.

It shall be unlawful for any person to use or operate in connection with the drilling, re-entry or reworking of any well within the city, any wooden derrick or any steam-powered rig, and all engines shall be equipped with adequate mufflers approved by the oil and gas inspector. Permitting any drilling rig or derrick to remain on the premises or drilling site for a period of longer than sixty (60) days after completion or abandonment of a well is hereby prohibited.

(Ord. No. 296, 24, 2-2-82)

Sec. 16-27. Drilling operations; equipment.

All drilling, re-entry and operations at any well performed under this chapter shall be conducted in accordance with the practices of the reasonably prudent operator. All casing, valves, and blowout preventers, drilling fluid, tubing, bradenhead, Christmas tree, and wellhead connections shall be of a type and quality consistent with the practices of such reasonable prudent operator. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the practices of such reasonable prudent operator. Any permittee under this chapter shall observe and follow the recommendations of regulations of the American Petroleum Institute and the corporation commission, except in those instances that are specifically addressed by this chapter. A copy of all logs associated with the surface casing shall be filed with the oil and gas inspector.

(Ord. No. 296, 25, 2-2-82; Ord. No. 494, 6, 10-19-93)

Sec. 16-28. Moving of drilling rig.

It shall be unlawful and an offense for any person to move or cause to be moved the drilling rig from a well until the hole has been cased or properly plugged unless written permission to do so is obtained from the oil and gas inspector.

(Ord. No. 296, 26, 2-2-82)

Sec. 16-29. Streets and alleys.

No well shall be drilled, and no permit shall be issued for any well to be drilled at any location, which is within any of the streets or alleys of the city. No street or alley shall be blocked or encumbered or closed in any drilling or production operation except with the written approval of the oil and gas inspector or city manager, and then only temporarily.

(Ord. No. 296, 27, 2-2-82)

Sec. 16-30. Flaring of gas.

All produced gas shall either be sold or flared with the flaring procedures being approved by the oil and gas inspector and the fire marshal.

(Ord. No. 296, 28, 2-2-82)

Sec. 16-31. Fracture and acidizing.

In the completion of oil and gas, injection, disposal or service well, where acidizing of fracturing processes are used, no oil, gas, or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters.

(Ord. No. 296, 29, 2-2-82)

Sec. 16-32. Swabbing and bailing.

In swabbing, bailing, or purging a well, all deleterious substances removed from the borehole shall be placed in appropriate tanks and no substances shall be permitted to pollute any surface or subsurface fresh waters.

(Ord. No. 296, 30, 2-2-82)

Sec. 16-33. Rupture in surface casing.

In the event a rupture, break or opening occurs in the surface or production casing, the permittee or the operator or drilling contractor shall take immediate action to repair it, and shall report the incident to the oil and gas inspector promptly.

(Ord. No. 296, 31, 2-2-82)

Sec. 16-34. Depositing oil products.

No person shall deposit, drain, or divert into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake, or lagoon, any oil or oily liquid with petroleum content or any mud, rotary mud, sand, water, or salt water, or in any manner permit by seepage, overflow, deliberate release or otherwise, any of such substances to escape from any property owned, leased, or controlled by such person and flow or be carried into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, within the city.

(Ord. No. 296, 32, 2-2-82)

Sec. 16-35. Water for muds.

In the event a freshwater supply well is drilled to provide for drilling muds, upon the completion of for which such well is required, such well shall be plugged by cementing top to bottom, after notice of intention to so plug is provided the oil and gas inspector, who may supervise the operation.

(Ord. No. 296, 33, 2-2-82)

Sec. 16-36. Service companies.

Upon request of the oil and gas inspector, service companies or other persons shall furnish and file reports and records showing perforating, hydraulic fracturing, cementing, shooting, chemical treatment and all other service operations on any site covered by this ordinance. Such furnished material shall remain confidential where such confidentiality is usually granted by the state. Failure to provide any such requested material shall be unlawful.

(Ord. No. 296, 35, 2-2-82)

Sec. 16-37. Accumulation of vapor.

The oil and gas inspector shall have the authority to require the immediate shutting in or closing of any well if he finds that there exists, within a one hundred foot radius of any well, any gas or gasoline vapor in a quantity sufficient to constitute, in his judgment, or in the judgment of the city fire marshal, a fire hazard. The well shall remain shut or closed in until the hazard and its cause are removed.

(Ord. No. 296, 36, 2-2-82)

Sec. 37-38. Inspection of pressure lines.

The oil and gas inspector shall inspect all pressure lines in use at any well or at any project to assure that tubing, fittings, equipment, or connections are reasonably tight, safe, and free from leaks.

(Ord. No. 296, 37, 2-2-82)

Sec. 16-39. Ingress and egress.

Lease roads shall be maintained in such a manner as to safely and comfortably allow for ingress and egress of city or state personnel traveling in a common passenger motor vehicle.

(Ord. No. 296, 38, 2-2-82)

Sec. 16-40. Conduits on streets and alleys.

(a) No permittee under this chapter shall make any excavations or construct any lines for the conveyance of fuel, water, or minerals, on, under, or through the streets and alleys of the city without first having obtained a permit therefore upon application to the city clerk.

(b) The city clerk shall prescribe the forms to be used for such application and the information to accompany it.

(c) Each application for a permit under this section shall be accompanied by a non-refundable filing fee in the amount established by resolution.

(d) The city manager shall, within twenty (20) days of receipt of the properly executed application, either grant or deny the request.

(e) The granting of any such permit shall not be construed to be the granting of a franchise.

(f) The permittee under this section shall pay to the city an annual renewal and inspection fee in the amount established by resolution.

(g) The city manager shall appoint a representative who shall inspect such conduits to assure the public safety. No permit issued under this section shall be renewed if the conduit or any part thereof covered by such permit is in unsafe condition.

(Ord. No. 296, 42, 2-2-82)

CHAPTER 17

PARKS AND RECREATION
DIVISION 1. IN GENERAL

Sec. 17-1. Enforcement.

The city manager, all police and peace officers and all city officials and employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. All such persons shall have the authority to eject from any park any person acting in violation of this chapter.

(Code 1976, § 7-4-5)

Sec. 17-2. Compliance.

No person shall refuse to leave any park or remain in any park during such hours as the park is closed for public use and occupancy or violate any of the provisions of the rules and regulations established by the city manager, issued pursuant to this chapter or refuse to obey any order or directive issued by the city manager, any peace officer or officer, official or employee of the city acting pursuant to the provisions of this chapter.

(Code 1976, § 7-4-6)

Sec. 17-3. Rules and regulations.

All persons using parks shall be bound by this chapter and such other rules and regulations as the city manager in his discretion may see fit to promulgate and shall be bound by all applicable ordinances as fully as though the same were inserted herein.

(Code 1976, § 7-4-4)

Sec. 17-4. General regulations for use of parks.

(a) Proposed activities in or use of parks shall not reasonably interfere or detract from the general public enjoyment of this park.

(b) The activities in and use of the parks must not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(c) The activities and the use of the parks shall not be of a nature reasonably anticipated to excite violence, crime or disorderly conduct.

(d) The proposed activities in and the use of the park shall not entail unusual, extraordinary or burdensome expense or police operation by the city.

(e) No person shall drive or maneuver across, or stop, stand, or park any vehicle on any unpaved surface located in a public park. The provisions of this subsection shall not apply to:

1) Vehicles used in conjunction with special events approved by the City,

2) Authorized emergency vehicles, or

3) Vehicles or machinery used in the construction or maintenance of a public park or used in the construction or maintenance of utilities running through or immediately adjacent to a public park.

4) The meaning of "*paved surface*" and *"vehicle"* shall be as defined by Section 13-228 of this code.

(f) It shall be unlawful for any person to drive or otherwise hit a golf ball in any public park, provided however, that this prohibition shall not apply to plastic "wiffle" balls that are commonly used for practice purposes.

(Code 1976, § 7-4-3) (Ord. No. 554, §1, 3-21-00; Ord. No. 571, §1, 10-16-01)
State law reference--Public parks and recreation generally, 11 O.S. § 33-101.

Sec. 17-5. Hours of park operation.

All public parks within the city shall be open and available for use by members of the public from sunrise until 10:00 p.m. each day except as hereinafter provided. The city manager, for good cause shown and in accordance with the standards of this article may extend hours of operation of any park or portion thereof for the purpose of recreational, religious, civic, charitable, benevolent, fraternal or other similar activities.

(Code 1976, § 7-4-1)

Sec. 17-6. Emergency closing of parks.

When an emergency exists that affects the health, safety and welfare of the city or the inhabitants thereof or the maintenance of order, safety and decency in any park, any section or part of any park, may be declared temporarily closed to the public by the city manager for such times or intervals of time as the city manager shall find reasonably necessary. Such closing will be a complete closing or may apply merely to certain uses as the city manager may determine.

(Code 1976, § 7-4-2)

Sec. 17-7. Sale of Low-Point Beer Prohibited.

It shall be unlawful for any person to sell low-point beer in any public park. For the purpose of this section *low-point beer* means and includes beverages containing more than one-half of one percent (.5%) alcohol by volume, and not more than three and two-tenths (3.2%) percent alcohol by weight, including, but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

(Ord. No. 674. §1, 09-18-2012)

DIVISION 2. PARK COMMISSION

Sec. 17-100. Created.

A Park Commission shall be created upon the appointment of Commissioners by the City Council.

(Ord. No. 617 §1, 6-20-2006)

Sec. 17-101. Membership.

(a) The Park Commission shall consist of five (5) members appointed by the city council, all of which shall reside in the city.

(b) Each member shall serve for a term of three (3) years without compensation.

(c) When the commission is first appointed, the terms of three (3) of the members shall be for three (3) years and two members (2) for two (2) years.

(d) Appointments to fill vacancies shall be for the un-expired terms only.

(e) The commission shall elect a chairman and vice-chairman from its membership and the chairman and vice-chairman shall each serve a one-year term.

(f) One member of the City Council shall serve as an *ex officio* member of the commission, but shall not have a vote on commission matters.

(g) If any commission member is absent without cause as defined by the city council for three (3) consecutive meetings, he shall, after notice, thereupon cease to be a commission member.

(Ord. No. 617 §1, 6-20-2006)

Sec. 17-102. Meetings.

(a) Three (3) members of the commission shall constitute a quorum for the transaction of business, provided, however, that no action shall be taken as binding upon the commission unless concurred in by not less than a majority of all the members present. All actions of the commission shall be reported to the council.

(b) The commission shall be subject to the open meeting laws of this state and all meetings, deliberations and voting of the commission shall be open to the public.

(c) The commission shall establish regular meeting dates for each calendar year as required by the open meeting act, but shall not be required to meet in the absence of business.

(d) The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the city clerk and shall be a public record.

(Ord. No. 617 §1, 6-20-2006)

Sec. 17-103. Duties and powers.

(a) The Park Commission shall prepare from time to time plans for the betterment of parks within city as places of recreation for residents of the city. It may consider and investigate any subject matter relating to the development and betterment of said parks, and make recommendations to the City Council as it may deem advisable concerning park policies, park improvements or beautification plans thereof. The necessary expenses incurred by the commission shall be approved in advance by the City Council and shall be paid out of the city treasury as other legal expenses of the city.

(b) The Park Commission shall be authorized to recruit volunteers, seek grants, and solicit donations for use in park improvements, provided however, that all funds received shall be deposited in a special project fund or funds created and administered by the city in accordance with applicable law.

(c) The Park Commission shall be authorized to establish, administer, and coordinate Adopt-A-Park programs as deemed appropriate by the commission.

(Ord. No. 617 §1, 6-20-2006)

CHAPTER 18
EMERGENCY MEDICAL SERVICES CODE

Sec. 18-100. DEFINITIONS
Sec. 18-101. MEDICAL DIRECTOR
Sec. 18-102. MEDICAL CONTROL BOARD
Sec. 18-103. EMERGENCY PHYSICIANS FOUNDATION
Sec. 18-104. EMERGENCY MEDICAL SERVICES AUTHORITY
Sec. 18-105. MANDATORY CENTRALIZED CALL PROCESSING
Sec. 18-106. MANDATORY EMS DATA SYSTEM AND REPORTING STANDARDS
Sec. 18-107. INSURANCE REQUIREMENTS
Sec. 18-108. SPECIALIZED MOBILE INTENSIVE CARE CERTIFICATIONS
Sec. 18-109. CLINICAL QUALITY OF AMBULANCE SERVICES
Sec. 18-110. AMBULANCE RESPONSE TIME PERFORMANCE REQUIREMENTS
Sec. 18-111. PROHIBITION AGAINST REFUSAL TO TRANSPORT
Sec. 18-112. FIRST RESPONDER AGENCY CERTIFICATION
Sec. 18-113. PROCEDURES FOR DENIAL, REVOCATION OR SUSPENSION OF A CERTIFICATION
Sec. 18-114. VIOLATIONS
Sec. 18-115. PENALTIES
Sec. 18-116. QUALITY ASSURANCE FEE
Sec. 18-117. AMBULANCE FEE
Sec. 18-118. SEVERABILITY
Sec. 18-119. REPEALER
Sec. 18-120. EMERGENCY

Sec. 18-100. Definitions. The following words, terms and phrases when used in this code, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Ambulance means any vehicle, which is designed and equipped to transport ill or injured persons in a reclining position to or from health care facilities.

B. Ambulance Response Time Standards means:

For the western division beneficiary jurisdiction and non-beneficiary jurisdictions:

Priority 1	8 minutes 59 seconds
Priority 2	12 minutes 59 seconds
Priority 3	60 minutes 0 seconds
Priority 4	20 minutes 0 seconds*

(* after agreed-upon pickup appointment)

For the Eastern division non-beneficiary jurisdictions:

Priority 1	11 minutes 59 seconds
Priority 2	12 minutes 59 seconds
Priority 3	60 minutes 0 seconds
Priority 4	20 minutes 0 seconds*

[* after agreed-upon pickup appointment]

C. Ambulance Service means a person or organization, governmental or private, which operates one or more ambulances as defined herein for purposes of transporting ill or injured patients in a reclining position to or from health care facilities.

D. Amended and Restated Trust Indenture means the Amended and Restated Trust Indenture for the Emergency Medical Services Authority dated March 23, 1990 and any amendments thereto.

E. Base Station Physician means a physician licensed to practice medicine in the State of Oklahoma, from whom ambulance and first responder personnel may take medical direction by radio or other remote communications device; and who has been certified by the Regional Medical Director as being knowledgeable of the EMS System's medical protocols, radio procedures, and the general operating policies of the EMS System.

F. Beneficiary Member Jurisdiction means the City of Tulsa, and the City of Oklahoma City.

G. Eastern Division means that portion of the Regulated Service Area, which is located east of Stroud.

H. Emergency Medical Services Authority (EMSA) means the trust established by the City of Tulsa, pursuant to 60 Okla., Statutes, 176, et seq., as amended and whose beneficiaries are, jointly, the City of Tulsa and the City of Oklahoma City, and which is established to provide ambulance services to the Cities of Tulsa, Oklahoma City, and other jurisdictions within the Regulated Service Area.

I. Emergency Call means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as Priority 1 or Priority 2, when classified in accordance with telephone algorithms and medical priority dispatch protocols approved by the Medical Control Board.

J. Emergency Medical Personnel means those persons who participate directly in the performance of one or more emergency medical services, as defined herein.

K. Emergency Medical Services (EMS) means the following prehospital and inter-hospital services:

1. **Access and Coordination.** The answering and processing of telephone requests from the public for ambulance or first responder services, and including EMS dispatching, emergency and routine; the giving of medical pre-arrival instructions to callers by telephone; but excluding the process of 911 complaint-taking when the caller is immediately transferred to an EMS Control Center;

2. **First Responder Services.** Those emergency services, excluding transportation, which are performed by a First Responder Agency certified by the Medical Director;

3. **Medical Transportation.** Ambulance services, both emergency and routine, including patient assessment, transportation, and medical procedures performed on-scene, enroute, during inter-facility transport, or at an emergency receiving facility when performed at the request of the receiving physician; and,

4. **On-line Medical Direction.** Instructions given by base station physicians to first responders or ambulance personnel at the scene of an emergency, while enroute to a hospital or during an inter-facility patient transfer.

L. Emergency Physicians Foundation (EPF) means that administrative agency established jointly by this and other jurisdictions, which have approved the EMS Interlocal Cooperation Agreement, pursuant to 74 Oklahoma Statutes, Sec. 1001, et seq., as amended and have adopted this Uniform Code for Emergency Medical Services.

M. EMS Control Center (or "Control Center") means either of two facilities operated by EMSA, one of which serves as central EMS communications center for the Eastern Division, and the other of which serves as central EMS communications center for the Western Division. EMSA may, at its option, consolidate the operations of the two EMS Control Centers to create a single EMS Control Center to serve the entire Regulated Service Area.

N. EMS Interlocal Cooperation Agreement means that certain Agreement of same title approved by the governing body of the beneficiary jurisdictions.

O. First Responder means any person, fire department unit, law enforcement unit, or non-transporting rescue unit capable of providing appropriate first responder service, excluding transportation, under the auspices of a Certified First Responder Agency.

P. Medical Control Board means that body of nine (9) physicians established jointly by this and other jurisdictions pursuant to the EMS Interlocal Cooperation Agreement and this Code for purposes of providing medical supervision, monitoring, and regulation of the Regional EMS System.

Q. Medical Director or Regional Medical Director means the licensed physician appointed by the Medical Control Board to perform the duties and responsibilities granted and ascribed to the Medical Director herein and in the EMS Interlocal Cooperation Agreement.

R. Medical Protocol means any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the Medical Director and approved by the Medical Control Board as the medically appropriate standard of pre-hospital care for a given clinical condition.

S. Member Jurisdiction means any municipality or EMS District which adopts and enforces this Code and which approves the EMS Interlocal Cooperation Agreement.

T. Mutual Aid Agreement means a written agreement between EMSA and a neighboring primary provider of Emergency Medical Service approved by the Medical Director as to its quality of care and medical accountability, whereby the signing parties agree to lend emergency aid to one another subject to conditions and terms specified in the agreement.

U. Non-beneficiary jurisdictions means jurisdictions that are not beneficiary jurisdictions as defined herein, including municipalities, counties, EMS districts, school districts, Indian Nations, or other legal entities that elect to contract with the trustees of EMSA in order to be included in the regulated service area.

V. Operations Contract means that contract awarded by EMSA by competitive bid award for provision of ambulance services throughout the Regulated Service Area.

W. Operations Contractor means the person or firm contracted by EMSA pursuant to the operations contract.

X. Patient means an individual who is ill, sick, injured, wounded, or incapacitated, and who is in need of, or is at risk of needing, medical care or assessment during transportation to or from a health care facility, and who is or should be transported in a reclining position, as determined in accordance with applicable provisions of the System Standard of Care.

Y. Person means and includes any individual, firm, association, partnership, corporation, or other group or combination acting as a unit.

Z. Presumptive Priority Classification means the designation by a system status controller (SSC) of a request for service as Priority 1, 2, 3, or 4, in accordance with telephone algorithms and medical priority dispatching protocols approved by the Medical Control Board.

AA. Priority means the call priority number (i.e., Priority 1, 2, 3, or 4) assigned to every request for service received by an EMS Control Center. Such priorities shall be assigned only by a certified SSC, pursuant to telephone algorithms and priority dispatch protocols established by the Medical Director and approved by the Medical Control Board. Classifications shall be consistent with the following definitions:

> **Priority 1 Call** means a presumptively classified life-threatening emergency call;
>
> **Priority 2 Call** means a presumptively classified non-life threatening emergency call,
>
> **Priority 3 Call** means a presumptively classified request for routine patient transport scheduled less than twenty-four (24) hours in advance of the requested time of pickup; or an unscheduled, non-emergency request for service and,
>
> **Priority 4 Call** means a presumptively classified request for routine patient transport scheduled twenty-four (24) hours or more in advance of the requested time of pickup.

BB. Quality Assurance Fund means the fund account which is established pursuant to the EMS Interlocal Cooperation Agreement and, concurrently, by adoption of this Code, and which is administered by EMSA on behalf of the Medical Control board, and which shall be used solely to fund the activities and related expenses of the Medical Control Board in carrying out its duties and responsibilities as set forth herein and in the EMS Interlocal Cooperation Agreement.

CC. Regional EMS System means that network of organizations, individuals, facilities, and equipment which provides emergency medical services, as defined herein, to jurisdictions within the Regulated Service Area, subject to the System Standard of Care approved by the Medical Control Board.

DD. Regulated Service Area means the combined area, which is contained within the boundaries of the municipalities and EMS Districts which have adopted and agreed to enforce this Uniform Code for Emergency Medical Services, and which have approved the EMS Interlocal Cooperation Agreement.

EE. Response Time--Ambulance means the actual elapsed time between receipt by the EMS Control Center of the call, and the arrival of a permitted ambulance or mutual aid ambulance (approved by the Medical Director) at the scene of the incident. For scheduled non-emergency [priority 4] requests, "scheduled time of pick-up" shall be substituted for the "time call received" in the response time calculation.

FF. Response Time--First Responder means the actual elapsed time between notification of the first responder agency by the EMS Control Center that a first response unit is needed at a given location, and the arrival of a first response unit at the incident scene.

GG. Routine Transport Call means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as Priority 3 or Priority 4, when classified in accordance with telephone algorithms and medical priority dispatch protocols approved by the Medical Control Board.

HH. Special Events Ambulance Standby Service means the positioning of an ambulance and crew at the location of a publicly or privately sponsored event.

II. Sub-area is a section of the eastern division's beneficiary jurisdiction or of the combined beneficiary and non-beneficiary jurisdiction in the western division drawn so as to divide the service area into three geographical areas for the purpose of equalizing response times within the area

JJ. System Standard of Care means the written body of standards, policies, and protocols governing all clinical aspects of the EMS system, which is approved by the governing bodies of the Beneficiary Member Jurisdictions, and which is developed and periodically updated in accordance with procedures set forth in the EMS Interlocal Cooperation Agreement. As used in this context, System Standard of Care is a comprehensive term including:

1. **Input Standards** including but not limited to personnel certification requirements, in-service training requirements, equipment specifications, on-board inventory requirements, and other requirements, which the system must fulfill before, receipt of a request for service,

2. **Performance Standards** including but not limited to medical priority dispatching protocols and pre-arrival instructions, medical protocols, standing orders, response time standards, protocols governing authority for on-scene control of patient care, and other performance specifications describing how the system should behave upon receipt of a request for service; and,

3. **Outcome Standards** including but not limited to target survival rates for certain narrowly defined presenting problems or presumptive diagnoses, such as witnessed cardiac arrests involving patients whose medical histories meet defined criteria. Outcome standards are results the system intends to achieve by meeting its input and performance standards.

KK. System Status Controller (SSC) means a person certified by the Medical Director as trained and competent to properly employ telephone algorithms, medical priority dispatching protocols, and pre-arrival instructions approved by the Medical Control Board, and to operate the EMS Control Center's computer-aided dispatch system in accordance with the System Status Plan, so as to maintain the best possible ambulance coverage of the Regulated Service Area, given the remaining resources available at any point in time.

LL. System Status Plan means the plan and protocols for staffing, deployment, and redeployment of ambulances which is developed and utilized by EMSA's operations contractor, and which specifies how many ambulances will be staffed and available within the Regulated Service Area each hour of the day, each day of the week, including the locations of available ambulances (not assigned to calls) within the Regulated Service Area, specified separately for each hour of the day, for each day of the week, and every remaining number of ambulances then-available in the system, and including protocols for event-driven re-deployment of those remaining ambulances.

MM. Western Division means that portion of the Regulated Service Area which is located west of Stroud, and which may include the City of Stroud subject to requirements set forth in the EMS Interlocal Cooperation Agreement.

Sec. 18-101. Medical Director. The Medical Director shall be appointed by the Medical Control Board as provided for in the EMS Interlocal Cooperation Agreement; shall recommend a System Standard of Care designed to achieve a state-of-the-art quality of emergency medical care within the Regulated Service Area; shall certify ambulances and personnel as meeting the requirements of this ordinance, and shall have those powers and duties granted and ascribed to him in the EMS Interlocal Cooperation Agreement, plus such additional powers and duties as are granted and ascribed to him herein.

Sec. 18-102. Medical Control Board. The Medical Control Board is hereby designated as the elected representatives constituting the Board of Directors of the EPF. Its members shall be appointed by the Emergency Physicians Foundation as provided for in the EMS Interlocal Cooperation Agreement. The Medical Control Board shall be the policy-making, rule-making, and fact-finding body of the EPF, and shall review and establish all aspects of the System Standard of Care; and shall have those powers and duties granted and ascribed to it in the EMS Interlocal Cooperation Agreement.

Sec. 18-103. Emergency Physicians Foundation (EPF). The Emergency Physicians Foundation, acting through its appointed Medical Control Board, is established, concurrently herewith, by adoption of the EMS Interlocal Cooperation Agreement as the administrative agency to oversee clinical aspects of the care rendered by the Regional EMS System to the citizens of the Regulated Service Area. The EPF shall have the powers and duties granted and ascribed to it in the EMS Interlocal Cooperation Agreement.

Sec. 18-104. Emergency Medical Services Authority (EMSA). EMSA is hereby designated as the sole provider of emergency and routine ambulance transport within the Regulated Service Area, pursuant to 60 O.S. § 1-2415, et seq. seq. No person or entity may provide emergency, routine or special events ambulance services in the regulated service area unless acting as EMSA's operations contractor. EMSA is authorized and directed to take such steps as are necessary to ensure the availability of both emergency and routine ambulance services within the regulated service area, subject to the following requirements:

A. EMSA shall at all times comply with the terms of: the EMS Interlocal Cooperation Agreement, the Amended and Restated Trust Indenture, this uniform Code for emergency medical services, and all other applicable laws, rules, and regulations;

B. Except during emergencies as provided by law, EMSA shall at all times employ a competitively selected operations contractor who shall operate the EMS Control Centers (Eastern and Western Divisions) and directly provide all ambulance services rendered under EMSA's trade name,

C. In contracting for the provision of ambulance services, EMSA shall employ such bidding processes and contracting methods as are reasonable and effective in ensuring the uninterrupted and reliable delivery of quality ambulance services to the citizens of the Regulated Service Area,

D. All services provided by EMSA through its operations contractor or, in the event of an emergency directly by EMSA, shall meet or exceed the standards set forth herein and in the System Standard of Care, as approved and periodically updated by the Medical Control Board; and,

E. EMSA's operations contractor shall operate as a subcontractor to EMSA and under EMSA's state EMS permit. EMSA shall maintain a valid Oklahoma State EMS permit at all times.

Sec. 18-105. Mandatory Centralized Call Processing.

A. All telephone requests for Ambulance Services, both emergency and routine, originating within the Regulated Service Area shall terminate at an EMS Control Center, where a certified system status controller (SSC) shall establish the call's Priority classification, determine the patient's location, and if appropriate, deliver pre-arrival instructions. The SSC shall also determine the need for first responder service; alert the first responder agency if appropriate; and directly dispatch the call.

B. During times of disaster or severe EMS system overload, declared by the President of EMSA or his designee, the EMS control center shall at all times have full authority to direct the positioning, movements, and run responses of all ambulance units of all ambulance services until such time as the declaration has been lifted.

C. All calls processed by an EMS control center shall be recorded to facilitate subsequent auditing of the SSC's actions and decisions by the Medical Director, and all such recordings shall be safely stored and shall be erased after an appropriate interval or as provided by law.

Sec. 18-106. Mandatory EMS Data System and Reporting Standards.

A. EMSA's operations contractor and every Certified First Responder Agency, shall comply with EMS data system and reporting standards as prescribed by the Medical Director; provided, however, that changes in data collection or reporting requirements which may reasonably be expected to require costly modification of existing computer hardware or software shall be approved by EMSA prior to implementation.

Sec. 18-107. Insurance Requirements.

A. EMSA's operations contractor shall keep in full force and effect a policy or policies of public liability and property damage insurance, executed by a financially stable insurance carrier[s] acceptable to EMSA and licensed or permitted to write insurance by the Oklahoma Insurance Commission, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the operation of EMSA's ambulances, and providing that amount of recovery shall be in limits of not less than the following sums:

1. Commercial general liability insurance including but not limited to commercial owner and contractor protection, operational products, completed operations, property and personal injury with limits of not less than $1,000,000.00 per occurrence; and $2,000,000.00 aggregate. Coverage shall be on an occurrence basis.

2. Workers compensation coverage to statutory limits as required by law; employer's liability insurance of not less than $1,000,000.00 bodily injury by incident; and, $1,000,000.00 bodily injury by disease for each employee.

3. Comprehensive automobile liability covering all vehicles used by the operations contractor, including owned, hired, and non-owed vehicles, with minimum limits of $1,000,000.00 combined single limit for bodily injury [including death] per occurrence, and property damage of not less than $1,000,000.00 per occurrence.

4. Automobile physical damage insurance for comprehensive and collision covering all vehicles provided by EMSA and used under this contract.

B. EMSA's operations contractor shall keep in full force and effect a general comprehensive liability and professional liability policy or policies issued by a casualty insurance company licensed or permitted to write insurance by the Oklahoma Insurance Commission, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the actions of the operations contractor or any of his employees, and providing that the amount of recovery shall be in limits of not less than the following sums:

1. Professional medical liability insurance including errors and omissions with minimum limits of $1,000,000.00 per occurrence and $2,000,000.00 annual aggregate.

2. "Umbrella" coverage in the amount of at least $5,000,000.00 shall be provided as additional coverage to all underlying policies.

C. EMSA's operations contractor shall furnish to EMSA, an original and duplicate certificates of insurance, which shall indicate the types of insurance, the amount of insurance and the expiration dates of all policies carried by the Ambulance Service. Each certificate of insurance shall name all jurisdictions in the regulated service area as an additional named insured, and shall contain a statement by the insurer issuing the certificate that the policies of insurance listed thereon will not be cancelled or materially altered by the said insurer absent sixty (60) days written notice received by all Jurisdictions.

D. Self-insurance programs must meet and comply with all applicable laws and regulations; be reasonable and limited to an amount of potential fiscal liability, which would; if realized, not impair the operations contractor's ability to perform under the contract, and offer coverage to that required in Sec. A through C above.

Sec. 18-108. Specialized Mobile Intensive Care Certification. Any hospital shall be eligible to apply to the Medical Control Board for a certification to operate a

specialized mobile intensive care unit, which unit shall be used solely for inter-hospital transport of patients requiring specialized enroute medical monitoring and advanced life support, which exceed the capabilities of the equipment and personnel on board a paramedic ambulance. Such certification shall be subject to review every two years. Failure by the holder of such certification to limit the vehicle to inter-hospital transports of the types of patients specified within the certification shall constitute grounds for revocation of the certification.

Sec. 18-109. Clinician Quality of Ambulance Services. Every ambulance responding to a Code 1, 2, 3, or 4 call at any location within the Regulated Service Area shall be equipped, staffed, and licensed to operate at the EMT-Paramedic level.

Sec. 18-110. Ambulance Response Time Performance Required.

(A) EMSA's Operations Contractor shall employ sufficient personnel, acquire sufficient equipment and manage its resources as necessary to achieve the following response time standards on all emergency and routine transports originating within the Regulated Service Area.

1. Response Time Standards for the Non-Beneficiary Member Jurisdictions of the Western Division (except the City of Edmond): On the effective date of this Code, subject only to the exemptions set forth in Section 110, Subsection (b), below, the following standards of response time reliability shall be applicable to all patient transports originating within a Non-Beneficiary Member Jurisdiction in the Western Division (except the City of Edmond):

Priority 1 and 2 Standard	75% minimum during each month in each individual Non-Beneficiary Member Jurisdiction (except the City of Edmond) for Priority 1 and Priority 2 transports combined, and a 90% minimum during each month for combined Priority 1 and Priority 2 transports within the combined Non-Beneficiary Jurisdiction (except the City of Edmond)
Priority 3 Standard	90% reliability or better during each month
Priority 4 Standard	90% reliability or better during each month

2. Response Time Standards for the non-beneficiary member jurisdictions of the eastern division. On the effective date of this Code, subject only to the exemptions set forth in Sec. 111, Subsection (b) below, the following standards of response time reliability shall be applicable to all patient transports originating within the non-beneficiary member jurisdiction in the Eastern Division:

Priority 1 and 2 standard	75% minimum during each month in each Individual non-beneficiary member jurisdiction priority 1 and priority 2 transports combined, and a 90% minimum during each month for combined priority 1 and 2 transports within the combined non-beneficiary jurisdictions.
Priority 3 standard	90% reliability or better during each month
Priority 4 standard	90% reliability or better during each month

(a). Three sub-areas will be defined by EMSA in the area comprising the Eastern Division beneficiary jurisdiction and three in the combined beneficiary and non-beneficiary jurisdictions of the Western Division for compliance measurement for priority 1 transports. The operations contractor shall use best efforts to ensure response time equity for priority 1 transports among the sub-areas, keeping response times in each sub-area within 15% of the compliance required for the entire jurisdiction. Variations of more than 15% from the jurisdiction standards within the same sub-area for more than three consecutive months, or more than 6 months during any 12-month period, shall be considered chronic response time discrimination. Provided, however, that in the event the volume of priority 1 transports in any sub-area during any month is less than 100, sufficient additional priority 1 transports shall be added from the sub-area, in sequential order from one or more months immediately preceding, to that month's sub-area statistics so that the total volume of priority 1 transports included in the calculation is 100.

(b) Response time exceptions. The operations contractor shall maintain mechanisms for reserve production capacity to increase production should a temporary system overload persist. However, it is understood that from time to time unusual factors beyond the contractor's reasonable control affect the achievement of specified response time standards. These unusual factors are limited to unusually severe weather conditions, declared disasters, or period of unusually high demand for emergency services. High demand is defined as those periods when 14 or more emergency responses within the beneficiary jurisdiction are in progress simultaneously. Equipment failure, traffic congestion, ambulance failure, dispatch error or other causes shall not be grounds for granting an exception to compliance with the response time standard.

Sec. 18-111. Prohibition against Refusal to Transport. It shall be a violation of this Code for EMSA's operations contractor to fail to respond to a call or to transport or to render emergency medical patient assessment and treatment, as appropriate, or to otherwise refuse or fail to provide any ambulance services originating within the Regulated Service Area because of the patient's perceived, demonstrated or stated inability to pay for such services, or because of the location of the patient within the Regulated Service Area or because of the unavailable status or the location of any ambulance unit at the time of the request.

Sec. 18-112. First Responder Agency Certification. Any person or agency providing first responder services within this jurisdiction shall be certified by the Medical Director as a first responder.

Sec. 18-113. Procedures for Denial, Revocation or Suspension of a Certification. For any proposed denial, suspension or revocation of a certification issued pursuant to this uniform code for emergency medical services, the following standards, which shall not be less than those standards contained in the Health Care Quality Improvement Act of 1986, 42 U.S.C. 11112, or less than any standards contained in applicable Oklahoma Statutes or applicable Oklahoma case law, shall apply. Such procedures in any event, shall contain at least the following:

A. Written notice of the charges pending against the person or entity whose certification may be suspended or revoked,

B. A right to an appeal, requested in writing within thirty (30) days of any adverse action by the Medical Director to the Medical Control Board;

C. The right to a de novo hearing on any adverse action by the Medical Control Board conducted by an impartial and independent hearing officer, including a right to cross-examine witnesses, and to present witnesses and evidence on the person's own benefit, provided such hearing is requested in writing within thirty, (30), days.

Sec. 18-114. Violations.

A. It shall be unlawful and an offense for any person to commit any of the following acts:

1. To perform or permit anyone to perform duties as an ambulance driver, attendant (EMT-Basic, EMT-D, or Paramedic), system status controller, or first responder without a complying with the terms of this chapter, or for any EMT-Paramedic to seek or accept medical direction by radio contact from anyone who is not a certified base station physician, as defined herein.

2. To use, or cause to be used, an ambulance service other than an EMSA's operations contractor, except for those services described in Paragraph (B) of this Section 114,

3. For any person, firm or organization to respond to emergency calls originating within the Regulated Service Area, other than EMSA's operations contractor,

4. For any person, firm or organization to provide special events ambulance standby service within the regulated service area, other than EMSA's operations contractor.

5. For any person, firm or organization to respond to routine transport calls originating within the regulated service areas other than EMSA's operations contractor.

6. To knowingly give false information to induce the dispatch of an ambulance, or first responder unit.

B. It shall not be a violation of this Code, if the vehicle or ambulance is:

1. A privately owned vehicle not used in the business of transporting patients who are sick, injured, wounded, incapacitated or helpless;

2. A vehicle rendering services as an ambulance in the event of a major catastrophe or emergency when ambulances with certifications based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed,

3. An ambulance owned or operated by, or under contract with, the federal or state government.

4. An ambulance transporting a patient to a location within the Regulated Service Area, which transport originated from a point outside the Regulated Service Area;

5. An ambulance responding to a call pursuant to a Mutual Aid agreement with EMSA's operations contractor;

6. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home or free-standing dialysis center (i.e., a dialysis center not located on hospital grounds) which is located within the Regulated Service Area to any jurisdiction outside the Regulated Service Area (the "receiving jurisdiction"), if the receiving jurisdiction allows EMSA's operations contractor to lawfully engage in

routine transport calls to transport patients from hospitals, nursing homes, and free-standing dialysis centers located within that receiving jurisdiction to destinations within the Regulated Service Area.

7. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or freestanding dialysis center located within the Regulated Service Area to any unincorporated area.

8. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or freestanding dialysis center located in either the Eastern or Western Division of the Regulated Service Area, to a destination in the other division of the Regulated Service Area.

9. A vehicle engaged in the interstate transport of a patient.

Sec. 18-115. Penalties.

A. Any person convicted of violating any of the provisions of this Code shall be guilty of a Class A Offense and punished by fine and costs not to exceed the sum of $500 and/or imprisonment for a period of not more than 6 months.

B. Each day that any violation of the provisions of this Code is committed or permitted to continue shall constitute a separate offense.

Sec. 18-116. Quality Assurance Fee. EMSA shall pay a monthly medical quality assurance fee, as determine by the Medical Control Board and approved by the beneficiary member jurisdictions. The monthly fee shall be equal to one-twelfth of the annual EPF budget approved by the beneficiary jurisdictions. The fee may be recalculated every July using the same formula. Such fee shall be paid to the quality assurance fund of the Medical Control Board. The fee shall be paid during each calendar month within thirty [30] days after the end of the month.

Sec. 18-117. <u>Ambulance Fee.</u>

1. **Finding of Fact**. The City of The Village makes the following findings of fact:

    a. Ambulance service has been provided to citizens of The Village by EMSA since November 2003.

    b. EMSA's service to the City of The Village has been provided free of cost to the City.

c. EMSA has notified the City of The Village that its service is losing money and the service will require the payment of a subsidy to continue providing service to The Village.

d. The City of The Village has determined that contracting for ambulance services, and continuing its contract with EMSA, is the most cost effective means of providing emergency medical services to the citizens of The Village.

2. **Service Charge**: The service charge shall mean the fee levied within the corporate limits of the City for providing the ambulance service program. The fee shall be levied on each (1) residential occupancy meaning each property designed and used primarily and principally as a residential single-family dwelling, duplex, or apartment unit, and (2) each commercial occupancy meaning any property designed and used primarily and principally for an individual business. The tenant or owner, whether a person, firm, or corporation, of any residential or commercial property shall be liable for the payment of the service charge.

3. **Rate Schedule**. The monthly service charge shall be established by Resolution of the City Council.

4. **Collection of Service Charge**. The service charge herein established by the City for the ambulance service shall be billed to each residential and commercial utility account as an additional itemized amount on the City's regular utility bill for sanitation and sewer services.

5. **Late Fees:** An additional fee in the amount of ten (10%) percent of the outstanding balance shall be added to the amount due for ambulance services if said charges are not paid by the day of the month on which payment is due.

6. **Termination**: The billing clerk is hereby authorized to terminate garbage and sewer services for non-payment of the ambulance service fee. In addition to termination of services, the City of The Village reserves the right to pursue any and all remedies under the laws of the state of Oklahoma.

7. **Penalty:** Failure to pay the service charge as provided in this section shall be a Class B Offense punishable by a fine of $200.00.

(Ord. No. 393, §2, 07-06-2004)

Sec. 18-118. <u>Severability</u>. If any section, subsection, sentence, clause, phrase, or portion of this Code is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions of this Code. (Ord. No. 393, §2, 07-06-2004)

Sec. 18-119. **Repealer.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. No. 393, §2, 07-06-2004)

Sec. 18-120. **Emergency Clause.** An emergency is hereby deemed and declared to exist whereby it is necessary for the preservation of the public health, safety and welfare of the inhabitants of the City of The Village that this Ordinance take effect immediately from and after its approval. (Ord. No. 393, §2, 07-06-2004)

CHAPTER 19

POLICE

Art. I. In General, §§ 19.1--19-20
Art. II. Stolen or Unclaimed Property, §§ 19-21--19-23

ARTICLE I. IN GENERAL

Secs. 19-1--19-20. Reserved.

ARTICLE II. STOLEN OR UNCLAIMED PERSONAL PROPERTY

Sec. 19-21. Police record.

(a) All personal property which has been found, stolen, or taken from the possession of any prisoner or person suspected of or charged with a crime which comes into the possession of any police officer and is not known to belong to some person laying claim thereto shall be delivered to the chief of police by the police officer who came into possession of the personal property. The chief of police shall make record in a record book to identify the property with the date and the circumstances and the receipt thereof, the name of the person from whom it was taken, and the place where it was found.

(b) The personal property record provided for in this section shall disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser and the amount for which it was sold; or the date of delivery to a city department, the name of the department and the name of the supervisor of the department; or the date, place and method of its destruction and the name of two (2) officers witnessing the destruction; or the date of the delivery to the next of kin or legally appointed representative of a deceased person, and the name and address of the next of kin or legal representative.

(Ord. No. 298-A, §§ 3, 4, 8-3-82)

Cross references--Private security officers, § 11-201 et seq. Offenses against public authority, § 12-16 et seq.; Motor vehicles and traffic, Ch. 13.

State law reference--Police department generally, 11 O.S. § 34-101 et seq.

Cross reference--Stolen vehicles, § 15-39.

Sec. 19-22. Disposition.

(a) The chief of police is authorized to dispose of personal property or legal tender as provided by 11 O.S. §34-104, as amended.

(b) Any unclaimed personal property, other than animals, which has remained in the possession of the chief of police for a period of ninety (90) days and is in the nature of contraband, or is property which would constitute a health hazard if stored for a long period, or is an unsafe or illegal weapon or is a partially filled container of liquor or beer, or cannot be sold, or cannot be used by any department of the city, or is of trivial value in the opinion of the chief of police, shall be destroyed on order of the chief of police. The destruction of any personal property under the provisions of this section shall be witnessed by at least two (2) members of the city police department and these witnesses must sign a certificate of destruction which shall list all property destroyed, a general description of same, the date, time, place, and manner of destruction.

(c) 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 to the effect that he is the person entitled to possession of said property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this section.

(Ord. No. 298-A, §6, 8-3-82; Ord. No. 556, 7-18-00)

Sec. 19-23. Retention of records.

Unless otherwise specified, all records of property under this article shall remain on file for a period of five (5) years.

(Ord. No. 298-A, §6, 8-3-82)

CHAPTER 20

SIGNS

ARTICLE I. IN GENERAL

Sec. 20-1. 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 indicates a different meaning:

Portable sign includes but is not limited to, removable signs placed in or on any pick-up truck or other such vehicle. "Portable sign" does not include signs carrying the name of a business painted on or attached to the sides of trucks or cars.

Sign means any cloth, card, paper, metal, printed, glass, wooden, plastic, plaster, stone sign, banner or other sign, device, or structure of any character whatsoever, including but not limited to statuary, placed outdoors for advertising purposes on the ground or in any tree, wall, bush, rock, post, fence, building or structure. "Sign" does not include balloons, flags, streamers, or similar type devices unless such are inscribed with any logo or advertisement.

Editor's note: Section 4 of Ordinance 464 provided for an effective date of 1/2/92 for revisions to this definition.

Sign square footage means the area of sign or banner calculated by the length of the sign times the height of one side of the sign or banner.

(Code 1976, §§14-1-1, 14-1-15 Ord. No. 245, §1, 11-7-78 Ord. No. 464, Section 1, 12-3-91)

Sec. 20-2. Billboards, portable and temporary signs Compliance.

(a) No billboards, portable signs, temporary signs, or any other signs except those specifically enumerated under the terms of this chapter shall be permitted.

Code 1976, §§14-1-15 Ord. No. 466 §1, 2-4-92)

Sec. 20-3. Preexisting signs.

A nonconforming sign existing on June 29, 1976, may be continued and maintained. However, such sign may not be altered, added to, or enlarged in any manner or moved in whole or in part to another location unless a sign permit as provided for in this chapter has been issued. In the event a sign is damaged to the extent of more

than forty (40) percent of its actual cash value, or is removed for whatever reason or destroyed it shall not be restored or replaced except after securing a sign permit as provided for in this chapter.

(Code 1976, § 14-1-23)

Cross references--Building and building regulations, Ch. 6 Christmas tree sale signs, § 11-332 signs constituting nuisance, § 15-2(b) planning and development, Ch. 18 zoning, Ch. 24.

Sec. 20-4. Permit.

(a) It shall be unlawful for any person to erect or install any sign or change the fascia of a sign until a sign permit has been secured from the city. This section does not apply to banners, political signs, for sale, lease or rent signs, or other temporary signs permitted by this chapter.

(Ord. No. 466, §2, 2-4-92)

(b) At the time an application for a permit for signs exceeding sixteen (16) square feet is submitted, it must be accompanied by one (1) set of prints sealed by a professional engineer registered in the state certifying to the structural qualities of the proposed sign.

(c) No permit for a business or shopping center sign shall be issued except to the owner of record of said property.

(d) Prior to the issuance of a sign permit, a fee in the amount established by resolution shall be paid to the city.

(Code 1976, § 14-1-19, 14-1-21, 14-1-22, 14-1-25 Ord. No. 255, § 1, 4-17-79 Ord. No. 466, §2, 2-4-92; 2004 City Code)

Sec. 20-5. Churches, Schools, YMCA, Fraternal Organizations.

Every church, school, YMCA, and fraternal organization will be permitted to construct two (2) signs on their property which signs combined shall not exceed one hundred (100) square feet in area.

(Code 1976, § 14-1-2 Ord. No. 407, § 1, 5-17-88 Ord. No. 465, § 1, 1-23-92)

Sec. 20-6. Civic clubs.

All civic clubs or fraternal organizations shall be permitted to erect one (1) sign near the city limits of each main thoroughfare which individual signs shall not exceed twelve (12) square feet in area. "Civic club" or “fraternal organization” means any recognized group, which has an established membership and regular meetings in the

city. (Code 1976, § 14-1-3)

Sec. 20-7. Leasing and for sale signs for housing developments.

(a) Areas being developed in new housing or apartments will be permitted a maximum of two (2) advertising signs per development with the maximum size of any one (1) sign being three hundred (300) square feet in area. In the event two (2) signs are placed in such new housing development, the total square footage of both signs shall not exceed three hundred (300) square feet. Such signs shall be permitted to stand for a total period of eighteen (18) months after being erected or until eighty-five (85%) percent of the property involved is sold, leased or rented, whichever period shall be longer. For the purposes of this section of this ordinance, new housing development areas shall be construed to mean an area of a minimum size of five (5) acres.

(Code 1976, §14-1-4 Ord. No. 548, § 2, 7-20-99)

Sec. 20-8. Apartments, Assisted Living Centers and Planned Unit Developments.

(a) Apartment houses or complexes shall be permitted one (1) pole sign not to exceed one hundred (100) square feet in area per face and thirty (30) feet in height. In lieu of a pole sign, apartment houses, or complexes shall be permitted one sign mounted on the building not to exceed one hundred (100) square feet in area.

(b) Apartment houses or complexes, planned unit developments and assisted living centers shall be permitted one monument sign on each abutting street. Monument signs shall not exceed twelve (12') feet in height and the fascia of each side of a permitted monument sign shall not exceed sixty (60) square feet in area.

(c) Non-illuminated directional and informational signs shall be permitted within apartment complexes, assisted living centers and planned unit developments to designate traffic flow, building identification, and on site services. Such signs may include a company logo but shall not exceed ten (10') feet in height and twelve (12') square feet in area per face.

(Code 1976, § 14-1-10 Ord. No. 535, §1, 5-5-97 Ord. No. 548, §2, 7-20-99)

Sec. 20-9. Shopping centers.

(a) *"Shopping center"* means a developed business area consisting of at least two and one-half (2-1/2) acres and containing two or more businesses under separate ownership.

(b) *"Main thoroughfare"* means Britton Road, Pennsylvania Avenue, May Avenue, and Hefner Road.

(c) When a shopping center is intersected by a main thoroughfare and if there is a developed business area consisting of at least two and one-half (2 1/2) acres on each side of said thoroughfare, then the shopping center on each side of the thoroughfare shall be considered a separate shopping center.

(d) Areas under development as a shopping center will be permitted a maximum of two (2) signs per development with the maximum size of any one (1) sign being two hundred (200) square feet in area. If two (2) signs are placed in the new commercial development area or shopping center, the total square footage for both signs shall not exceed two hundred (200) square feet. Such signs shall be permitted to stand for a total period for eighteen (18) months after erection or until seventy-five (75) percent of the property involved is sold, leased, or rented, whichever period shall be longer.

(e) A shopping center abutting a main thoroughfare shall be permitted one (1) pole sign not exceeding four hundred and twenty-five (425) square feet in area.

(f) A shopping center abutting two (2) main thoroughfares, shall be permitted one (1) pole sign not exceeding four hundred and twenty-five (425) square feet in area on each abutting thoroughfare.

(g) The owner or authorized representative of a shopping center may designate one (1) store in the shopping center as the "anchor store" for the shopping center. An anchor store may have one (1) pole, or monument sign not exceeding one hundred and twenty-five (125) square feet in area. In addition to the name of the anchor store, the sign may contain the name of two additional businesses provided said businesses are located in the same structure as the anchor store and provided any such sign does not exceed sixty percent (60%) of the square footage of the designated anchor store sign. In no instance shall the total combined square footage of all signs placed on an "anchor store" sign exceed one hundred and twenty-five (125) square feet in area. An anchor store sign may not be located closer than one hundred (100) feet from the main shopping center sign.

(h) If a shopping center contains a detached building that is structurally not part of the main shopping center and the detached building has frontage on a main thoroughfare, the detached building may have one (1) pole sign not exceeding seventy-two (72) square feet in area and not more than twelve (12) feet in height. A detached building pole sign may not be located closer than fifty feet (50) from the main shopping center sign or an anchor store sign.

(Code 1976, §§ 14-1-5--14-1-7; Ord. No. 568, §1, 5-15-01)

Sec. 20-10. Miscellaneous commercial developments.

(a) Areas commercially developed containing more than one (1) business immediately abutting each other but not qualifying as shopping centers and which areas contain one (1) acre or less shall be permitted one (1) sign containing the name of said businesses not to exceed a total of one hundred seventy-five (175) square feet, which sign may contain the names of the businesses represented in the area, with the name of no business occupying more than one hundred (100) square feet. Areas commercially developed containing more than one (1) acre but less than two and one-half (2 1/2) acres shall be permitted one (1) sign not to exceed two hundred twenty-five (225) square feet, which sign may contain the names of the businesses represented in the area with the name of no business occupying more than one hundred (100) square feet.

(b) Commercial, retail, professional, or office buildings which are not attached to or do not immediately abut another commercial, retail, professional or office building shall be permitted one (1) permanent pole sign not to exceed one hundred sixty (160) square feet in area if it has an entrance thereto on one (1) main thoroughfare. Commercial, retail, professional, or office buildings with entrances on two (2) main thoroughfares shall be permitted one (1) permanent pole sign not exceeding one hundred sixty (160) square feet in area on each main thoroughfare. For the purpose of this section, main thoroughfare shall mean Britton Road, Hefner Road, May Avenue or Pennsylvania Avenue."

(Code 1976, §§ 14-1-18, 14-1-9 Ord. No. 555, §1, 6-20-00)

Cross references--Garage sale signs, § 14-244 home occupation signs, and § 24-157.

Sec. 20-11. Service stations.

(a) A service station shall be permitted one (1) permanent pole sign not to exceed one hundred sixty (160) square feet in area if it has an entrance thereto on one (1) main thoroughfare. Service stations with entrances on two (2) main thoroughfares shall be permitted one (1) permanent pole sign not exceeding one hundred sixty (160) square feet in area on each main thoroughfare. For the purpose of this section, main thoroughfare shall mean Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue.

(Code 1976, §14-1-11 Ord. No. 466, §3, 2-4-92)

(b) In addition to the signs permitted in Subsection (a) above, each service station shall be permitted to erect signs on the main building, accessory buildings, or canopies provided, however, that the combined area of all such signs shall not exceed one hundred seventy five (175) square feet and no sign or combination or signs shall exceed twenty (20%) percent of the wall area on which it is

placed.

(Ord. No. 466, §2, 2-4-92)

Sec. 20-12. Signs mounted on buildings.

In addition to signs authorized in sections 20-9 and 20-10, the following signs mounted on buildings shall be permitted:

(a) Commercial establishments located in a separate detached building and under single occupancy shall be permitted signage not to exceed a combined total of four hundred and twenty five (425) square feet or twenty (20%) percent of the square footage of the front of the building, whichever is less. Such signage may be placed on any side of the building or combination thereof. For the purpose of computing such percentage, no portion of the front of a building shall be over twelve (12) feet in height.

(b) Each commercial establishment located in a building under multiple occupancy shall be permitted signage not to exceed a total of four hundred and twenty five (425) square feet or twenty (20%) percent of the square footage of the establishment's storefront, whichever is less. For the purpose of computing such percentage, no portion of the storefront shall be over twelve (12) feet in height. Establishments in this class having store frontage on multiple sides of a building shall be allowed to place signage on any side of the building or combination thereof, provided that the total signage shall not exceed four hundred and twenty five (425) square feet or twenty (20%) of the largest store front, whichever is less. Commercial establishments in this class may authorize another business establishment in the same building to use all or a portion of its permitted signage, provided that in no case shall the total signage for any one business exceed four hundred and twenty five (425) square feet.

(c) Commercial establishments, which exceed fifty-thousand square feet in gross floor area shall be permitted five hundred and fifty-five (555) square feet of signage per elevation but not to exceed a total of two thousand two hundred and twenty (2,220) square feet. Up to four hundred and seventy five (475) square feet of this signage may extend above the parapet wall of the building to a height of forty (40) feet above the finished elevation of the building. A sign extending above the height of the parapet wall shall be in lieu of a pole sign as permitted in Section 20-9 of this chapter. Commercial establishments, which exceed fifty-thousand square feet in gross floor area shall also be permitted one (1) monument sign with a fascia not exceeding forty (40) square feet in area. (Ord. No. 689 §1, 03-04-2014)

(Ord. No. 540, §1, 6-16-98; Ord. No. 582 §1, 12-17-02; Ord. No. 689 §1, 03-04-2014)

Sec. 20-13. Political signs.

No political signs may be placed on any easement, utility pole, or other public property. Political signs may be placed or erected on private property with the permission of the owner of the property.

(Code 1976, §§ 14-1-13, 14-1-20 Ord. No. 542, §1, 11-3-98)

Sec. 20-14. Rotating, moving, spinning, or sound emitting signs.

1. It shall be unlawful for any person to erect, construct or maintain any pole sign or any other sign or electronic message display which consists of any movable part or parts or which is of a spinning, rotating, or whirling type.

2. It shall be unlawful for any person to erect, construct or maintain any sign that emits any sound, which is designed to attract attention.

(Code 1976, §14-1-16, 14-1-24 Ord. No. 466 §4, 2-4-92 Ord. No. 555, §2, 6-20-00 Ord. No. 565, §1, 2-6-01, 2008 Code)

Sec. 20-15. Maintenance and location generally.

All signs of every type erected under the provisions of this chapter must be maintained in a neat condition and free from scaling paint and rust. All signs must be placed back of the front property line and may not be placed on or overhanging the street or any easement.

(Code 1976, §§ 14-1-16, 14-1-24)

Sec. 20-16. Height obstruction of traffic.

All signs must not exceed thirty-five (35) feet maximum height and must be constructed so that there will be no visual obstruction to any vehicular traffic.

(Code 1976, § 14-1-17 Ord. No. 555, §3, 6-20-00)

Sec. 20-17. Real estate signs.

For sale, lease or rent signs shall be permitted in residential and commercially zoned districts. Except as may otherwise be permitted in Sections 20-7, 20-9(a) and 20-10 of this chapter, no for sale, lease, or rent sign shall exceed ten (10) square feet in area and not more than one (1) such sign shall be permitted for each hundred (100) feet of frontage.

(Code 1976, §14-1-20, Ord. No. 466, §5, 2-4-92)

Sec. 20-18. Wind resistance other technical requirements.

All signs permitted under this chapter must be constructed as to withstand wind velocities of at least one hundred (100) miles per hour and any other requirement made by the city engineer based on sound engineering practices. (Code 1976, § 14-1-18)

Sec. 20-19. Banners.

(a) In addition to the signs permitted by this chapter, each business, church, school, YMCA, or fraternal organization shall be permitted to place two (2) temporary banners on the property on which the business, church, school, YMCA, or fraternal organization is located for the purpose of advertising a grand opening, sale or special event. Such banners shall be placed in accordance with the following regulations:

(1) Banners permitted by this section may be on a building, fence or may be freestanding.

(2) No banner shall be permitted on the rear of a building.

(3) No banner shall exceed 20% of the square footage of the wall or fence on which it is placed.

(4) Freestanding banners shall not exceed 20% of the square footage of the wall or fence in front of which it is placed.

(5) Banners advertising a grand opening shall be removed thirty (30) days after the date on which the occupancy permit was issued for the business. When a business changes name and no new occupancy permit is issued for the business, banners shall be removed thirty (30) days after the new business sign has been installed.

(6) Banners advertising sales or special events shall be removed within three (3) days after the end of the sale or special event.

(7) Banners shall be maintained in good condition at all times and shall not be displayed on the right of way or in a manner that creates a sight restriction for motorists or a hazard to the public.

(Ord. No. 464, § 2, 12-3-91 Ord. No. 487, § 1, 6-15-93)

Editor's note: Section 4 of Ordinance 464 provided an effective date of 1-2-92 for new section 20-19.

Sec. 20-20. Directional signs.

(a) In addition to the signs permitted by this chapter, each business, church, school, YMCA, or fraternal organization shall be permitted to place signs that direct the flow of traffic into and out of the property on which it is located and within the parking areas of the property on which it is located. Such signs shall be placed in accordance with the following regulations:

(1) It shall be unlawful for any person to place any directional sign until a permit has been secured from the city. Prior to the issuance of a permit, a fee in the amount established by resolution shall be paid to the city.

(2) Directional signs may be mounted on buildings or be free standing. Freestanding directional signs shall not be placed on any right of way and shall not exceed (8) feet in height and nine (9) square feet in area. Directional signs placed on private property, but which are in a sight-triangle at an intersection, shall not exceed two (2) feet in height or otherwise obstruct the view of oncoming traffic.

(3) Directional signs must be inscribed with directional information such as arrows or the words "exit" or "entrance".

(4) Churches, schools, YMCAs, or fraternal organizations that are not located on a main thoroughfare as defined by Section 20-9, Subsection (b) herein, may place one (1) directional sign on a main thoroughfare. Said sign shall be placed to indicate the most direct route from the thoroughfare to the church, school, YMCA, or fraternal organization.

(Ord. No. 464, §3, 12-3-91 Ord No. 479, §1, 11-17-92, Ord. No. 586, 10-7-03)

Sec. 20-21. Signs for Home Occupations.

One (1) non-illuminated sign not exceeding two (2) square feet in area and attached to the main or accessory building shall be permitted for a home occupation or profession, which is carried on by the inhabitants of a single-family residence in conformance with applicable provisions of city code.

(Ord. No. 465, Section 2, 1-23-92)

Cross references--Chapter 24, Section 24-1, Home Occupations defined Chapter 24, Section 24-153, Home Occupations permitted in A-1 Single Family Zone.

Sec. 20-22. Special activity signs, Temporary signs.

(a) Every church, school, YMCA, and fraternal organization shall be permitted to erect two (2) signs for the purpose of advertising Mother's Day Out programs, Singles or Young Adult programs, Boy and Girl Scout Troop activities, and other similar ongoing programs. No sign permitted under this subsection shall exceed

sixteen (16) square feet in size.

(b) Every church, school, YMCA, and fraternal organization shall be permitted to erect one (1) temporary sign, not to exceed thirty-two (32) square feet in size, for the purpose of advertising special events. No sign permitted under this subsection shall be allowed to remain in place for more than fifteen (15) days.

(c) Every business shall be allowed to erect one (1) temporary sign, not to exceed thirty-two (32) square feet in size, for advertising employment openings. No sign permitted under this subsection shall contain the name or logo of a business or be allowed to remain in place for more than fifteen (15) days.

(d) Roofing, concrete, weed control and other similar businesses shall be allowed to erect a temporary sign at each job site containing the name, logo and/or phone number of the business. Such signs shall be permitted only during the time that work is being conducted on the premises and shall be removed within three (3) days after the work has been completed. No such sign shall exceed ten (10) square feet in area and not more than one (1) such sign shall be permitted for each one hundred (100) feet of frontage.

(e) Apartment complexes shall be permitted to erect temporary signs for the purpose of advertising vacancies, features of the apartments, monthly rental rates, and other similar advertisements. No such sign shall exceed ten (10) square feet in area and not more than one (1) such sign shall be permitted for each one hundred (100) feet of frontage.

(f) Neighborhood associations shall be permitted to place two (2) temporary signs, not to exceed six (6) square feet in size each, for the purpose of advertising special events and association meetings. No sign permitted under this subsection shall be allowed to remain in place for more than seven (7) days.

(Ord. No. 466, § 6, 2-4-92 Ord. No. 479, §2, 11-17-92 Ord 480, §1, 12-15-92; 2014 City Code)

Sec. 20-23. Public signs permitted.

The provisions of this Chapter shall not apply to signs erected by the City, County, State, or Federal government for traffic direction, street identification or for any other public purpose approved by the City Council.

Sec. 20-24. Decorations, insignias, and flags permitted.

a) **Seasonal decorations.** Decorations pertaining to recognized national, State and local holidays and observances, provided that such decorations shall not be erected earlier than six weeks prior to the holiday or observance and shall be removed no later than three weeks after said holiday or observance.

b) **Insignias and flags.** Insignias, flags and emblems of the United States, the State, and municipal and other bodies of established government, or flags which display the recognized symbol of a nonprofit and/or noncommercial organization shall be permitted.

Secs. 20-25—20-49 Reserved.

ARTICLE II. ELECTRONIC SIGNS

Sec. 20-50. Definitions.

1) For the purposes of this Article the following terms shall be defined as follows:

i. *Electronic Message Display (EMD)* means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

ii. *Dissolve* means a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

iii. *Fade* means a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

iv. *Frame* means a complete, static display screen on an Electronic Message Display.

v. *Frame Effect* means a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

vi. *Transition* means a visual effect used on an Electronic Message Display to change from one message to another.

vii. *Level l EMD* means an Electronic Message Display, which displays static messages only and which change with no transition.

viii. *Level 2 EMD* means an Electronic Message Display, which displays static messages and which change with a "Fade" or "Dissolve" transition, or similar subtle transitions and frame effects that do not have the appearance of moving text or images.

ix. *Level 3 EMD* means an Electronic Message Display, which display a static message with "travel" or "scrolling" transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size, or be revealed sequentially rather than all at once.

x. *Level 4 EMD* means an Electronic Message Display, which displays with full animation, flashing and video.

xi. *Scroll* means a mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

xii. *Static* means having no motion; being at rest.

xiii. *Strobe* means a sign where the message or lighting flashes on and off more often than once every second. This shall not include the use of flashing lights in a chasing or alternating fashion around the sign perimeter.

xiv. *Travel* means a mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

(2008 Code)

Sec. 20-51. Size, location, height and use restrictions.

1. Electronic Message Displays permitted by this Article:

   a) Shall not exceed fifty percent (50%) of the sign area allowed for any use pursuant to this Chapter and provided that said EMD sign area shall not increase the total sign area authorized for each such use in Article I of this Chapter.

   b) Shall not be located closer than one hundred (100) feet from any residence.

   c) Shall not be higher than six (6) feet above the highest point of the roof of the building or structure where the sign is located.

   d) Shall not be used for off-premises advertizing.

(2008 Code; Ord. No. 648 §1, 11-03-2009)

Sec. 20-52. Electronic Message Displays in Commercial Districts.

1. **Level 1, 2 and 3 EMDs.** Level 1, 2, and 3 Electronic Message Displays may be permitted in the C-2 Zoning District and shall not be subject to operational limitations, minimum display times or message change sequences but shall be

equipped with dimming features that automatically adjust the display brightness according to ambient light conditions.

2. **Level 4 EMDs.** Level 4 EMDs are specifically prohibited in the C-2 Commercial District.

(2008 Code; 2014 Code)

Sec. 20-53. Electronic Message Displays in Residential Districts.

1. Level 1 and 2 Electronic Message Displays may be permitted in the A-1 Single Family Zoning District for churches, schools, YMCAs, community centers, and libraries subject to the following requirements:

A. Level 1 EMD.

i. *Operational Limitations*. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity. The City Council may limit the hours in which approved Level 1 EMDs may operate and/or may require dimming as deemed necessary to reduce the illumination of nearby residences. (2010 City Code)

ii. *Minimum Display Time*. Each message on the sign must be displayed for a minimum of eight (8) seconds.

iii. *Message Change* Sequence. A minimum of two (2) seconds of time with no message displayed shall be provided between each message displayed on the sign.

iv. *Council Approval*. Level 1 EMDs s in the A-1 Single Family District shall be subject to the approval of the City Council.

B. Level 2 EMD.

i. *Operational Limitations*. Such displays shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity. The City Council may limit the hours in

which approved Level 2 EMDs may operate and/or may require dimming as deemed necessary to reduce the illumination of nearby residences. (2010 City Code)

ii. *Minimum Display Time*. Each message on the sign must be displayed for a minimum of eight (8) seconds.

iii. *Council Approval*. Level 2 EMDs in the A-1 Single Family District shall be subject to the approval of the City Council.

C. **Level 3 and 4 EMDs** are specifically prohibited in the A-1 Single Family Zoning District.

(2008 Code)

Sec. 20-54. Intermittent lighting restrictions.

a) No strobe or high-intensity intermittent lights shall be permitted except where required on structures for aircraft warning lights. (2008 Code)

b) A time and temperature display within any sign shall be allowed to change intermittently upon the appropriate change of time and temperature.

c) Illuminated signs and electronic marquises placed in the interior window or windows of any building in the C-2 Commercial District shall be allowed to flash or scroll intermittently.

Sec. 20-55. Traffic hazards.

The Traffic and Safety Commission shall review any complaint by the public or a public official in reference to a possible traffic hazard caused by any sign. The Traffic and Safety Commission shall have the authority to order the removal or alteration of any sign, when it determines that the proposed sign projects upon or in view of any street a beam of light of sufficient intensity to confuse, annoy, or distract motor vehicle operators or in any manner interfere with the operation of vehicular traffic on any adjacent street.

(2008 Code)

CHAPTER 21

STREETS AND SIDEWALKS

Art. I. In General, §§ 21-1--21-24
Art. II. Parades, Celebrations, Etc., §§ 21-25, 21-26

ARTICLE I. IN GENERAL

Sec. 21-1. Definition.

In this article, *"public right-of-way"* includes a public street or highway, alley, sidewalk, and unimproved property between the paved street and property line of the adjacent property owner.

(Ord. No. 360, §1, 11-19-85)

Sec. 21-2. Supervision.

All maintenance and repair of public streets, alleys, sidewalks and other public rights-of-way shall be under the supervision of the city manager or his designee. He shall be charged with the enforcement of all ordinance provisions relating to public places and is hereby authorized to enforce this article.

(Ord. No. 360, § 2, 11-19-85)

Sec. 21-3. Construction permits; bond.

(a) It shall be unlawful to construct, lay any pavement, or make any repair on or excavate in any public street, alley, sidewalk or other public right-of-way, without having first secured a permit therefore. Applications for such permits shall be made to the city clerk, and shall state the location of the intended pavement repair or work, the extent thereof, and the person who is to do the actual construction work. No such permit shall be issued except where the construction work to be performed shall conform to the ordinances of the city.

Cross references--Concrete, curbing or piering, etc., contractors, § 11-31 et seq.; motor vehicles and traffic, Ch. 13; pipelines, etc., § 16-40; fee for vacating streets, § 18-3; building numbers, § 18-36, Ch. 25; Subdivision regulations, §§25-18, 25-32. State law reference--General authority relative to streets, roads and public ways, 11 O.S. § 36-101.

(b) Each applicant shall file a bond in an amount set by resolution of the city council.

(Ord. No. 509, § 1, 9-20-94)

(c) The fee for any permit prescribed by this section shall be payable in advance to the city clerk and shall be in an amount established by resolution.

(d) An applicant for a permit shall, before the issuance of the permit, perform the following:

(1) Furnish bond or insurance in the amount of one hundred thousand dollars ($100,000.00) for death of or injury to any one (1) person and three hundred thousand dollars ($300,000.00) for personal injuries or death arising out of one (1) occurrence to hold the city harmless of liability arising out of the applicant's work in the public right-of-way;

(2) Demonstrate that the applicant is not delinquent in payments due to the city on prior similar work;

(3) Submit two (2) sets of engineering plans to the city showing the location of the work in the public right-of-way.

(Code 1976, §§3-4-1(a), 3-4-2; Ord. No. 360, §§ 3, 4, 11, 12, 11-19-85)

Sec. 21-4. Connection of private drainage to curb or gutter.

No person shall make any connection of any private drainage to a curb or gutter without a permit issued by the city. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Code 1976, § 3-4-1(c))

Sec. 21-5. Removal of curbing.

No person shall remove curbing for the construction of driveways or for any other purpose without a permit issued by the city. A fee in the amount established by resolution shall be paid to the city prior to the issuance of a permit.

(Code 1976, § 3-4-1(f))

Sec. 21-6. Pavement specifications.

All street and sidewalk pavements shall be in conformity with specifications approved by the city engineer.

(Ord. No. 360, §, 11-19-85; Ord. No. 509, § 2, 9-20-94)

Cross reference--Ch. 25, Street design standards, §25-18, 25-32.

Sec. 21-7. Injury to improvements or repairs.

It shall be unlawful to walk upon or drive any vehicles upon, or injure any newly laid street or sidewalk pavement, or to disturb or cause damage or injury to any work site while the same is guarded by barricade or warning.

(Ord. No. 360, §6, 11-19-85)

Sec. 21-8. Barricades.

Any person laying or repairing any pavement on a street, sidewalk, or other public place or making any excavation in the same, shall maintain suitable barricades to prevent injury of any person or vehicle by reason of such work.

(Ord. No. 360, §7, 11-19-85)

Sec. 21-9. Encroachments.

(a) Except as provided in subsection (b), it shall be unlawful to erect or maintain any building or structure which encroaches upon any public right-of-way.

(b) The city may issue a revocable permit to encroach upon or otherwise use any portion of a public street, alley, or sidewalk. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Code 1976, § 3-4-1(b); Ord. No. 360, §8, 11-19-85)

Sec. 21-10. Structures, growths, planting on or overhanging rights-of-way.

(a) It shall be unlawful for any person to construct or maintain any structure on or overhanging any right-of-way. The construction or maintenance of such structures shall constitute a public nuisance, which may be summarily abated by the city council or its officers, servants, agents or employees, if it is deemed to be an immediate threat to the public health, safety and welfare.

(b) The city, its officers, agents, servants and employees shall have the authority to physically remove any such structure on or overhanging the right-of-way. If the owner of the structure fails to remove the same within a reasonable time after written demand for the removal thereof has been made upon him by registered mail or personal service, the city, its officers, agents, servants and employees may accomplish the removal of said structure.

(c) Any tree, bush, hedge, flowers or similar vegetation existing or planted in the public right-of-way shall be maintained in a manner so as to not

unreasonably obstruct the view of motorists at intersections or driveways or become a traffic or safety hazard.

(d) Any live tree, bush, hedge, flowers or similar vegetation existing in any public right-of-way which is removed by any person other than the City of The Village, its officers, agents, servants and employees, for the purpose of performing excavation or construction work shall be replaced by a similar tree, bush, hedge, flower, or by similar vegetation as approved by the city manager or his designee.

(e) The city, its officers, agents, servants and employees shall have the authority to physically remove or trim any tree, bush or hedge-like growth on or overhanging the right-of-way that unreasonably obstructs the view of motorists at intersections or driveways or otherwise has become a traffic or safety hazard. If the owner of the tree, bush or hedge-like growth fails to remove the same within a reasonable time after written demand for the removal thereof has been made upon him by mail or personal service, the city, its officers, agents, servants and employees may remove or trim said tree, bush, or hedge-like growth.

(f) It shall be unlawful for any person owning, renting, or having control of real property in the city to allow the right-of-way or curb adjacent to said property to become overgrown with grass or weeds or to become accumulated with trash or debris in violation of Section 15-50 of this Code.

(g) Any person owning, renting, or having control of real property as referred to hereinabove shall maintain said right-of-way with grass or similar vegetation or ground cover.

(Ord. No. 337, §§ 1, 2, 11-1-83; Ord. No. 360. §§ 9, 10, 11-19-85; Ord. No. 388, § 1, 7-21-87; Ord. No. 509, § 3, 9-20-94)

Cross references--Weeds and trash, § 15-50 et seq; Chapter 13, § 13-228, exposure of right-of-way to vehicle traffic; Chapter 6, § 6-203.

Sec. 21-11. Backfilling.

(a) Backfilling of all trenches and excavation shall be compacted with a vibrating compactor or water and vibrating compactor to ninety (90) percent standard proctor.

(b) Compaction tests shall be performed at the expense of the holder of the permit.

(c) Backfilling of soil and compaction shall be completed as work progresses.

(d) Repair or replacement of driveways and other public improvements shall be completed within fifteen (15) days of backfill.

(e) Backfill, compaction, replacement of driveways and public improvements shall be done in accordance with details furnished by the city.

(Ord. No. 360. §13, 11-19-85)

Sec. 21-12. Sod.

Where sod, turf, or grass has been removed as part of the repair or construction work in the right-of-way, the person holding the permit as required under this article shall replace the sod, turf, or grass in like manner as it was prior to the commencement of the repair or construction work. In so far as practical, sodding shall be completed as work progresses and shall be performed in accordance with details furnished by the city.

(Ord. No. 360, § 14, 11-19-85)

Section 21-13. Sight Triangles at Intersections.

a) A sight triangle shall be maintained at the intersection of two residential streets. No visual impediment in excess of three (3') feet higher than the roadway or lower than seven (7') feet in height above the roadway shall be constructed or maintained in the area identified as the sight triangle, nor shall any parking be allowed within the area of the sight triangle.

b) The sight triangle shall be measured as follows: Beginning at a point in the center of the pavement of the intersection of two residential streets; thence extending imaginary lines down the middle of the pavement of both intersecting streets to a point forty (40') feet from the center of the intersection; then drawing an imaginary line at a forty-five degree angle from either of said points to complete the base of an isosceles triangle. (See Figure 1).

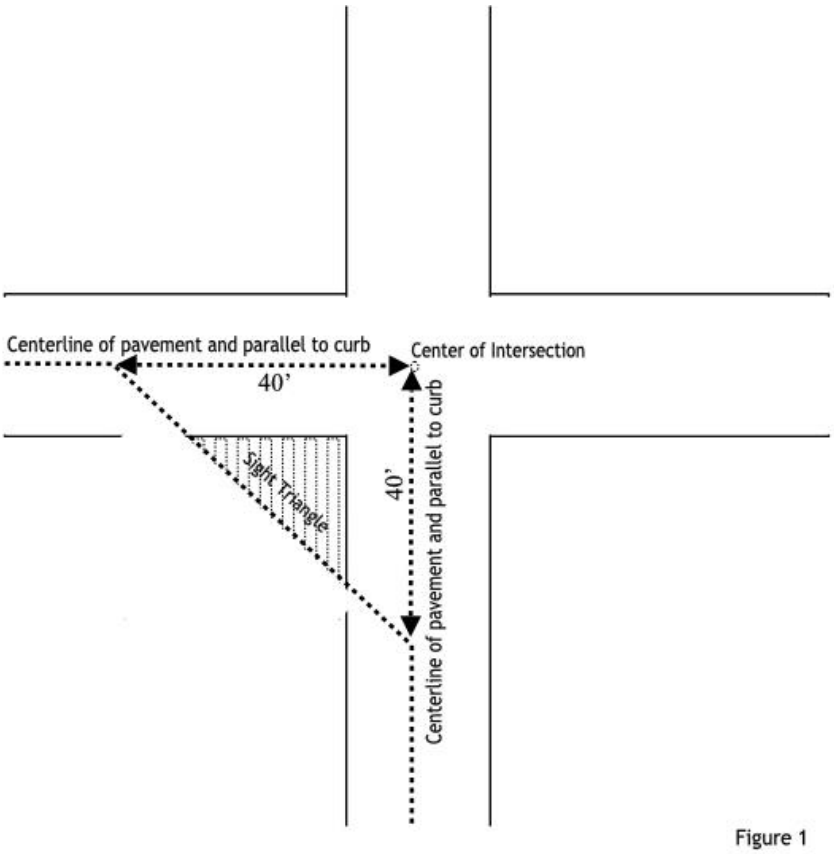


Figure 1

(Ord. No. 706 §1, 05-04-2015)

Secs. 21-14--21-24. Reserved.

ARTICLE II. DEMONSTRATIONS

Sec. 21-25. Definitions.

1. As used in this Article:

   a. "*Demonstration*" means any public meeting, gathering, ceremony, show, exhibition; picketing, parade, rally, pageant, group or crowd assembled or organized to draw public attention for the purpose of conveying a message in or upon any street, sidewalk, right-of-way, or other public place, but does not include the following:

      i. Funeral processions;

      ii. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities; and

iii. Governmental agency acting within the scope of its functions.

b. "*Funeral*" means the ceremonies, processions, memorial services and/or assemblage of people held in connection with the burial, cremation and/or memorialization of a human body or human remains.

c. "*School property*" means all private schools or schools supported by public taxation and shall include nurseries, kindergartens, elementary which may include K-6 or K-8, middle schools, and secondary schools. School property shall also refer to any administration building or property which is used in the support or operation of the private or public school system.

21-26. Activity Permit Required.

a) It shall be unlawful for any person to conduct or cause to be conducted any demonstration on any of the streets, thoroughfares, bridges or alleys of the City without first having obtained a permit from the Chief of Police.

b) Permit requirements:

1) No signs or placards may be posted, inserted in the ground or attached to utility poles or street signs.

2) No blocking of sidewalks or driveways shall be permitted.

3) No interfering with pedestrian or vehicular traffic shall be permitted.

4) No sound amplification shall be permitted in any form.

5) No yelling, hooting or shouting, so as to disturb the comfort, peace, solemnity, repose, or good of the order of any person, resident, business, school; place of worship or place of funeral shall be permitted.

6) Barricades, if required, shall be official barricades and shall be placed in accordance with the Oklahoma Uniform Traffic Code as amended.

7) Applicant shall notify all affected residences, businesses, schools or places of worship prior to the permitted activity.

8) No trespassing on private property shall be permitted.

9) No wearing hoods or any device to disguise or hide the face shall be permitted.

10) Permittee shall remove all trash following the permitted activity.

11) Chalk shall be the sole method of marking streets or sidewalks for start-finish lines and parade routes or for similar designations and inscriptions.

21-27. Application.

At least 48 hours before any person conducts any demonstration for which a permit is required by the provisions of this Chapter, a written application for a permit therefore shall be filed with the Chief of Police. The application shall be accompanied by a written statement giving the route, date and time of the demonstration, the number of expected participants and a description of the area to be occupied for the requested demonstration and stating the nature and purpose thereof.

21-28. Investigation and issuance.

The Chief of Police shall, upon receipt of an application made pursuant to the provisions of this division, make such investigation and inquiry as he deems necessary to determine whether any regular municipal service will be hampered, obstructed or delayed and the probable extent of extra policing, traffic control or other protective service of the City which reasonably will be occasioned thereby. If such interruption of municipal service or extent of extra services is found to be unreasonable or detrimental to the interest of the public, he shall endorse such finding on the application and decline to grant the same.

Sec. 21-29. Obstruction of streets or sidewalks.

a) No person shall obstruct the free, convenient and normal use of any public sidewalk, street, highway, bridge, alley, road or any other passage way, by impeding, hindering, retarding or restraining traffic thereon or therein.

b) No person shall stand in any street, street right-of-way, roadway, center median or parkway and stop or attempt to stop any person in any vehicle for the purpose of:

1) Soliciting charitable or other contributions;

2) Selling or attempting to sell anything to any person in any vehicle;

3) Handing or attempting to hand any person in any vehicle any circular, advertisement, handbill, political campaign literature, or any sample, souvenir or gift;

4) Attempting to interfere with the normal flow of traffic for any other purpose.

Sec. 21-30. Demonstrations near school property.

a) ***Purpose***. To prevent the impediment of traffic on the sidewalks, easements, and streets near our schools; to facilitate a proper, undisturbed educational system by preventing possible disruptions that sometimes accompany public demonstrations which would disrupt the classroom environment; to maintain a safe environment for children and other members of the public traveling to and from school grounds by regulating the time, place, and manner of use thereof for public assemblies; to safeguard practical and effective means whereby citizens may share a concurring right to free speech and assembly so that they may express opinions and enlighten the public on the nature and causes of matters of public concern.

b) ***Demonstrations not allowed***. It shall be unlawful for any person to engage in, participate in, aid, form or start any demonstration within one hundred fifty (150) feet of any school property.

Sec. 21-32. Disturbing or disrupting funerals prohibited.

a) The purpose of this section is to:

1) Prevent the impediment of traffic on the sidewalks, easements and streets near locations where funerals are being held;

2) Facilitate maintaining the solemnity and sanctity of undisturbed funerals by preventing the possible disruptions that sometimes accompany public demonstrations that would disturb, disrupt, interrupt or disquiet funerals;

3) Maintain a safe environment for mourners traveling to and from funerals and other members of the traveling public by regulating the time, place and manner of use of sidewalks, easements and streets for public assemblies; and

4) Safeguard practical and effective means whereby citizens may share a concurring right to free speech and assembly so that they may express opinions and enlighten the public on the nature and causes of matters of public concern while also ensuring participants' safety where the likelihood of harm could result.

b) It shall be unlawful and an offense for any person to willfully disturb, disrupt, interrupt or disquiet any funeral or to, without authority of law, obstruct or detain any person engaged in carrying or accompanying any human remains or dead body to a place of burial or other disposal.

c) It shall be unlawful and an offense for any person to engage in a demonstration within one thousand (1,000) feet of the property line of any church, mortuary or other place where a funeral is being held within one (1) hour prior to, during and within two (2) hours following the commencement of the funeral.

21-33. Penalty.

Any person who fails to comply with any provision of this Article shall be guilty of a Class "A" offense punishable be a fine of up to $750.00 and/or up to sixty (60) days imprisonment.

(Ord. No. 278, § 8a-9-6, 3-4-80; Ord. No. 465, §1, 10-06-2009)

CHAPTER 22

TAXATION

Art. I. In General, §§22-1--22-15
Art. II. Sales Tax, §§22-16--22-41
Art. III. Use Tax, §§22-60--22-79
Art. IV. Gross Receipts Tax, §§22-100--22-107

ARTICLE I. IN GENERAL

Secs. 22-1--22-15. Reserved.

ARTICLE II. SALES TAX

Sec. 22-16. Citation.

This article shall be known and may be cited as "The Village Sales Tax Ordinance."

(Code 1976, §5-1-1)

Sec. 22-17. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Statutes, Title 68, Section 1352 are hereby adopted by reference and made a part of this article. In this article, "tax collector" means the department of the city 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.

(Code 1976, §§ 5-1-14, 5-1-16)

Sec. 22-18. Article cumulative.

The provisions of this article shall be cumulative, and in addition to any and all other taxing provisions of city ordinances.

(Code 1976, § 5-1-23)

Cross references--Ordinances levying or assessing taxes not inconsistent with this Code saved from repeal, § 1-6(5); licenses, permits and miscellaneous business regulations, Ch. 22.

State law reference--Municipal taxation generally, 68 O.S. §2701 et seq.

Sec. 22-19. Amendments.

The people of the city by their approval of this article at an election authorize the city council by ordinances duly enacted to make such administrative and technical changes or additions to the method and manner of administration and enforcing this article 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.

(Code 1976, § 5-1-15)

Sec. 22-20. 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 purposes of this article hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

(Code 1976, § 5-1-2)

State law reference--Permits to do business, 68 O.S. § 1364.

Sec. 22-20.1 Violations.

Violations of this article are Class A offenses.

Sec. 22-21. Classification of taxpayers; business.

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.

(Code 1976, § 5-1-11)

State law reference--Classification of vendors, 68 O.S. § 1363.

Sec. 22-22. Purpose of revenues.

It is hereby declared to be the purpose of this article to provide revenues for the support of the functions of the municipal government of the city.

(Code 1976, § 5-1-4)

Sec. 22-23. Tax levied; sales subject to tax.

(a) There is hereby levied an excise tax of two (2) percent 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: (Ord. No. 431, § 1, 10-26-89; Ord. No. 432, § 1, 10-26-89)

(1) Tangible personal property;

(2) Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water.

(3) Transportation for hire or persons by common carriers, including railroads, both steam and electric, motor transportation companies, airlines and all other means of transportation for hire;

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

(5) Printing or printed matter of all types, kinds and character and the service of printing or overprinting;

(6) Service of furnishing rooms by hotels, apartment hotels, public rooming houses and public lodging houses and tourist camps;

(7) Service of furnishing storage or parking privileges by auto hotels and parking lots;

(8) Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

(9) Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except as provided in section 22-24, paragraph (14);

(10) Dues or fees to clubs, and the sale of tickets or admission to places of amusement, to athletic entertainment, recreational events, or dues or fees for the privilege of having access to or the use of amusement, entertainment, athletic or recreational facilities, including free or complimentary passes, tickets, dues or fees are hereby declared to have a value equivalent to the sale price of tickets, passes, admissions, fees or dues of like kind or character.

(b) For the purpose of this article, sales of services and tangible personal property made for the purpose of developing real estate even though such real estate is intended for resale as real property are hereby declared to be sales to consumers or users. Sales of service and tangible personal property including materials, supplies and equipment made to contractors who use same in the performance of any contract, are hereby declared to be sales to consumers or users and not sales for resale. Sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and therefore, taxable. Sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business shall be deemed to be sales to consumers or users, and therefore, taxable.

(c) The total retail sale price receipted 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 and service occurs shall constitute the gross receipts from such transaction.

(d) The general-purpose sales tax rate provided in Section 22-23 (a) herein shall be increased by an amount equal to three quarters of one percent (3/4%). (Ord. No. 431, § 2, 10-26-89)

(Editor's note: This ¾% permanent sales tax increased the sales tax rate to 2.75% on July 1, 1990.)

(e) The sales tax rate provided in Section 22-23 (a) herein shall be increased by an amount equal to one half of one percent (1/2%). (Ord. No. 432, § 2, 10-26-89)

(Editor's note: This ½% temporary tax increased the sales tax rate to 3.25% on July 1, 1990. The temporary levy lapsed on June 30, 1994, thereby reducing the sales tax rate to 2.75% on July 1, 1994)

(f) The sales tax rate provided in Section 22-23 (a) herein shall be increased by an additional amount equal to one and one quarter percent (1-1/4%). (Ord. No. 567, §1, 4-3-01)

(Editor's note: This 1-1/4% permanent sales tax increased the sales tax rate to 4% on July 1, 2001)

(Code 1976, § 5-1-5; Ord. No. 221, § 1, 8-3-76; Ord. No. 354, § 1, 7-16-85; Ord. No. 394, § 1, 9-15-87; Ord. No. 396, § 1, 10-13-87; Ord. No. 397, § 1, 10-13-87; Ord. No. 431, §§ 1, 2, 10-26-89; Ord. No. 432, §§ 1, 2, 10-26-89; Ord. No. 567, §§ 1-4, 4-3-01)

State law reference--levy of state sales tax, 68 O.S. § 1354.

Sec. 22-24. Exemptions generally.

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 the following:

(1) Sales of raw products from the farm, orchard or garden where such sale is made by the producer of such raw products directly to the consumer or user; gross receipts or gross proceeds derived form the sale of livestock, poultry, poultry products derived from the sale of livestock, poultry, poultry products, and dairy products by the producers; exemptions granted by this paragraph shall not apply when such articles are sold, even though by the producer thereof, at or from an "established business place" not on a farm; neither shall this exemption apply unless said articles are produced or grown within the state. The provisions of this paragraph are intended to exempt the sale by livestock producers of livestock sold at special livestock sales. The provisions of this paragraph are intended to exempt the sale of dairy products when sold by a dairyman or farmer who owns all of the cows from which the dairy products he sells are produced. The provisions of this paragraph shall not be construed to exempt sales of dairy products by any other business. The provisions of this paragraph shall not be construed to exempt sales by florists, nurserymen and chicken hatcheries.

(2) 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 exclusion of other members.

(3) Sale of tangible personal property or services to or by churches, except where such organizations may be engaged in business for profit or savings, competing with other persons engaged in the same or similar business.

(4) Gross receipts and gross proceeds deriving from the transportation of schoolchildren to and from schools and high schools in motor and other vehicles.

(5) Transportation of persons where the fare of each person does not exceed fifteen cents ($0.15), or local transportation of persons within the corporate limits of cities and towns except by taxicabs.

(6) Sale of food in public, common, high school or college cafeterias and lunchrooms operated primarily for teachers and pupils, not operated for the public and not operated for profit.

(7) Carrier sales made directly to consumers or users or newspapers or any other periodicals where any individual transaction does not exceed twenty cents ($.20).

(8) Sales to the United States Government, State of Oklahoma, or any of its political subdivisions.

(9) Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax has been paid to the state.

(10) Sale of crude petroleum or natural or casing head gas and other products subject to gross production tax under the provisions of the laws of this state. The 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.

(11) Sales of motor vehicles, attached optional equipment and accessories, on which sale the Oklahoma motor vehicle excise tax has been paid.

(12) Sales by county, district and state fairs.

(13) Sale of advertising space in newspaper and periodicals and billboard advertising service, and sales of time for radio and television broadcasts of advertising.

(14) Sales for resale to persons regularly 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 by the Oklahoma Tax Commission as provided by law. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have sales tax permits or established places of business.

(15) Goods, wares, merchandise, and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purpose of resale or the subject matter of resale only in the event:

(a) Such goods, wares, merchandise, or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable, integral part of the manufactured, compounded, processed, assembled or prepared products; or

(b) If it is consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale.

(16) Sale of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma, 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 hereunder. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such.

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

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

(19) Sales of containers shall be exempt when sold to a person regularly engaged in the business of reselling empty or filled containers, or when he purchases such containers for the purpose of packaging raw products or farm, garden or orchard, for resale to the consumer or processor, provided, this exemption shall not apply to the sale of containers used more than once and which are ordinarily known as returnable containers unless a tax under this article is collected and paid to the tax collector with respect to each and every transfer by such person of title or possession of such returnable container if made to any consumer or user within this state; nor shall it apply to the sale of labels or other material delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise.

(20) Exemptions of poultry and livestock feed, and farm machinery as prescribed by the Oklahoma Sales Tax Code shall be equally applicable as exemptions from the tax herein levied. All sales of farm machinery within the city are specifically exempted from the city tax levied by this article.

(Code 1976, §5-1-6; Ord. No. 354, § 2, 7-16-85)

State law reference--General exemptions from the state sales tax, 68 O.S. §1357.

Sec. 22-25. Exemption of fertilizer.

In addition to all other exemptions allowed by this article, the sales of agricultural fertilizer to persons regularly engaged for profit in the business of farming and/or ranching which are exempt from state sales taxes under provision of Oklahoma Statutes, title 68, section 1358(E)(2) shall likewise be exempt from the city sales tax herein levied.

(Code 1876, §5-1-21)

Sec. 22-26. Other exempt transfers.

There is hereby specifically exempted form the tax herein levied the transfer of tangible personal property exempted from the Oklahoma Sales Tax Code inclusive but not exclusive of the following:

(1) From one corporation to another corporation pursuant to a reorganization. As used in this paragraph "reorganization" means:

a. A statutory merger or consolidation;

b. The acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;

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

(3) To corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation and the stock or securities received by each is substantially in proportion to this interest in the property prior to the transfer;

(4) To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnerships and the interest in the partnership, received by each, is substantially in proportion to this interest in the property prior to the transfer;

(5) From a partnership to the members thereof when made in kind in the dissolution of such partnership.

(Code 1976, §5-1-7)

State law reference--Exempt transfers, 68 O.S. §1360.

Sec. 22-27. Due date; 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 Oklahoma Sales Tax Code.

(Code 1976, §5-1-8)

State law reference--Due date, etc., of state sales tax, 68 O.S. §1365.

Sec. 22-28. Payment of tax.

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

(Code 1976, §5-1-9)

State law reference--Remittance of state sales tax, 68 O.S. §1362.

Sec. 22-29. Vendor's duty to collect tax.

(a) The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor in this city to collect from the consumer or user, the full amount of the tax levied by this article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

(b) Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be 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 who willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that 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 an offense.

(Code 1976, §5-1-12)

State law reference--Payment, collection, etc., of state sales tax, 68 O.S. §1361.

Sec. 22-30. Returns and remittance; 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 prescribe for returns and remittances required by the Oklahoma Sales Tax Code. Remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said code for collection of state sales taxes.

(Code 1976, §5-1-13)

State law reference-Remittance of state sales tax, 68 O.S. §1362; discount for collection of state sales tax, 68 O.S. §1367.

Sec. 22-31. Interest and penalties--Delinquency.

Oklahoma Statutes, title 68, section 217, is hereby adopted and made a part of this article, 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 said ordinance. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days the taxpayer shall forfeit his claim to any discount allowed hereunder this article.

(Code 1976, §5-1-17)

Sec. 22-32. Waiver of interest and penalties.

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the city tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state sales tax provided in Oklahoma Statutes, title 68, section 220; and to accomplishing the purposes of this section the applicable provisions of said section 220 are hereby adopted by reference and made a part of this article.

(Code 1976, §5-1-18)

Sec. 22-33. Tax, etc., constitutes preferred claim.

The 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.

(Code 1976, §5-1-10)

Sec. 22-34. Erroneous payments; claim for refund.

Refund or erroneous payment of the city sales tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in Oklahoma Statutes, title 68, section 227, and to accomplish the purposes of this section, the applicable provisions of said section 227 are hereby adopted by reference and made a part of this article.

(Code 1976, §5-1-19)

Sec. 22-35. Fraudulent returns.

In addition to all civil penalties provided by this ordinance, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this ordinance shall be a Class A Offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than Seven Hundred dollars ($750.00) and/or sixty days (60) imprisonment. Each day of noncompliance with this ordinance shall constitute a separate offense

(Code 1976, §5-1-20; Code 2004)

Sec. 22-36. 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 Oklahoma Statutes, title 68, section 205, and each subsection thereof is hereby adopted by reference and made fully effective and applicable to administration of the city sales tax as if set forth in full.

(Code 1976, §5-1-22)

Sec. 22-37. Purpose of Funds.

a) It is hereby declared to be the purpose of Ordinance 431 to provide additional general purpose revenues from a three quarters of one percent (3/4%) increase in the excise tax on all sales taxable under the Sales Tax Code of Oklahoma as amended or revised for, but not limited to, increasing the number of Police and Fire Department personnel and providing [for] competitive compensation for said departments. (Ord. No. 431, Section 3, 10-26-89)

b) It is hereby declared to be the exclusive purpose of Ordinance 432 to provide additional revenues from a one-half of one percent (1/2%) increase in the excise tax on all sales taxable under the Sales Tax Code of Oklahoma as amended or revised to construct, furnish and equip a municipal building to serve as a police station, jail, municipal court, and administration building and to renovate, expand, furnish and equip the existing fire station, and that all said revenues derived hereunder shall be expended by the city council of the City of The Village for the sole and exclusive purpose herein expressed. (Ord. No. 432, Section 3, 10-26-89)

c) It is hereby declared to be the purpose of Ordinance 567 to provide general purpose revenues from an additional one and one quarter percent (1-1/4%) increase in the excise tax on all sales taxable under the Sales Tax Code of Oklahoma, as amended or revised.

Sec. 22-38 Expiration of Tax Increase.

The increased levy of one-half percent excise tax provided herein shall terminate no later than thirty (30) days after the month in which either an amount equal to the total contract price for making the improvements specified in Section 22-37, Subsection (b), or two million dollars ($2,000,000.00) whichever is less, has been collected in additional sales tax from said increase of the excise tax.

(Ord. No. 432, Section 4, 10-26-89)

Sec. 22-39. Extension of excise tax increase requires vote of electors.

The increased levy of said excise tax as provided herein shall not extend without a vote of approval by a majority of the registered qualified voters of

the City of The Village, Oklahoma, voting on such question, in the manner prescribed by law.

(Ord. No. 432, Section 5, 10-26-89)

Sec. 22-40. Approval of Voters and Effective Date.

Upon the approval of majority of the qualified registered voters of the City of The Village, Oklahoma voting on such question at a special municipal election in the manner prescribed by law, the provisions of this Ordinance (Ordinance 431 and 432) shall take effect upon the first day of the month following the termination of the one half percent (1/2%) library construction tax as authorized by Ordinance 397 of the City Code.

(Ord. No. 431, Section 4, 10-26-89; Ord. No. 432, Section 6, 10-26-89)

Sec. 22-41. Tax Bracket System.

The City Clerk is hereby authorized to publish for the convenience of vendors in the City of The Village a tax bracket system for collecting both the four and one half percent (4.5%) state sales tax and the applicable city sales tax. Such bracket system is designed and shall be interpreted in a manner consistent with the purposes of the bracket system as provided in Title 68 O.S. 1981 Section 1362, as amended or revised, in respect to the Sales Tax Code of Oklahoma.

The use of the bracket system guidelines hereby authorized does not relieve the vendor from the duty and liability to remit to the tax collector an amount equal to the applicable percent of gross receipts or gross proceeds derived from all sales during the taxable period described.

(Ord. No. 431, Section 5, 10-26-89; Ord. No. 432, Section 7, 10-26-89; Ord. No. 567, §4, 4-3-01)

ARTICLE III: USE TAX

Secs. 22-42--22-59 Reserved.

Sec. 22-60. 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 brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of four percent (4%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property 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; provided, that the tax levied herein shall not be levied against tangible personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

(Ord. No. 452, § 1, 12-18-90; Ord. No. 502, § 1, 6-7-94)

State law reference--Municipal taxation generally, 68 O.S. Section 2701 et seq.

Sec. 22-61. Exemptions.

The provisions of this ordinance shall not apply:

(a) In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting 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 The Village Use Tax Ordinance, has been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality by both the Oklahoma Use Tax Code and the City of The Village Use Tax Code measured by the difference only between the rate provided by

both the Oklahoma Use Tax Code and the City of The Village Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;

(d) In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons in 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.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-62. Time when due, returns, payment.

The tax levied by this Ordinance is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-63. 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.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-64. Collection of tax by retailer or vendor.

Every retailer or vendor maintaining places of business both within and without the state of Oklahoma, and making sales of tangible, personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this ordinance from the purchaser and give to the purchaser a receipt therefore 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 location of any and all distribution or sales houses or offices of other places of business in this City.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-65. 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 place of 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 municipality Sales Tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

Sec. 22-66. Revoking permits.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this ordinance 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, Section 1408, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state, may, after notice and hearing above prescribed, 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 ordinance, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

(Ord No. 452, Section 1, 12-18-90)

State law reference--68 O.S. 1981, Section 1408)

Sec. 22-67. 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.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-68. Interest penalties; delinquency.

Section 217 of Title 68 O.S. 1981 is hereby adopted and made a part of this ordinance, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this ordinance. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this ordinance shall cause such tax to be delinquent. In addition, if such

delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this ordinance.

(Ord No. 452, Section 1, 12-18-90)

State law reference--Adoption by reference, 11 O.S. §14-107.

Sec. 22-69. Waiver of interest and penalties.

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipality 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. 1981, Section 227, and to accomplish the purposes of this section the applicable provisions of 68 O.S. 1981, Section 220 are hereby adopted by reference and made a part of this ordinance.

(Ord No. 452, Section 1, 12-18-90)

State law reference--Adoption by reference, 11 O.S. §14-107; State Use Tax, 68 O.S. 1981, §§ 220 and 227.

Sec. 22-70. Erroneous Payments; claim for refund.

Refund of erroneous payment of the municipality 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 is 68 O.S. 1981, Section 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this ordinance.

(Ord No. 452, Section 1, 12-18-90)

State law reference--Adoption by reference, 11 O.S. §14-107; State Use Tax, 68 O.S. 1981, §227.

Sec. 22-71. Fraudulent returns; Violations.

In addition to all civil penalties provided by this ordinance, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under

this ordinance shall be a Class A Offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than Seven Hundred and Fifty Dollars ($750.00) and/or sixty days (60) imprisonment. Each day of noncompliance with this ordinance shall constitute a separate offense.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-72. Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the municipality Use Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. 1981, Section 205, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipality Use Tax as herein set forth in full.

(Ord No. 452, Section 1, 12-18-90)

State law reference--Adoption by reference, 11 O.S. §14-107; 68 O.S. 1981, Section 205.

Sec. 22-73. Provisions cumulative.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipality ordinances.

Sec. 22-74. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401, 68 O.S. 1981, are hereby adopted by reference and made a part of this ordinance. In addition, thereto, the following words and teams shall be defined as follows:

1. City shall mean the City of The Village;

2. Transaction shall mean sale.

(Ord No. 452, Section 1, 12-18-90)

State law reference--Adoption by reference, 11 O.S. §14-107; State Use Tax, 68 O.S. 1981, §1401.

Sec. 22-75. 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.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-76. Classification of taxpayers.

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

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-77. Subsisting state permits.

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this ordinance hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipality permit for the same purpose.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-78. Purposes of revenues.

It is hereby declared to be the purpose of this ordinance 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.

(Ord No. 452, Section 1, 12-18-90)

Sec. 22-79. Effective date.

The provisions of this Article shall become effective on and after January 1, 1991.

Reserved. Secs 22-80--22-99.

ARTICLE IV: GROSS RECEIPTS TAX.

Sec. 22-100. Gross Receipts Tax Levied.

(a) There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of water, sewer service, and natural gas in the City of The Village, which tax shall be in lieu of an other franchise, license, occupation, or excise tax levy by such city, as provided by O.S. Title 68, Chapter 25, as amended.

(b) The tax levied under this Article shall, when levied, apply to all persons, firms, associations, or corporations, engaged in the business of furnishing water, sewer service, and natural gas within the corporate limits of The Village, except it shall not apply to any person, firm, association, or corporation operating under a valid franchise from said city.

(c) The tax levied under this Article shall be levied for a term of not less than one (1) year and shall be payable quarterly and placed in the general revenue fund of the city.

(d) Any person, firm, or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from such city, and, in addition thereof, an action may be maintained against such persons, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney's fees.

(e) The tax so imposed shall constitute a first and prior lien on all the assets located within said city of any person, firm or corporation engaged in the business of selling water, sewer service, or natural gas within the city limits of the City of The Village.

(Ord. No. 10, §1, 12/30/1950; Ord. No. 13, §1-7, 3-31-51; 2000 Code; 2004 Code)

CHAPTER 23

UTILITIES

Art. I. In General, §§ 23-1--23-17
Div. 1. Definitions §23-1
Art. II. Sanitation & Sewer Services §§23-18--23-75
Art. III. Utility Service Agreements, Lien §§23-76--23-99

ARTICLE I. IN GENERAL

DIV 1. DEFINITIONS.

Sec. 23-1. 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:

Bulky Waste – Includes but is not limited to: household appliances, furniture, carpet, mattresses, box springs, water tanks, containerized do-it-yourself remodeling wastes, fencing and similar non-contracted items, bagged grass, and brush produced as refuse from single-family dwellings receiving collection services from Contractor. All appliances containing chlorofluorocarbons, (air conditioners, refrigerators, and freezers) must be certified "Freon-free" or compressors must be removed before collection may be completed. Appliances containing Freon can be picked up by special arrangement. Items excluded under the definition of bulky waste include hospital and medical waste, poisons, acids and caustics, explosives, dirt and rocks, sewage and liquid waste, nuclear materials, gasoline, kerosene, propane tanks, degreasers, lubricants, tires and rims, antifreeze, paint, and commercial construction debris

City means the City of The Village, Oklahoma.

Commercial Refuse means all bulky waste, construction debris, trash and garbage generated by a producer at a commercial unit.

Contractor means the person, corporation, or partnership performing refuse collection and disposal operation under contract with the City.

Customer means any Person or Entity who is a Owner, landlord or deed holder of property who enters into a contract agreement with the City to receive and pay for sewer and sanitation service provided or available to be provided by the City to a premises. Customers may, but need not be, the direct consumers or recipients of the services provided. Customers include indirect consumers and recipients and owners who receive benefit or whose property is directly or indirectly benefited or enhanced by the provision or the availability of sewer and sanitation services

Director means the Director of Public Works of the City of The Village or any designated representative thereof.

Dishonored Check means a check or other negotiable instrument that has been dishonored by a bank or other financial institution on the basis of insufficient funds, account closed or for any reason which causes a check to be returned unpaid to the City.

*Disposal Sit*e means a refuse depository, including but not limited to a landfill or other sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved to receive for processing or final disposal of refuse by all governmental bodies and agencies having jurisdiction and requiring such licenses permits or approvals.

Entity means any business or other organization created by or pursuant to statute or private agreement other than a natural person, including but not limited to corporations, limited liability companies, trusts, and partnerships.

Hazardous Waste means any chemical, compound, mixture, substance, or article, which is designated by the United States Environmental Protection Agency or appropriate agency of the State of Oklahoma to be “hazardous” as that term, is defined by or pursuant to Federal or State law. Hazardous wastes shall also include biomedical wastes, the disposal of which is regulated by Federal or State law. Non-regulated medical wastes shall not be considered hazardous wastes for the purpose of this contract.

Metallic container or *metallic bin* means a metal container furnished by the city or by its contractor for waste disposal by producers at commercial units and which is approved for use with the hydraulic load-lift attachments used in the city's commercial waste collection service.

Metallic or *plastic garbage* can means a, privately owned and maintained, Water-tight metallic or plastic garbage can of sufficient size to hold not less than Twenty (20) nor more than thirty-three (33) gallons, with close fitting covers, and with handles upon the sides.

Owner means the owner of any premises, lot or parcel of land, or adjoining lots or parcels of land belonging to the same person, as recorded by the Oklahoma County Assessor, unless the premises, lot or parcel of land or adjoining lots or parcels of land, including the yards of same, are occupied and are clearly defined and under the exclusive control of the occupant.

Person means any individual eighteen years or older or an emancipated minor.

Pickup point means any premises regularly served by the solid waste collection service.

Plastic bag means a bag made of plastic which does not exceed thirty-three (33) gallons in capacity and which is designed for the disposal of solid wastes.

Polycart means a plastic, injection molded, and two-wheeled cart designed to contain either 65 or 95 gallons of residential waste or recyclables and which is fabricated to specifications approved by the city.

Producer means the owner, occupant, or rental agent of any commercial, institutional, or residential unit or premises in the city.

Recyclable material means any material that is designated by the city for collection pursuant to the city's recycling program and which may include aluminum cans, cardboard, newsprint, magazines, bulk mail and similar paper products, bimetallic cans, tin cans, plastics and other commodities as may be designated by the city from time to time.

Rental Agent means the agent, contractor, or employee in charge of the renting, or maintenance of any premises.

Residential Unit means all residential premises, locations, or entities, requiring refuse collection within the corporate limits of the City. Residential Unit shall not include multi-family residential units designated by the City.

Rubbish or *Refuse* means all waste wood, wood products, yard wastes, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, plastic, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter, but not including dirt, sand, sod, potting soil, peat, rock, bricks, gravel, or boulders.

Sanitary or *sanitation* means the handling of garbage, refuse, and rubbish at both pickup and disposal points in a manner that will prevent either undue accumulation or scattering of such waste material.

Stable Matter means all manure and other waste matter normally accumulated in or about a stable, kennel, or veterinary clinic, and resulting from the keeping of animals.

Trash and Garbage means all waste, animal and vegetable matter, rubbish, trash, debris, ashes, tin cans and all other residential and commercial waste materials generally, but specifically excluding hazardous wastes, appliances containing Freon, batteries, earth or industrial waste, materials that accumulate as the result of building operations or commercial building alterations, trees or tree stumps, bricks and/or heavy concrete, or other bulky wastes as defined herein.

Undue Accumulation means the accumulation of garbage, trash, or rubbish in amounts exceeding the capacity of the waste receptacles provided for same at the pickup point or at the point of disposal.

Utility Account means an account established in accordance with this Chapter for the providing of sewer or sanitation services to a Person or Entity.

Yard waste means tree trimmings, shrubbery trimmings, grass cuttings, dead plants, flowers, weeds, leaves, tree branches, wood chips, wood shavings, and other similar organic wastes, but not including dirt, sand, sod, potting soil, peat, rock, bricks, gravel, boulders, or other organic or inorganic landscaping materials.

(Code 1976, 6-1-3; Ord. No. 520, 1, 11-7-95; Ord. No. 604, 07-05-2005; Ord. No. 628, §1, 08-07-2007)

Secs. 23-2--23-17. Reserved.

ARTICLE II.

SANITATION SERVICES, SEWER SERVICES*

*Cross reference--Removal of accumulations of trash and weeds, 15-21 et seq.

Sec. 23-18. Superintendent of Sanitation Department.

The Superintendent of the Sanitation Department shall be an employee of the city and shall be responsible for the proper administration of recycling and solid waste collection services and the proper operation and safeguarding of all city-owned equipment, trucks, machines and property assigned to said department, and shall have the immediate control thereof together with the control of the personnel and/or independent contractors assigned thereto, to effect the collection, transportation and delivery or disposal of solid wastes and recyclables in a clean, sanitary and safe manner and in accordance with the provisions of this chapter.

(Code 1976, 6-1-2; Ord. No. 561, §2, 10-3-00)

Sec. 23-19. Responsibilities of Owner, Rental Agent, Entity, Persons;

It shall be unlawful for any owner, rental agent, person, entity, other person in charge or having control of real property, to rent any premises or portion of a premises occupied by one (1) family or more than one (1) family, or permit the occupancy of any portion of such premises, unless the owner has provided the services and complied with the provisions of this Chapter.

(Code 1976, 6-1-4; Ord. No. 628, §1, 08-07-2007)

Sec. 23-20. Duty to request/apply for service; Service required for all producers.

(a) Any Person or Entity who owns a premises or real property to which water service is or can be delivered, shall establish a sewer and sanitation service account to pay for sewer and sanitation service to the premises. Any Person or Entity to which sewer service and/or sanitation from the City is available, shall make application to the office of the

City Clerk or Utility Billing Clerk. The application shall be signed by all persons or entities having an ownership interest of record in the premises to be served. At the discretion of the City Clerk or Utility Billing Clerk, the applicant for services may be required to provide any or all of the following information:

1. The official address and legal description of the premises to be served.

2. The name and address to be used for purposes of billing statements.

3. The service address previous utility services were provided to the applicant.

4. Picture identification from a government entity.

(b) The applicant shall submit to the Utility Billing Clerk such proof of ownership of the property to benefit from the sewer and sanitation service or other personal and financial identification to the satisfaction of the Utility Billing Clerk.

(c) In addition to the Utility Service Agreement provided herein, the application shall also constitute and be construed as a continuing offer on the part of the Customer to purchase and be responsible for the cost of sewer and sanitation service from the City and provision of the sewer and sanitation service or the availability of sewer and sanitation service shall be deemed acceptance of the offer. The applicant shall be the Customer and shall be responsible for payment of all sewer and sanitation service charges until the Customer's Utilities Service Agreement is mutually terminated and the responsibility for the service has been officially transferred by the City to a new applicant notwithstanding the transfer of ownership of the property or premise and the ability of the City to jointly or severally charge and collect sewer and sanitation service charges from another Person or Entity. Acceptance of a sewer or sanitation charge from one Person or Entity, which is not the current applicant or Customer shall not waive the right of the City to collect any other or additional sum due for sewer or sanitation service to said same property or premise from the Person or Entity official listed as the applicant or Customer.

(d) Upon satisfactory completion of the application and satisfaction all other requirements for sewer and sanitation service, the Utility Account shall be opened in the name of the applicant, thereafter known as the Customer unless:

1. The applicant is a Person or Entity who owes the City on a sewer or sanitation services account for that premise or any other premises; or

2. The applicant is a Person or Entity who has failed to cure the breach for which any sanitation or sewer service has been terminated pursuant to the provisions of this Chapter; or

3. Conditions exist at the premises for which sanitation or sewer services were, will be, or would be terminated; provided, however, no Person or Entity shall be denied service because of an outstanding obligation of another Person or Entity, except an Entity which is a successor in interest to the obligor Entity or acquired the obligor Entity.

The City reserves the right to deny service to anyone for any reason.

(e) If the application is accepted and a Utility Account is opened, the Customer, which shall include all Persons or Entities having an ownership interest in the premises to be served, shall execute a Utility Services Agreement agreeing to be responsible for all charges for sewer and sanitation services, miscellaneous utility service fees and ambulance subsidy fees rendered to the premises in a form and manner approved by the Utility Billing Clerk and which authorizes the attachment of a contractual lien on the property or premises for any unpaid sewer or sanitation service charges, unpaid utility service fees, and unpaid ambulance subsidy fees. The Utility Services Agreement must be so executed prior to sewer or sanitation service being established.

(Ord. No. 637, §1, 02-03-2009)

(f) In the event an applicant is denied the right to establish sewer or sanitation service, the Utility Billing Clerk shall give the applicant written notice of the reasons for the denial and the right of the applicant to request a hearing before the Utility Billing Clerk at which time the reasons for the denial may be contested. If the denial is not

rescinded by the Utility Billing Clerk and the Utility Account not established, the applicant may request a hearing before the City Manager who shall make a final determination as whether or not to grant the application, and in appropriate circumstances, require conditions for service that will assure all fees and charges for service to the applicant's property will be timely paid.

(g) In all cases, the Owner of the premises to be benefited by sewer and sanitation service shall be the Customer and responsible for all fees and charges for sewer and sanitation services rendered to the premises. All owners, whether buying or selling the premises served by sewer or sanitation service, shall notify the City of the transfer of the ownership of the premises and that the sewer and sanitation account is paid to the date of the transfer of title. No Customer shall be relieved from any obligation for the payment of the account until the date that a new application is approved and an account is established for a new Customer. Each Customer's obligation on the sewer or sanitation account for services after the date of transfer shall terminate only if the successor in ownership establishes a Utilities Account, which commences on the date the prior Customer's obligation terminates and the City has been notified in writing of the transfer ownership.

(h) The failure of any owner, rental agent, person, entity, or occupant of any premises to take the actions enumerated in subsections (a) through (h) above, shall not prevent or in any way impair or impede the Director from adding the address of such premises to the proper solid waste collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fee or charge therefore to be paid.

(i) The Director or his designee shall be authorized to post a notice on vacant or unoccupied properties advising new occupants of the requirements enumerated in this section. It shall be unlawful for any owner, rental agent, entity, person, or occupant of any posted premises to remove said notice without first having established services as provided in this Chapter.

(j) Each producer shall post the required security deposits and pay for sewer and solid waste collection services in accordance with rates and regulations established by resolution of the council.

(Code 1976, 6-1-5; Ord. No. 520, 1, 11-7-95; Ord. No. 561, §3, 10-3-2000; Ord. No. 628, §1, 08-07-2007; Ord. 637, §1, 02-03-2009)

Sec. 23-21. Littering.

(a) It shall be unlawful for any person, firm, or corporation to deposit or dump on any street, alley, or parking lot of the city or any private property therein, garbage, rubbish, or refuse without placing the same in an enclosed can or container, as provided in Section 23-23. (Code cross reference 12-57)

(b) No person shall deposit or dump any bulky waste, construction debris, hazardous waste, stable matter or any other solid waste material on any street, alley, or parking lot of the city or on any private property therein.

(c) It shall be unlawful for the owner or lessee of any private property located in the city to permit any garbage, rubbish, refuse, bulky waste, construction debris, hazardous waste, stable matter or any other solid waste material to be deposited or dumped on such private property or to remain thereon, and such owner or lessee is required promptly to remove any such items deposited or dumped on such private property.

(Code 1976, 6-1-7; Ord. No. 241, 1, 2, 4-18-78; Ord. No. 520, 1, 11-7-95)

Cross reference--Removal of accumulations of trash, 15-21 et seq.

Sec. 23-22. Burning.

The burning of any garbage, refuse and rubbish, carcasses of dead animals, or other offensive or unwholesome matter is hereby prohibited. (Code cross reference 10-25)

(Code 1976, 6-1-11)

Sec. 23-23. Carts, containers, plastic bags; excess wastes, brush, etc.

(a) The owners, occupants, or rental agents of all single family residential premises in the city:

(1) Shall use carts provided by the city or its independent contractor as the primary container for waste disposal or recycling and shall maintain said carts in a sanitary and safe condition, including but not restricted to, the prevention of waste accumulation in the bottom and side of said containers.

(2) Shall keep the cover or lid of carts and containers closed at all times to prevent blowing litter and the attraction of flies, insects, or rodents.

(3) Shall not store or keep more than one (1) cart in any location beyond the Front Building Line, or in the front yard as defined by Chapter 24, Section 24-1. Carts kept or stored pursuant to this subsection shall be stored or kept as close to the house as possible.

(4) Shall not store or keep any plastic or metallic container, polycart, plastic bag, cardboard box, bundle of brush, or pile of brush in any location beyond the Front Building Line, or in the front yard as defined by Chapter 24, Section 24-1.

(5) Shall not place carts, bulky waste, or any other waste out for collection before 3:00 p.m. on the day before the designated collection day, but no later than 6:00 a.m. on the collection day designated by the city.

(6) Shall not allow carts, bulky waste, or any other waste to remain at curbside or beyond the front building line after 8:00 a.m. on the day after the designated collection day.

(7) Shall not overfill any cart or plastic bag, or place any cart or plastic bag out for collection with contents exceeding the capacity of the cart or plastic bag in terms of volume or weight. The weight limit for 95-gallon container shall be 200 pounds. The weight limit for a 65-gallon container shall be 150 pounds. The weight limit for a plastic bag shall be 35 pounds.

(8) Shall not place in any cart or plastic bag any bulky wastes, construction debris, stable matter, hazardous wastes, hot ashes, dirt, sand, sod, rocks, or similar items that may damage the cart or collection equipment.

(9) Shall not remove the cart from the premises to which it is assigned by the city or its independent contractor.

(10) Shall be responsible for damage to carts or containers furnished to them by the City or its independent contractor and shall pay to the City the cost of replacement of any such cart or container damaged by improper use before a new cart or container is issued to the account.

(b) **Placement of carts, bulky wastes for collection**: The owners, occupants, or residents of any premises served by carts may place carts out for collection according to the following regulations. Additional regulations may be established by resolution of the Council.

1. **Curbside Service**: Customers that receive curbside service shall place carts at curbside by 6:00 a.m. on the designated pickup day. It shall be unlawful to place any waste at curbside except in an approved cart, or except as otherwise provided for herein.

    a. Carts shall be placed at least five feet from mailboxes, gas meters, cars, or shrubs or anything else that could interfere with loading by mechanical equipment.

    b. Carts placed at curbside must be at least three (3) feet apart.

    c. All wastes shall be placed inside the cart and lids must be completely closed in order to avoid spillage and problems with mechanical loading equipment.

2. **House Side Service**: Customers that receive house side service shall place the cart or carts out for collection on the designated pickup day.

    a. It shall be unlawful to place any waste out for house side collection except in the approved cart or carts.

    b. Carts placed for collection pursuant to this subsection shall be stored and placed out for collection in a location that complies with the provisions of Section 23-23 (a)

Subsections (3) and (4) or if within a fenced yard, at a place near the front of said fenced yard.

c. If carts are within fenced yards, the gate shall not be locked or tied shut and the area must be easily accessible by sanitation workers.

d. If a dog is kept in the back yard and the area is fenced, all carts shall be placed outside the fenced area.

e. All wastes shall be placed inside the cart and lids must be completely closed in order to avoid spillage and problems with mechanical loading equipment.

3. **Bulky Waste Service:** Up to three (3) cubic yards of bulky waste as defined in this Chapter may be placed at curbside by 6:00 am on the designated collection day. It shall be unlawful to place bulky wastes at curbside more than twenty-four (24) hours before said pickup day.

   a. Items shall be placed at least five feet from mailboxes, gas meters, cars, shrubs, or anything else that could interfere with hand loading or mechanical equipment.

   b. Items shall be placed at least ten feet away from utility poles, to prevent contact with overhead power lines.

   c. Bulky waste shall be in a size and length that will fit in the hopper of the garbage truck.

   d. Small items or loose items such as twigs, paper, grass and other similar items must be containerized in plastic bags or boxes so that they do not spill.

   e. All items placed for collection must be able to be lifted and handled by two persons.

   f. Types of bulky waste that can be placed for collection include, but are not limited to, the following:

      i. Household appliances,

ii. Water tanks,

iii. Furniture,

iv. Mattresses,

v. Cardboard boxes that are broken down and bundled.

vi. Trees, limbs and wood scrap tied and in two feet by four feet (2' x 4") bundles and not weighing more than (35) pounds.

vii. Fencing (up to 4 panels). Fence panels must be cut in half.

viii. Containerized non-contracted remodeling waste such as leftovers from do-it-yourself projects.

ix. Refrigerators and air conditioners provided they do not contain Freon. Such items may be placed out for collection only if the compressor is removed or the appliance has a sticker showing certified removal of the Freon.

g. It shall be unlawful to place any waste out for bulky waste collection that is not defined as bulky waste herein including, but not limited to, the following:

1) Hospital or medical waste or hazardous waste of any kind;

2) Poisons, acids and caustics, explosives;

3) Dirt, rocks, bricks or concrete;

4) Sewage and liquid waste,

5) Nuclear materials.

6) Gasoline, kerosene, oils and other fuels;

7) Propane tanks, degreasers, lubricants, brake fluid, antifreeze, batteries tires and rims, car batteries;

8) Sheet rock or roofing items;

9) Contracted construction, reconstruction, demolition, and repair waste.

(Ord. No. 604, 07-05-2005)

(c) Any polycart placed, kept, or maintained in violation of any provision of this Section shall be subject to impoundment by the Sanitation Superintendent and shall be returned to the service location from where it was impounded upon the payment to the City Clerk an impoundment fee of twenty-five dollars ($25.00). (Ord. No. 635, §1, 01-06-2009)

Sec. 23-24. Unauthorized removal, transportation, deposit, or placement.

It shall be unlawful for any person to do any of the following without permission of the superintendent of the sanitation department:

(1) Remove from any premise or premises situated in the city any garbage, refuse, rubbish, or other offensive or unwholesome matter;

(2) Transport on streets, alleys, or public places any garbage, refuse and rubbish, or other offensive matter;

(3) Deposit any garbage, refuse, or any other solid waste matter in any cart or metallic container which has not been specifically assigned to the depositor for disposal of wastes;

(4) Place for collection at any residence or business any waste that is prohibited or restricted by this article.

(5) Place for collection at any residence or business garbage, refuse or rubbish that has been generated at any location other than the residence or business where the trash is placed for collection.

(Code 1976, 6-1-8; Ord. No. 420, 1, 5-2-1989; Ord. No. 520, 1, 11-7-1995)

Sec. 23-25. Sanitation and Sewer Rates and Charges.

(a) The rates and charges to be paid to the city for sanitation collection and sewer service shall be as established by resolution of the city council.

(b) Sanitation and Sewer charges shall be billed in advance. If residential garbage service is provided on Tuesday or Wednesday, billing shall be on February 1, April 1, June 1, August 1, October 1, and December 1 of each year. If residential garbage service is provided on Thursday and Friday, billing shall be on January 1, March 1, May 1, July 1, September 1, and November 1. The rates and charges for commercial sanitation and sewer service shall accrue monthly and shall be paid in advance on the first of each month. A late payment fee in the amount established by resolution shall be added to the charges if the bill is not paid by the due date specified on the bill.

(Ord. No. 606 §1, 07-19-2005)

(c) Any person who has paid the sanitation and/or sewer bill in advance and who moves from the premises that has been occupied, to another place outside the city, leaving the premises unoccupied, shall be given a refund on a pro rata basis for as many full weeks during which the premises will not be occupied.

(d) Any person who is not in arrears in sanitation and sewer service payments and who will be gone for one (1) month or more leaving the premises unoccupied may, upon request prior to the absence, be credited with the appropriate number of full weeks involved.

(e) The initiative for requesting the refund or credit provided for in subsection (d) or (e) shall be with the person involved, and if the provisions of such subsections are not strictly complied with, the City Treasurer may refuse to make the refund or give the credit.

(f) It shall be unlawful for any person, firm, or corporation that has not entered into a Utility Services Agreement with the City to fail to pay the charges for sanitation or sewer service after sixty (60) days from the date the charges are due. The city clerk shall be authorized to discontinue service to any person, firm, or corporation whose bill is more than sixty (60) days in arrears. In the event of discontinuation of sanitation or sewer service, the city

clerk shall be authorized to charge a restoration fee in an amount established by resolution. Service shall not be restored for the person, firm or corporation until such bill is paid in full, including all applicable penalties and charges, or until such time that suitable arrangements are made for payment in full of the amount due.

(g) The City Clerk shall be authorized to require a utility deposit for commercial sanitation and sewer service in an amount established by resolution. The administration of a deposit fund shall be subject to regulations established by resolution and applicable state law.

State law reference--11 O.S. 35-107.

(Code 1976, 6-1-9, 6-1-10; Ord. No. 231, 1(6-1-9c), 4-19-77; Ord. No. 265, 1, 9-18-79; Ord. No. 270, 1, 11-6-79; Ord. No. 349, 1, 8-7-84; Ord. No. 458, 1, 6-18-91; Ord. No. 520, 1, 11-7-95; Ord. No. 604, 06-21-2005)

Sec. 23-26. Deposit of yard wastes.

(a) It shall be unlawful for any person, firm or corporation, in person or by agent, employee or servant, to cast, throw, sweep, blow or deposit in any manner in or upon any public street, storm sewer, canal or drainage basin or easement within the city any kind of yard waste, provided that this section shall not apply to the deposit of yard wastes deposited upon said public place in the necessary course of edging, mowing or raking any lawn or yard if removed therefrom within one (1) hour after being so deposited.

(b) It shall be unlawful for any person, firm or corporation, entity, owner, occupant, renter, tenant, or person in charge of any property in the City to allow grass or yard clippings or deposits to remain in the street or gutter immediately adjacent to the property occupied by said owner, occupant, renter, tenant, entity, or person in charge of said property unless removed there from within one (1) hour of being so deposited.

(Ord. No. 411, §1, 8-16-1988; Ord. No. 520, §1, 11-7-1995; Ord. No. 628 § 1, 08-07-2007)

Sec. 23-27. Unauthorized Removal or Placement of Recyclable Materials.

(a) No person or persons, other than the current resident of the property on which recyclable materials are placed for collection, or an

authorized carrier, shall remove, pick up, or transfer recyclable materials in any area of the city. Materials left at curbside in either specifically marked recovery containers or any other type of container are to be picked up by a designated carrier for the purpose of removal of recyclable materials. Materials referred to, and to be left at curbside in specifically marked containers, will include recyclable materials included in the City's recycling program.

(b) It shall be unlawful for any occupant or owner of any residential property to place recyclable materials at curbside for collection earlier than twenty-four (24) hours prior to the regular collection day.

(c) Recyclable materials placed for collection in the City recycling program shall be placed at curbside by 6 ~~7~~:00 a.m. on the designated collection day and shall only be placed for collection in containers provided specifically for the City's recycling program.

(Ord. No. 445, Section 1, 6-28-1990)

Secs. 23-28--23-53. Reserved.

Sec. 23-54. Disconnection of sewer for nonpayment.

(a) In the event a sewer service account shall be delinquent for more than sixty (60) days, the City may, in addition to all other remedies available to the City for collection of accounts, terminate the sewer service to the described premises by entering the described premises, pursuant to the right of ingress and egress granted by the Customer to the City in the Utility Service Agreement, with all personnel and equipment necessary to accomplish the disconnection of the sewer service line to the main sewer line belonging to the City.

(b) Prior to termination of service by disconnection, the City shall serve on the Customer no later than fourteen (14) days after the expiration of the sixty (60) day delinquency period a written notice of its intent to disconnect the sewer line serving the described premises. Service shall be in writing and may be served by US Mail to the billing address of the Customer as it appears on the billing records and as last provided by the Customer, in person or by mailing and posting the notice on the premises. If the Customer

fails to respond or correct the delinquency within fourteen (14) days after notice is served, the City may proceed with the disconnection as provided herein.

(c) A Customer who receives a termination notice is entitled to request a hearing with the Billing Clerk to contest the validity of delinquency of the account or other reason stated in the notice as the basis for the disconnection. If, after a hearing before the Billing Clerk, a determination is made that claim by the City of delinquency of the account is correct, the Customer shall have five (5) business days to pay the account in full or the City may proceed with the disconnection of the service line to the premises. If the Customer continues to contest the accuracy of the claim of the City, the disconnection of the service line may be stayed by the Customer by depositing with the City an amount necessary to pay the account in full.

(d) The Customer shall have fourteen (14) days thereafter to seek further relief by whatever legal means available to the Customer. In the event the Customer prevails in any appeal, amounts determined not to be due the City shall be returned or credited to the account of the Customer without interest. Upon failure of the Customer to exercise such appeal rights within the time authorized the City may apply any funds deposited by the Customer to the Customer's account. Additionally, in the discretion of the City, the City may proceed with the termination of service to the premises by disconnection of the sewer service line or any other action authorized by this Chapter to collect any charges or fees due and to protect the City from being further subject to the risk of unpaid services.

(e) All disconnections shall be conducted during normal business hours. When a disconnection of the sewer service line is accomplished by the City, the line shall not be reconnected except at the expense of the Customer. In addition, the Customer shall reimburse the City of the expense incurred by the City in disconnecting and reconnecting the service line prior to reconnection. Similarly, any new Customer shall bear the expense of reconnecting the service line as a condition of establishing service.

(f) All rights and remedies available to the City pursuant to state law, this Chapter, the Utility Service Agreement shall be cumulative and election by the City to terminate the account by disconnection shall not prevent the City from exercising all other rights and remedies it may have regarding the collection of charges and amounts due for past services.

(Code 1976, §13-1-3; Ord. No. 628, §1, 08-07-2007)

Sec. 23-55. City not bound to provide sewer service.

Nothing in this Chapter shall be construed as binding the City to agree to continue any sewage service nor shall anything contained in this division prevent the city from discontinuing sewage service when in the judgment of the City the continuance of sewage service will interfere with the proper function of the city's sanitary sewage facilities.

(Code 1976, §13-1-5; Ord. No. 628, §1, 08-07-2007)

Sec. 23-56. Service levels for commercial accounts to be adequate.

Each commercial sanitation customer shall be required to establish a level of service with the City that is adequate to meet the disposal needs of the customer as determined by the Director. The Billing Clerk shall be authorized to increase the number of pickups per week and/or the container size for any customer in order to provide the service level deemed necessary by the Director to adequately service the account. The Billing Clerk shall bill the customer for the costs of service in accordance with rates established by resolution of the Council. (2014 Code)

Secs. 23-57—23-75 Reserved.

ARTICLE III

UTILITY SERVICE AGREEMENT; LIEN; BILLING

Sec. 23-76. Purpose.

(a) The following regulations as adopted by the City of The Village, Oklahoma are published for the information and guidance of all users of the public sewer system and sanitation services of the City and are

declared to be part of the contract for services between the City and the Owner of premises where sewer and sanitation service is furnished.

(Ord. No. 628, §1, 08-07-2007)

Sec. 23-77. Contractual Lien.

a) The sewer and sanitation service charges and utility service fees levied and assessed by this Chapter as well as ambulance subsidy fees authorized by Chapter 18, Section 18-117, shall be payable for each lot, parcel of land, building or other premises, whether occupied or vacant, within or without The Village corporate limits, having a connection with the sanitary sewer system of the City and/or having sanitation services. By submitting an application and establishing an account, the Customer consents to a contract for services which includes the provisions of this Chapter and into which the provisions of this Chapter are deemed incorporated by reference. Any charge for sewer or sanitation service, miscellaneous utility services authorized by this chapter and ambulance subsidy fees authorized by Chapter 18, Section 18-117 to such premises, which are not paid in full when due shall become a contractual lien against the premises serviced by the connection with the City's sanitary sewer system. The terms of the granting of the lien and the rights of the parties shall be set forth in the application and Utility Service Agreement, which shall be executed by the Customer and shall be a binding contract between the Customer and the City. The granting of the lien shall be subject to all applicable provisions of Title 31 O.S. § 1 (A) concerning homestead and exemption rights of the Customer.

b) By directly or indirectly accepting sewer or sanitation service or the benefit or enhancement of sewer or sanitation service or the availability of sewer or sanitation service from the City, the Customer shall agree to pay for such service and all associated utility service and ambulance subsidy fees, and agree such charges shall be charged or imposed on the property and shall be a continuing lien on the property, paramount and superior to all liens or other subsequent obligations of the Customer secured by the property, from the date the City's lien is recorded with the Oklahoma County Clerk.

(Ord. No. 628, §1, 08-07-2007; Ord. No. 637, §2, 02-03-2009)

Sec. 23-78. Billing and Collection.

a) The Utility Billing Clerk of the City of The Village shall be responsible for the billing and collection of sanitary sewer and sanitation charges, which shall be assessed, levied and collected in conjunction with the administration of the charges for sewer and sanitation service supplied by the City. The same shall be subject to and governed by the valid and applicable rules and regulations from time to time established by the City with respect to the collection of sewer and sanitation charges. The sanitary sewer and sanitation charges shall be a lien upon all real property served by the City. The Billing Clerk shall, in accordance with regulations established by the City, determine the amount of delinquent sanitary sewer and sanitation charges, together with all other fees, charges and sums authorized by law, contract, or this Chapter and file with the Oklahoma County Clerk a lien on the real property pursuant to the contractual lien granted to the City under the Utility Services Agreement executed by the Owner of the premises served and shall be collected in the same manner as other liens. Upon payment in full to the City of delinquent sanitary sewer and sanitation charges and fees, together with all other costs and fees authorized by this ordinance that have been secured by a lien filed with the Oklahoma County Clerk, the Billing Clerk shall file with the Oklahoma County Clerk an appropriate release of the lien.

(Ord. No. 628, §1, 08-07-2007)

Sec. 23-79. Interest, Attorney fees and costs.

a) Unless otherwise provided in the Utility Service Agreement, the Customer agrees that delinquent accounts shall accrue interest on the unpaid balance until paid in full in an amount equal to the statutory rate of interest or the rate of interest on judgments as established by the Supreme Court, whichever shall be the greater. In addition, the City shall be entitled to recover reasonable attorney's fees and costs incurred in the event collection efforts are required to recover sums due on accounts. Interest, attorney's fees and other cost may be included in and secured by the lien filed against the property as provided herein.

(Ord. No. 628, §1, 08-07-2007)

Sec. 23-80. Applicability.

(a) From and after the effective date of this Ordinance, any accounts existing on the effective date of this Ordinance which become delinquent two times, new accounts for sewer or sanitation service, including existing accounts being transferred to a different Person or Entity or to a different location, or any other action resulting in a change in an account shall require execution of a Utility Service Agreement and be subject to the provisions of this ordinance.

(Ord. No. 628, §1, 08-07-2007)

CHAPTER 24

ZONING

Art. I. Administration and Enforcement
Div. 1. Generally, §24-1--§24-20
Div. 2. Planning and Zoning Commission, §24-21--§24-40
Div. 3. Board of Adjustment, §24-41--§24-60
Div. 4. Amendments, §24-61--§24-75
Div. 5. Nonconformances, §24-76--§24-95
Art. II. Zoning Districts Established; Zoning Map, §24-96--§24-125
Art. III. District Regulations, §24-126--§24-150
Div. 1. A-1 Single-family Residential, §24-151--§24-165
Div. 2. C-1 Restricted Commercial, §24-166--§24-185
Div. 3. C-2 Commercial District, §24-186--§24-189
Div. 4. Planned Unit Developments, §24-200--§24-249
Art. IV. Off-street Parking and Loading, §24-250--§24-274

Cross references--Buildings and building regulations, Chapter. 6; Art. IX, Parking; Chapter 13; signs, Chapter 20; Subdivision regulations, Chapter 25.

State law reference--Municipal zoning, 11 O.S. §43-101 et seq.

ARTICLE I. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 24-1. 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:

Accessory building means a building customarily incidental and appropriate and subordinate to the principal use of land or buildings located upon the same premises. Accessory buildings include, but are not limited to, carports, storage buildings, temporary or portable buildings, detached garages, cabanas, gazebos, detached covered patios, and tornado shelters.

Accessory use means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

Accessory structure means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but shall not include any accessory building as defined herein which is subordinate to the principal use of the property upon which it is located. Accessory structures include, but are not limited to, wind generation towers or structures, alternative energy devices, radio or television transmission or reception towers, satellite reception antennas, swimming pools, flag poles, basketball goals, and retaining walls.

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 outdoors for advertising purposes on the ground or on any tree, wall, bush, rock, 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. Directional, warning or other signs posted by public officials in the course of their public duties or merchandise or materials being offered for sale shall not be construed as being advertising signs.

Alley means a public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Apartment house means a multiple-family dwelling.

Area regulations means the provisions of this chapter that establish for each zoning district the regulations pertaining to the frontage, street access, front yard, side yard, rear yard, open space, intensity of use, lot area, lot width, and height as well as regulations pertaining to accessory buildings and accessory structures.

Automobile means a self-propelled mechanical vehicle designed for the use on streets and highways for the conveyance of goods and people including but not limited to, passenger cars, trucks, busses, motor scooters and motorcycles.

Automobile service station means any area of land, including any structure thereon, that is used primarily for the sale of automotive fuels

(except butane or propane) and which may include facilities for the sale of automotive accessories or fluids, foods and beverages and other goods, as well as facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

Automobile wash or laundry means a structure designed primarily for washing automobiles either manually or using production line methods with a chain conveyor, blower, steam cleaner, high-pressure spray or other mechanical device.

Automobile wrecking or salvage yard means an area outside of a building where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

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 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.

Billboard 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 outdoors for advertising purposes on the ground or on 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 or other signs posted by public officials in the course of their public duties nor merchandise or material being offered for sale shall be construed as advertising signs.

Building means any structure intended for shelter, housing or enclosure of persons, animals, or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure.

Building coverage means the percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

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 deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building, main means a building in which is conducted the principal use of the lot on which it is situated. In any residential district any detached dwelling shall be deemed to be the main building on the lot on which it is situated.

Building site means a single parcel of land occupied or intended to be occupied by a building or structure.

Carport means a permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

Childcare center shall mean any day childcare, nursery, nursery school, foster home, or preschool or any place, home or institution located in any residential or commercial district, which meets the requirements provided for same in Chapter 11 of this code.

Church means a building or buildings used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres. A synagogue, mosque, or temple shall be considered a church.

Clinic, dental or medical means a facility for the examination and treatment of ill and afflicted human out-patients; provided, however, that patients are not kept overnight except under emergency conditions, including but not limited to dental and doctor's offices.

Convalescent home, rest home, nursing home means a health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Court means an open unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such building or buildings.

Court, inner means a court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

Court, outer means a court in full width of which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

District, zoning means any section of the city for which regulations governing use of buildings and premises or the height and area of buildings are uniform.

Drive-in restaurant means any establishment where food, frozen dessert and/or beverage is sold to the consumer and where motor vehicle parking space is provided and where such food, frozen dessert and/or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside of the building.

Dry cleaning or laundry, self-service means any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry-cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance, which is operated primarily by the customer.

Dwelling means any building, or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including house trailers, mobile homes or travel trailers.

Dwelling, attached means a dwelling having any portion of each of two (2) walls in common with adjoining dwellings.

Dwelling, detached means a dwelling having open space on all sides.

Dwelling, multiple-family means a dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of hotels or motels.

Dwelling, row house or townhouse means three (3) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one (1) family.

Dwelling, single-family means an attached dwelling designed to be occupied by one (1) family.

Dwelling, two-family means a dwelling designed to be occupied by two (2) families living independently of each other.

Family shall mean a number of persons in an immediate family who are either related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship and who are living together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities. For the purposes of this section immediate family means spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law.

Fence means an accessory structure which constitutes a barrier that serves to enclose an area, and which may impede or partially impede a view, or impede or partially impede free movement from one property to another, or from one portion of a property to another, and which is constructed in conformance with specifications and restrictions provided for by this chapter and other applicable building codes. *Code reference - Section 24-154 (A) (g).*

Floor area, gross means the sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings, and including but not limited to, the following spaces:

(1) Basements;

(2) Elevator shafts and stairwells at each floor;

(3) Floor space for mechanical equipment with structural headroom of seven (7) feet or more;

(4) Penthouses;

(5) Attic space providing head room of seven (7) feet or more;

(6) Interior balconies, mezzanines and enclosed porches and enclosed steps;

(7) Accessory uses in enclosed covered space, but not including space used for off-street parking.

Floor area, net means the total floor area within a building devoted or intended to be devoted to a particular use, with structural headroom of seven (7) feet or more, whether above or below the finished lot grade, excluding:

(1) Elevators, stairwells, hallways, walls and partitions, and

(2) Floor space permanently devoted to a parking space or parking spaces, mechanical equipment, closets, washrooms, or other items permanently preventing the floor space from being occupied by persons while engaged in the use.

Floor area ratio means a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located.

Front building line means a line extending from side property line to side property line and being the minimum horizontal distance between the front property line and the front of the main building or any projections thereof other than steps, unenclosed balconies or unenclosed porches.

Garage, private means any accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory.

Garage, public means any garage other than a private garage, available to the public, used for the care or servicing of automobiles where such vehicles are parked or stored for remuneration, hire or sale.

Garage, repair means a building in which are provided facilities for the care, servicing, repair or equipping of automobiles.

Gross floor area means the sum of the gross horizontal area of all the floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline walls separating two (2) buildings, and including but not limited to the following spaces:

(1) Basements;

(2) Elevator shafts;

(3) Floor space and stairwells at each floor for mechanical equipment with structural headroom of seven (7) feet;

(4) Penthouses;

(5) Attic space providing headroom of seven (7) feet or more;

(6) Interior balconies, mezzanines and enclosed porches and enclosed steps;

(7) Accessory uses in enclosed covered space, but not including space used for off-street parking.

Home association means an incorporated non-profit organization operating under recorded land agreements through which:

(1) Each lot and/or home owner in a planned unit or other described land area is automatically a member; and

(2) Each lot is automatically subject to a charge for proportionate share of the expense for the organization's activities, such as maintaining of common property; and

(3) The charge if unpaid becomes a lien against the property.

Home occupation means an occupation or profession conducted in a residential dwelling by the lawful occupants thereof and which occupation is carried out in conformance with all applicable codes and regulations provided for herein.

(Ord. No. 533, §1, 11-19-96)

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.

Kennel means any lot or premises on which four (4) or more dogs or cats, more than six (6) months of age are kept.

Lot means any plat of land occupied or intended to be occupied by one building, or a group of buildings, and the permitted accessory buildings, accessory structures and accessory uses, including such open spaces as required by laws or ordinance, and having its principal frontage on a street.

Lot area means the total horizontal area included within lot lines.

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 (135) degrees.

Lot, depth means an average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

Lot, double frontage means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, frontage means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, interior means a lot other than a corner lot.

Lot lines means the lines bounding a lot.

Lot split means to divide a legally platted lot into one or more lots.

Mixed use means the lawful use of land in which said land is used for more than one purpose or occupancy and where all such uses are permitted in the district in which the land is located.

Mobile home means a portable or mobile living unit used or designed for human occupancy on a permanent basis.

Nonconformance means a lawful condition of a structure or land, which does not conform to the use, area, or other regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming building means a lawful condition of a structure which does not conform to the area, height, off-street parking or other regulations of the district in which it is situated.

Nonconforming use means a structure or land lawfully occupied by a use, which is not, a use authorized by the district regulations in which is it situated.

Parking space means a permanently surfaced area, enclosed or unenclosed, of sufficient size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

Planned unit development means a development planned in accordance with the provisions of Article III, Division 4 of this chapter and includes cluster housing, planned residential and nonresidential development, community unit plan, and other zoning requirements which are designed to accomplish the objectives of a comprehensive plan and the zoning code provided herein through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Plat means a survey made on behalf of any person intending to lay out an addition or subdivision to the city which describes and sets forth all streets, alleys, easements, common or public grounds, all lots and blocks, and fractional lots within or adjoining the land being platted and which gives their names, widths, courses, boundaries and extent.

Residential sale means any sale of what is held out to be or is commonly known as a garage, porch, room, backyard or patio sale or any other type of general sale conducted from or on any premises not located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public. "Residential sale" shall not include a situation where specific items are held out for sale and all advertisement of such sale specifically names the items to be sold.

Retail business means a business where goods or commodities are offered for sale to the ultimate consumer of such goods or commodities. For the purpose of this chapter, restaurants, automobile dealerships, and automotive repair shops, shall not be considered retail businesses.

Restaurant. Any place kept, used, maintained, or held out for the public where meals or food is prepared, cooked, and served either on or off the premises thereby emitting smoke, grease, odor, or vapors outside the premises and requiring an appropriate ventilation device or system due to the use of grills, stoves, ovens, broilers, fryers or other similar types of equipment. Restaurant as herein defined shall not be deemed to be a retail use as herein provided for.

Sanatorium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

Seasonal sale means the sale, of merchandise such as, but not limited to, Christmas Trees, pumpkins, and poinsettias by a charitable or nonprofit organization for a limited period of time

Setback means the minimum required yard depth measured from the lot line to the main building.

Single-family dwelling means a dwelling where only one (1) family as defined herein may lawfully reside provided that a maximum of four (4) persons who are not members of a family as defined herein shall be permitted to reside in any single-family dwelling and provided further that in no instance shall there shall be more than one (1) occupant per two hundred (200) square feet of living area in any single family dwelling.

(Reference – International Fire Code, 2009 Edition, Table 1.004.1.1

Site development plan means a plan drawn at a scale of not less than fifty (50) feet equals one (1) inch which shows the topographic characteristics of the site at a contour interval of not less than one (1) foot; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and courts and other features; the use of each building and area; the height of buildings; adjacent streets, alleys, utility drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

Special exception means the approval of a specific use of property that is not specifically authorized in the zoning district where such property is located and which is granted by the board of adjustment.

Specific Use means a use that is specifically listed as an authorized use within a zoning district and which may be authorized only through approval of a specific use permit. Any reference in this chapter to “special use” shall be construed to mean “specific use”.

Specific Use Permit means a permit for a use approved by the City Council pursuant to Section 24-25 and Section 24-26 of this chapter, and after notice and a hearing and preliminary review and recommendation of the Planning & Zoning Commission. Any reference in this chapter to “special use permit” shall be construed to mean “specific use permit”.

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, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half means a space under a sloping roof, which has the line of intersections 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 of floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street means any public or private thoroughfare, which affords the principal means of access to abutting property.

Street, intersecting means any street, which joins another street at an angle, whether or not it crosses the other.

Structural alterations means any change in the supporting members of building, such as bearing walls or partitions, columns, beams, girders, or any substantial change in the roof or in the exterior walls.

Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Trailer, hauling means a vehicle to be pulled behind an automobile or truck, which is designed for hauling animals, produce, goods or commodities, including boats.

Trailer, travel or camping means a portable or mobile living unit used for temporary human occupancy away from the place of residence of the

occupants, and not constituting the principal place of residence of the occupants, and containing less than one hundred seventy-five (175) square feet of floor area.

Unit means any building or portion thereof, which is designed or used as living quarters for one family.

Variance means the waiving or altering of a specific zoning district area regulation, and which is granted by the board of adjustment.

Yard means an open space at grade between a main 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 this chapter. In measuring for the purpose of determining the width of the side yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. In measuring for the purpose of determining the depth of a front yard, the depth shall vary depending on the distance between the front property line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches.

Yard, front means a yard located in front of the front elevation of a main building and extending across a lot between the side yard lines and being the horizontal distance between the front property line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches.

Yard, rear means a yard extending across the rear of a lot measured between the side yard lines and being the horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed 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.

Yard, side means a yard between the main building and sideline 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, unenclosed balconies or unenclosed porches.

(Code 1976, Title 12, Article 8; Ord. No. 288, §1, 4-21-81; Ord. No. 380, §1, 4-21-87; Ord. No. 418, §1, 3-21-89; Ord. No. 465, §3, 1-23-92; Ord. No. 461, §§1,2, 11-5-91; Ord. No. 497, §§1,2, 3-1-94; Ord. No. 463, §1, 12-3-91; Ord. No. 505 §2, 9-20-94; Ord. No. 596 §1, 10-19-04)

Sec. 24-2. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this chapter to interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, pursuant to law relating to the use of buildings of premises, and likewise not in conflict with this chapter, nor is it intended by this chapter to interfere with or abrogate or annul any easement, covenants, restrictions or other agreements between parties; except that if this chapter imposes a greater restriction, this chapter shall control.

(Code 1976, §12-9-2)

State law reference--Governing law in case of conflicts, 11 O.S. §43-108.

Sec. 24-3. Governing act in case of conflict.

Whenever the provisions of a statute, ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards than any other applicable statute, ordinance or regulation, then the provisions of the statute, ordinance or regulation which impose higher standards or greater restrictions shall govern.

Sec. 24-4. Chapter not to legalize violations.

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a building or premises in violation of this chapter except as expressly provided for herein.

(Code 1976, §12-7-7; Ord. No. 596, §2, 10-19-2004)

Sec. 24-5. Injunctive relief.

If any building, structure or land is in violation of any municipal ordinance or other regulation, the building inspector or other person designated by the city, or any other person affected thereby, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land, to prevent any illegal act, conduct, or business or use in or about the premises.

(Code 1976, §§12-2-2, 12-9-3) State law reference--injunctive relief, 11 O.S. §43-107

Sec. 24-6. Application of building codes.

It is intended that the requirements in Chapter 6 of this Code shall govern the construction of all main buildings, accessory buildings, structures and accessory structures.

(Ord. No. 333, §6, 10-18-83; Ord. No. 505, §2, 9-20-94)

Sec. 24-7. Enforcement officer.

This chapter shall be enforced by a building inspector appointed by the city manager. The building inspector may issue citations for violations of the provisions of this chapter.

(Code 1976, §§12-2-1, 12-5-2; Ord. No. 283, §1, 8-5-80)

Sec. 24-8. Purpose of regulations - comprehensive plan.

(a) Regulations contained in this chapter shall be designed to accomplish any of the following objectives:

(1) To lessen congestion in the streets;

(2) To secure safety from fire, panic and other dangers;

(3) To promote health and the general welfare;

(4) To provide adequate light and air;

(5) To prevent the overcrowding of land;

(6) To promote historical preservation;

(7) To avoid undue concentration of population; or

(8) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(9) To eliminate and prevent the development or spread of blight, to encourage needed rehabilitation, and to provide for the redevelopment of blighted areas in accordance with priorities and areas designated from time to time. (Ord. No. 622, §1, 10-31-2006)

(b) The 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. The city council shall provide the manner in which regulations, restrictions and district boundaries shall be determined, established and enforced, and amended, supplemented or changed.

Sec. 24-9. Penalty.

Any person who violates any provision of this chapter shall be guilty of a Class B offense and shall be subject to a fine not to exceed two-hundred ($200.00) dollars. Each day the violation continues shall be considered a separate offense.

Secs. 24-10--24-20. Reserved.

DIVISION 2. PLANNING AND ZONING COMMISSION

Sec. 24-21. Created.

There is hereby created a planning and zoning commission.

(Code 1976, § 12-1-1)

State law reference--zoning commission required, 11 O.S. § 43-109; planning commission authorized, 11 O.S. § 45-101 et. seq.

Sec. 24-22. Membership.

(a) The planning and zoning commission shall consist of seven (7) members appointed by the city council, all of which shall reside in the city.

(b) The members shall be nominated by the mayor and confirmed by the city council.

(c) Each member shall serve for a term of three (3) years without compensation.

(d) When the commission is first appointed, the terms of three (3) of the members shall be for three (3) years, two (2) for two (2) years, and two (2) for one (1) year.

(e) Appointments to fill vacancies shall be for the un-expired terms only.

(f) The commission shall elect a chairman from its membership.

(g) Any commission member who is absent for three (3) consecutive meetings or more than half the meetings in any calendar year, shall automatically cease to be a commission member.

(Code 1976, §§ 12-1-1, 12-1-2)

(Ord. No. 383, §1, 5-19-87; Ord. No. 505, §2, 9-20-94; Ord. No. 681, §1, 03-05-2013). State law reference--planning and zoning commission membership, 11 O.S. § 45-102.

Sec. 24-23. Meetings.

(a) Four (4) members of the planning and zoning commission shall constitute a quorum for the transaction of business, provided, however, that no action shall be taken as binding upon the commission unless concurred in by not less than a majority of all the members present. All actions of the commission shall be reported to the council.

(b) The planning and zoning commission shall be subject to the open meeting laws of this state and all meetings, deliberations and voting of the commission shall be open to the public.

(c) The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the city clerk and shall be a public record.

(Code 1976, § 12-1-5; Ord. No. 505, §2, 9-20-94)

State law reference--planning and zoning commission generally, 11 O.S. § 45-101 et seq.

Sec. 24-24. Duties and powers.

(a) The planning and zoning commission shall prepare from time to time plans for the betterment of the city as a place of residence or for business. It may consider and investigate any subject matter tending to the development and betterment of the city, and make recommendations as it may deem advisable concerning the adoption thereof, to any department of the city, and for any purpose make or cause to be made surveys, maps or plans. The commission shall have the power and authority to employ engineers, attorneys, clerks and secretary or any other help deemed necessary, subject to the approval of the city council. The necessary expenses incurred by the commission shall be approved and paid out of the city treasury as other legal expenses of the city, but in no event may the planning and zoning commission be authorized to create a deficiency.

(b) The planning and zoning commission shall cooperate with the zoning and planning commissions for the City of Nichols Hills and the City of Oklahoma City in connection with the planning for areas adjacent to and beyond the corporate limits of this city.

(c) Before final action is taken by the city or any department thereof on the location and design of the any public building, statue, memorial, park, parkway, boulevard, street, alley, playground, alley, or grade thereof, the question shall first be submitted to the planning and zoning commission for review and report.

(d) All plans, plats, or replats of land laid out in lots or blocks and the streets, alleys, or other portions of the same intended to be dedicated to the public or for private use within the corporate limits of the city, shall first be submitted to the planning and zoning commission for its approval or rejection. Before such plans, plats or replats shall be entitled to be recorded in the office

of the county clerk they shall be approved by the city council. It shall be unlawful to offer and cause to be recorded any such plan, plat, or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city council. Any plat filed without the endorsed approval of the city council shall not import notice nor impose any obligation or duties on the city. The disapproval of any such plan, plat, or replat by the city council shall be deemed a refusal of the proposed dedication thereon.

(e) The planning and zoning commission may exercise jurisdiction over subdivision of land and adopt regulations governing the subdivision of land within its jurisdiction. Any regulations, before they become effective, shall be approved by the city council and shall be published as provided by law or ordinances. Such regulations may include provision as to the extent to which street and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations may provide for a tentative approval of the plat before such installation. Any such tentative approval shall be revocable for failure to comply with commitments upon which the tentative approval was based and shall not be entered on the plat. In lieu of the completion of any improvements or utilities prior to the final approval of the plat, the commission may accept an adequate bond with surety, satisfactory to the commission, to secure for the city the actual construction and installation of the improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission, and further conditioned that the developer will pay for all material and labor relating to the construction of the improvements. The city may enforce said bond by all appropriate legal and equitable remedies. Nothing in this section shall be construed as granting the city or planning and zoning commission the power to direct any public utility to extend its services to any particular area.

(f) Whenever one (1) or more main 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 city council after receiving a report and recommendation from the planning and zoning commission.

(g) All plans for the new construction of or addition to any building, classified by the International Building Code for use or occupancy as assembly,

business, educational, institutional, mercantile, or any combination thereof, shall be submitted to the planning and zoning commission for review and recommendation. All such recommendations must be submitted to the city council for final approval.

(Code 1976, §§12-1-2, 12-1-3, 12-1-4, 12-1-6, 12-6-2; Ord. No. 505, §2, 9-20-94)
State law reference--planning and zoning commission generally, 11 O.S. § 45-103, 45-104.

Sec. 24-25. Specific use permits-List of uses- Conditions for use of land.

1. As used in this chapter "specific use permit' means a permit granted by the City Council, after notice and a hearing and preliminary review and recommendation of the Planning & Zoning Commission, for a specific use within any zoning district.

2. Each zoning district in which specific use permits are permitted contains a list of uses, which have been determined to more intensely dominate the area in which they are to be located or their effects on the general public are broader in scope than other types of uses, which are permitted in the zoning district. A property owner with a use enumerated on the list may, by application for a specific use permit, locate in a zoning district for which such use would not normally be allowed or could be allowed, but due to its potential impact on surrounding properties, must secure a specific use permit.

3. The types of uses for which a specific use permit may be required are those types of uses which, because of the size of the land they require or the specialized nature of the use, may more intensely dominate the area in which they are located and their effects on the general public are broader in scope than other uses permitted in the district.

4. The designation of a specific use as possible on the specific use list shall not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be viewed as to its probable effect on the adjacent properties and community welfare and may be approved or denied as the findings indicate appropriate.

5. In granting a specific use permit, the City Council may require conditions related to the use of land, including, but not limited to, permitted uses, lot sizes, setback, height limits, required facilities, buffers, open space areas, lighting, signage, landscaping, parking and loading, compatibility, land use

density and such other development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole. This may include having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. Such conditions shall be determined in accordance with the regulations specified in the zoning ordinance. The conditions need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions have been followed in making regulatory decisions.

(Ord. No. 596, §3, 10-19-2004). State law reference, --Title 11, § 43-101 et seq.

Sec. 24-26. Application, review, public hearing.

1. The owner of any property within the corporate limits of the City, or a representative of such owner, may make application for a specific use permit for property in a zoning district where specific use permits have been authorized. The application shall be made on forms provided by the zoning administrator and shall be accompanied by an application fee established by resolution of the City Council. The applicant shall be required to submit a preliminary site plan and a certified list of property owners within three hundred feet of the subject property as listed on the current property tax rolls.

2. As used in this section, "site plan" means the documents and plans specified in the application form, which are needed to ensure that a proposed land use or activity is in compliance with city ordinances and applicable state and federal regulations, if any.

3. The zoning administrator shall review the application for eligibility and completeness. Upon making a determination that all required information has been provided and that the application is eligible for further consideration, the zoning administrator shall schedule the application for public hearing before the Planning & Zoning Commission. Said hearing shall be held within sixty (60) days of receipt of the completed application. An incomplete application, or any application for a specific use which is not specifically enumerated for the subject zoning district, or which is not consistent with applicable city ordinance, state law, or federal law may be denied by the zoning administrator.

4. Notification of the public hearing shall be given by mail in the same manner as required by Section 43-106 of Title 11 of the Oklahoma Statutes for public hearings on proposed zoning changes. Within a reasonable time following the public hearing, the City Council may deny the request, approve the request, or approve the request with conditions.

5. Reasonable conditions may be required in conjunction with the approval of a specific use permit. Conditions imposed shall meet the following requirements:

    a. Be designed to take into consideration the natural environment, the health, safety, and welfare of the residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;

    b. Be related to the valid exercise of police power, and to the proposed use or activity;

    c. Be necessary to meet the intent and purpose of zoning requirements;

    d. Be related to the standards established for the land use or activity under consideration; and

    e. Be necessary to ensure compliance with those standards.

6. The conditions imposed with respect to the approval of a specific use permit shall be stated in the record of the approval actions, and shall not be changed or amended except as expressly authorized by resolution of the City Council, with notice. The City Clerk shall maintain a record of conditions, which are changed.

7. A specific use permit shall become void if the use ceases for sixty (60) consecutive days or if the use does not commence within six (6) months after the granting of the specific use permit.

8. A specific use permit shall not be transferred to a new property owner without the approval of the City Council.

9. Requests for specific use permits or other rezoning requests that have been denied by the City Council will not be again scheduled for a

hearing within six (6) months of the date of such decision. A new application must be filed, and hearing before the Planning & Zoning Commission and City Council, if required, will not be granted unless the applicant can show material change in the situation or where new evidence, which might affect the decision, can be produced. Motions for rehearing will not be entertained. A request that is withdrawn prior to a decision thereon by the city council shall not be re-filed or heard within six (6) months of the date of such withdrawal.

(Code 1976, §12-1-17; Ord. No. 596, §3, 10-19-2004) State law reference, -- Title 11, § 43-101 et seq.

Sec. 24-27. Lot splits.

(a) The division of any lot that is recorded as part of an official plat in the city into two or more lots shall first be submitted to the planning and zoning commission for review and report.

(b) No lot shall be split unless all of the individual lots resulting from the split meet all of the requirements of this chapter in addition to all applicable subdivision regulations of the city.

(c) A lot split shall be required in the following instances:

(1) Whenever a legally platted lot under single ownership is to be divided for the purpose of the sale of a portion of the legally platted lot to another owner;

(2) Whenever two (2) or more main 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 and where the division of the property into separate lots is deemed necessary by the building inspector to determine the open space, lot area, frontage, or off-street parking area required for any use, main building, accessory building, or accessory use thereto.

(d) Final approval for any lot split shall be by the city council.

(e) All approved lot splits shall be filed and recorded in the office of the County Registrar of Deeds by the applicant.

Secs. 24-28--24-40. Reserved.

DIVISION 3. BOARD OF ADJUSTMENT

State law reference--Board of adjustment required, 11 O.S. §44-101 et seq.

Sec. 24-41. Created.

There is hereby created a board of adjustment.

(Code 1976, §12-3-1)

Sec. 24-42. Membership.

(a) The board of adjustment shall be composed of five (5) citizens of the city, appointed by the city council for a term of three (3) years, and removable for cause by the council, upon written charges and after public hearing.

(b) The board shall elect a chairman from its membership.

(c) If any board member is absent without cause as determined by the city council for three (3) consecutive meetings, he shall after notice, thereon cease to be a board member.

(d) Vacancies shall be filled for the un-expired term of any member whose term becomes vacant.

(Code 1976, §12-3-2)

State law reference--Membership, 11 O.S. §44-101.

Sec. 24-43. Meetings.

(a) The board of adjustment shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(b) The board of adjustment shall be subject to the open meeting laws of this state and all meetings, deliberations and voting of the board shall be open to the public.

(c) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the city clerk and shall be a public record.

(d) The concurring vote of three (3) members of the board shall be necessary to reverse any other requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variation in any ordinance.

(Code 1976, §§12-3-3, 12-3-6)

State law reference--Meetings, 11 O.S. §44-102.

Sec. 24-44. Powers.

(a) The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, or any ordinance adopted pursuant thereto;

(2) To hear and decide special exceptions to the terms of this chapter to allow a use, or a specifically designated element associated with a use, which is not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment, where specifically authorized by this chapter, and in accordance with the substantive and procedural standards of this chapter;

(3) To authorize in specific cases variances from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by this chapter when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done; provided, however, the board shall have no power to authorize variance as to use except as provided by paragraph (4) of this section.

(4) To hear and decide oil and/or gas applications or appeals unless prohibited in the city by ordinance. The board of adjustment shall be required to make the finding prescribed by Section 24-48 of this chapter in order to grant a variance as to use with respect to any such application or appeal. Exceptions and/or variances may be allowed by the board only after notice and hearing as provided in Section 24-48 of this chapter. The minutes of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.

(Code 1976, §12-3-5)

State law reference--Similar provisions, 11 O.S. §44-104.

Sec. 24-45. Extent of relief; vote necessary to grant relief.

(a) When exercising the powers provided for in Section 24-44 the board of adjustment, in conformity with the provisions of this chapter, may reverse or affirm, in whole or in part, modify the order, requirement, decision, or determination from which appealed and may make such order, requirement, decision, or determination as ought to be made.

(b) The concurring vote of at least three (3) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative officer, to decide in favor of the applicant, or to decide any matter, which may properly come before it pursuant to this chapter and the powers granted by Section 24-44 herein.

(Code 1976, §12-3-5)

State law reference--Similar provisions 11 O.S. §44-105.

Sec. 24-46. Special exceptions.

The board of adjustment is hereby authorized to make special exceptions to specific uses allowed within each zoning category according to the provisions of this chapter in appropriate cases and subject to appropriate conditions and safeguards in harmony with its general purpose and intent and only in accordance with general or specific provisions contained in this chapter.

State law reference--Similar provisions 11 O.S. §44-106.

Sec. 24-47. Variances.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by this chapter may be granted in whole, in part, or upon reasonable conditions as provided in this chapter, only upon a finding of the board of adjustment that:

(1) The application of this chapter to the particular piece of property would create an unnecessary hardship;

(2) Such conditions are peculiar to the particular piece of property involved; and

(3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this chapter or the comprehensive plan.

(4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

(Code 1976, §12-3-5)

State law reference--Similar provisions, 11 O.S. 44-107.

Sec. 24-48. Notice of hearings.

(a) Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the city and by mailing written notice by the clerk of the board of adjustment to all owners of property within a three hundred-foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

(b) The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

(1) Legal description of the property and the street address or approximate location in the municipality;

(2) Present zoning classification of the property and the nature of the appeal, variance or exception requested; and

(3) Date, time and place of the hearing.

(c) On hearings involving minor variances or exceptions, notice shall be given by the city clerk of the board of adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in subsection (b) of this section. The board of adjustment shall set forth in a statement of policy what constitutes minor variances or exceptions, subject to approval or amendment by the city council.

(Code 1976, §12-3-6)

State law reference--Similar provisions 11 O.S. §44-108.

Sec. 24-49. Appeals to board of adjustment.

(a) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer.

(b) Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and by filing with the board of adjustment a notice of appeal specifying the grounds therefore and by paying a filing fee in the amount established by resolution 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 of adjustment certified copies of all of the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken;

(c) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall 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 cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown; and

(d) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as 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.

(Code 1976, §12-3-4)

State law reference--Appeals to board of adjustment, 11 O.S. 44-109.

Sec. 24-50. 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 district court.

(b) Notice of appeal shall be filed with the city clerk and with the clerk of the board of adjustment within ten (10) days from the decision of the board, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal.

(c) Upon filing of the notice of appeal as herein provided, the board of adjustment shall forthwith transmit to the court clerk of the county the original, or certified copies, of all papers constituting the record in the case, together with the order, decision, or ruling of the board.

(d) The appeal shall be heard and tried de novo in the district court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(e) 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 shall have 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 upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this chapter, and upon notice to the chairman of the board of adjustment for which the appeal is taken, and upon due cause being shown.

(f) The court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the board of adjustment unless it shall appear to the district court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions.

(Code 1976, §12-3-7)

State law reference--Appeals to district court, 11 O.S. §44-110.

Secs. 24-51--24-60. Reserved.

DIVISION 4. AMENDMENTS

Sec. 24-61. Notice and public hearing of proposed regulations.

Parties in interest and citizens shall have an opportunity to be heard at a public hearing before any district regulation, restriction, or boundary shall become effective. At least fifteen (15) days' notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the city. Said notice shall include a map of the area to be affected, which indicates street names or numbers, streams or other significant landmarks in said area.

State law reference--Similar provisions 11 O.S. §43-104.

Sec. 24-62. Amendments or changes of regulations, restrictions and boundaries - protests.

(a) Regulations, restrictions and district boundaries of municipalities may be amended, supplemented, changed, modified or repealed. The requirements of Section 24-61 of this chapter on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.

(b) Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:

(1) The owners of twenty (20) percent of more of the area of the lots included in a proposed change, or

(2) The owners of fifty (50) percent or more of the area of the lots within a three hundred-foot radius of the exterior boundary of the territory included in a proposed change; then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths of all the members of the city council.

State law reference--Similar provisions 11 O.S. §43-105.

Sec. 24-63. Additional notice requirements for proposed zoning changes and reclassifications.

(a) Except as authorized in subsection (b) of this section, in addition to the notice requirements provided for in Section 24-61, notice of a public hearing on any proposed zoning district boundary change, except by the city acting pursuant to subsection (b) of this section, shall be given twenty (20) days prior to the hearing by mailing written notice by the secretary of the planning and zoning commission to all the owners of real property as provided for in section 24-62. The notice shall contain the:

(1) Legal description of the property and the street address or approximate location in the city; and

(2) Present zoning of the property and the zoning sought by the applicant; and

(3) Date, time, and place of the public hearing.

In addition to written notice requirements, notice may also be given by posting notice of said hearing on the affected property at least twenty (20) days before the date of the hearing.

(b) If the city proposes zoning reclassifications in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation, and blighted areas, the city council may require, in addition to the notice requirements provided for in section 24-61, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the Public Street or streets toward which it faces. The notice shall state:

(1) The date, time, and place of the public hearing; and

(2) Who will conduct the public hearing; and

(3) The desired zoning classification; and

(4) The proposed use of the property; and

(5) Other information as may be necessary to provide adequate and timely public notice.

State law reference--Similar provisions 11 O.S. §43-106.

Sec. 24-64. Fee.

Persons requesting the city to rezone property or requesting a special use permit shall pay a fee to the city in the amount established by resolution.

(Code 1976, §12-2-4; Ord. No. 505, §2, 9-20-94)

Sec. 24-65. Rezoning of undeveloped land.

From time to time, the city council shall instruct the city planning and zoning commission to study and make recommendations concerning the use of undeveloped land to promote the general welfare and in accordance with the comprehensive city plan, and upon receipt of such recommendations, the city council shall, after public hearings as required by law, establish the district classification of said lands.

(Code 1976, §12-2-5)

Secs. 24-66--24-75. Reserved.

DIVISION 5. NONCONFORMANCES

Sec. 24-76. Generally.

A non-conforming use, building or structure may be continued and maintained, except as otherwise provided in this division.

(Code 1976, §12-7-1; Ord. No. 596, §4, 10-19-2004)

Sec. 24-77. Alteration or enlargement of buildings and structures.

(a) A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located except as provided herein.

(b) If a building or structure is conforming as to use, but nonconforming as to area regulations, height regulations or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the applicable area regulations and the existing building and the addition complies with the off-street parking requirements of the district in which said building or structures is located.

(c) No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

(Code 1976, §12-7-1)

Sec. 24-78. Building vacancy.

A building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of three (3) months shall not thereafter be occupied except by a use, which conforms to the use regulations of the district in which it is located.

(Code 1976, §12-7-1; Ord. No. 596, §4, 10-19-2004)

Sec. 24-79. Changes in use.

(a) A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.

(b) 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.

(Code 1976, §12-7-1; Ord. No. 596, §4, 10-19-2004)

Sec. 24-80. Damaged building.

When a structure, the use of which does not conform to the provisions of this chapter, is damaged by fire, explosion, act of nature, or the public enemy, to the extent of more than fifty (50) percent of its actual cash value, it shall not be restored except in conformity with the district regulations.

(Code 1976, §12-7-3)

Secs. 24-81--24-95. Reserved.

ARTICLE II. ZONING DISTRICTS ESTABLISHED; ZONING MAP

Cross reference--Authority to establish districts, 11 O.S. §43-102.

Sec. 24-96. Districts created, abolished.

In order to promote the health, safety, morals and general welfare of the city, the city is hereby divided into the following zoning districts:

1. A-1 Single Family Dwelling District

2. C-1 Restricted Commercial District

3. C-2 Commercial District.

4. PUD Planned Unit Development District

5. The C-3 Zoning District is hereby abolished. Properties located in the C-3 Commercial Zoning District shall become C-2 Commercial zoning.

(Code 1976, §12-1-8; Ord. No. 588, §1, 10-21-03; Ord. No. 590, § 1, 11-18-03; Ord. No. 596, §5, 10-19-2004)

Sec. 24-97. Zoning map.

The boundaries of the zoning districts are indicated upon the District Map of the City of The Village, which map is attached to and made a part of this Code. The district map and all notations, references and other matters shown thereon shall be as much a part of this Code as if the notations,

references and other matters set forth by said map were all fully described herein. The official zoning map shall be kept on file in the office of the city clerk.

(Code 1976, §12-1-9; Map amendment. Ord. No. 590, § 2, 11-18-03)

Sec. 24-98. 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 centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, 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 such boundaries;

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines 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.

(Code 1976, §12-6-11)

Sec. 24-99. 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.

(Code 1976, §12-6-12)

Sec. 24-100. Annexations and unplatted lands.

All annexations of land and unplatted areas of land in the city shall be in the A-1 Single Family Residential District.

(Code 1976, §12-6-13)

Secs. 24-112--24-150. Reserved.

ARTICLE III. DISTRICTS

State law reference--District regulations, 11 O.S. §43-102.

DIVISION 1.

A-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Sec. 24-151. Scope.

This division applies to the A-1 Single-Family Residential District.

Sec. 24-152. General description.

The district is the most restrictive zoning district. Single-family dwellings are restricted to family members related by blood or marriage except that a maximum of two (2) unrelated persons will be permitted. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a and efficiency are encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

(Code 1976, §12-4-1(A))

Sec. 24-153. Uses to have appropriate services.

(a) It is the intent of this chapter that all uses shall be located on a site or within a building, which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building, in terms of safety, function, esthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the building inspector, but all other provisions are complied with, the building inspector shall refer such cases to the planning and zoning commission for review and recommendations. Said recommendations shall be submitted to the city council, which shall stipulate the requirements, which shall be followed to comply with the intent

of this chapter, and said requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

(Code 1976, §12-6-7)

Sec. 24-154. Uses permitted; Uses to have appropriate services.

A) Property and buildings in the A-1 Single Family Residential District, shall be used only for the following purposes:

a. Detached single-family dwelling;

b. Public park or playground;

c. Residential sales subject to regulations provided in Chapter 11 of this code;

d. Garden or agricultural crops but not for the raising of livestock;

e. Home occupation as defined and regulated by this chapter;

f. Accessory buildings which are not a part of the main buildings and which are customary and incidental to the primary use of the property, including, but not limited to, detached private garages, carports, cabanas, gazebos, storage buildings, temporary or portable buildings, and tornado shelters.

g. Accessory structures that are customary and incidental to the primary use of the property, and which include, but are not limited to, fences, radio and television receivers, satellite reception antennas, swimming pools, solar energy devices, flag poles, basketball goals, and retaining walls. Fences permitted shall be limited to the following types:

i. Brick, stucco, rock, or decorative concrete brick or block; provided that such fences shall be constructed with an adequate concrete footing and shall not be located on any utility easement;
ii. Chain-link or cyclone, galvanized metal;
iii. Wood/plastic, picket;
iv. Wood/ plastic, rail or split rail;

v. *Wood/plastic, with vertical or horizontal slats; sight-proof or see-through.*
vi. *Wrought Iron, with or without brick columns;*

h. *Public utilities and public utility structures and facilities.*

B) **Specific Uses** permitted pursuant to Sections 24-25 and Section 24-26 of this chapter shall be limited to only the following uses:

(1) Beauty shop, hair salon, style shop.

(2) Child care center in accordance with the provisions of Chapter 11 of this code.

(3) Church, synagogue, mosque, temple or similar place used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(4) Church-Rectory/Parsonage; provided the rectory/parsonage use is secondary to the primary use of the property as a church and provided that the rectory/parsonage use is located in, or structurally connected to and made a part of the main building;

(5) Community Center provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(6) Fraternal organization, civic club or similar place of assembly provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(7) Library provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(8) Multifamily Units including, condominiums, duplexes, triplexes, quadraplexes, townhouses, assisted living center, nursing home, or apartment complexes;

(9) Oil and gas production facilities;

(10) Professional office, single-story only.

(11) Public or private school which offers general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping, except as may be provided for a caretaker or headmaster;

(12) Tailor shop, alterations.

(13) YMCA, or similar place of assembly provided that it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(14) Wind generation towers or structures.

C) **Exclusions**: Boarding houses, group living homes, group lodging and for profit housekeeping units are specifically excluded from the A-1 Single Family District. All other uses not listed herein are specifically excluded from the A-1 Single Family Residential District.

D) Any church, library, YMCA, or school located in the A-1 Single Family District as of October 19, 2004 shall not be considered non-conforming uses and therefore shall not be subject to the limitations provided in Division 5 of this Chapter pertaining to non-conformances. Nothing herein shall prevent an existing church or school from using A-1 Single Family properties already in church ownership as of October 19, 2004 or acquiring adjacent or nearby residential property, provided however that the church or school will be required to obtain rezoning from A-1 Single Family to C-1 Commercial or to obtain a Specific Use Permit prior to extending church or school operations, programs or activities to any such property purchased after October 19, 2004.

Cross reference--Chapter 20, Signs. (Code 1976, §12-4-1(B), §12-6-3; §12-6-7; §12-6-10; Ord. No. 451, §1, 12-18-90; Ord. No. 505, §2, 9-20-94; Ord. No. 596, §6, 10-19-2004)

Sec. 24-155. Area regulations.

All main buildings, accessory buildings and accessory structures shall be placed on property in the A-1 Single Family District to comply with the following area requirements:

(1) **Projection into yards**: Open eaves, cornices, and windowsills may project into any required yard a distance not to exceed two (2) feet. Open porches may project into a front or rear yard a distance not to exceed five (5) feet.

(2) **Street access**: A public street shall form the direct and primary means of ingress and egress for all permitted uses in the A-1 Single Family district. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(3) **Front yard:**

(a) The minimum depth of the front yard shall be twenty-five (25) feet. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty five (25) feet from the centerline of the street easement.

(b) If twenty-five (25) percent or more of the lots on one side of the street between two (2) intersecting streets are improved with main buildings, all of which have observed an average setback line of greater than twenty five (25) feet, and no main building varies more than five (5) feet from this average setback line, then no main building shall be erected closer to the street line than the minimum setback so established by the existing main buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

(c) Accessory buildings: Carports shall be permitted provided that they are attached to the main building. No part of any carport may extend closer than twenty-five (25) feet from the front lot line. Detached garages and all other accessory buildings shall be prohibited from the front yard.

(d) Accessory structures: Flag poles, security lights, and basketball goals shall be permitted in the front yard and shall be located at least ten (10) feet from the front lot line. All other accessory structures except as otherwise provided herein are prohibited from the front yard.

(e) No fence, wall, trellis, or similar structure may extend beyond the front building line or be located in the front yard of a building unless said fence, wall, trellis or similar structure is two (2) feet or less in height.

(f) No hedge or hedge-like plant growth may extend beyond the front building line unless said hedge or hedge-like plant growth is two (2) feet or less in height.

(4) **Side yard:**

(a) There shall be a side yard on each side of any main building the total of which yards, shall be at least twelve (12) feet or twenty (20) percent of the average width of the lot, whichever amount is smaller; provided that the minimum side yard shall be at least three (3) feet.

(b) On corner lots the side yard regulations shall be the same as for interior lots except in cases where the lot in the rear of the corner lot fronts upon the side street in which case there shall be a side yard on the side street of not less than fifty (50%) percent of the front yard required on the lot in the rear of such corner lot.

(c) Where a continuous row of lots is to be developed by the construction of a series of dwellings, not more than twenty-one (21) feet in height, a side yard of three (3) feet may be permitted on one side of a main building where a driveway of not less than eight (8) feet is to be constructed on the other side of the main building, provided that an open space not less than eleven (11) feet is maintained between all such dwellings.

(d) Where a main building is to be built on a lot having an attached garage, the side yard on the side of the main building where the attached garage is located shall be no less than six (6) feet.

(e) Accessory buildings and accessory structures:

1) Permitted accessory buildings and accessory structures shall be located behind the front building line and shall not be located adjacent to any portion of the front yard, except as otherwise provided herein. Fences, walls or retaining walls may extend beyond the front building line provided that no portion of such fence, wall or retaining wall extending beyond the front building line shall exceed two (2) feet in height. Carports may extend beyond the front building line provided that they are attached to the main building. No part of any carport may extend closer than twenty-five (25) feet from the front lot line.

2) No accessory building or accessory structure, except temporary or portable buildings and fences, shall be built or placed closer than three (3) feet from any side or rear lot line or closer than three (3) feet from any utility easement. Exception: Below ground tornado shelters located in the side yard may extend to the side property line provided that (1) no portion of the shelter extends more than two (2) feet above the elevation of the floor of the main residential building, (2) the shelter is behind a sight-proof fence and is not visible from the street and does not encroach on any utility easement.

(Ord. No. 685 §1, 08-06-2013)

3) No accessory building shall exceed twelve (12) in height; provided, however, that this height limitation shall not apply to two story detached garages built more than five (5) feet from any side lot line and three (3) feet from the rear lot line.

4) On corner lots, no accessory building or accessory structure shall project beyond the front building line of the lot in the rear.

(f) No hedge-like plant growth shall be maintained beyond the front building line, which exceeds two (2) feet in height.

(5) **Rear yard**:

(a) There shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

(b) Accessory buildings and accessory structures:

(1) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any rear or side lot line or closer than three (3) feet from any utility easement.

(2) An accessory building or accessory structure shall not occupy more than thirty (30) percent of the surface land area of the rear yard and no accessory building shall exceed twelve (12) feet in height; provided however that this height limitation shall not apply to two story detached garages built more than five (5) feet from any side lot line and three (3) feet from the rear lot line.

(6) **Lot width:**

(a) For detached single-family 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.

(7) **Lot area:**

(a) For each dwelling, and buildings and structures accessory thereto, there shall be a lot area of not less than seven thousand two hundred (7,200) square feet.

(b) The minimum lot size established in subsection (a) above shall not apply if new construction replaces a razed single-family home, and the lot area for said new construction is not less than the lot area of said razed single-family home.

(Ord. No. 633, §1, 06-17-2008)

(8) **Intensity of use**:

(a) A detached single-family dwelling shall be deemed to be the main building on the lot on which it is situated;

(b) One main building shall be permitted on any lot or lots occupied by a detached single family dwelling;

(c) If a church, school, YMCA, childcare center, library, or community center is permitted by Specific Use Permit, more than one main building may be permitted on a lot or lots with a combined area of three (3) acres or more.

(d) No open space, lot area, frontage, or off-street parking area required for any main building and accessory building or use associated thereto shall, during its life, be occupied by or shared by, or counted as part of the area requirement or open space, lot area, frontage, or off-street parking for any other primary or main building or accessory building or use associated thereto.

(9) **Court requirements for multiple-family dwellings**: Whenever a multiple family dwelling or group of multiple family dwellings is permitted by Specific Use Permit and designed with an inner or outer court, the following requirements shall be complied with:

(a) Outer court width. The width of an outer court shall be not less than ten (10) feet between walls, or equal to the height of the opposing wall, whichever is greater.

(b) Inner court width. The width of an inner court of a multiple-family dwelling shall be not less than two (2) times the height of the lowest wall forming the court, but in no case shall it be less than twenty (20) feet.

(c) Passageway for inner court. An open unobstructed passageway shall be provided at the grade of each inner court. Such passageway shall not be less than twelve (12) feet in width, shall have a clearance of not less than twelve (12) feet in height, and shall provide a straight and continuous passage from the inner court to a yard or open space having a direct connection with a street.

(d) Accessory buildings prohibited. No accessory, maintenance buildings shall be located in a court of a multiple-family dwelling area.

(10) **Height regulations:**

(a) No main building shall exceed thirty-five (35) feet in height and no accessory building shall exceed twelve feet (12') in height, except as otherwise provided herein.

(b) Chimneys, elevators, poles, tanks, towers, spires, steeples, bell towers and other similar projections not intended for human occupancy may be erected to a height above the maximum height permitted herein but shall be subject to height limitations established by other applicable building codes.

(c) In measuring heights, a habitable basement or attic shall be counted as a story, provided that 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 of the floor area of the story immediately below, shall be counted as a half story.

(d) Except as otherwise specified in this chapter, the maximum height for fences shall be eight (8) feet.

(11) All buildings, accessory buildings, and accessory structures that are part of a school campus consisting of multiple main buildings, accessory buildings and accessory structures and which are constructed on a tract of land or tracts of land with a combined area of at least five (5) acres, shall maintain a minimum exterior setback of seven and one half (7.5') feet. No interior setbacks shall apply except as required by applicable building and fire codes adopted by the City. (Ord. No. 638, §1, 03-17-2009)

(Ord. No. 596, §6, 10-19-2004; Ord. No. 638, §1, 03-17-2009)

Sec. 24-156. Home Occupations.

(a) Scope: The intent of this section is to provide regulations pertaining to the conduct of home occupations in the city so as to preserve the residential character of neighborhoods and to protect the safety, health and welfare of the citizens of the community.

(b) The following occupations shall not be conducted as home occupations:

Beauty shop;
Barber shop;
Kennel;
Tea room;
Restaurant;
Palm reader, card reader or similar spiritualists;
Rest home, tourist home or bed and breakfast inns;
Cabinet shop;

Metal fabrication shop;
Automotive repair shop;
Retail business of any kind.

(c) Home occupations authorized by this section shall be subject to the following regulations:

(1) The person or persons conducting the home occupation shall live at the residence where the home occupation is conducted and shall not maintain any other permanent residence within fifty (50) miles of the residence where the home occupation is conducted.

(2) No person, other than a person lawfully residing at the residence where the home occupation is conducted, shall assist in the conduct of the home occupation in any manner, either as an employee, independent contractor or otherwise.

(3) Home occupations shall be conducted entirely within the confines of the residence or accessory building thereto and shall be clearly incidental and secondary to the use of the residence for residential purposes and shall not change the character thereof. The residence shall not be physically altered to provide a separate public area for customer service or waiting and no additional parking shall be provided other than that required for use by the lawful occupants of the residence. Not more than 25% of the total square feet of living area within any residence shall be physically altered for or used in the conduct of the home occupation. For the purpose of this subsection, an attached garage shall not be deemed to be part of the living area of any residence unless said garage has been converted for use as a bedroom, family room or other similar residential use.

(4) No home occupation shall involve the conduct of any activity or use of mechanical equipment, which creates noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation, is conducted.

(5) No trading, renting, display or sale of merchandise shall be carried on at any residence where a home occupation is conducted, except as may otherwise be permitted pursuant to applicable residential sale regulations.

(6) One (1) non-illuminated nameplate, not more than two (2) square feet in area, shall be allowed at any residence where a home occupation is conducted. Such nameplate sign shall be attached to the main or accessory

building and shall not be mounted higher than six (6) feet from the ground elevation of the building on which it is mounted. No other sign of any kind shall be visible from outside the premises.

(7) Forfeiture and Penalty:

1 Any person convicted of willfully violating any provision of this section shall forfeit all rights and privileges to conduct a home occupation hereunder.

2 Any person who fails to comply with or violates any provision of this Section shall be guilty of a Class A offense punishable by a fine of Seven Hundred and Fifty ($750.00) Dollars and/or up to sixty (60) days imprisonment. Each day that the noncompliance or violation exists shall be a separate offense.

(Ord. No. 533, §2, 11-19-96)

Cross reference--Chapter 25, Street design standards, Section 25-18.

(Code 1976, §12-4-1(C); §12-4-1(D); §12-6-2(1); §12-6-2(2); §12-6-2(3); §12-6-2(4); §12-6-3; §12-6-4; §12-4-1(C); Ord. No. 223, §1, 10-19-76; Ord. No. 246, §1, 11-7-78; Ord. No. 453, §2, 3-19-91; Ord. No. 456, §1, 5-21-91; Ord. No. 460, §1, 9-3-91; Ord. No. 497, §§3,4, 3-1-94; Ord. No. 505 §2, 9-20-94)

Secs. 24-157--24-165. Reserved.

DIVISION 2.

C-1 RESTRICTED COMMERCIAL DISTRICT

Sec. 24-166. Scope.

This division applies to the C-1 Restricted Commercial Districts.

Sec. 24-167. General description.

The district is intended to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open area. Land, space, and esthetic requirements of these uses make their location near residential neighborhoods desirable.

(Code 1976, §12-4-2(A)

Sec. 24-168. Uses to have appropriate services.

(a) It is the intent of this chapter that all uses shall be located on a site or within a building, which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building, in terms of safety, function, esthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the building inspector, but all other provisions are complied with, the building inspector shall refer such case to the planning and zoning commission for review and recommendations. Said recommendations shall be submitted to the city council, which shall stipulate the requirements, which shall be followed to comply with the intent of this chapter, and said requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

(Code 1976, §12-6-7)

Sec. 24-169. Uses permitted.

Property and buildings in a C-1 Restricted Commercial District shall be used for only the following purposes:

A) Any of the following uses.

1) Art gallery.

2) Assembly halls.

3) Church, synagogue, mosque, temple or similar place used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue. (Ord. No. 688, §1, 01-07-2014)

4) Church-Rectory/Parsonage; provided the rectory/parsonage use is secondary to the primary use of the property as a church and provided that the rectory/parsonage use is located in, or structurally connected to and made a part of the main building;

5) *Community Centers, YMCA.*

6) *Fraternal Organizations;*

7) *Laboratories for research and testing;*

8) *Library;*

9) *Museums;*

10) *Music conservatories;*

11) *Office buildings in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sale to customers. These uses shall include, but shall not necessarily be limited to, doctors, dentists, lawyers, architects, and engineers; provided, however, that this shall in no way be construed as permitting undertaking establishments and funeral homes.*

12) *Public utilities and public utility structures and facilities.*

13) *Public or Private School: Elementary School, Intermediate School, High School, or College, but not including business, trade, or vocational schools;*

14) *Recreational uses associated with and maintained primarily for the benefit and use of the occupants and families of the uses listed herein.*

15) *Shops and stores associated with and incident to the uses listed herein and maintained only for serving the occupants thereof;*

16) *Buildings and structures and uses customarily incident and accessory to the uses listed herein.*

B) Any residence or accessory building or accessory structure associated thereto that is situated on any property at the time the property is zoned as C-1 Commercial District shall be razed and removed from the property before the property may be used for any of the purposes provided for in this section.

C) All other uses not listed herein are specifically excluded from the C-1 Commercial District.

(Code 1976, §12-4-2; Code 1976, §12-6-7; Ord. No 596 §7, 10-19-2004)
(Cross references--Chapter 20, Signs; Chapter 25, Subdivision Regulations)

Sec. 24-170. Area regulations.

The area requirements for buildings and accessory buildings and structures in the C-1 Commercial District shall be as follows:

(1) Front yard.

(a) All main buildings, accessory buildings and accessory structures shall set back from the front lot line to provide a front yard having not less than twenty-five (25) feet in depth.

(b) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty five (25) feet from the centerline of the street easement.

(2) Side yard.

(a) Where a side yard is adjacent to the A-1 Single Family Residential district no main building, accessory building or accessory structure shall be located closer than thirty (30) feet from any adjoining dwelling and no closer than fifteen (15) feet to the side lot line.

(b) Permitted accessory buildings and accessory structures shall be located behind the front building line and shall not be located adjacent to any portion of the front yard, except as otherwise provided herein. Fences, walls or retaining walls may extend beyond the front building line provided that no portion of such fence, wall or retaining wall extending beyond the front building line shall exceed two (2) feet in height. Carports may extend beyond the front building line provided that they are attached to the main building and are located at least twenty-five (25) feet from the front lot line.

(c) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any side or rear lot line or closer than three (3) feet from any utility easement.

(d) On corner lots no accessory building or accessory structure shall project beyond the front building line of the lot in the rear; provided, however, that this provision shall not be so interpreted as to reduce the buildable width, after providing the required interior side yard, of a corner lot facing an intersecting street, and of record on September 20, 1994 to less than thirty (30) feet.

(3) Rear yard.

(a) No main building shall be located closer than thirty (30) feet to the rear lot line.

(b) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any rear or side lot line or closer than three (3) feet from any utility easement.

(4) Lot size. No minimum lot sizes and open spaces are prescribed for permitted uses in the C-1 Commercial District. It is the intent of this chapter that lots of sufficient size be used by any permitted use to provide adequate parking and loading and unloading space required for operation of the use.

(5) Coverage. Main and accessory buildings shall not cover more than thirty-five (35) percent of the total lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.

(6) Screening. Whenever any commercial district or parking area is established so as to abut the side or rear line of a lot in a residential district an opaque ornamental fence, or wall, not less than six (6) feet high shall be constructed and maintained in good condition along said side or rear lot line up to, but not beyond, the abutting residential setback building line, except where the front yard is used for off-street parking, then the provisions of Article IV of this chapter, pertaining to off-street parking lots, shall apply. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(7) Open space. No open space, lot area, frontage, or off-street parking area required for any main building and accessory building or use associated thereto shall, during its life, be occupied by or shared by, or counted as part of the area requirement or open space, lot area, frontage, or off-street parking for any other primary or main building or accessory building or use associated thereto.

(8) Street access. A Street shall form the direct and primary means of ingress and egress for all permitted uses in the C-1 Commercial District. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(9) Height requirements:

(a) For every building or structure that exceeds twenty-four (24) feet in height up to a maximum of thirty-six (36) feet, a five foot setback shall be added to every one foot of building height over twenty-four (24) feet in addition to the minimum setbacks provided in this section.

(b) For every building, dwelling, or structure that exceeds the height of thirty-six (36) feet up to a maximum height of forty eight (48) feet there shall be added four (4) feet of setback to every one (1) foot of building height over thirty-six (36) feet in addition to the maximum setback requirements in subsection (a) of this section. There shall be no buildings permitted over the height of forty-eight (48) feet.

(c) Chimneys, elevators, poles, tanks, towers, spires, steeples, bell towers and other similar projections not intended for human occupancy may be erected to a height above the maximum height permitted herein but shall be subject to height limitations established by other applicable building codes.

(d) Parapet walls shall not exceed four (4) feet and not be less than three (3) feet in height. Such parapet walls shall not be counted in computing the overall building height.

(e) Churches, schools and public building permitted in this district 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 (1) foot for each two (2) feet by which the height of such church, school or public building exceeds the prescribed height limit.

(Code 1976, §12-4-2(D); §12-6-2(1); §12-6-2(3); §12-6-2(4); §12-6-2(5); Ord. No. 289, §1, 4-21-81)

Secs. 24-171--24-185. Reserved.

DIVISION 3.

C-2 COMMERCIAL DISTRICT

Sec. 24-186. Scope.

This division applies to the C-2 Commercial District.

Sec. 24-187. Uses to have appropriate services.

(a) It is the intent of this chapter that all uses shall be located on a site or within a building, which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building, in terms of safety, function, esthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the building inspector, but all other provisions are complied with, the building inspector shall refer such case to the planning and zoning commission for review and recommendations. Said recommendations shall be submitted to the city council, which shall stipulate the requirements, which shall be followed to comply with the intent of this chapter, and said requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

(Code 1976, §12-6-7)

Sec. 24-188. Uses permitted.

A building or premises in the C-2 Commercial District shall be used only for the following purposes:

A) **General Uses:** General uses allowed in the C-2 Zoning District are as follows:

1) *Automobile service station, provided, all storage tanks shall be below the surface of the ground;*

2) *Automotive service centers including tire sales, repair and alignment, muffler sales, oil change/lubrication services, and brake services;*

3) *Auto parts store;*

4) *Animal hospital, kennel or veterinary clinic;*

5) *ATM machines, banks and financial institutions provided that they are secondary and incidental to a primary use that is authorized as a general use herein;*

6) *Barber shop and/or beauty parlor;*

7) *Bakery shop;*

8) *Bicycle repair shop and sales;*

9) *Bookstore;*

10) *Building material sales;*

11) *Carpet & Floor Coverings;*

12) *Catering establishment;*

13) *Clinic for medical, dental, chiropractic, or eye care services;*

14) *Clothing store;*

15) *Convenience Store;*

16) *Eating establishments including restaurants, cafes, cafeterias, ice cream/frozen yogurt parlors, and delicatessens. (See definitions, Section 24-1);*

17) *Electric appliance, audio/video, computer stores and repair shops;*

18) *Furniture Store;*

19) *Florist shop;*

20) *General Merchandise Store;*

21) *Grocery store;*

22) *Hardware store;*

23) *Home Improvement Store;*

24) Jewelry store;

25) Nursery or garden center;

26) Office Supply Store;

27) Office for corporate/business use or for professional services, including insurance offices, real estate offices, medical offices, legal offices, CPA or bookkeeping office, newspaper publisher, tag agencies, and public facilities, provided that such uses shall be limited to two-story buildings; Office buildings in existence as of October 19, 2004 and which exceed the two-story limitation, shall not be considered non-conforming and shall not be subject to the provisions of Division 5 of this Chapter.

28) Package store;

29) Parcel or mail service;

30) Painting and decorating shop;

31) Pharmacy or drug store;

32) Photographers or artists studio;

33) Plumbing shop;

34) Pool, spa and patio sales;

35) Print shop;

36) Retail shop, sales or showroom, but not including automobile, motorcycle or boat sales;

37) Shoe/leather goods sales and repair;

38) Sporting Goods Store;

39) Tailor shop;

40) Toy Store;

41) Travel agency;

42) Video, Audio, TV, Furniture, Equipment, or Appliance rental store:

43) Buildings, structures and uses customarily incident to the above uses provided there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to any permitted use. Any building used primarily for any of the above enumerated purposes may have not more than forty (40) percent of the floor area devoted to purposes that are accessory and customarily incidental to such primary use.

B) **Specific Uses:** Specific uses permitted in the C-2 Commercial District pursuant to Section 24-25 and Section 24-26 of this chapter shall be limited to only the following uses:

1) Amusement place, video arcade or theater;

2) Banks and financial institutions including cash advance, check cashing services;

3) Bowling alley;

4) Business or commercial school of dancing, music, or martial arts academy;

5) Child Care Center;

6) Church, synagogue, mosque, temple or similar building used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided the building:

a) Has direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue;

b) Has a minimum lot size of at least one half (1/2) acre; and

c) *Is not located in a shopping center or strip mall.*

(Ord. No 673, §1, 08-21-2012)

7) *Church-Rectory/Parsonage; provided the rectory/parsonage use is secondary to the primary use of the property as a church and provided that the rectory/parsonage use is located in, or structurally connected to and made a part of the main building;*

8) *Community Center or similar place of assembly;*

9) *Fitness center;*

10) *Fraternal organization or similar place of assembly;*

11) *Funeral home.*

12) *Group counseling centers, services;*

13) *Gun range;*

14) *Laundry, dry cleaning or dyeing establishment;*

15) *Motel, Hotel;*

16) *Movie Theater;*

17) *Oil and gas production facilities;*

18) *Pawnshop;*

19) *Skating rink.*

C) **Exclusions:** Uses that are specifically excluded from the C-2 Commercial District include, but are not limited to, the following:

1) *Abortion Clinics;*

2) *Adult Bookstores;*

3) *Adult Entertainment Establishments;*

4) *Alcoholic Beverage Establishment meaning any beer or wine establishment, or bottle club, which has been licensed by the Alcoholic beverage Law Enforcement Commission and which has as its main purpose the selling or serving of alcoholic beverages for*

consumption on the premises. (State Law Reference --Title 37 O.S. §§ 518.3, as amended.)

5) *Bed & Breakfast;*

6) *Bingo & Similar Gaming Operations;*

7) *Manufacturing & Assembly Facility;*

8) *Massage parlor, massage therapist, but not including physical therapy conducted by a licensed physician.*

9) *Pool or Billiard Hall;*

10) *Palm Reader, Tea Reader. Card Reader, Psychic, Fortune Teller, or other Similar Spiritualist;*

11) *Storage & Warehousing Facility;*

12) *Telemarketing, call centers;*

13) *Tattoo Parlor & Body Piercing Establishment;*

14) *Vocational School, Business College, Public or Private Schools.*

D) All other uses not listed in this section are specifically excluded from the C-2 Commercial District.

E) Any church located in the C-2 Commercial District as of October 19, 2004 shall not be considered a non-conforming use and therefore shall not be subject to the limitations provided in Division 5 of this Chapter pertaining to non-conformances. Nothing herein shall prevent an existing church from using C-2 Commercial properties already in church ownership as of October 19, 2004 or from acquiring adjacent or nearby C-2 property, provided however that the church will be required to obtain a Specific Use Permit or obtain re-zoning from C-2 Commercial to C-1 Commercial prior to extending church operations, programs or activities to any such property purchased after October 19, 2004.

F) Any residence or accessory building or accessory structure associated thereto that is situated on any property at the time the property is zoned as C-2 Commercial District shall be razed and removed from the property

before the property may be used for any of the purposes provided for in this section.

(Code 1976, §12-6-7; Ord. No. 505, §2, 9-20-1994; Ord. No. 596 §8, 10-19-2004)

Sec. 24-189. Area regulations.

The area requirements for buildings and accessory buildings and structures in the C-2 Commercial District shall be as follows:

(1) Front yard.

(a) All main buildings, accessory buildings and accessory structures shall set back from the front property line to provide a front yard having not less than twenty-five (25) feet in depth, provided however, that the structural support columns of automotive service station canopies and service islands shall be set back from the street right-of-way to provide a front yard of not less than fifteen (15) feet in depth.

(b) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty five (25) feet from the centerline of the street easement.

(2) Side yard.

(a) There shall be no side yard set back in the C-2 Commercial District for main buildings, accessory buildings or accessory structures except as follows:

(1) When a side yard is adjacent to the A-1 Single Family Residential district no main building, accessory building or accessory structure shall be located closer than fifteen (15) feet from any adjoining residential lot line, provided however, when a side yard is adjacent to property developed for multifamily residential use, no main building, accessory building or accessory structure shall be located closer than five (5) feet from the adjoining residential lot line. (Ord. No. 541, §1, 8-4-98)

(2) No main building shall be built or placed closer than three (3) feet from any utility easement.

(3) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any side or rear lot line or closer than three (3) feet from any utility easement.

(3) Rear yard.

(a) There shall be no rear yard set back in the C-2 Commercial District for main buildings, accessory buildings or accessory structures except as follows:

(1) When a rear yard is adjacent to the A-1 Single Family Residential district no main building, accessory building or accessory structure shall be located closer than thirty (30) feet from any adjoining residential lot line, provided however, when a rear yard is adjacent to property developed for multifamily residential use, no main building, accessory building or accessory structure shall be located closer than five (5) feet from the adjoining residential lot line. (Ord. No. 541, §2, 8-4-98)

(2) No main building shall be built or placed closer than three (3) feet from any utility easement.

(3) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any rear lot line or closer than three (3) feet from any utility easement.

(4) Lot size. No minimum lot sizes and open spaces are prescribed for permitted uses in the C-2 Commercial District. It is the intent of this chapter that lots of sufficient size be used by any permitted use to provide adequate parking and loading and unloading space required for operation of the use.

(5) Coverage. Main and accessory buildings shall not cover more than thirty-five (35) percent of the total lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.

(6) Screening. Whenever any commercial district or parking area is established so as to abut the side or rear line of a lot in a residential district an opaque ornamental fence, or wall, not less than six (6) feet high shall be constructed and maintained in good condition along said side or rear lot line up to, but not beyond, the abutting residential setback building line, except where the front yard is used for off-street parking, then the provisions of Article IV of this chapter, pertaining to off-street parking lots, shall apply. In addition, the lighting, including any permitted illuminated sign, shall be

arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(7) Open space. No open space, lot area, frontage or off-street parking area required for any main building and accessory building or use associated thereto shall, during its life, be occupied by or shared by, or counted as part of the area requirement or open space, lot area, frontage or off-street parking for any other primary or main building or accessory building or use associated thereto.

(8) Street access. A public street shall form the direct and primary means of ingress and egress for all permitted uses in the C-2 Commercial District. Alleys, where they exist, shall form only a secondary means of ingress and egress. If a permitted use is located on a lot, which does not immediately abut, or face a public street, as in a shopping center, public street access may be from a common parking lot or private drive.

(9) Height requirements.

(a) No main building or accessory building shall exceed forty-eight (48) feet in height. Any such main building or accessory building shall have no more than four (4) stories.

(b) Chimneys, elevators, poles, tanks, towers, spires, steeples, bell towers and other similar projections not intended for human occupancy may be erected to a height above the maximum height permitted herein but shall be subject to height limitations established by other applicable building codes.

(c) For every building or structure that exceeds twenty-four (24) feet in height up to a maximum of thirty-six (36) feet, a five-foot setback shall be added to every one foot of building height over twenty four (24) feet in addition to the required minimum required setbacks.

(d) For every building or structure that exceeds the height of thirty-six (36) feet up to a maximum height of forty-eight (48) feet there shall be four (4) feet of setback to every one (1) foot of building height over thirty-six (36) feet in addition to the other maximum setback requirements in paragraph (c) above.

(e) Parapet walls shall not exceed four (4) feet and shall not be less than three (3) feet in height. Such parapet walls shall not be counted in computing the overall building height.

(Code 1976, §12-4-3(C); §12-6-2(1); §12-6-2(3); §12-6-2(4); Ord. No. 289, §3, 4-21-81; Ord. No. 505 §2, 9-20-94; Ord. No. 541, §1, §2, 8-4-98)

DIVISION 4.

PLANNED UNIT DEVELOPMENTS

Sec. 24-200. Scope and Intent.

(a) This division applies to the PUD Planned Unit Development Districts.

(b) It is the intent of this division to establish planned unit development requirements and procedures, which permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city.

(c) Within a designated planned unit development, conditions relating to the use of land, including but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, signage, landscaping, parking and loading, compatibility and land use density shall be determined in accordance with the planned unit development regulations contained in this division. The planned unit development conditions need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions have been followed in making regulatory decisions.

State law reference--Similar provisions 11 O.S. §43-110

(Ord. No. 505, §2, 9-20-94)

Sec. 24-201. Compliance.

A Planned Unit Development may be authorized in any district, provided that all of the provisions of this division are complied with.

Sec. 24-202. Application and review procedures.

(a) The developer of a PUD shall adhere to the following application and review procedures:

(1) Application for rezoning submission of PUD master plan including a design statement and master development plan map.

(2) Submission of preliminary plat.

(3) Review of traffic flow, proposed curb cuts, traffic control devices and other safety related concerns by the traffic and safety commission.

(4) At least one (1) public hearing shall be held on the application for rezoning, the PUD master plan, and plat by the planning and zoning commission in accordance with the provisions of Sections 24-61, 24-62 and 24-63 of this chapter.

(5) Application for review of site plan and building plans shall be made to the planning and zoning commission.

(7) Application for site plan approval and building permit(s) approval shall be made to the city council.

(b) Application for rezoning and planned unit development master plan:

(1) The PUD application for rezoning shall be filed in accordance with regular procedures and on application forms of the City of The Village. The PUD master plan, which is submitted with application for rezoning, shall consist of a design statement and a master development plan map. The applicant shall also provide other supporting maps as necessary to meet submission requirements of this section.

(a) The master development plan map shall be a graphic representation of the development plan for the area, prepared at a scale appropriate for the size of the project but no less than the minimum required for preliminary plats. The purpose of the map is to conceptually portray the development commitments described in the PUD design statement. The map shall show the following:

(1) Location of proposed land uses, and residential densities;

(2) Location of collector streets within the PUD and adjacent arterial streets;

(3) Sufficient surrounding area to demonstrate the relationship to the PUD to adjoining uses, both existing and proposed;

(4) Location and approximate size of proposed open space and recreation areas;

(5) Areas where access to streets will be limited and location of driveways where appropriate;

(6) Any other pertinent information necessary for review, approval, and administration of the PUD.

(b) The PUD design statement shall be a written report submitted as a part of the PUD master plan containing a minimum of the following elements:

(1) Title of the PUD;

(2) List of the owners and/or developers;

(3) Statement on the general location and relationship to adjoining land uses both existing and proposed;

(4) Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;

(5) The existing PUD zoning districts in the development area and surrounding it;

(6) A list of all special development regulations or the conventional zoning district regulations, which will be applicable; plus a list of requested variations to the other applicable development regulations;

(7) A statement on the existing and proposed streets, including right-of-way standards and street design concepts;

(8) The following physical characteristics; elevation, slope analysis, soil characteristics, tree cover, and drainage information;

(9) A topographic map with minimum five (5) foot contour intervals;

(10) Drainage information, including number of acres in drainage area and delineation of applicable flood levels;

(11) A statement of utility lines and services to be installed, including which lines will be dedicated to the city and which ones will remain private;

(12) The proposed densities, and the types and sizes of structures; and

(13) A description of the proposed sequence of development.

Sec. 24-203. Design standards.

(1) The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the land uses and zoning districts adjacent to it.

(2) Design of the PUD may provide for modification of conventional zoning ordinance requirements for such elements as yard areas, densities, setback, height, lot coverage, landscaping and off-street parking. (Ord. No. 639, §1, 03-17-2009)

(3) The minimum size of the site on which a PUD shall be located shall not be less than four (4) standard-size residential lots of at least seven thousand two hundred square feet each for residential developments.

(4) Building codes and other related city code development requirements shall not be reduced in the design of a PUD.

(5) Location and type of housing shall be established in a general pattern and shown on the master development plan map.

(Ord. No. 401, §1, 1-19-88; 2014 City Code)

Sec. 24-204. Minimum design and construction standards for streets and alleys.

Streets and alleys for a PUD shall be designed and constructed in accordance with city standards and specifications for right-of-way width and paving cross section; provided that modifications may be requested and approved as a part of the master plan if the following criteria are met:

(1) Public streets and alleys. Proposed public street and alley modifications shall satisfy the following criteria:

(a) Street right-of-way and paving widths shall be adequate to provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street, and the land uses served.

(b) Paving cross sections shall be designed to be adequate to provide acceptable drainage in conformity with the drainage plan for the PUD; to receive loading commensurate with anticipated traffic based on the design of the overall street system; and to have a maintenance level commensurate with that of facilities constructed to regular standards.

(2) Private streets and alleys. Proposed private street and alley modifications shall satisfy the criteria for public facility modifications listed above and the following:

(a) Private streets shall not be connected to an adjacent parcel, which is not part of the PUD in a manner that will circulate traffic into and through the private street system.

(b) The owner/applicant shall clearly demonstrate the existence and capabilities of a property or homeowners association to provide the ongoing and long-term maintenance of the private street and alley facilities that will not be provided by the city.

(c) The owner/applicant shall clearly demonstrate the accessibility of emergency and sanitation equipment to all proposed structures served by private streets and alleys.

(d) The owner/applicant shall clearly demonstrate the adequacy of on and off street parking for all property served by private streets and alleys.

(Ord. No. 401, §1, 1-19-88)

Cross reference--Chapter 25, Subdivision Regulations.

Sec. 24-205. General design and development guidelines.

(1) Densities. Proposed residential densities should be compatible with adjacent developed neighborhoods.

(2) Amenities. Amenities should be considered as an important justification for development and city approval of a PUD. Where densities are to be increased to promote the economy of development, or where other methods of land use intensification are proposed, usable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways should be planned where it is necessary to provide for amenity and public safety.

(3) Streets:

(a) Street design should restrict through traffic from residential areas as much as possible.

(b) Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac. Reduction of conventional minor street design widths should be considered appropriate on such streets, when they are designed with limited length and only one access point.

(c) Reduction of design widths on streets designed in a conventional pattern should not be approved.

(d) Development of a private street system should be considered appropriate under certain conditions where there is no through traffic. However, a private street system should not serve as a reason for reduction of minimum design and paving standards.

(e) On-street parking bays or other similar areas where vehicles must back into the traffic flow should not be approved on arterial or collector streets or any local street; provided, however, that certain cul-de-sac or small loop street designs may be considered as appropriate.

(f) Off-street parking. The off-street parking requirements set forth in Article IV of this chapter for residential and mixed-use Planned Unit Developments may be complied with by providing one (1) or more permanent, common, off-street facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use, and that the spaces provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers, and service. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the

ownership or permanent control of the owners of the use for which the spaces are required. (Ord. No. 639, §2, 03-17-2009)

(4) Relationship to abutting uses:

(a) The master development plan map should show graphically the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earth berms, retention ponds, drainage channelization, or similar techniques.

(b) It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.

(5) Mixed land use developments. Where a PUD proposes a mix of uses, which may generally be incompatible with a conventional development, the PUD master plan should specifically establish appropriate guidelines to assure a harmonious development.

(Ord. No. 401, §1, 1-19-88)

Cross reference--Chapter 25, Subdivision regulations, Sections 25-18, 25-19, 25-20 and 25-30.

Sec. 24-206. Approval of PUD.

(a) Within a reasonable time after holding the public hearing, the city council shall deny the request, approve the request, or approve the request with conditions.

State law reference--Similar provisions 11 O.S. §43-110.

(b) Upon final approval by the city council of the PUD master plan and the appropriate approval of rezoning, these elements shall become a part of the official zoning districts map.

(c) The approved PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said plan until it is otherwise amended by the city council as provided herein. The developer shall furnish a reproducible copy of the approved master plan map for signature by the chairman of the planning and zoning commission, the mayor, and acknowledgment by the city

clerk. The PUD master plan, including the signed map, shall be made a part of the permanent file and maintained by the city clerk.

(Ord, No. 401, §1-19-88; Ord. No. 505, §2, 9-20-94)

Sec. 24-207. Conditional approval of PUD.

(a) Reasonable conditions may be required by the city council in conjunction with the approval of a planned unit development. Conditions imposed shall:

(1) Be designed to take into consideration natural environment, the health, safety and welfare of the residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(2) Be related to the valid exercise of police power, and to the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established by this article for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

(b) The conditions imposed with respect to the approval of a land use or activity shall be stated in the record of the approval actions, and shall not be changed or amended except as provided herein.

Sec. 24-208. Plan changes.

Any deviation from the plans of a planned unit development submitted at the time of rezoning shall constitute a violation of the rezoning and changes in plans shall be resubmitted for review following the same procedure required in the original adoption of the plan. The city council shall maintain a record of the conditions, which are changed.

Sec. 24-209. Time limit.

The construction of planned unit development shall be started within one (1) year of the effective date of the approval of plans by the city council. Failure to begin the development within said one (1) year shall automatically void the development plans and the land shall revert to the same zoning classification which existed immediately preceding the approval of the PUD,

provided however, that prior to the expiration of the development plans, the city council may extend the PUD in increments of one (1) year upon written request by the owner/developer.

(Ord. No. 401, §1, 1-19-88)

Sec. 24-210. Application fee.

The fee for filing a petition to obtain approval of a planned unit development shall be as established by resolution. The fee shall be payable upon receipt of the petition by the city clerk, such receipt to be a prior condition to any action on the petition by the city. The fee shall be nonrefundable, regardless of the disposition of the application.

Secs. 24-211--24-249. Reserved.

ARTICLE IV. OFF STREET PARKING AND LOADING

Sec. 24-250. Generally.

It is the intent of this division that adequate parking and loading facilities be provided off the street 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 except as otherwise indicated.

(Code 1976, § 12-5-1; Ord. No. 461, §3, 11-5-91)

Cross reference--Chapter 25, Section 25-11(b).

Sec. 24-251. Size of parking space.

The size of a parking space for one (1) vehicle shall consist of a space containing an area as specified by the following tables and legend:

a) Legend for Tables 1, 2 & 3:

1. Stall Angle
2. Stall Width
3. Vehicle Projection for 18’ Stall Length
4. Curb Length Per Car
5. Aisle Width

6. Wall to Wall Width for Double Aisle
7. Overlap Center to Overlap Center Width for Double Aisle.

b) **Table 1** – Parking Layout Dimensions for 8'6" and 9'0" (Minimum Standards) at Various Angles with One-Way Aisles.

TABLE 1						
A	B	C	D	E	F	G
45°	8'6"	18.7	12.0	12.8	50.2	44.5
	9'0"	19.1	12.7	12.3	50.5	44.7
60°	8'.6"	19.8	9.8	17.8	57.2	53.2
	9'0"	20.1	10.4	17.1	57.3	53
75°	8'6"	19.6	8.8	20.3	60.0	57.9
	9'0"	19.7	9.3	20.6	60.0	57.7

c) **Table 2** - Parking Layout Dimensions for 8'6" and 9'0" (Minimum Standards) at Various Angles with Two-Way Aisles.

TABLE 2						
A	B	C	D	E	F	G
45°	8'6"	18.7	12.0	22.6	60.0	54.3
	9'0"	19.1	12.7	21.8	60.0	54.2
60°	8'.6"	19.8	9.8	20.4	60.0	56.0
	9'0"	20.1	10.4	19.8	60.0	55.7
75°	8'6"	19.6	8.8	20.8	60.0	57.9
	9'0"	19.7	9.3	20.6	60.0	57.7

d) **Table 3** - Parking Layout Dimensions for 8'6" and 9'0" (Minimum Standards) at 0° and 90° Angles.

TABLE 3					
A	B	C	D	E	F
0°	8'0"	8.0	22.0	12.0 (24.0)	28.0 (1-WAY) (40.0) (2-WAY)
90°	8'6"	18.0	8.5	24.0	60.0
	9'0"	18.0	9.0	24.0	60.0

(Code 1976, §12-5-6; Ord. No. 462, §1, 11-19-91; Ord. No. 580 § 1, 1-7-03)

Cross reference--Chapter 24, Definition parking space, Section 24-1.

Sec. 24-252. 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 the aggregate total gross floor area of each commercial use within the common building, shopping center, or other integrated building complex as provided in Section 24-254 herein.

(Ord. No. 580 § 2, 1-7-03)

Sec. 24-253. Off-street parking lots, construction, maintenance.

(1) The provisions of this section shall apply to off-street parking lots that are incidental to any use other than a single-family residence.

(a) All off-street parking lots 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, except as otherwise provided herein.

(b) Off-street parking or loading space shall be a part of the required open space associated with a permitted use and shall not be reduced or encroached upon in any manner.

(c) The land upon which the off-street parking lot is located shall be owned or controlled by the same entity, which owns or controls the land on which the principal use is located.

(d) All sides of any off-street parking lot abutting a residential lot shall be enclosed with an opaque, ornamental fence or wall having a height of not less than six (6) feet. Such fence or wall shall be maintained in good condition.

(e) No off-street parking lot shall be permitted within five (5) feet of the property line of any abutting residential lot. In all other cases no setback shall be required; provided, however, that on any corner lot formed by two (2) intersecting streets no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of two (2) feet above the elevation of the site where the wall, fence, sign, structure or plant is located shall be maintained in a triangle formed by measuring a distance of twenty-

five (25) feet along said front and the points so established to form a triangle on the area of the lot adjacent to the street intersection.

(f) At least five (5%) percent of the total lot area, exclusive of the area of the adjacent rights-of-ways, of any off-street parking lot shall be landscaped with grass, shrubs, and ground cover.

(g) Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

(h) The intensity of lights and arrangements of reflectors shall be such as not to interfere with residential district use.

(i) No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only nonintermittent incandescent lighting of signs shall be permitted.

(j) The number of egress and ingress driveways permitted on street frontage shall not exceed one (1) opening per fifty (50) feet.

(Code 1976, §12-5-3; §12-5-5; §12-5-8; Ord. No. 366, §1, 6-17-86; Ord. No. 461, § 5, 11-5-91; Ord. No. 505, §2, 9-20-94)

Sec. 24-254. Schedule of requirements.

a) Table 1. Parking requirements for retail uses.

TABLE 1 RETAIL	FOR THE 1ST 12,000 SQ. FT. GROSS FLOOR AREA		FROM 12,001 TO 48,000 SQ. FT. GROSS FLOOR AREA		OVER 48,000 SQ. FT. GROSS FLOOR AREA
		PLUS		**PLUS**	
	ONE SPACE PER 225 SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 250` SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 275` SQ. FT. GROSS FLOOR AREA

b) Table 2. Parking requirements for office and service uses.

TABLE 2 OFFICE/ SERVICE	FOR THE 1ST 12,000 SQ. FT. GROSS FLOOR AREA		FROM 12,001 TO 48,000 SQ. FT. GROSS FLOOR AREA		OVER 48,000 SQ. FT. GROSS FLOOR AREA
		PLUS		**PLUS**	
	ONE SPACE PER 225 SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 300 SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 350` SQ. FT. GROSS FLOOR AREA

c) Table 3. Parking requirements for miscellaneous uses.

TABLE 3 – MISCELLANEOUS USES	
Dwelling:	Two (2) parking spaces for each separate dwelling unit within the structure, plus garage.
Hospital:	One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles
Medical/ Dental Clinics	Medical or dental clinics or offices: Seven (7) spaces per doctor plus two (2) spaces for each three (3) employees.
Sanatoriums convalescent or nursing homes	One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses.
Community center, theater, auditorium	One (1) parking space for each three (3) seats, based on maximum seating capacity.
Convention hall, lodge, club, library, museum, place of amusement or recreation.	One (1) parking space for each fifty (50) square feet of gross floor area used for assembly or recreation in the building
Restaurants and eating establishments:	One (1) parking space for every one hundred (100) square feet of gross floor area.
Fast Food Eating Establishment	One (1) parking space per fifty (50) square feet of gross floor area, provided, however, that cold storage shall not be included in computation of the gross floor area for parking purposes.
Fast Food Eating Establishment with Drive-Through Order Windows	One (1) parking space per eight-five (85) square feet of gross floor area, provided, however, that cold storage shall not be included in computation of the gross floor area for parking purposes.
Eating	One (1) parking space per one hundred (100) square feet of gross

Establishments: Drive-In	floor area, provided, however, that cold storage shall not be included in computation of the gross floor area for parking purposes.
Church sanctuary or other similar religious facility	One (1) parking space for each four (4) seats, based on maximum seating capacity.
Apartment, housing or multiple dwelling units:	Two (2) parking spaces for each separate one (1) bedroom dwelling unit and one (1) parking space for each additional bedroom in the dwelling unit within the structure.
Elementary School	One (1) parking space per ten (10) classroom seats
Jr. High School	One (1) parking space per four (4) classroom seats
High School	One (1) parking space per two (2) classroom seats
For all other uses not enumerated herein.	The Planning and Zoning 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.

(Code 1976, §12-5-7; Ord. No. 580, § 3, 1-7-03)

CHAPTER 25

SUBDIVISION REGULATIONS

Art. I. Subdivisions, §§ 25-1 -- 25-30
Div. 1. In General, §§ 25-1 -- 25-6
Div. 2. Plat Preparation & Approval §§ 25-7 -- 25-10
Div. 3. Design & Improvements §§ 25-11 -- 25-30 (J)

ARTICLE 1 SUBDIVISIONS

DIVISION 1. IN GENERAL

Sec. 25-1. 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 and commercial 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. Those 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) This article is designed, intended and should be administered in a manner to fulfill the following:

(1) Provide neighborhood conservation and prevent the development of slums and blight,

(2) Harmoniously relate the development of the various tracts of and to the existing community and facilitate the future development of adjoining tracts,

(3) Provide that the cost of improvements, which primarily benefit the tract of land being developed, be borne by the owners or developers of the tract.

(4) Provide the best possible design for the tract

(5) Reconcile any differences of interest and

(6) Establish adequate and accurate records of land subdivision.

Sec. 25-2. Jurisdiction.

This article shall apply to all subdivisions of land within the corporate limits of the City of The Village. No building permit or certificate of occupancy shall be issued for any parcel or plat of land, which is not in conformity with the provisions of this article.

Sec. 25-3. Definitions.

For the purpose of this article, certain terms used herein are defined as follows:

Alley: 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, which may be used for public utility purposes.

Block: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, public walks, parks or green strips, undeveloped land or drainage channels or a combination thereof.

Building line or setback line: A line designating area outside of which buildings may not be erected.

Corner lot: A lot located at the intersection of and abutting on two (2) or more streets.

Cul-de-sac or cul-de-sac street: A minor street having one end open to vehicular traffic and having one end terminated by a turnaround.

Double frontage lot: A lot, which runs through a block from street to street and which abuts two (2) or more streets.

Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

Final plat: A map of land subdivisions prepared in a form suitable for the filing of record with necessary affidavits, dedications and acceptances, and

with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas, and other dimensions of land.

Frontage street or service street: A minor street auxiliary to and located on the side of major street for service to abutting properties and adjacent areas and for control of access.

Homebuilder: Any person that engages in the construction of dwellings within the subdivision.

Lot: A subdivision or block or other parcel intended as a unit for the transfer of ownership and development.

Major street: A major street, which is designated as a principal or minor arterial on the major street plan.

a. Principal arterial: This system of streets should serve the major centers of activity, the highest traffic volume corridors, the longest trip desires and the major portion of all travel. For this class of facilities, the concept of service to abutting land should be subordinate to the provision of travel service to major traffic movements and any such service should be purely incidental to its primary functional responsibility.

b. Minor arterial street system: The minor arterial street system should interconnect with and augment the principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than the higher system. This system also distributes travel to geographic areas smaller than those identified with the higher system and it places more emphasis on land accessibility.

Minor street: Any street not classified as a major street on the major street plan.

a. Collector street system: The collector street system provides both land access service and traffic circulation within residential neighborhoods and commercial areas. It differs from the major system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the major streets through the area to the ultimate destination. The collector street also collects traffic from local streets in residential neighborhoods and channels into the major street system.

b. Local street system: The local street system comprises all facilities not on one of the higher systems. It serves primarily to provide direct access

to abutting land and access to the major and collector systems. It offers the lowest level of mobility and service to through traffic movement is deliberately discouraged.

Occupancy permit: A permit from the building inspector to the homebuilder, homeowner or businessman for the homeowner or business to occupy a residential or commercial building in a subdivision.

Planned unit development: A development in areas zoned for Planned Unit developments planned in accordance with the provisions of Article IV, Division 2 of Chapter 24 of The Village City Code.

Preliminary plat: A map of proposed land subdivisions showing the character and proposed lay out of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

Split lot: A subordinate and integral part of any lot and which plot or parcel of land is not capable of supporting or having a building constructed upon it.

Street: Any public or private right-of-way, which affords the primary means of access to abutting property.

Subdivider or developer: Any person subdividing or proposing to subdivide land as herein defined.

Subdivision: Any division and/or development of land into two (2) or more lots, parcels, tracts or areas, or any division of land involving the vacation or dedication of right-of-way or alignment of an existing or proposed street or highway or any public utility easement, or the re-subdivision of land heretofore divided into lots, sites, or parcels.

Sec. 25-4. Variation and exception.

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 the Planning Commission may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the Subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City are protected and the regulations are preserved. Such modifications may be granted upon written request of the Subdivider stating the reason for each

modification and may be waived by three-fourths vote of the regular membership of the Planning Commission.

Sec. 25-5. Administration and amendments.

The City Council may, from time to time, adopt, amend or make public rules and regulations for the administration of this article to the end that the public be informed and that approval of plats be expedited.

Sec. 25-6. Violation 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 this article.

(b) The City hereby defines its policy to be that the City will withhold all public improvements of whatever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions and/or lot splits which have not been approved according to the provisions contained in this article and from all areas dedicated to the public which have not been accepted by the City in the manner prescribed therein.

(c) Any violation of this article shall be deemed to be punishable by a fine. Any person who violates or refuses to comply with any of the provisions of this article shall be guilty of a Class A Offense punishable by a fine of up to Seven Hundred and Fifty ($750.00) Dollars and sixty (60) days imprisonment or both such fine and imprisonment.

DIVISION 2. PLAT PREPARATION AND APPROVAL PROCEDURES

Sec. 25-7. In general.

(a) For all cases of subdividing within the scope of these regulations as provided by this article, a plat of the property in question shall be prepared and submitted to the Planning Commission and City Council for their approval or disapproval, as provided below:

(1) No plat or other land subdivision instrument shall be filed with the office of the County Clerk until it shall have been approved by the Planning Commission and the City Council as hereinafter set forth. All final plats shall be filed within two (2) years of the day of approval by the City Council, and no lots shall be sold from any plat until recorded. Failure to record the plat within two (2) years of the date of approval by the City Council shall void all

approvals thereto, unless extended by the Planning Commission and City Council upon application prior to the expiration date.

(2) 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 provided the Subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons therefore.

(3) To defray partially the costs of administrative procedures, there shall be paid to the City Clerk, at the time of submission of the preliminary plat, a fee in an amount set by Resolution of the City Council.

Sec. 25-8. Pre-application plans and data.

Not less than fourteen (14) days prior to the filing of an application for approval of a preliminary plat, the Subdivider shall submit to the City Clerk the following information:

(1) A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information may include data on existing covenants and agreements, the availability of utilities and community facilities, the proposed use of each portion of the subdivision, proposed lot sizes and building sizes, proposed business areas, playground, park sites and other pertinent data as may be needed to supplement the sketches required in (2) and (3) below.

(2) A general location map shall be submitted and shall show the proposed subdivision and its relationship to existing utilities, schools, parks, traffic arteries and other features that will affect and influence the subdivision such as schools, churches, and shopping and employment centers.

(3) A sketch plan drawn to approximate scale shall be submitted and shall show topography, using a contour interval of not greater than five (5) feet, the proposed street layout, lots and other planning features. The street and lot plan may be in the form of a free hand pencil sketch.

Sec. 25-9. The preliminary plat.

(a) 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 City Clerk not less than fourteen (14) days prior to the meeting at which it is to be considered.

(b) The preliminary plat shall be accompanied by a statement signed by the registered engineer preparing the plat that he is familiar with the contents of the preliminary plat and that the preliminary plat has been prepared 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.

(c) The preliminary plat shall be drawn at a scale of one hundred (100) feet to one (1) 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 the name 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 Geodetic Survey Benchmark or monument.

(7) The location of existing buildings, water, watercourses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision, provided however that actual measured distances shall not be required.

(8) The length of boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, and easements and setback lines and the approximate lot dimensions.

(9) The location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing 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.

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.

(11) The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, primary thoroughfare, secondary thoroughfare, collector street, or minor street in parentheses, directly on each street.

(12) The following items associated with oil or gas drilling or producing operations and existing within or immediately adjacent to the proposed subdivision:

a. Scale drawing of the drilling site, showing dimensions.

b. Location of all existing physical facilities, to include existing wells, structures, tank batteries, and oil, gas or water lines utilized.

c. Location and dimension of all existing vehicular entrances, exits and drives.

d. Location and size of all existing mud pits.

(d) 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. The reasons for disapproval or conditional approval shall refer specifically to regulations or Ordinances 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 the 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.

Sec. 25-10. The final plat.

(a) A final plat, neatly drawn in ink on Mylar and three (3) dark-line prints thereof shall be submitted to the City Clerk not less than fourteen (14) days before the Planning Commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted to the City Engineer 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.

(b) 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 plan was approved. If not submitted for final approval within such time, the preliminary plan 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, if not filed within such time, said approval shall be considered as having been voided, unless extended by the City Council upon application prior to expiration date.

(c) 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 (33 1/2) 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 sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half 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.

(d) The final plat shall show the following:

(1) The location and description of all section corners and permanent inequity, 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 adjacent subdivisions identified by official names.

(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 and/or direction of an alley are not readily discernible from data given for lot and block lines, the length and/or bearings shall be given.

(6) The widths, and names where appropriate, of all proposed 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 where a lot line meets a street line at right angles, the angle or bearing angle 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 area, marked "public".

(9) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part".

(10) The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.

(11) The location of all easements for drainage with dimensions showing their location.

(12) The grades of all streets.

(13) The radii, area, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns.

(14) The proper acknowledgments of owners and the consent by the Mortgagee to plat restrictions.

(15) The following, which shall be made and shown on the cloth tracing:

a. Owner's certificate and dedication, signed.

b. A registered surveyor, 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. Certificates of Planning Commission approval.

f. Certificates of City Council acceptance of ways, easements, and public land dedications.

g. A certificate by the County Treasurer.

(16) A title, which shall include:

a. Name of the subdivision.

b. Name of City, county, and state.

c. Location and description of the subdivision referenced to section, range, and township.

d. The Planning Commission shall act upon the final plat within forty-five (45) days after it has been submitted for final approval. The approval and date thereof shall be shown on the plat over the signature of the Planning Commission chairman.

(f) 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 regulations and/or Ordinances with which the plat does not comply.

(g) Before recording the final plat, it shall be submitted to the City Council for approval and for acceptance of the 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 and attested to by the City Clerk. The disapproval of any plat or plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon.

(h) After final approval of the plat and the affixing of all required signatures on the original tracing, the Subdivider shall provide the City with three dark prints thereof, and one contact reproducible Mylar, said copies to be filed with the City Clerk. The applicant shall file the original one dark-line print on cloth, and on contact reproducible Mylar or film in the office of the County Clerk.

DIVISION 3. DESIGN & IMPROVEMENTS

Sec. 25-11. 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 effort of each Subdivider and developer of land within the urban area therefore, the design of each subdivision shall be prepared in accordance with the following general principles:

(a) It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial and public facilities. The neighborhood, as a planned unit, is intended as an area principally for residential use. Space for, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood.

(b) The size of the blocks and other areas for residential, commercial and public uses should be designed to provide adequate light, air, open space, landscaping, 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.

(c) Circulation within the urban area shall be provided in accordance with the following design criteria:

(1) Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street plan as and when adopted. Arterial streets should be located on the perimeter of the residential neighborhood.

(2) Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within commercial 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 residential streets to collector or arterial routes.

(3) Collector streets should be designed to provide a direct route from other minor streets to the major street system, and all collector streets must connect on at least one end to an existing or planned collector or higher-level street.

(4) Ingress and egress to residential properties should be provided only on minor streets.

(5) Subdivisions shall provide direct vehicular access from residential streets to at least one collector street for every 75 residential units within the subdivision.

(d) Minimum standards for development are contained in the zoning Ordinance, the building Code and in these regulations.

(e) The planned unit development standards and process found in the zoning Ordinance is an appropriate design base for future subdivisions under condominium, common sharing, or one ownership.

Sec. 25-12. Improvements in general.

All improvements shall be designed and installed in accordance with all of the minimum standards established by Ordinances and regulations relating thereto.

Sec. 25-13. Plan preparation.

Plans for the improvement herein required shall be prepared by a professional engineer registered in the state. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the City Engineer at the time of submission of the final plat.

Sec. 25-14. Blocks.

(a) The lengths, width and shapes of blocks shall be determined with due regard for the following:

(1) Provision of 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.

(4) Limitations and opportunities of topography.

(b) Blocks for residential use shall not be longer than eighteen hundred (1800) feet, measured along the centerline of the block. When a block exceeds six hundred (600) feet in length, the City Council may require a dedicated six (6) feet crosswalk easement and not less than a four (4) feet crosswalk to provide an access through 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 use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

(d) Blocks are not required for Planned Unit Developments to be developed pursuant to the Unit Ownership Estate Act.

Sec. 25-15. Lots.

a) Side lot lines should be approximately at right angles or radial to the street lines except for minor deviations on cul-de-sac or curvilinear streets.

b) Lots are not required for subdivisions for commercial use, or Planned Unit Developments that are being developed pursuant to the Unit Ownership Estate Act, but, when provided, should be of appropriate size and arrangements to provide for adequate off-street parking and loading facilities based on the intended use.

c) Access to all buildings in any subdivision must be from an approved street.

d) All corner lots or building locations shall have a sight triangle with legs of twenty-five (25) feet along each lot line or street right-of-way line from the point of intersection.

e) All lots shall have two separate directions of access, except cul-de-sac streets.

f) Drainage shall be away from all buildings and shall be in accordance with the general drainage for the location.

g) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from the traffic arteries or to overcome specific disadvantages of topography and provided along the portion of the lots abutting such a traffic artery or other use where screening is required.

h) Foundations in fill areas shall be designed to adequately support any proposed structure.

i) Permanent markers shall be placed on all lot corners, and change in alignment (PC and PT curves). Permanent benchmarks shall be set at locations to effectively serve the subdivision. The elevation on such benchmarks shall be based on U.S.C. & G.S. data. Markers shall be either iron pipes or pins, which are not less than one-half inch in diameter and twenty-four (24) inches long. All such markers shall be placed at least one inch below finished grade.

j) When an area within an existing platted subdivision is replatted and subdivided into new lots, the new lots shall be at least forty-five (45%) of the average lot size of all lots within one hundred feet (100') of the area to be replatted.

k) Lots fronting on a curve or a cul-de-sac shall have an average lot width of forty-five (45') feet and shall have at least thirty (30') feet of frontage on an approved public street.

Sec. 25-16. Building lines.

Building lines shall be provided in all residential subdivisions as follows:

(1) A front building line shall be located not less than twenty (20) feet back of the street right-of-way line.

(2) Side yard building line on corner lots:

(a) Corner lots back to back: A side yard building line on a corner lot abutting the street shall be located not less than fifteen (15) feet back of the street right-of-way when such lot is back to back with another lot.

(b) Corner lots back to side: On corner lots where two corner lots are situated back to side, the side yard building line on the side of a corner lot abutting the street shall be located not less than twenty five (25) feet back of the street right-of-way.

(c) Corner lots side to side: On corner lots where two corner lots are situated side to side, the side yard building line on the side of a corner lot abutting the street shall be located not less than twenty-five (25) feet back of the street right-of-way.

(3) 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.

(4) Building lines are not required for Planned Unit Developments.

Sec. 25-17. Easements.

(a) Where alleys are not provided, easements not less than fifteen (15) feet wide shall be provided for use by public and private utilities along rear lot lines, and along side lot lines where necessary. All lots shall border on a utility easement. In Planned Unit Developments being developed pursuant to the Unit Ownership Estate Act, a utility easement shall be provided at the rear of each structure and along the side of each structure when necessary.

(b) Easements shall be maintained free of buildings or other permanent structures, except for fences located on or near the side or rear property line. Any fence so constructed shall not constitute an abandonment by the easement owner or operate to extinguish the easement. The City Council may require area easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where deemed necessary.

(c) The Subdivider or developer shall file a utility easement which shall release or hold harmless a public utility, or private contractor representing a public utility, from any damages resulting from the removal of any fence or screening located on the utility easement, in order to gain access for the purpose of installation, removal, extension or repair of utility lines and equipment.

(d) The final grade across any utility easement shall not exceed a slope of fourteen (14) degrees (25% gradient) except where unusual topographic conditions justify, in the opinion of the City Council, a modification of this standard. Slopes less than the maximum may be required at specific locations by an individual utility for certain surface structures or equipment.

(e) Where a subdivision is traversed by a watercourse, 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 utility purposes, adequate to contain all of the runoff from a 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 as calculated by the City Engineer.

Sec. 25-18. Streets.

The arrangement, character, extent, width, design, grade, and location of all streets shall be designed in accordance with the following provisions:

(1) Major streets, principal and minor arterials, shall be planned to conform to the major street plan.

(2) Minor streets shall be laid out so that their use by through traffic will be discouraged.

(3) Where the plat to be submitted includes only part of the tract owned or intended for development by the Subdivider, a tentative plan of proposed future street system for the un-subdivided portion shall be prepared and submitted by the Subdivider.

(4) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility easements and connections for such re-subdivision.

(5) Street jogs and centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.

(6) Streets shall intersect at approximately right angles.

(7) Street classification, right-of-way, and paving widths shall be in accordance with the following standards:

(a) Major streets (12,500+ average daily traffic): Principal Arterial, one-hundred (100) feet right-of-way with a paving width of at least 48 feet to face of curb. Boulevard with median, eighty (80) feet of right-of-way with a paving width of at least 24 feet to face of curb on each side of the median.

(b) Minor streets:

(1) Collector streets (800+ average daily traffic)—sixty (60) feet of right-of-way with a paving width of thirty-two (32) feet to face of curb.

(2) Residential streets (less than 800 average daily traffic):

(i) Dedicated to the public—fifty (50) feet of right-of-way with a paving width of twenty-six (26) feet to face of curb.

(ii) Private—forty (40) feet of right-of-way with a paving width of twenty-six (26) feet to face of curb.

(iii) Cul-de-sac streets and short loops may have a paving width of less than twenty-six feet provided they are of limited length and have only one access point; however in no case shall the paving width be less than twenty-four (24) feet.

(8) Maximum street grade shall be six (6%) percent. Minimum street grade shall be four tenths (0.4%) percent.

(9) Dead end streets shall have a maximum length of five hundred (500) feet ending in a cul-de-sac with a paving radius of forty (40) feet. There shall

be no obstruction within a fifty (50) foot radius. This subsection shall not apply to Planned Unit Developments.

(10) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations and provided that the City Council finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(11) The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties.

(12) No street names will be used that will duplicate or be confused with the names of existing streets. Streets obviously in alignment with existing streets shall bear the same name unless otherwise approved by the City Council. Street names shall be subject to the approval of the City Council.

(13) Access to major streets shall be limited.

(14) All streets shall be designed to support the traffic generated or expected for that location. Street design standards shall apply as follows:

(a) Paving sections for residential, collector and boulevard type streets shall be in accordance with design standards provided in this Chapter or as otherwise required by the city engineer.

(b) Paving sections for major arterial streets shall be designed for H-20 loading. Minimum section shall be eight (8) inch Portland cement concrete (air entrained) over two (2) inches of hot sand asphalt on compacted subgrade.

(c) Paving must be designed for any special loading such as oil well service equipment.

(d) The minimum curb radius at intersections shall be thirty (30) feet.

(e) No drive shall be permitted closer than sixty (60) feet from the centerline of intersecting minor streets. Major intersections may require special review.

(f) Modifications of the above standards may be considered only if acceptable engineering justification is provided.

(15) Except as provided in subsection (d), the Subdivider of any subdivision designed to be used for residential, commercial or other purposes, shall pave all streets that are designed on the approved plat or that directly serve the subdivision by being adjacent thereto in accordance with the plans and specifications established by Ordinance or Resolution in accordance with the following provisions:

(a) The design of an improvement of an intersection of any new street with an existing state highway shall be in accordance with the standards of the Oklahoma Department of Transportation, but in no case shall the design be less than required by the applicable City specifications.

(b) All driveways, which connect with public streets, shall be constructed in accordance with the standard design of the City except, however, in residential drives, the minimum width for a single driveway, measured at the property line, shall be ten (10) feet, and minimum of sixteen (16) feet at the property line for a two-car driveway.

(c) Whenever, a subdivision is adjacent to an already existing unpaved street, the Subdivider shall be required to pave the entire breadth of said street.

(d) In Planned Unit Developments, private driveways may be maintained by the owners of said subdivision upon execution of a private driveway maintenance agreement between the owners, their heirs, executors, administrators, successors and assigns, and the City said agreement shall include but shall not be limited to, the following requirements:

(1) The owner shall agree to maintain private driveways of the subdivision.

(2) The agreement shall be recorded in the office of the County Clerk for the purpose of reflecting the provisions of said agreement within the abstracts of title of the lots within the subdivision.

(3) When in the interest of providing public access to internal property or properties, the City Council may require the dedication to the public of rights-of-way and/or private driveway areas and may further require that said rights-of-way or private driveway areas meet the applicable paving and right-of-way standards of the City as found in this chapter.

(2014 Code)

Sec. 25-19. Alleys.

(a) Alleys shall be provided in commercial districts, except that the City Council 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 areas shall be not less than thirty (30) feet in width.

(c) Alleys are not required for residential areas but when provided, shall not be less than twenty (20) feet in width.

(d) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(e) Dead-end alleys shall be avoided where possible but if unavoidable, shall be provided with adequate turnabout facilities at the dead-end as determined by the City Council.

Sec. 25-20. Sidewalks.

(a) Sidewalks shall be required on both sides of all streets classified as principal or minor arterial and on one side of all collector and local streets. Sidewalks shall be constructed in accordance with the applicable standard specifications of the City and federal law.

(b) On section line roads or designated major roadways, the Subdivider shall construct a sidewalk on the side of the road abutting the subdivision.

(c) Sidewalks may be waived by the City Council in one of the following conditions:

(1) When the density of the subdivision has a density of two and one-half (2 1/2) dwellings or less per gross acre.

(2) Where there is a cul-de-sac of no greater length than five hundred (500) feet.

(3) When the placement of the sidewalk as required by these Ordinances would not significantly aid or contribute to pedestrian flow or safety in the subdivided area.

(4) In planned unit developments where adequate provisions have been made for pedestrian flow and safety.

(d) The following shall serve as the sidewalk requirements:

Roadway Classification	Residential	Nonresidential
Principal Arterial	Both sides 5' 2' back of curb	Both sides 6'
Minor arterial	Both sides 5' 2' back of curb	Both sides 6'
Collector	One side 5'	Both sides 6'
Local	One side 5'	Both sides 6'

In all residential subdivisions the sidewalk along local streets should be along the North and East side.

(e) Sidewalks shall be the responsibility of the homebuilder in residential subdivisions and not a part of the subdivider's improvements. An occupancy permit shall not be issued for any dwelling, which has not been built in conformance with these sidewalk requirements.

Sec. 25-21. Utilities in general.

(a) Public easements at least fifteen (15) feet in width shall be provided for public utilities. Storm sewers are not considered to be utilities.

(b) Easements for private utilities shall be required if sufficient space is not available in public easements.

(c) Private utilities may not be buried in street easements without written approval of the City Engineer.

(d) The minimum horizontal separation of parallel water and sewer lines shall be ten (10) feet.

(e) Gas, electric, telephone and television cables must maintain a horizontal separation of at least four (4) feet.

(f) All primary and secondary electric feeders, telephone and television cables installed within any new subdivision shall be placed underground.

(g) Trenches under areas to be paved shall be backfilled with a combination of rock screenings and sand compacted by water and a vibrating compactor.

Sec. 25-22. Water lines.

(a) The developer/developer shall be responsible for the installation of the water lines. All water mains shall be dedicated to the City of Oklahoma City, unless the City of The Village opts to provide service to the subdivision.

(b) All water lines in public rights-of-way shall be of ductile iron.

(c) Tapping sleeves shall be required for taps made to any existing water main ten (10) inches or more in diameter.

(d) The developer/developer shall provide a water distribution system of sufficient size meeting water use and fire protection requirements in accordance with these regulations and other applicable Ordinances, standards and specifications governing water line construction.

(e) The water system design shall provide as follows:

(1) A distribution system sized to supply water at a pressure satisfactory or each unit, residential or commercial, in the development. All proposed construction must be approved by the City Engineer.

(2) Fire hydrants with steamer connections shall be required throughout the development area. Fire hydrants shall be installed in accordance with City, state, and national fire Codes, however, in no case shall fire hydrants be placed greater than the minimum distance required by Oklahoma City or on any main less than six (6) inches in diameter. The placement of all fire hydrants shall be approved by the Fire Chief.

(3) Prior to the initiation of installation of any combustible materials within any subdivision, the public water mains and fire hydrants serving the location shall be installed.

Sec. 25-23. Fire lanes.

(a) Fire lanes shall be provided for all buildings that are set back more than one-hundred and fifty (150) feet from a public road or exceed thirty feet in height and are set back over fifty (50) feet from a public road.

(b) Fire lanes shall be at least twenty (20) feet in width with a road edge closest to the building at least ten (10) feet from the building.

(c) Fire lanes and driveways shall be located so that all buildings served by them are accessible to fire equipment. The designation and maintenance of fire lanes on private property shall be determined by the Fire Marshal.

(d) An all weather road, which is designed to support fire-fighting apparatus and approved by the Fire Marshal shall be provided for access to all construction sites prior to the placement of combustible materials on the site.

Sec. 25-24. Sanitary sewers.

(a) The Subdivider shall install sanitary sewers to serve the subdivision in accordance with specifications governing sanitary sewer construction. All sanitary sewer mains shall be public and shall be dedicated to the City of The Village.

(b) Any new or replacement sanitary sewer system shall be designed to minimize or eliminate the following:

(1) Infiltration of flood waters into such systems, and

(2) Discharges from such systems into flood water.

(3) Vandalism.

(c) Manholes shall be installed at the end of each sanitary sewer line.

(d) Manholes shall be constructed at all changes in grade, size, or alignment at all intersections and at distances not greater than four-hundred (400) feet for sewers fifteen (15) inches in diameter or less and five-hundred (500) feet for sewers eighteen (18) to thirty (30) inches in diameter.

(e) Access to existing sanitary sewers shall be limited to the additional capacity available.

(f) No occupancy permit shall be issued for any structure, which has not been provided an approved connection to the public sewer system.

Sec. 25-25. Storm sewers and drainage.

(a) The Subdivider/developer shall provide storm sewers and drainage as needed to properly drain all property within the development area.

(b) Stormwater retention systems shall be required any time a development substantially increases the amount of impervious surface and when deemed necessary by the City Engineer. The design and capacity of all stormwater retention systems shall be subject to the review and approval of the city engineer.

(c) The storm drainage system shall be separate from the sanitary sewer system.

(d) Drainage from adjacent property shall not be restricted.

(e) Roadways shall be free from standing water during storms of a twenty-five (25) year return frequency.

(f) No building or structure other than a parking lot, street or walkway, shall be constructed over a storm sewer.

(g) Drainage easements of sufficient width shall provide unobstructed access to all storm sewers. The minimum easement width shall be fifteen (15) feet.

(h) All subdivision proposals and other proposed new developments shall be reviewed to ensure that all such proposals are consistent with the need to minimize flood damage that all public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated and constructed so as to minimize or eliminate flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards.

Sec. 25-26. Open spaces.

(a) Public parks, playgrounds and other public areas and open spaces should be provided as follows:

(1) One-third (1/3) acre for every 10 acres of area to be subdivided.

(2) This section shall not apply to Planned Unit Developments where adequate common areas are provided for open space.

Sec. 25-27. Bonding of subdividers/developers.

(a) In lieu of completion of the improvements herein required, excluding sidewalks, the City Council shall require the Subdivider to file a performance bond with the City Council and with the City Clerk to insure the actual construction of improvements according to the plans and specifications approved by the Planning Commission and City Council 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 (100%) percent of the quantities necessary to construct the improvements as determined by the City Council and with surety and conditions satisfactory to the City Council. No building construction shall be permitted nor municipal utility service furnished on any lot that does not comply with the provisions of these regulations and other applicable Ordinances.

(b) Upon completion of the improvements required, the Subdivider shall notify the City Engineer of such completion, requesting that the City Engineer so inspect the completed improvements, determining whether the improvements have been constructed and installed in compliance with those pertinent provisions of this Code. The City Engineer shall prepare a report regarding his inspection and file the same with the City Council for their final approval and acceptance of the improvements. When so approved, the performance bond posted to insure the actual construction of the improvements shall be returned to
the Subdivider.

Sec. 25-28. Maintenance bond.

Before the acceptance of any public improvement for maintenance by the City Council, a maintenance bond for the full amount of the contract and for a period of two (2) years will be filed with the City Clerk to insure the correction of any defect in materials or workmanship that may be found in the improvement.

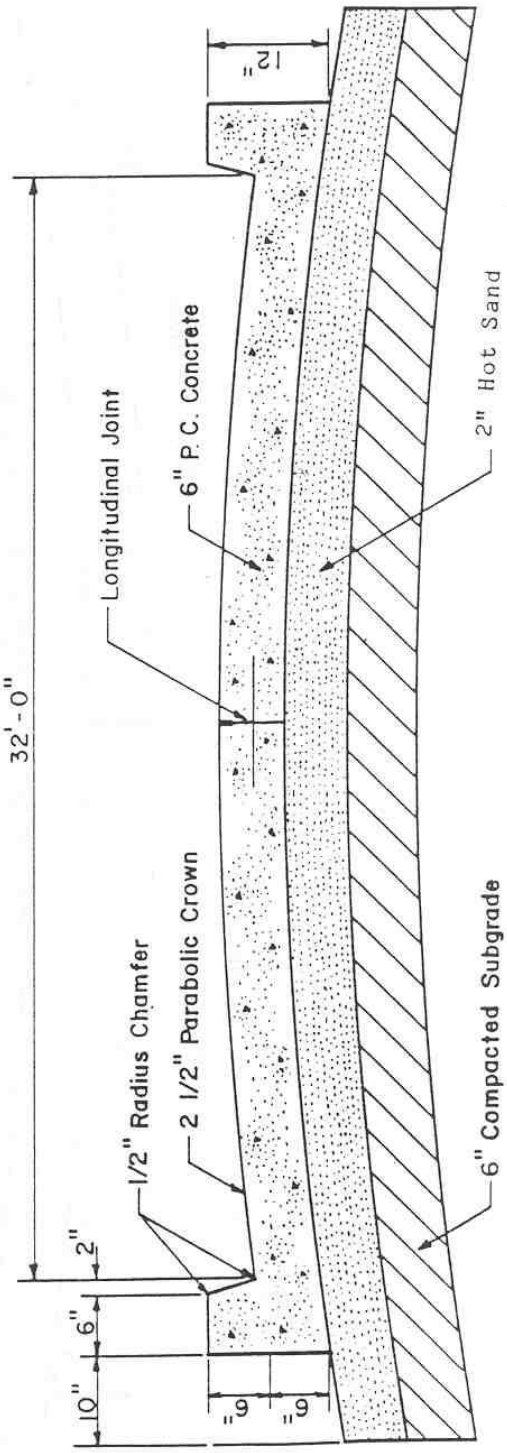
Sec. 25-29. "As built" Plans.

One set of "as built" plans and specification for the improvements herein required, 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 improvements installed herein.

Sec. 25-30. Typical sections and construction details.

The following standard construction specifications shall be utilized, as drainage, except as otherwise approved by the City Engineer:

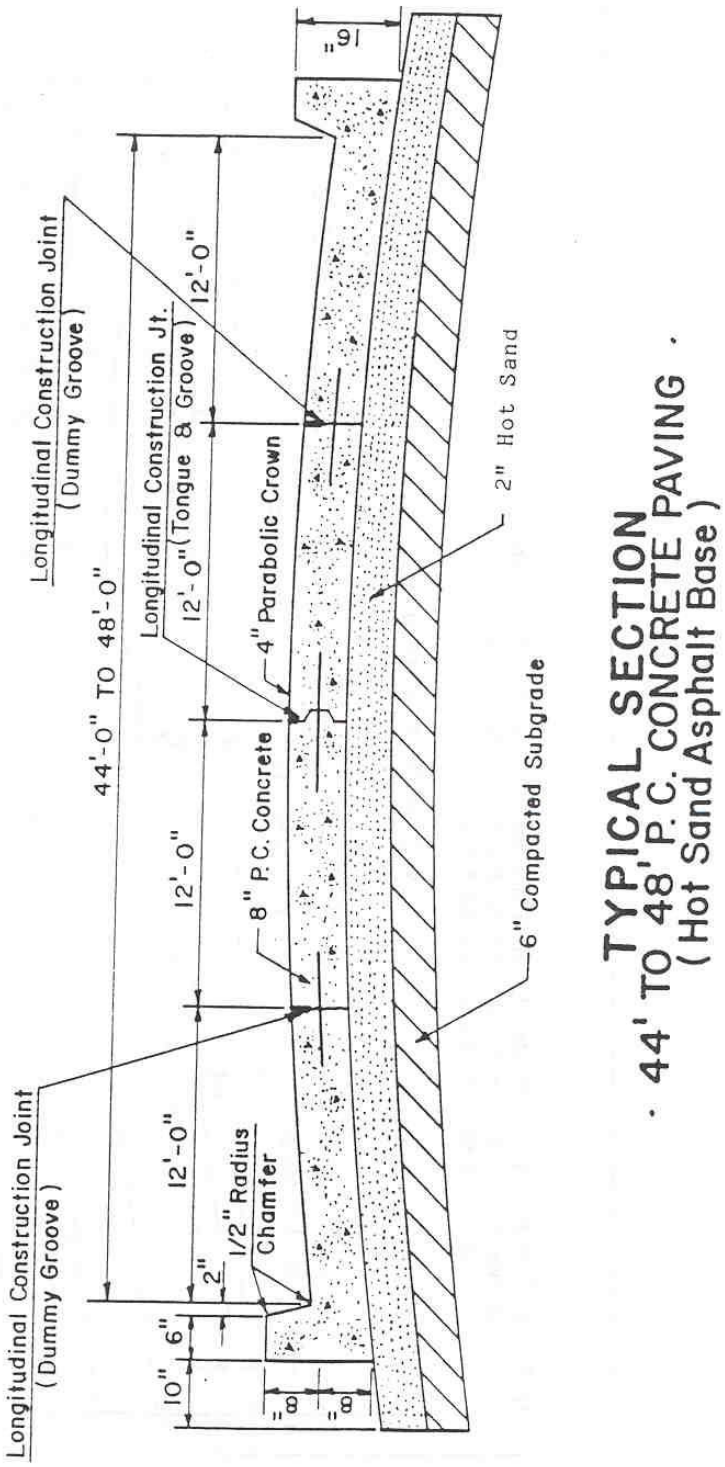
FIGURE 25-30 (B) STREET CROSS-SECTION 32 FEET.



TYPICAL SECTION
· 32' P.C. CONCRETE PAVING ·
(Hot Sand Asphalt Base)
(RESIDENTIAL COLLECTOR STREET)

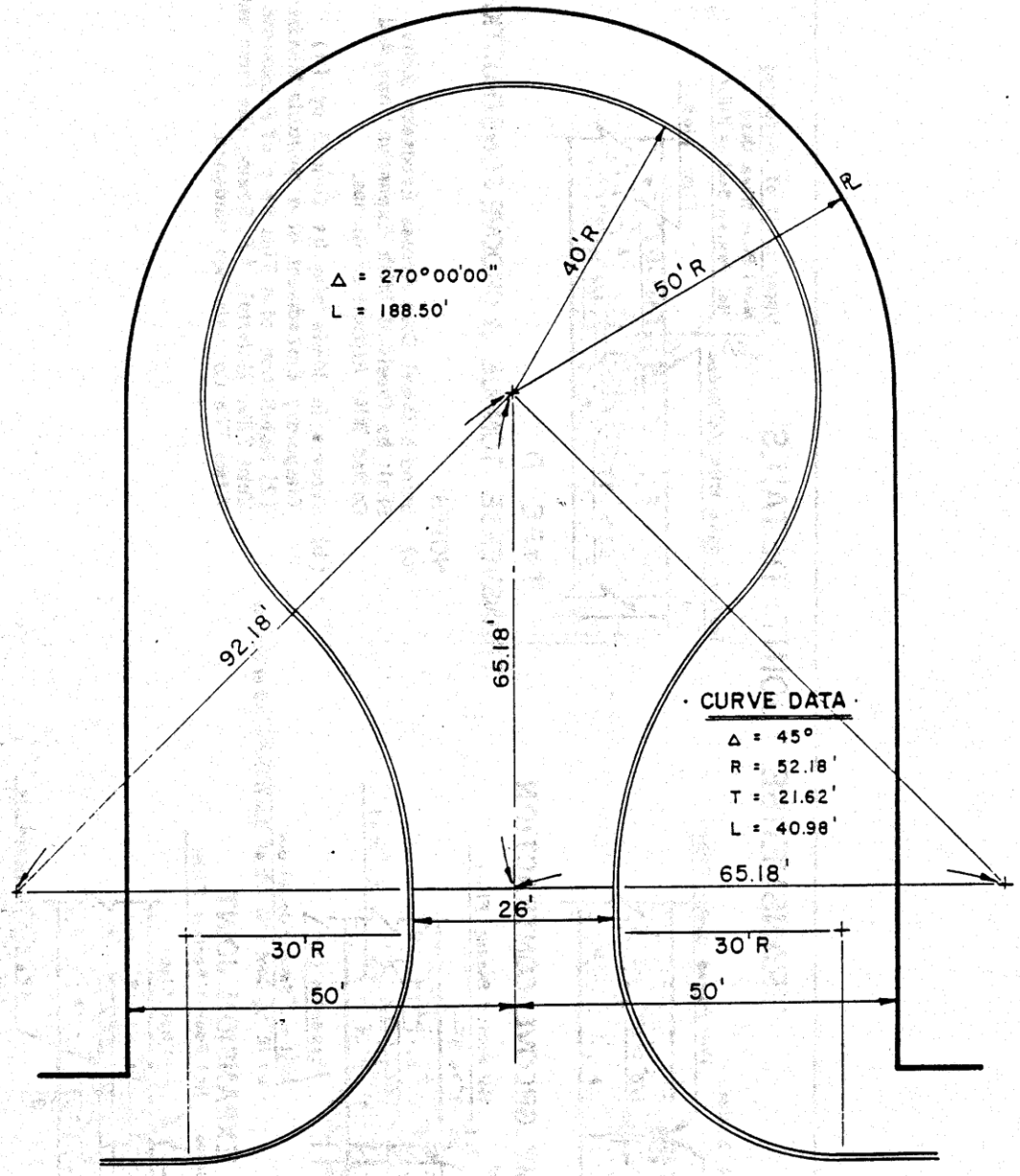
STANDARD
CITY OF THE VILLAGE

FIGURE 25-30 (C) STREET CROSS-SECTION 44 FEET TO 48 FEET.



STANDARD
CITY OF THE VILLAGE

FIGURE 25-30 (E) TYPICAL CUL-DE-SAC DETAIL.



P. C. CONCRETE

270.46 L.F. CONCRETE CURB
653.32 S.Y. P.C. CONCRETE
702.10 S.Y. SUB-BASE (Includes to 10" Back of Curb)

ASPHALTIC CONCRETE

270.46 L.F. CONCRETE CURB & GUTTER
593.92 S.Y. ASPHALTIC CONCRETE
702.10 S.Y. SUB-BASE (Includes to 10" Back of Curb)

DATA FOR STANDARD 40' R CUL-DE-SAC

STANDARD
CITY OF THE VILLAGE

FIGURE 25-30 (G) PAVING CUT DETAILS.

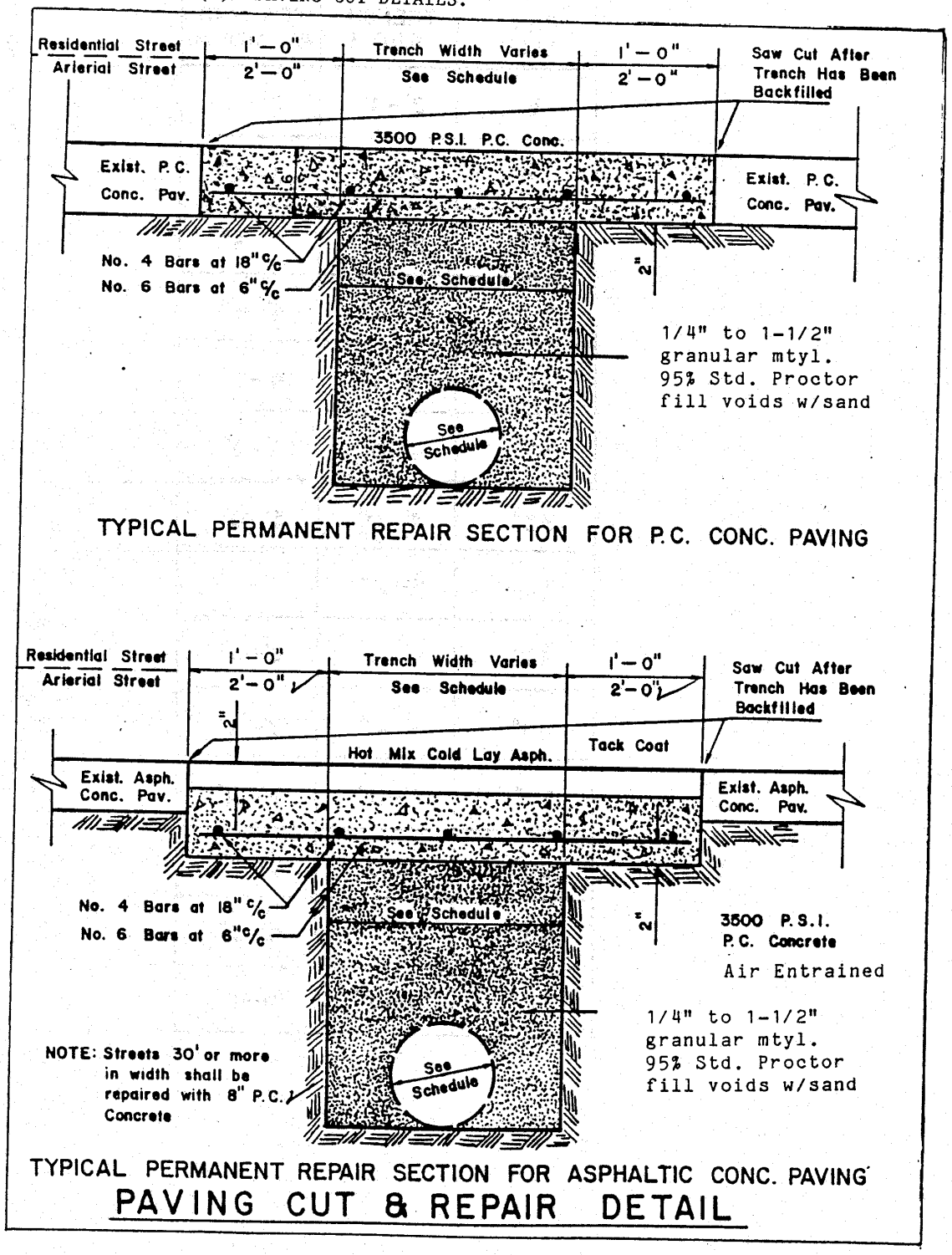


FIGURE 25-30 (F) TRANSVERSE JOINT DETAILS.

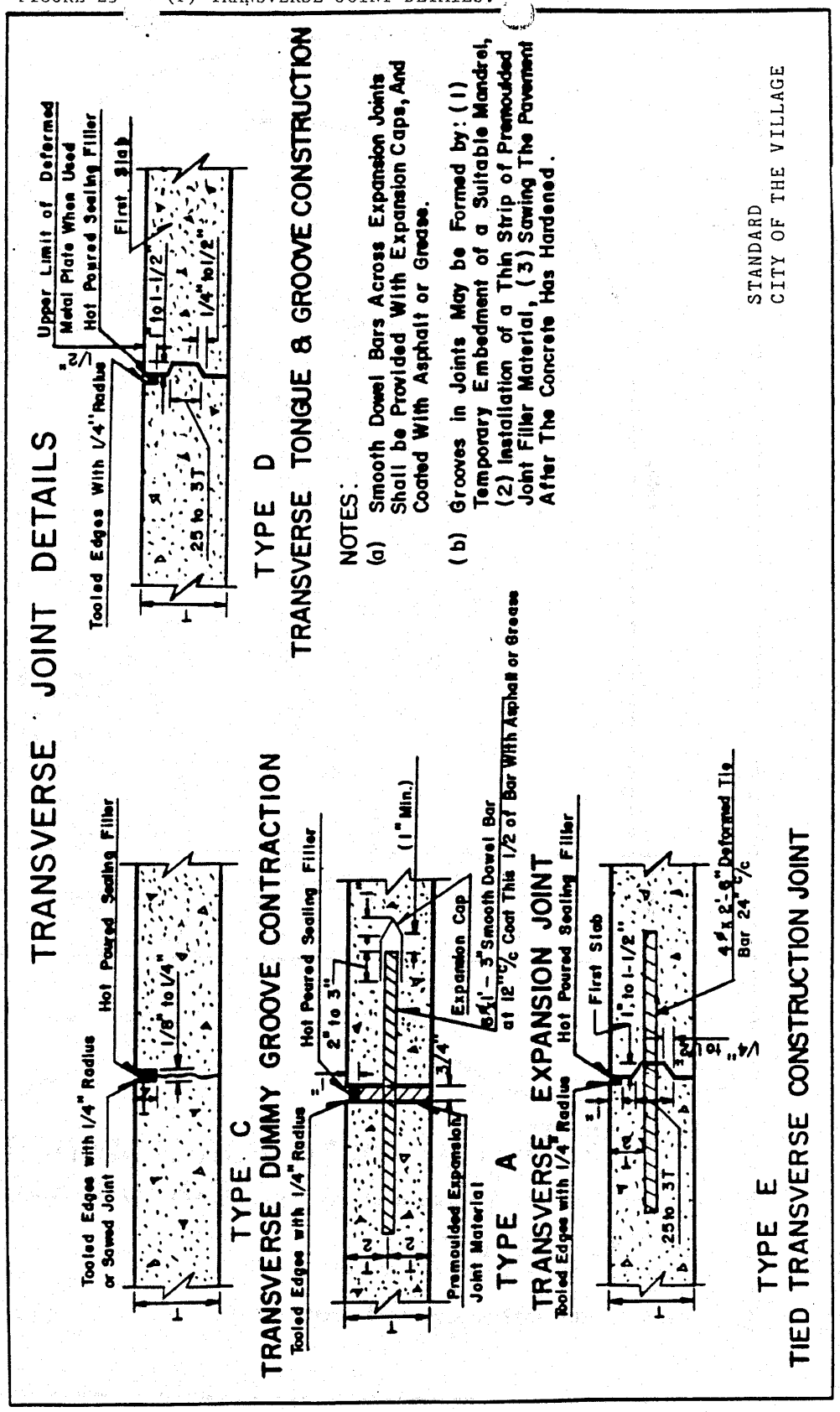
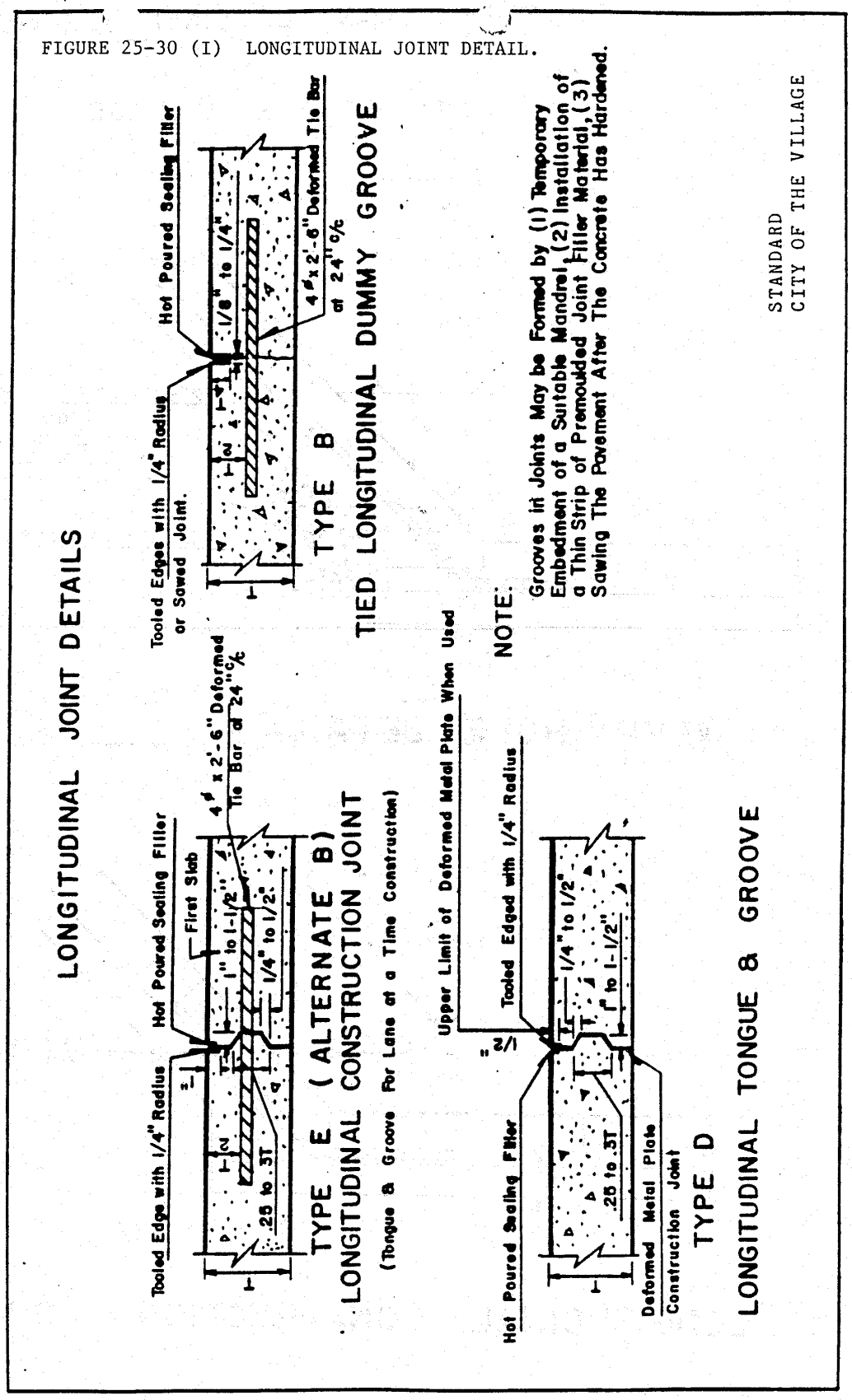


FIGURE 25-30 (H) TRENCH WIDTH SCHEDULE.

TRENCH WIDTH SCHEDULE

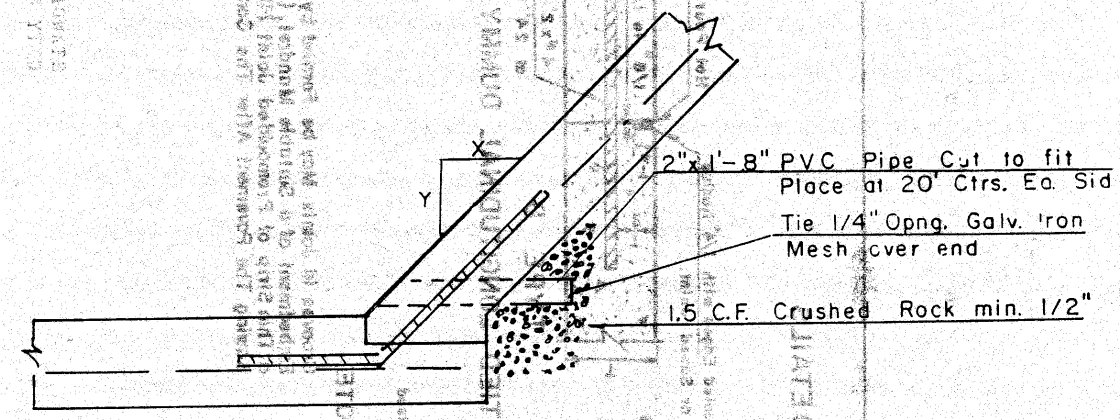
PIPE SIZE	TRENCH WIDTH	TRENCH WIDTH WITH SHORING
15"	2'-4"	3'-4"
18"	2'-6"	3'-6"
21"	2'-9"	3'-9"
24"	3'-6"	4'-6"
27"	3'-9"	4'-9"
30"	4'-0"	5'-0"
33"	4'-10"	5'-10"
36"	5'-2"	6'-2"
42"	5'-9"	6'-9"
48"	6'-4"	7'-4"
54"	6'-11"	7'-11"
60"	8'-0"	9'-0"
66"	8'-7"	9'-7"
72"	9'-2"	10'-2"

FIGURE 25-30 (I) LONGITUDINAL JOINT DETAIL.

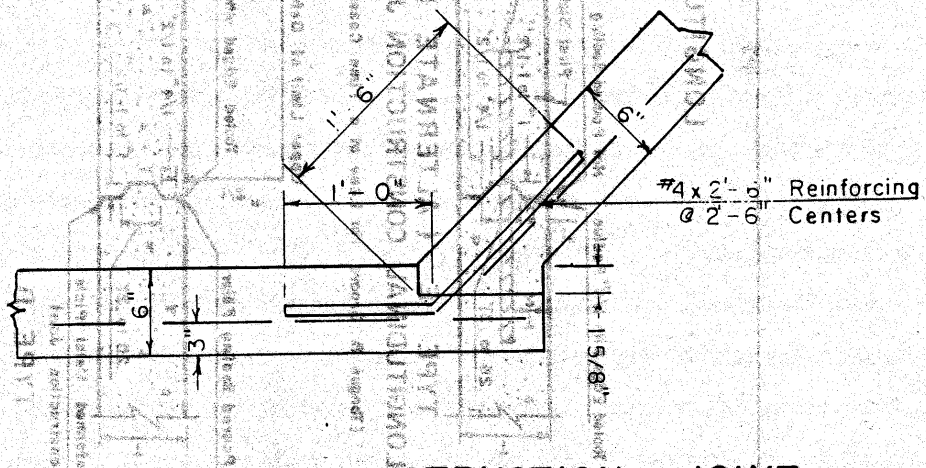


CONCRETE CHANNEL LINER DETAILS

CITY OF THE VILLAGE



WEEP HOLE DETAIL

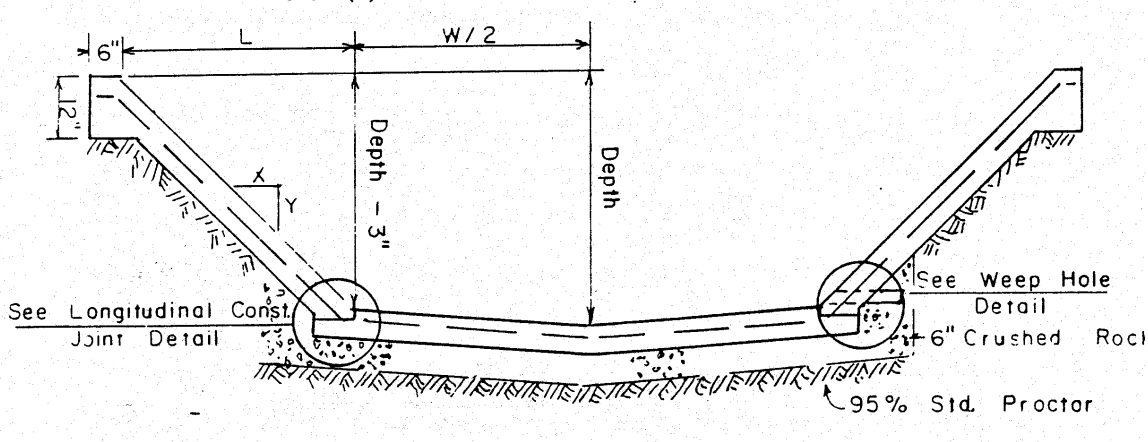


LONGITUDINAL CONSTRUCTION JOINT

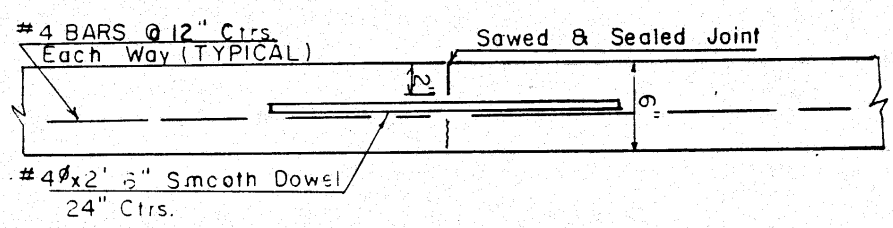
CONCRETE CHANNEL LINER DETAILS

CITY OF THE VILLAGE

FIGURE 25-30 (J) CONCRETE CHANNEL LINER DETAILS.

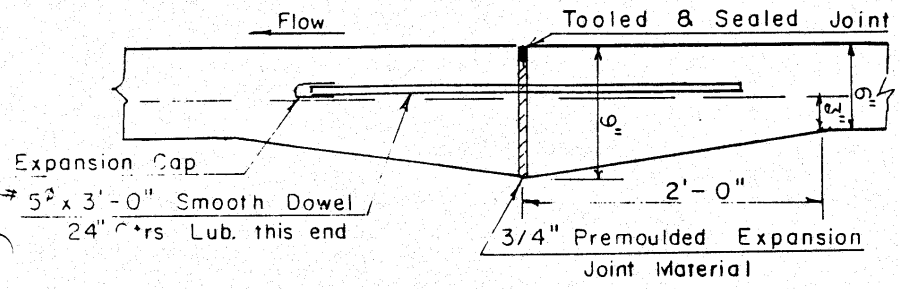


TYPICAL SECTION



TRANSVERSE CONTRACTION JOINT

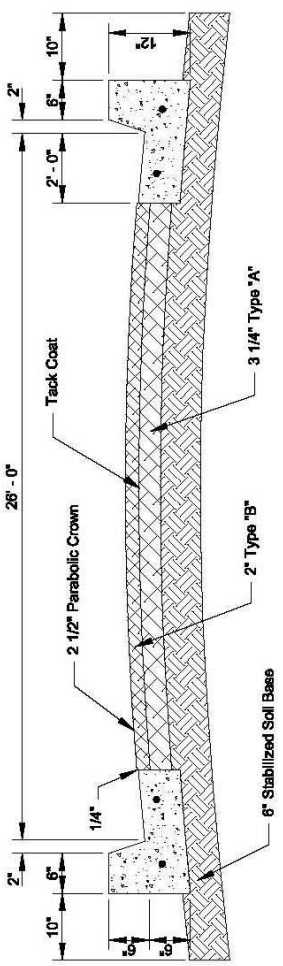
SPACED MAXIMUM 20 FEET



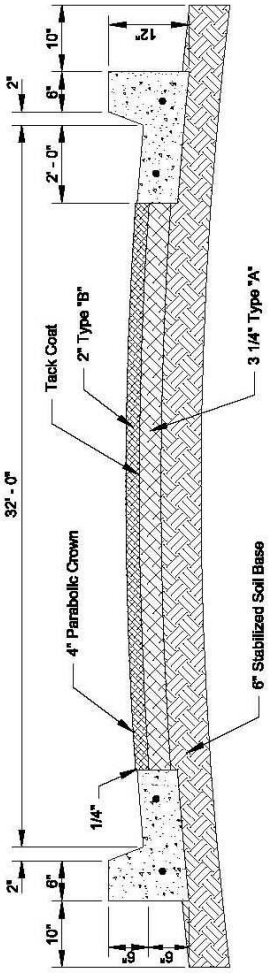
TRANSVERSE EXPANSION JOINT

SPACED MAXIMUM 100 FEET

(J) Figure – Standard Typical Section – Asphaltic Concrete Street.
(Ord. No. 641 §1, 06-23-2009)



◦ TYPICAL SECTION ◦
26' ASPHALTIC CONCRETE PAVING
(STABILIZED SOIL BASE)



◦ TYPICAL SECTION ◦
32' ASPHALTIC CONCRETE PAVING
(STABILIZED SOIL BASE)

THE VILLAGE CITY CODE
List of Ordinances Since Incorporation

ORD #	SUBJECT	ADOPTED
1	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	3/24/1950
2	DE-ANNEXATION OF CERTAIN TERRITORY	3/24/1950
3	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	3/24/1950
4	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	4/29/1950
5	DE-ANNEXATION OF CERTAIN TERRITORY	10/28/1950
6	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	10/28/1950
7	DEFINING TERMS, REGULATING TRAFFIC AND USE OF STREETS	10/28/1950
8	CREATING OFFICE OF BUILDING COMMISSIONER, BUILDING REGULATION	10/28/1950
9	REGULATING PLUMBERS, CREATING BOARD OF PLUMBING EXAMINERS	10/28/1950
10	LEVYING A 2% GROSS RECEIPTS TAX ON SALES OF GAS	12/30/1950
11	LEVYING ANNUAL SERVICE CHARGE & INSPECTION FEE ON PHONE CO	12/30/1950
12	CHANGING THE NAME OF CHURCHILL WAY TO CHURCHILL PLACE	1/27/1951
13	LEVYING A 2% GROSS RECEIPTS TAX ON SALE OF WATER	3/3/1951
14	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	3/31/1951
15	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	3/31/1951
16	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	4/2/1951
17	PROVIDING FOR RABIES VACCINATION FOR DOGS	5/26/1951
18	LEVYING 2% SALES TAX ON ELECTRIC SALES	6/2/1951
19	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	6/23/1951
20	DEFINING BOULEVARDS	7/21/1951
21	LEVYING AND ADDITION 1% SALES TAX	6/29/1976
21	REQUIRING LICENSES FEES FOR PLUMBERS	7/21/1951
22	PARKING VEHICLES IN EXCESS OF ONE TON BETWEEN 6 PM & 6 AM	7/21/1951
23	ADOPTING SOCIAL SECURITY FOR CITY EMPLOYEES	12/22/1951
24	SANITATION REGULATIONS, CHARGES	1/4/1952
25	GRANTING A FRANCHISE TO OG&E FOR ELECTRIC SYSTEM	2/23/1952
26	ADOPTION OF FIRE PREVENTION CODE	3/21/1952
27	REGULATING ELECTRICAL WORK, ELECTRICIANS, ETC.	4/25/1952
28	CREATING A FIRE DEPARTMENT, FIRE REGULATIONS	4/25/1952
29	PROHIBITING THE KEEPING OF ALL ANIMALS EXCEPT DOGS AND CATS	7/25/1952
30	DISTURBING THE PEACE	7/25/1952
31	DESTRUCTION OF PRIVATE PROPERTY, STREET SIGNS	7/25/1952
32	LICENSING OF OCCUPATIONS	7/25/1952
33	DEFINING VAGRANT	8/7/1952
34	UNLAWFUL TO HARBOR LOUD, BARKING DOG	7/25/1952
35	FAILURE TO HAVE DRIVERS LICENSE IN POSSESSION	7/25/1952
36	WEEDS AND GRASS	7/25/1952
37	NUISANCES DEFINED	8/22/1958
38	CREATION OF FIREMENS PENSION FUND	9/26/1952
39	PROVIDING FOR BICYCLE LICENSE	9/29/1952
40	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	9/26/1952
41	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	10/24/1952
42	DEANNEXATION OF LOT 13, BLK 105 NICHOLS HILLS SUBURBAN TRACT	10/24/1952
43	CHANGING WARD BOUNDARIES	12/26/1952
44	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	12/26/1952
45	ESTABLISHING COMPENSATION FOR CITY CLERK	3/27/1953
46	ESTABLISHING THE SALARY OF THE CITY CLERK	4/6/1953

47	SANITATION REGULATIONS, CHARGES	8/12/1953
48	AMENDING ORDINANCE 32 PERTAINING TO SOLICITATION	8/12/1953
49	CREATING A PLANNING COMMISSION	8/17/1953
50	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	1/22/1954
51	REGULATING THE SUBDIVISION OF LAND, PLATS, DESIGN STANDARDS	7/23/1954
52	ADOPTION OF BUILDING CODE, ESTABLISHING FIRE LIMITS, FEES	8/24/1954
53	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	9/3/1954
54	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	10/5/1954
55	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	10/8/1954
56	ESTABLISHING TWO ZONING DISTRICTS, ZONING REGULATIONS, ETC	12/7/1954
57	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	12/14/1954
58	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	12/31/1954
59	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	4/2/1955
60	SALARY AND TRAVEL EXPENSE OF TOWN CLERK	3/25/1955
61	REGULATING CIRCUSES, LICENSES, INSURANCE	4/22/1955
62	REGULATING AMUSEMENT RIDES, TRANSIENT SHOW, ROLLER SKATING	4/6/1955
63	REZONING LOT 4 IN SW 1/4 OF SECTION 30 TO COMMERCIAL	5/3/1955
64	REZONING CERTAIN AREAS TO COMMERCIAL	5/21/1955
65	PROHIBITING PUBLIC DRUNKENESS	8/2/1956
66	LICENSING OF VEHICLES FOR HIRE	8/2/1955
68	REGULATION OF ELECTRICAL WORK, ELECTRICAL INSPECTOR, ETC	11/1/1955
69	REQUIRING PLUMBING LICENSES, PERMITS, INPSECTIONS	11/1/1955
71	ESTABLISHING WARD BOUNDARIES	6/19/1956
72	ESTABLISHING STOP SIGN LOCATIONS	6/19/1959
73	LICENSE FEE FOR VEHICLES FOR HIRE, INSURANCE REQUIRED	6/19/1956
74	ESTABLISHING SPEED LIMITS ON CERTAIN STREETS	9/4/1956
75	REZONING CERTAIN AREAS TO COMMERCIAL	11/20/1956
76	VACATING CERTAIN EASEMENTS IN BURKE NORTHRIDGE MANOR	7/23/1957
77	ESTABLISHING STOP SIGN LOCATIONS	8/6/1957
78	CREATING CIVIL DEFENSE ORGANIZATION	9/3/1957
79	REZONING CERTAIN AREAS TO COMMERCIAL	1/7/1958
80	CREATING OFFICE OF ELECTRICAL INSPECTOR	3/4/1958
81	CREATING OFFICE OF PLUMBING INSPECTOR, LICENSING OF PLUMBERS	3/4/1958
82	BONFIRES DEFINED	4/15/1958
84	SANITATION REGULATIONS, CHARGES	7/15/1958
85	RIGHT AND POWER TO ACQUIRE LAND INSIDE AND OUTSIDE OF CITY	9/2/1958
86	THIS ORINANCE IS MISSING (PROBABLY A SKIPPED NUMBER)	
87	ASSAULT AND BATTERY	10/21/1958
88	DISORDERLY CONDUCT	10/21/1958
89	DISORDERLY AND LEWD CONDUCT	10/21/1958
90	INTERFERENCE WITH OFFICER, IMPERSONATING OFFICER	10/21/1958
91	INTOXICATING LIQUORS, NUISANCES	10/21/1958
92	LARCENY	10/21/1958
93	VAGRANCY, BEGGING	10/21/1958
94	FAILURE TO PAY FARE ON PUBLIC CONVEYANCES	10/21/1958
95	RESISTING ARREST, REFUSING TO AID OFFICER	10/21/1958
96	WINDOW PEEPING	10/21/1958
97	LEWD OR INDECENT EXPOSURE	10/21/1958

98	INJURING OR MOLESTING AUTOMOBILES	10/21/1958
99	REGULATING THE TRADE OF AIR HEATING DEVICES	10/21/1958
100	OPERATION OF MOTOR VEHICLES, PASSING ON LEFT, LEFT OF CENTER	11/18/1958
101	DRIVING THROUGH SERVICE DRIVEWAY WITHOUT PURCHASE	11/18/1958
102	REQUIRING POSSESSION OF DRIVERS LICENSE	11/18/1958
103	REQUIRING FRONT AND REAR LICENSE PLATES	11/18/1958
104	REGULATING THE TRADE OF AIR CONDITIONING, REFRIGERATION	11/18/1958
105	FEES FOR PERMITS, INSPECTION, & ENGINEERING SERVICES	12/16/1958
105	ISSUANCE OF SERIES A SEWERAGE SYSTEM BONDS	1/1/1959
106	EXTENDING THE BOUNDARIES OF THE TOWN OF THE VILLAGE	12/19/1958
107	PERMITS FOR SEWER CONNECTION, PERMITS, INSPECTIONS	2/3/1959
108	DRILLING OF OIL AND GAS WELLS	3/3/1958
109	EXTENDING THE BOUNDARIES OF THE CITY OF THE VILLAGE	4/18/1959
110	EXTENDING THE BOUNDARIES OF THE CITY OF THE VILLAGE	5/18/1959
111	EXTENDING THE BOUNDARIES OF THE CITY OF THE VILLAGE	5/18/1959
112	EXTENDING THE BOUNDARIES OF THE CITY OF THE VILLAGE	5/18/1959
114	EXTENDING THE BOUNDARIES OF THE CITY OF THE VILLAGE	5/19/1959
114	EXTENDING THE BOUNDARIES OF THE CITY OF THE VILLAGE	5/20/1959
115	EXTENDING THE BOUNDARIES OF THE CITY OF THE VILLAGE	6/8/1959
116	REZONING OF CERTAIN AREA TO COMMERCIAL	6/16/1959
117	PROHIBITING SEPTIC TANKS	6/16/1959
118	VACATING A UTILITY EASEMENT IN BURKE NORTHRIDGE MANOR	6/16/1959
119	SEWER CHARGES FOR COMMERCIAL ESTABLISHMENTS	6/15/1959
120	REGULATING MANUFACTURE, SALE OF ALCHOLIC BEVERAGES	8/4/1959
121	OCCUPATION TAX FOR MANUFACTURE, SALE OF ALCHOHOLIC BEVERAGES	8/4/1959
122	DELETING A-1 SINGLE FAMILY USES IN COMMERCIAL ZONE	9/15/1959
123	ESTABLISHING A SANITARY SEWER DISTRICT	9/23/1959
124	REZONING OF CERTAIN AREAS TO A-1 SINGLE FAMILY	10/20/1959
125	ESTABLISHING WARD BOUNDARIES	10/20/1959
126	ANNUAL FEES FOR PAVING AND SEWER & WATER LINE CONTRACTORS	12/29/1959
127	INSPECTION OF SEWER LINES	12/29/1959
128	LICENSES FEES FOR PLUMBERS	12/29/1959
129	REGULATING ELECTRICAL WIRING, LICENSING OF ELECTRICIANS, FEES	12/29/1959
130	ESTABLISHING STOP SIGN LOCATIONS	1/9/1960
131	ISSUANCE OF SERIES B SEWERAGE SYSTEM BONDS	3/1/1960
132	REGULATING THE CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS	5/17/1960
133	ASSESSING COST OF SEWER CONSTRUCTION TO SEVERAL LOTS	7/19/1960
134	AMENDING ZONING REGULATIONS	8/16/1960
135	CREATING A POLICE PENSION AND RETIREMENT SYSTEM	12/20/1960
136	REZONING OF CERTAIN AREAS TO COMMERCIAL	2/8/1961
137	FALSE OR BOGUS CHECKS	2/21/1961
138	REGULATING LOCATION OF FALLOUT & TORNADO SHELTERS, PERMITS	2/10/2061
139	VACATING A UTILITY EASEMENT IN BURKE NORTHRIDGE MANOR	10/3/1961
140	BENEFICIAL INTEREST IN VILLAGE PUBLIC WORKS AUTHORITY	10/17/1961
141	REZONING OF CERTAIN AREAS TO COMMERCIAL	10/21/1961
142	MAINTENANCE & LEASE, APPROVING BOND INDENTURE FOR VPWA	1/16/1962
143	REGULATIONS FOR COMMERCIAL SIGNS	3/26/1962
144	CHURCHES, YMCAS, ETC AUTHORIZED TO ADVERTIZE IN ENCLOSED AREA	4/17/1962

145	SANITATION REGULATIONS, CHARGES	9/4/1962
146	REZONING OF CERTAIN AREAS TO COMMERCIAL	10/16/1962
147	CHANGING HEIGHT REGULATIONS, REQUIRING PAVED DRIVEWAYS, ETC	12/4/1962
148	REDUCING ALLEY WIDTHS, DEED FOR PARK PRIOR TO PLAT APPROVAL	12/4/1962
149	REZONING PART OF DEWEY DOBSON PLOT TO A-1 SINGLE FAMILY ZONE	2/5/1963
150	VACATING A STREET	2/5/1963
151	PROVIDING FOR CERTAIN CHANGES IN SIDE LOT REQUIREMENT	12/3/1963
152	HARBORING VICIOUS ANIMAL	5/19/1964
153	PROVIDING FOR ANIMAL PICK-UP FEE	5/19/1964
154	REGULATING POOL AND BILLIARD HALLS	7/21/1964
155	ADOPTING MISCELLANEOUS TRAFFIC REGULATIONS	9/1/1964
156	ADOPTING MISCELLANEOUS TRAFFIC REGULATIONS	9/1/1964
156	ADOPTING RULES AND REGULATIONS FOR SHOPPING CENTER SIGNS	10/20/1964
157	RULES AND REGULATIONS FOR SHOPPING CENTER SIGNS	10/20/1964
158	MAKING SHEFFIELD AND HASLEY ONE WAY WHILE SCHOOL IN SESSION	12/15/1964
159	REGULATIONS FOR COMMERCIAL SIGNS	8/3/1965
160	LEVYING 1% GENERAL FUND SALES TAX	10/5/1965
161	CREATING A LIBRARY COMMISSION	11/2/1965
162	ADOPTING TERMS CONTAINED IN STATE SALES TAX CODE	12/28/1965
163	SPEED LIMITS ON STREETS AND HIGHWAYS	5/17/1966
164	POSSESSION OF INTOX AND NON-INTOXICATING BEVERAGES BY MINORS	8/16/1966
165	REGULATING MOTORCYCLES, BICYCLES AND MOTOR SCOOTERS	9/20/1966
166	SALES TAX EXEMPTION FOR FARM MACHINERY SALES	3/7/1967
167	FEES FOR PAVING, SEWER LINE CONTRACTORS	7/18/1967
168	CREATING TRAFFIC AND SAFETY COMMISSION	7/18/1967
169	NON-OPERATING VEHICLES ON STREETS AND PRIVATE PROPERTY	7/18/1967
170	SPEED LIMITS IN SCHOOL ZONES, ETC	3/5/1968
171	SPEED LIMITS ON CITY STREETS	9/17/1968
172	BOOK MAKING, GAMBLING	10/1/1968
173	GLUE SNIFFING, DRUGS	11/19/1968
174	ORGANIZATION AND OPERATION OF MUNICIPAL COURT	1/21/1969
175	SEWER CHARGES	6/28/1969
176	SANITATION REGULATIONS ADOPTED, RATES AND CHARGES	6/28/1969
177	REZONING LOTS 17 & 18, BLK 7, CASADY WAVERLY TO COMMERCIAL	3/18/1969
178	AMENDING ORDINANCE 138, POLICE PENSION SYSTEM	6/28/1969
179	POLICE PENSION AND RETIREMENT SYSTEM	6/28/1969
180	ESTABLISHING SANITATION CHARGES	6/28/1969
181	ESTABLISHING SEWER CHARGES, PENALTY FOR DELINQUENT BILLS	6/28/1969
182	ADOPTING OMRF RETIREMENT SYSTEM	9/16/1969
183	PROVIDING FOR CERTAIN CHANGES IN HEIGHT RESTRICTIONS	9/16/1969
184	FIRE DEPARTMENT RETIREMENT SYSTEM	11/4/1969
185	REMOVING OF RESIDENCES AND OTHER BUILDINGS IN COMMERCIAL ZONE	12/16/1969
186	REZONING TO COMMERCIAL	2/17/1970
187	PERTAINING TO HEIGHT REGULATIONS	2/17/1970
188	AIR POLLUTION	3/3/1970
189	REZONING 200' X 200' SW CORNER HEFNER/PENN TO COMMERCIAL	3/17/1970
190	ADOPTING ZONING, PLANNING COMMISSION AND BOARD OF ADJUSTMENT	2/2/1971
191	NUMBER AND SIZE OF SIGNS FOR YMCAS, CHURCHES, ETC.	2/2/1971

192	REZONING OF CERTAIN AREAS FROM A-1 TO C-2	5/16/1972
193	UNCLAIMED PROPERTY	12/5/1972
194	DECLARING NECESSITY OF CONSTRUCTING A SEWER DISTRICT	12/19/1972
195	THIS ORDINANCE IS MISSING (PROBABLY A SKIPPED NUMBER)	
196	CHANGING WARD BOUNDARIES	4/17/1973
197	AMENDING THE OMRF RETIREMENT SYSTEM	8/21/1973
198	REGULATING FIREWORKS	10/2/1973
199	AMENDING ORDINANCE 190 PERTAINING TO SPECIAL PERMITS	1/2/1974
200	AMENDING ORDINANCE 180 PERTAINING TO SANITATION CHARGES	7/16/1974
201	AMENDING ORDINANCE 181 PERTAINING TO SEWER CHARGES	7/16/1974
202	PERTAINING TO REPLACEMENT OF PLANNING COMMISSIONERS	8/20/1974
203	PERTAINING TO ABSENCES OF BOARD AND COMMISSION MEMBERS	9/17/1974
204	AMENDING ORDINANCE 190 PERTAINING TO ZONING REGULATIONS	10/6/1974
205	RELATING TO ABATEMENT OF GRASS AND WEEDS	10/15/1974
206	REGULATIONS FOR CHANGING ZONING BOUNDARIES, REGULATIONS	11/19/1974
207	ESTABLISHING WORK PERIODS FOR POLICE & FIRE PERSONNEL (FLSA)	12/7/1974
208	ESTABLISHING AND ORGANIZING FIRE DEPARTMENT	12/17/1974
209	PROHIBITING THE KEEPING OF ANIMALS OTHER THAN DOGS AND CATS	1/7/1975
210	FAILURE TO APPEAR	7/7/1975
211	DRIVING WHILE IMPAIRED	7/12/1975
212	PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM	1/21/1975
213	REGULATING RECREATION AND AMUSEMENT HALLS	5/20/1975
214	AMENDING REGULATIONS FOR RECREATION AND AMUSEMENT HALLS	7/15/1975
215	PROVIDING FOR DISCHARGE REGULATIONS	9/16/1975
216	CHANGING DEFINITION OF REFUSE AND RUBBISH	10/21/1975
217	TRESPASSING	4/6/1976
218	PERTAINING TO HELMETS FOR MOTORCYCLISTS	6/1/1976
219	CALLING FOR A SALES TAX ELECTION	6/29/1976
220	ADOPTION OF THE 1976 CODE OF ORDINANCE	6/29/1976
221	THIS ORDINANCE IS MISSING (PROBABLY A SKIPPED NUMBER)	
222	CALLING FOR A SPECIAL ELECTION FOR 1% SALES TAX INCREASE	6/29/1976
223	FENCES BEYOND FRONT BLDG LINE NOT TO EXCEED 2 FEET IN HEIGHT	10/19/1976
224	PARKING IN PRIVATELY OWNED AREAS, POSTING OF SIGN REQUIRED	12/7/1976
225	APPROVAL OF FRANCHISE FOR OG&E	12/7/1976
226	SALE, USE OR POSSESSION OF NARCOTICS	1/18/1977
227	ADOPTION OF 1970 FIRE PREVENTION CODE	2/15/1977
227	REGULATING CATS IN THE SAME MANNER AS DOGS	1/18/1977
228	ESTABLISHING WARD BOUNDARY LINES	2/15/1977
229	DEFINING AMUSEMENT RIDES	3/1/1977
230	ESTABLISHING A FORMULA FOR COLLECTION OF SALES TAX	6/20/1978
231	CREDIT FOR REFUNDS OF UTILITY CHARGES	4/19/1977
232	CREDIT FOR REFUNDS OF UTILITY CHARGES	4/19/1977
233	DEFINING TRAFFIC CONTROL DEVICES	7/5/1977
234	FLOOD HAZARD PREVENTION	9/6/1977
235	VACATING PART OF AN EASEMENT NORTH OF KAVANAUGH DRIVE	10/18/1977
236	PROHIBITING PARKING ON CITY STREET RIGHTS-OF-WAY	12/6/1977
237	SANTITATION SERVICE CHARGES	1/17/1978
238	ESTABLISHING TIME TO RESPOND TO TRAFFIC VIOLATIONS CHARGE	2/7/1978

239	PROVIDING FOR ISSUANCE OF WARRANTS, IMPOUNDING OF VEHICLES	3/7/1978
240	LIMITING THE NUMBER OF TRASH CONTAINERS PICKED UP PER DAY	4/5/1978
241	PROHIBITING DUMPING OF GARBAGE	4/18/1978
242	SPECIFYING ARREST PROCEDURES, RELEASE ON OWN RECOGNIZANCE	6/20/1978
243	ADOPTING 1976 LIFE SAFETY CODE	7/18/1978
244	MAINTENANCE OF OIL AND GAS WELLS	10/3/1978
245	DEFINING PORTABLE SIGNS	11/7/1978
246	STRUCTURES BEYOND FRONT BUILDING LINE, CARPORTS PROHIBITED	11/7/1978
247	PERMIT FEES FOR RETAIL LIQUOR STORE, SOLICITORS	11/7/1978
248	AMENDING PENALTY PROVISION OF 1970 FIRE PREVENTION CODE	11/7/1978
249	FORBIDDING LEFT TURNS UNDER CERTAIN CIRCUMSTANCES	12/19/1978
250	CLEANING OF FECES FOR DOGS, CATS AND OTHER ANIMALS	12/19/1979
251	PROHIBITING CERTAIN VEHICLES ON RESIDENTIAL STREETS	12/19/1978
252	PROHIBITING NEW AND USED AUTOMOBILE SALES IN C-2 ZONES	1/16/1979
253	COUNCIL APPROVAL OF ALL TRAFFIC CONTROL DEVICES	1/16/1979
254	STORING OF BLDG MATERIALS, MANNEQUINS, JUNK ON PREMISES	4/17/1979
255	FEE FOR SIGN FASCIA CHANGE	4/3/1979
256	PROHIBITING HELICOPTER LANDINGS	5/1/1979
257	BLDG PERMITS, REVIEW BY PLANNING COMMISSION, COUNCIL APPROVAL	6/5/1979
258	MAINTENANCE OF BUILDINGS AND GROUNDS IN C-2 ZONING DISTRICTS	6/7/1979
259	ESTABLISHING A MUNICIPAL COURT CASH BOND FUND	8/7/1979
260	PARKING OF TRUCKS AND VANS ON STREET	8/7/1979
261	PROHIBITING PARKING OF TRAILERS, BOATS, MOTOR HOMES, ETC	8/7/1979
262	DEFINING VEHICLE FOR OFF-STREET PARKING	8/7/1979
263	24 HOUR PARKING LIMIT ON STREET	8/7/1979
264	PROHIBITING CERTAIN VEHICLES ON RESIDENTIAL STREETS	8/7/1979
265	CHARGES FOR SINGLE FAMILY SANITATION SERVICE	9/18/1979
266	CHARGES FOR RESIDENTIAL SEWER LINE MAINTENANCE	9/18/1979
267	AUTHORIZING A NON EXCLUSIVE FRANCHISE FOR CABLE TV SYSTEM	10/16/1979
268	GRANTING A CABLE TV FRANCHISE TO KANSAS STATE NETWORK, INC	10/16/1979
269	DEFINING LITTER	11/6/1979
270	SERVICE CHARGES FOR SANITATION SERVICE	11/6/1979
271	SEWER LINE MAINTENANCE FEE FOR APARTMENTS	11/20/1979
272	ADMINSTRATIVE FEE FOR ABATEMENT OF WEEDS AND TRASH	11/20/1979
273	IMPOUNDMENT OF VEHICLES	1/15/1980
274	TRAFFIC DIRECTIONS GIVEN BY POLICE AND FIREMEN	1/15/1980
275	PROHIBITING CERTAIN VEHICLES ON RESIDENTIAL STREETS	1/15/1980
276	RETURN OF CONTRIBUTIONS FROM POLICE PENSION FUND	2/19/1980
277	AUTHORIZING BUILDING INSPECTOR TO ISSUE CITATIONS	2/19/1980
278	PUBLIC PARADES, STREET MEETINGS AND CELEBRATIONS	3/4/1980
279	TRANSFER OF CABLE TV FRANCHISE TO MULTIMEDIA	4/1/1980
280	FLOOD HAZARD REDUCTION	6/3/1980
281	PROHIBITING MOBILE HOMES	7/1/1980
282	AUTHORIZATION FOR BUILDING INSPECTOR TO ISSUE CITATIONS	8/5/1980
283	AUTHORIZATION FOR BUILDING INSPECTOR TO ISSUE CITATIONS	8/5/1980
284	ESTABLISHING CITY CONTRIBUTION TO POLICE PENSION FUND	8/5/1980
285	REQUIRING STREET ADDRESSES TO BE PLACED ON RESIDENCES	8/19/1980
286	SALE OF NONINTOXICATING BEVERAGES, LOCATION REGULATED	10/7/1980

287	ESTABLISHING SPEED LIMITS ON STATE HIGHWAYS	1/20/1981
288	OFF-STREET PARKING, DEFINING FRONT YARD	4/21/1981
289	ESTABLISHING HEIGHT RESTRICTION FOR C-1 & C-2 ZONES	4/21/1981
290	HOURS OF OPERATION FOR SOLICITORS	5/5/1981
291	DRILLING OF WATER WELLS	6/2/1981
292	PARKING TRACTORS, TRAILERS, BACKHOES, ON RESIDENTIAL STREETS	6/2/1981
293	MAINTENANCE OF DESIGNATED FIRE LANES	1/19/1982
294	ESTABLISHING SEWER LINE MAINTENANCE FEE	1/19/1982
295	REQUIRING SMOKE DETECTORS IN ALL APARTMENTS	2/2/1982
296	DRILLING AND MAINTENANCE OF OIL AND GAS WELLS	2/2/1982
297	ESTABLISHING FINE SCHEDULE FOR TRAFFIC VIOLATIONS	4/6/1982
298	ESTABLISHING PARKING FINE AT $20	4/6/1982
298	STOLEN OR UNCLAIMED PROPERTY	8/3/1982
299	MAINTENANCE OF STRUCTURES AND GROUNDS IN RESIDENTIAL ZONE	8/3/1982
300	MAINTENANCE OF STRUCTURES AND GROUNDS IN COMMERCIAL ZONE	8/3/1982
301	ADOPTION OF THE BOCA BASIC BUILDING CODE 1981	9/21/1982
302	ADOPTION OF BOCA BASIC PLUMBING CODE 1981	9/21/1982
303	ADOPTION OF BOCA BASIC FIRE PREVENTION CODE 1981	9/21/1982
304	IMPLIED CONSENT TO BREATH OR BLOOD TEST	10/2/1982
305	REQUIRING 65% EXTERIOR MASONRY FOR C-2 COMMERCIAL ZONE	11/2/1982
306	REQUIRING 65% EXTERIOR MASONRY FOR C-1 COMMERCIAL ZONE	11/2/1982
307	INCREASING FINES FOR CERTAIN OFFENSES	11/2/1982
308	FINES FOR SPEEDING	11/2/1982
309	ESTABLISHING FINES FOR CERTAIN OFFENSES	11/2/1982
310	SPEEDING IN SCHOOL ZONES	11/2/1982
311	ESTABLISHING PICK UP FEE FOR ANIMALS	11/2/1982
312	COMMERCIAL PARKING IN RESIDENTIAL AREAS PROHIBITED	11/16/1982
313	LOCATION OF OIL AND GAS WELLS	11/18/1952
314	LOCATION OF OIL AND GAS WELLS TO BUILDINGS	11/18/1982
315	65% EXTERIOR MASONRY REQUIRED IN A-1 SINGLE FAMILY ZONE	12/21/1982
316	SETTING COURT COSTS	1/18/1983
317	DEFINING DRIVING WHILE IMPAIRED	6/7/1983
318	DEFINING EMPLOYEE FOR OMRF RETIREMENT SYSTEM	6/21/1983
319	REQUIRING SECURITY VERIFICATION FORM	6/21/1983
320	DEFINING WEEDS & TRASH	6/21/1983
321	WIND ENERGY CONVERSION TOWER PROHIBITED	7/19/1983
322	MOVABLE AND FLASHING SIGNS	8/2/1983
323	PARKING OF VEHICLES IN HANDICAPPED PARKING SPACES	10/4/1983
324	SCHEDULE OF LICENSE FEES	10/4/1983
325	FEES FOR BUILDING PERMITS	10/4/1983
326	FEES FOR PLUMBING PERMITS	10/4/1983
327	FEES FOR ELECTRICAL PERMITS	10/4/1983
328	FEES FOR MECHANICAL PERMITS	10/4/1983
329	FEES FOR NON-CONSTRUCTION PERMITS	10/4/1983
330	SCHEDULE OF FEES FOR CURB CUTS AND CONSTRUCTION PERMITS	10/4/1983
331	FEES FOR SWIMMING POOL PERMITS	10/4/1983
332	PENALTY FOR FAILURE TO OBTAIN A PERMIT	10/4/1983
333	DEFINTION OF ACCESSORY STRUCTURE	10/18/1983

334	EXEMPTION OF 65% EXTERIOR MASONRY FOR PORTABLE/TEMPORARY BLDG	10/18/1983
335	PORTABLE OR TEMPORARY BUILDINGS DEFINED, MAX HEIGHT AND SIZE	10/18/1983
336	SETTING MAXIMUM FINES FOR TRAFFIC VIOLATIONS	10/13/1983
337	EXCLUSION OF STRUCTURES, TREES, BUSHES OR HEDGES ON R-O-W	11/1/1983
338	DRIVING WITHOUT POSSESSION OF A VALID DRIVERS LICENSE	11/1/1983
339	DRIVING UNDER SUSPENSION OR REVOCATION	11/1/1983
340	AMENDMENTS TO OMRF RETIREMENT SYSTEM	1/3/1983
341	LIMIT PLACED ON RESIDENTIAL SALES PER YEAR	4/2/1984
342	LICENSING AND VACCINATION OF DOGS	5/1/1984
343	INTERVAL BETWEEN GARAGE SALES	5/1/1984
344	SIDEWALK SALES IN C-2 COMMERCIAL ZONE	5/1/1984
345	INCREASING FINES TO $100	5/15/1984
346	TRESPASSING ON PRIVATE OR PUBLIC PROPERTY	7/3/1984
347	FAILURE TO APPEAR	7/3/1984
348	FOOD SERVICE OPERATOR CERTIFICATION	8/7/1984
349	PENALTY FOR FAILURE TO PAY SANITATION AND SEWER FEES	8/7/1984
350	DISPLAY OF SALES TAX PERMIT, OTHER LICENSES & PERMITS	7/8/1984
351	DEPOSIT OF DRIVERS LICENSE FOR MUNICIPAL OFFENSE	11/20/1984
352	PENALTY FOR FAILURE TO SECURE A PERMIT OR LICENSE	6/18/1985
353	TRANSPORTATION OF NON-INTOXICATING ALCOHOLIC BEVERAGES	7/2/1985
354	DEFINING GROSS RECEIPTS AND EXEMPTIONS	7/16/1985
355	ANNUAL OCCUPATION TAX FOR SALE OF ALCOHOLIC BEVERAGES	9/3/1985
356	HOURS AND DAYS OF OPERATION OF ESTABLISHMENTS SELLING BEER	8/6/1985
357	POSSESION OF DRIVERS LICENSE WHILE OPERATING A MOTOR VEHICLE	9/3/1985
358	RESIDENTIAL SALE SIGNS	9/3/1985
359	DISPLAY OF MATERIAL HARMFUL TO MINORS	9/17/1985
360	CONSTRUCTION, EXCAVATION IN RIGHTS-OF-WAYS	11/19/1985
361	ALTERING OF PRICE LABELS AND SWITCHING MERCHANDISE	12/17/1985
362	PARKING OF MORE THAN ONE VEHICLE IN THE REAR OR SIDE YARD	4/1/1986
363	KEEPING OF BEES	4/1/1986
364	REMOVAL OF DOG DEFECATION, PROHIBITING URINATION	5/6/1986
365	DELETING PORTION OF DEFINITION OF FARM EQUIPMENT	6/3/1986
366	MINIMUM LANDSCAPE AREA FOR RESIDENTIAL PROPERTY	6/17/1986
367	LANDSCAPE REQUIREMENTS FOR COMMERCIAL PROPERTY	6/17/1986
368	PARKING OF VEHICLES IN FRONT, REAR AND SIDE YARDS	6/17/1986
369	ADOPTION OF THE 1986 CODE OF ORDINANCES	6/17/1986
370	PARKING OF VEHICLES WITH PORTABLE OUTDOOR TOILETS	7/15/1986
371	LANDSCAPE REQUIREMENTS FOR COMMERCIAL PROPERTY	8/19/1986
372	WATER RATIONING EMERGENCIES	8/19/1986
373	ABATEMENT OF WEEDS AND TRASH	9/16/1986
374	FEES FOR MECHANICAL PERMITS	11/4/1986
375	DEFINITION OF VEHICLES AND FARM EQUIPMENT	11/4/1986
376	FLOOD HAZARD PREVENTION	12/16/1986
377	LOCATION OF SEXUALLY ORIENTED BUSINESSES	1/20/1987
378	SALE OR DISTRIBUTION OF OBSCENE MATERIAL	1/20/1987
379	AUTHORIZING ABSENTEE BALLOTS	4/9/1987
380	DEFINITION OF RESTAURANT	4/21/1987
381	ADOPTION OF THE 1987 CODE OF ORDINANCES	5/5/1987

382	DEFINING CLASS \A\" OFFENSES"	5/19/1987
383	MEMBERSHIP ON THE PLANNING COMMISSION	5/19/1987
384	VIOLATION OF 13-9, 13-14, 13-356 MADE A CLASS \A\" OFFENSE"	6/16/1987
385	DISPLAY OF VEHICLES FOR SALE ON COMMERCIAL PROPERTY	7/21/1987
386	PARKING LIMIT FOR VEHICLES ON CITY STREETS	7/21/1987
387	POSSESSION AND USE OF FIREWORKS	7/21/1987
388	MAINTENANCE OF RIGHT-OF-WAY	7/21/1987
389	SALE OF ALCOHOLIC BEVERAGES	7/21/1987
390	PARKING OF TRACTOR TRAILERS IN COMMERCIAL AREAS	8/4/1987
391	OMRF RETIREMENT SYSTEM	8/4/1987
392	FAILURE TO APPEAR IN COURT	9/1/1987
393	DISPLAY OF HOUSE AND BUILDING NUMBERS	9/15/1987
394	1/2% TEMPORARY SALES TAX FOR LIBRARY CONSTRUCTION	9/15/1987
395	RESTRICTIONS ON PORTABLE TEMPORARY BUILDINGS	10/6/1987
396	REPEALING ORDINANCE 394	10/13/1987
397	1/2% TEMPORARY SALES TAX FOR LIBRARY CONSTRUCTION	10/13/1987
398	ENFORCEMENT OF TRAFFIC LAWS ON JURISDICTIONAL BOUNDARIES	11/17/1987
399	CRIMINAL MISCHIEF	11/17/1987
400	CHRISTMAS TREE SALES	12/1/1987
401	PLANNED UNIT DEVELOPMENTS	1/19/1988
402	INCREASE IN COURT COSTS	2/2/1988
403	BOND REQUIREMENTS FOR MECHANICAL CONTRACTORS	2/2/1988
404	BOND REQUIREMENTS FOR ELECTRICAL CONTRACTORS	2/2/1988
405	ENFORCEMENT OF TRAFFIC LAWS ON JURISDICTIONAL BOUNDARIES	
406	OFF-STREET PARKING	5/3/1988
407	SIGNS FOR CHURCHS, SCHOOLS & YMCAS	5/17/1988
408	OLMMAG WORKERS COMP RESERVE FUND	7/5/1988
409	DUTY TO GIVE INFORMATION AND RENDER AID	7/5/1988
410	LARCENY	6/21/1988
411	DEPOSIT OF GRASS, WEEDS IN STREETS & DITCHES	8/16/1988
412	THEFT OF LIBRARY MATERIALS	9/6/1988
413	SUBDIVISION REGULATIONS	10/4/1988
414	IMPOUNDMENT OF ANIMALS	9/6/1988
415	TELEPHONIC ALARM PERMITS, STANDARDS	1/17/1989
416	SOLICITATION HOURS FOR CHARITABLE ORGANIZATIONS	2/21/1989
417	LICENSING OF BAILS BONDSMEN	2/21/1989
418	HOME OCCUPATION DEFINED	3/21/1989
419	OMRF RETIREMENT PROGRAM	4/4/1989
420	UNAUTHORIZED REMOVAL, DEPOSIT OF GARBAGE	5/2/1989
421	POSTING LICENSES & PERMITS, UNOCCUPIED BLDG NOTICES	5/2/1989
422	SEASONAL SALES, SIDEWALK SALES, OUTDOOR DISPLAY	5/2/1989
423	LIMITS ON NUMBER OF PETS	6/6/1989
424	DISCHARGE OF LIQUID WASTES ON STREETS	6/6/1989
425	LIMITS ON NUMBER OF PETS	7/18/1989
426	ADOPTING LIFE SAFETY CODE 1989	9/5/1989
427	CURFEW FOR MINORS	9/5/1989
428	WINDOW TINT STANDARDS FOR AUTOMOBILES	9/5/1989
429	CURFEW FOR MINORS	10/3/1989

430	PUBLIC NUISANCES DEFINED	10/3/1989
431	PERMANENT GENERAL FUND TAX 3/4%	10/26/1989
432	TEMPORARY GENERAL FUND TAX 1/2%	10/26/1989
433	GARBAGE CONTAINERS	11/21/1989
434	INSURANCE FOR AMUSEMENTS	11/21/1989
435	SOUND METERS AND NOISE STANDARDS	12/19/1989
436	AMBULANCE REGULATIONS	2/20/1990
437	1990 BOCA BUILDING CODE	3/6/1990
438	SKATEBOARDS	4/3/1990
439	OUTDOOR DISPLAY IN RESIDENTIAL AREA	4/3/1990
440	SIZE OF PORTABLE BUILDINGS	4/17/1990
441	1990 BOCA PLUMBING CODE	5/1/1990
442	1990 BOCA MECHANICAL CODE	5/1/1990
443	SOUND METERS AND NOISE STANDARDS	5/1/1990
444	SKATEBOARDS ON PUBLIC PROPERTY	6/19/1990
445	RECYCLING	6/28/1990
446	AMBULANCE REGULATIONS	7/3/1990
447	REPEAL OF 1988 LIFE SAFETY CODE	7/17/1990
448	ADOPTION OF 1990 BOCA FIRE PREVENTION CODE	7/17/1990
449	TRUCK PARKING IN RESIDENTIAL ZONE	8/21/1990
450	MOVING OF BUILDINGS INTO CITY	8/7/1990
451	CHILD CARE CENTER REGULATIONS	8/7/1990
452	USE TAX	12/18/1990
453	BUILDING PERMIT REVIEW, CHURCHES	3/19/1991
454	TRASH & WEEDS, NUISANCES, JUNK VEHICLES	4/16/1991
455	LICENSING AND BONDING OF SIGN CONTRACTORS	4/16/1991
456	INTENSITY OF USE - CHURCHES	5/21/1991
457	ACTUARIAL ASSUMPTIONS FOR OMRF	6/18/1991
458	SANITATION AND SEWER RATES, DEPOSITS	6/18/1991
459	PURCHASING, PROCESSING OF INVOICES	8/6/1991
460	INTENSITY OF USE - CHURCHES	9/3/1991
461	OFF STREET PARKING	11/5/1991
462	RENUMBERING SECTIONS OF CODE, PARKING SPACE SIZES	11/19/1991
463	CHILD CARE AND DAY CARE CAMP REGULATIONS	12/3/1991
464	BANNERS, DIRECTIONAL SIGNS	12/3/1991
465	SIGNS FOR CHURCHES, NAMEPLATES FOR HOME OCCUPATIONS	1/21/1992
466	MISCELLANEOUS SIGN REGULATIONS	2/4/1992
467	EXTERIOR MASONRY EXEMPTION FOR TEMPORARY CLASSROOM BLDGS	2/18/1992
468	LOCATION OF TORNADO SHELTERS	3/30/1992
469	PARKING OF TRAILERS, REC. VEHICLES; TEMPORARY PARKING PERMIT	5/14/1992
470	DEFINING ABANDONED, DISMANTLED, WRECKED VEHICLES	6/16/1992
471	REGULATION OF ALCOHOLIC AND NONINTOXICATING BEVERAGES	7/7/1992
472	ADOPTING 1990 NATIONAL ELECTRIC CODE	7/7/1992
473	REGULATING FOOD AND BEVERAGES	7/7/1992
474	REZONING CITY HALL, POLICE DEPT PROPERTY TO C-2 COMMERCIAL	7/21/1992
475	TERMINATING OMRF DEFINED BENEFIT RETIREMENT SYSTEM	8/4/1992
476	ADOPTING OMRF DEFINED CONTRIBUTION RETIREMENT SYSTEM	8/4/1992
477	PROPER EQUIPMENT FOR MOTOR VEHICLES	8/4/1992

478	SHOPLIFTING	8/4/1992
479	DIRECTIONAL SIGNS; TEMPORARY SIGNS	11/17/1992
480	SPECIAL ACTIVITY SIGNS; TEMPORARY SIGNS	12/15/1992
481	EXEMPTIONS FOR ACCESSORY STRUCTURES; AREA REGULATIONS	12/15/1992
482	AMENDING OMRF RETIREMENT PLAN - ADDING BENEFITS	12/15/1992
483	AMENDING OMRF; ALLOCATION OF EXCESS FUNDS	12/15/1992
484	CHILD CARE CENTERS - AMENDING DEFINTION	1/5/1993
485	PROVIDING FOR CERTIFICATION AND BONDING OF DANGEROUS DOGS	4/6/1993
486	SOLICITORS; INVITATION TO PREMESIS REQUIRED	6/15/1993
487	BANNERS; LOCATION	6/15/1993
488	PAWNBROKERS	8/3/1993
489	REPEALING SECTION 13-168 PERTAINING TO VEHICLES AND ALLEYS	8/17/1993
490	ADOPTING 1993 BOCA CODES, 1993 ELECTRIC CODE	9/7/1993
491	SMOKE DETECTORS	9/7/1993
492	UNLOADING FLAMMABLE LIQUIDS	9/7/1993
493	REQUIRING DRIVER'S LICENSE TO OPERATE MOTORCYCLE	10/5/1993
494	OIL WELLS	10/19/1993
495	PUBLIC NUISANCES;DILAPIDATED BLDGS;WEEDS & TRASH;ABANDONED VEHICLES	2/1/1994
496	SIZE AND HEIGHT OF TEMPORARY AND PORTABLE BUILDINGS	2/15/1994
497	REVISING DEFINITION OF \FRONT BUILDING LINE	CARPORTS"
498	ANIMALS PROHIBITED; LIMITING NUMBER OF LITTERS OF PUPS OR KITTENS.	3/1/1994
499	ANIMALS, ENCLOSURES, FECES	3/15/1994
500	MAINTENANCE, DISPLAY OF TAIL LIGHT	4/5/1994
501	REPEALED ZONING PROVISIONS PERTAINING TO CHURCHES.	5/17/1994
502	AMENDING USE TAX RATE	6/7/1994
503	TEMPORARY AND PORTABLE BUILDINGS	6/21/1994
504	TEMPORARY AND PORTABLE BUILDINGS	6/21/1994
505	ADOPTION OF NEW ZONING ORDINANCE	9/20/1994
506	BOCA PLUMBING CODE, MISCELLANEOUS BUILDING REGULATIONS	9/20/1994
507	OUTDOOR SALES, CHILD CARE CENTERS AND DAY CAMPS	9/20/1994
508	PARKING ON PAVED SURFACE, COMMERICIAL PARKING IN RESIDENTIAL AREAS	6/20/1994
509	STREETS, RIGHT OF WAYS, SIGHT TRIANGLES, FEE FOR VACATING	6/20/1994
510	LOCATION OF SALES OF NONINTOXICATING BEVERAGES, BEER WINE LICENCES	6/20/1994
511	CABLEVISION, RATE REGULATION, CUSTOMER SERVICE STANDARDS	6/20/1994
512	ADOPTION OF THE 1994 CODE OF ORDINANCES	6/20/1994
513	CURFEW FOR JUVENILES	10/4/1994
514	REPEAL OF CERTAIN LICENSING REQUIREMENTS	11/15/1994
515	CONTROLLED DANGEROUS SUBSTANCES, PARAPHERNALIA	2/7/1995
516	CHILD CARE AND DAY CARE CENTERS	6/6/1995
517	PRORATION OF LICENSES	6/20/1995
518	RESIDENTIAL SALE SIGNS	7/18/1995
519	ALCOHOLIC BEVERAGES	10/17/1995
520	SOLID WASTE COLLECTION	11/7/1995
521	OMRF RETIREMENT FUND	11/21/1995
522	OMRF - TRANSFERING ASSETS TO SUCCESSOR TRUSTEE	11/21/1995
523	CREATING A NEW RETIREMENT SYSTEM FOR NON-UNIFORMED EMPLOYEES	11/21/1995
524	CHILD PASSENGER RESTRAINT	2/6/1996
525	FILING FEE FOR ELECTED OFFICE	2/6/1996

526	ADDING NEW STATE LAW REFERENCE	5/6/1996
527	RESIDENTIAL SALES	6/25/1996
528	ADOPTING A NEW CHAPTER REGULATING CABLEVISION	8/6/1996
529	GRANTING A NEW FRANCHISE TO MULTIMEDIA CABLEVISION	8/6/1996
530	TELEPHONE EXCHANGES, PERMIT, USE OF RIGHTS-OF-WAYS	9/17/1996
531	ADOPTING BOCA, ELECTRIC, MECHANICAL, PLUMBING CODES (1996)	9/17/1996
532	ADOPTION OF THE 1996 CODE OF ORDINANCES	11/5/1996
533	ADDING NEW REGULATIONS FOR HOME OCCUPATIONS	11/19/1996
534	YOUTH ACCESS TO TOBACCO	12/3/1996
535	SIGNS	5/5/1997
536	TEMPORARY AND PORTABLE BUILDINGS	6/3/1997
537	SMOKE DETECTORS	10/21/1997
538	DILAPIDATED BUILDINGS	1/6/1998
539	ADULT NOVELTY SHOPS	2/3/1998
540	SIGNS MOUNTED ON BUILDINGS	6/16/1968
541	SIDE AND REAR SETBACKS IN C-2 COMMERICIAL ZONE.	8/4/1998
542	POLITICAL SIGNS	11/3/1998
543	ADOPTING ORDINANCE	11/17/1998
544	1996 BOCA NATIONAL FIRE PREVENTION CODE ADOPTED	12/1/1998
545	PARKING ON PAVED AND UNPAVED SURFACES, RIGHTS-OF-WAY.	12/15/1998
546	POLICE DOG	2/2/1999
547	LICENSE FEE IN LIEU OF SALES TAX FOR VENDING MACHINES	6/15/1999
548	LEASING AND FOR SALE SIGNS FOR HOUSING DEVELOPMENTS	7/20/1999
549	PENALTY FOR VIOLATIONS	8/17/1999
550	PARKED VEHICLES TO DISPLAY LICENSE TAG/SAFETY STICKER	1/4/2000
551	PASSENGER RESTRAINT SYSTEM REQUIRED.	1/18/2000
552	IMPOUNDMENT OF CERTAIN VEHICLES	1/18/2000
553	CLOSING OF PUBLIC EASEMENT	2/4/2000
554	REGULATIONS FOR USE OF PARKS	3/21/2000
555	ROTATING SPINNING SIGNS, MARQUISES, HEIGHT OF SIGNS	6/20/2000
556	DISPOSITION OF UNCLAIMED PROPERTY BY POLICE DEPARTMENT	7/18/2000
557	REVISING REQUIREMENT TO DISPLAY CURRENT TAG/SAFETY STICKER	7/18/2000
558	REGULATIONS PERTAINING TO TELEPHONE EXCHANGES	9/5/2000
559	DUE DATES FOR PAYMENT OF LATE FEES FOR CABLE TELEVISION	9/5/2000
560	PARKING DISTANCE FROM FIRE HYDRANT, MARKED CROSSWALKS	9/19/2000
561	UTILITY SERVICE REGULATIONS	10/3/2000
562	ADOPTING THE 2000 CITY CODE	11/7/2000
563	PURCHASING, INVESTMENTS, BUDGETING	11/21/2000
564	SOLITICATION FROM ROADWAYS	11/21/2000
565	ROTATING, FLASHING SIGNS	2/6/2001
566	REGULATION OF CELL TOWERS	3/6/2001
567	INCREASING THE SALES TAX BY 1-1/4 PENNY	3/1/2001
568	SIGN REGULATIONS	5/15/2001
569	GRANTING A FRANCHISE TO OG&E	5/19/2001
570	LIMITING NUMBER OF CARS PARKED, RESTORATION PERMITS	10/16/2001
571	REGULATIONS FOR USE OF PARKS	10/16/2001
572	REAPPORTIONMENT OF COUNCIL WARD BOUNDARIES	11/6/2001
573	FLOOD DAMAGE PREVENTION	1/15/2002

574	DROP OFF PAYMENT BOX FOR CABLE TV, AMENDING CABLE FRANCHISE	2/19/2002
575	DEFINING OVERFILLED GARBAGE/RECYLING CART AS NUISANCE	7/16/2002
576	PLACEMENT OF CARTS, REGULATIONS FOR EXCESS WASTES, ETC.	8/6/2002
577	MAKING NOISE ON RIGHTS OF WAYS	10/15/2002
578	NON-STORMWATER DISCHARGES TO DRAINAGE SYSTEM	10/1/2002
579	ADOPTION OF 2002 CITY CODE	11/5/2002
580	OFF STREET PARKING AND LOADING	1/7/2003
581	LANDSCAPE REQUIREMENTS	12/17/2002
582	SIGNS MOUNTED ON BUILDINGS	12/17/2002
583	SIGNS FOR RESIDENTIAL SALES	5/20/2003
584	CIVIL DEFENSE AND EMERGENCY MANAGEMENT, ADOPTING DISASTER PLAN	7/1/2003
585	ADMINISTRATIVE FEE FOR NUISANCE ABATEMENTS INCREASED TO $200.00	9/16/2003
586	DIRECTIONAL SIGNS FOR CHURCHES, SCHOOLS, YMCAS, ETC	10/7/2003
587	DOUBLING OF FINES FOR SPEEDING IN CERTAIN CASES	10/7/2003
588	ADOPTING C-3 ZONING DISTRICT	10/21/2003
589	REGULATION OF EMERGENCY MEDICAL SERVICES, ADOPTING CHAPTER 18	10/21/2003
590	ADOPTING THE C-3 ZONING DISTRICT, AMENDING ZONING MAP	11/18/2003
591	POWERS OF POUNDMASTER, IMPOUNDMENT OF ANIMALS	2/3/2004
592	REPEALING ANIMAL LICENCES, AUTHORIZING 3 YEAR VACCINATIONS	4/6/2004
593	PROVIDING AN AMBULANCE FEE	7/6/2004
594	COURT COSTS AND PENALTY ASSESSMENTS	7/6/2004
595	DRUG PARAPHERNALIA, SALE OF SYRINGES WITHOUT PRESCRIPTION	8/3/2004
596	SPECIFIC USE PERMITS, AMENDING USE REGULATIONS, ABOLISH C-3 ZONING	10/19/2004
597	ADOPTION OF THE 2004 CITY CODE	11/16/2004
598	SOIL EROSION AND SEDIMENTATION CONTROL	2/15/2005
599	INCREASING THE DEFERRAL FEE	2/15/2005
600	POST CONTSTRUCTION STORM WATER DESIGN	3/1/2005
601	MOTOR SCOOTERS REGULATED	4/19/2005
602	TRUCK PARKING IN RESIDENTIAL AREAS	5/2/2005
603	CELL TOWER SETBACK FROM COMMERCIAL PROPERTY	5/2/2005
604	SANITATION SERVICE REGULATIONS	7/5/2005
605	INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION	7/5/2005
606	DUE DATE FOR UTILITY BILLING, LATE PAYMENT PENALTY	7/19/2005
607	VICIOUS AND POTENTIALLY VICIOUS ANIMALS	8/2/2005
608	INTIMIDATION OF WITNESSES	8/16/2005
609	DEFINITION OF FENCE IN DISREPAIR	9/6/2005
610	LIMITING THE NUMBER OF VEHICLES PERMITTED ON RESIDENTIAL LOTS	10/16/2005
611	SALE OF VEHICLES IN COMMERCIAL AND RESIDENTIAL AREAS	11/15/2005
612	MISMANAGEMENT, MISUSE, REPAIR OF VEHICLES	11/15/2005
613	VICIOUS AND POTENTIALLVICIOUS DOGS, HEARINGS, IMPOUNDMENT	2/21/1006
614	NOISY DOGS	2/21/2006
615	SALVAGE YARDS, STORAGE OF UNUSED VEHICLES	4/18/2006
616	PARKING OF BUSES	4/18/2006
617	CREATION OF A PARK COMMISSION	6/20/2006
618	SMOKING IN PUBLIC PLACES, YOUTH ACCESS TO TOBACCO	7/18/2006
619	BICYCLES & MOTORIZED SCOOTERS	8/01/2006
620	SMOKING IN PUBLIC PLACES - YOUTH ACCESS TO TOBACCO	8/15/2006
621	CLEANUP OF METHAMPHETAMINES	9/19/2006

622	AMENDING COMPREHENSIVE PLAN	10/31/2006
623	ADOPTING TAX INCREMENT FINANCING URBAN RENEWAL DISTRICT #1	10/31/2006
624	ADOPTION OF THE 2006 CITY CODE	11/21/2006
625	ESTABLISHING A 911 VOICE OVER INTERNET PROTOCOL FEE	12/19/2006
626	DISCHARGE OF INDUSTRIAL WASTES	4/3/2007
627	SIGNS FOR RESIDENTIAL SALES	8/7/2007
628	UTILITIES SERVICE AGREEMENT, CONTRACTUAL LIEN	8/7/2007
629	AUTHORIZING SALE OF PUBLIC WORKS PROPERTY	8/7/2007
630	REPEALING CABLE FRANCHISE REGULATIONS	11/20/2007
631	AMENDING DISPLAY OF HOUSE NUMBERS, SECTION 6-205	1/15/2008
632	AMENDING EXTERIOR MASONRY REQUIREMENTS FOR PUBLIC BUILDINGS, SECTI0N 6-202	5/27/2008
633	AMENDING MINIMUM LOT SIZE IN THE A-1 SINGLE FAMILY DISTRICT	6/17/2008
634	ADOPTION OF THE 2008 CITY CODE	11/18/2008
635	IMPOUNDMENT OF IMPROPERLY PLACED POLYCARTS	1/6/2009
636	ELECTRONIC MESSAGE DISPLAY REGULATIONS	1/6/2009
637	PROVIDING FOR UTILITY SERVICES AGREEMENT, CONTRACTUAL LIENS	2/3/2009
638	A-1 SINGLE FAMILY DISTRICT AREA REGULATIONS FOR SCHOOL CAMPUSES	3/17/2009
639	DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS	3/17/2009
640	COMPLIANCE WITH POINT OF DELIVERY SALES TAX REGULATIONS	3/3/2009
641	DESIGN STANDARDS FOR ASPHALTIC CONCRETE STREET PAVING	6/23/2009
642	COURT COSTS	8/18/2009
643	PARKING OF RECREATIONAL VEHICLES IN DRIVEWAYS	9/15/2009
644	PENALTIES FOR VIOLATIONS – STATUTORY LIMITATIONS FOR CERTAIN FINES	10/06/2009
645	PUBLIC DEMONSTRATIONS	10/06/2009
646	PLACEMENT OF ROLL OF DUMPSTERS IN RESIDENTIAL AREAS	10/06/2009
647	FLOOD REGULATIONS	10/20/2009
648	SIZE, LOCATION AND HEIGHT OF ELECTRONIC MESSAGE DISPLAYS	11/03/2009
649	CREATING TAX INCREMENT DISTRICT #2	12/15/2009
650	INSURANCE AND BOND REQUIREMENTS FOR OIL WELL OPERATORS	03/02/2010
651	CLOSING, VACATING CERTAIN STREETS AND EASEMENTS IN WHISPERING HILLS ADDITION	04/13/2010
652	PROCEDURES FOR ABATING PUBLIC NUISANCES	04/20/2010
653	PERTAINING TO PROHIBITED ANIMALS	09/21/2010
654	PERTAINING TO REQUIRED REPORTS BY PAWNBROKERS	10/05/2010
655	PERTAINING TO LOITERING ON PRIVATE PROPERTY WITH POSTED SIGN	10/19/2010
656	ADOPTING THE 2010 CODE OF ORDINANCES	11/16/2010
657	PERTAINING TO TERM FOR RESIDENTIAL SALES (INCREASED TO THREE DAYS)	12-07-2010
658	REQUIRING CERTAIN REPORTS BY PAWN BROKERS	04-19-2011
659	AMENDING DEFINITION OF DILAPIDATED BUILDING	08-16-2011
660	ADOPTING THE INTERNATIONAL RESIDENTIAL BUILDING CODE, 2009 EDITION	09-06-2011
661	ADOPTING THE INTERNATIONAL BUILDNG CODE, 2009 EDITION	09-06-2011
662	ADOPTING THE INTERNATIONAL FIRE CODE, 2009 EDITION	09-06-2011
663	ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION	09-06-2011
664	ADOPTING THE INTERNATIONAL PLUMBING CODE, 2009 EDITION	09-06-2011
665	ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION	09-06-2011
666	SKIPPED NUMBER	
667	AMENDING THE IRC, 2009 EDITION – SPRINKLERS – ATTIC STORAGE	10-18-2011
668	REAPPORTIONING WARD BOUNDARIES	12-06-2011

669	PERTAINING TO RESIDENTIAL SALES, SALES ON NON-CONSECUTIVE DAYS	02-07-2012
670	DESIGNATING BUILDING OFFICIAL AS FLOOD PLAIN ADMINISTRATOR	02-21-2012
671	AMENDING REQUIREMENTS FOR NUISANCE ABATEMENT NOTICES	07-03-2012
672	PERTAINING TO PARKING OF VEHICLES IN DRIVEWAYS AND EXTENSIONS INTO STREET	07-17-2012
673	PERTAINING TO SPECIFIC USE PERMITS FOR PLACES OF WORSHIP IN THE C-2 DISTRICT	08-21-2012
674	PROHIBITING SALES OF LOW POINT BEER IN PUBLIC PARKS	09-18-2012
675	SKIPPED NUMBER	
676	PERTAINING TO MINORS DWI OR DUI	10-16-2012
677	AMENDING THE IBC 2009 EDITION; FIRE SPRINKLER SYSTEMS	10-16-2012
678	CITY CODE 2012 ADOPTING ORDINANCE	11-20-2012
679	TRANSPORTATION OF FIREARMS	01-15-2013
680	SKATEBOARD RAMPS	02-19-2013
681	REMOVAL OF PLANNING COMMISSIONERS FOR MISSING MEETINGS	03-05-2013
682	VACATING CERTAIN EASEMENTS AND BUILDING REGULATIONS IN WHISPERING HILLS	04-16-2013
683	REMOVING ABANDONED, STOLEN VEHICLES	04-16-2013
684	DISPLAY OF LICENSE TAGS	04-16-2013
685	SETBACKS FOR TORNADO SHELTERS	08-06-2013
686	REGULATING PORTABLE GENERATORS	08-20-2013
687	SEIZURE OF LICENSE PLATES FOR FAILURE TO COMPLY WITH INSURANCE LAWS	11-19-2013
688	ELIMINIATION MINIMUM LOT SIZE FOR CHURCHES IN THE C-1 COMMERCIAL DISTRICT	01-07-2014
689	CREATION TAX INCREMENT DISTRICT #3	03-04-2014
690	AMENDING SIGN REGUIATIONS FOR SIGNS MOUNTED ON BUILDINGS	03-04-2014
691	PROHIITING CERTAIN TREE LOGS	03-25-2014
692	AUTHORIZING THE ESTABLISHMENT OF A MINOR TRAFFIC AND PARKING FINE SCHEDULE	04-15-2014
693	REGULATING SKATEBOARD RAMPS IN COMMERCIAL AREAS	04-15-2014
694	PROHIBITED NOISE ON CERTAIN COMMERCIAL PROPERTY	04-15-2014
695	PROHIITING CERTAIN TREE LOGS	04-15-2014
696	PERTAINING TO TRUANCY AND DENTENTION OF TRUANT JUVENILES	05-20-2014
697	PROVIDING AN OCCUPATION TAX FOR SALE OF ALCOHOL AT CERTAIN SPECIAL EVENTS	09-02-2014
698	SALE OF FIRE TRUCK VALUED AT MORE THAN $25,0000	09-06-2014
699	ADOPTING THE 2014 CITY CODE	11-18-2014
700	SMOKING ON CITY OWNED PROPERTY	01-20-2015
701	DRIVING THROUGH PRIVATE DRIVEWAY	02-03-2015
702	TREE LOGS	02-17-2015
703	PARKING IN HANDICAP SPACES	03-03-2015
704	PARKING IN HANDICAP SPACES – PENALTY CLAUSE	03-17-2015
705	MISTREATMENT OF ANIMALS	04-21-2015
706	SIGHT TRIANGLES AT INTERSECTIONS	05-04-2015
707	ESTATE SALES AND AUCTIONS	07-21-2015
708	TEXTING WHILE DRIVING	07-21-2015
709	CHILD RESTRAINT SYSTEMS	07-21-2015
710	GENERAL USES AND SPECIFIC USES IN C-2 COMMERCIAL ZONING DISTRICT	08-04-2015