CODE OF ORDINANCES
City of
TISHOMINGO, OKLAHOMA
Codified through
Ord. No. 2002-03, adopted Jan. 7, 2002.

Preliminaries

CODE OF ORDINANCES

CITY OF
TISHOMINGO, OKLAHOMA

Published by Order of the Council

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OFFICIALS
of the
CITY OF
TISHOMINGO, OKLAHOMA
AT THE TIME OF THIS CODIFICATION

Rex Morell
Mayor

Dr. Lewis Parkhill
Vice-Mayor

Sam Cecil
Joyce Medina
Brenda Rowe
City Council

Sean Hardman
City Manager

Wallace Coppedge
City Attorney

Geneva Carr
City Clerk-Treasurer

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Tishomingo, Oklahoma.

Source materials used in the preparation of the Code were the 1988 Code and ordinances

subsequently adopted by the council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1988 Code and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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Indexes

The indexes have been prepared with the greatest of care. Each particular item has been

placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of David G. Poucher, Senior Code Attorney, and Robert MacNaughton, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to the Honorable Rex Morell, Mayor, Sean Hardman, City Manager; Wallace Coppedge, City Attorney; and Dustin Rowe, awaiting bar results, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of Tishomingo, Oklahoma. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of Tishomingo, Oklahoma.

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PART I CHARTER*

***Editor's note: Printed herein is the Charter of the City of Tishomingo, Oklahoma, as adopted by the electors. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.**

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CHARTER

OF THE
CITY OF TISHOMINGO, OKLAHOMA
PREAMBLE

We, the people of the City of Tishomingo, Oklahoma, 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 Tishomingo, Oklahoma.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS

Sec. 1-1. Incorporation.

The City of Tishomingo, Oklahoma, within the corporate limits as now established or as hereafter may be established shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Tishomingo, Oklahoma." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Tishomingo, Oklahoma; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this Charter goes into effect.

Sec. 1-2. Form of government.

The municipal government provided by this Charter shall be known as the "council-mayor 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 by ordinance.

Sec. 1-3. Powers of the city.

A. 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 or law, the city shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever.

B. 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 hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of such property as its interest may require, including public utilities, works and ways. It shall have power to incur indebtedness and to issue bonds within the limitations prescribed by the state constitution. It shall have power 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 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, 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.

C. The enumeration or mention of particular powers by this Charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated or mentioned 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 or mention.

D. 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 2. THE COUNCIL

Sec. 2-1. Councilmen; number, qualifications.

There shall be a council which shall consist of five councilmen. There shall be one councilman from each of the five wards. Only qualified electors of the city who have resided within the city at least two years, at the time of their election or selection to fill a vacancy, shall be qualified for the offices of councilmen. No councilman may hold any office or position in the city government.

Sec. 2-2. Mayor and vice-mayor.

A. At the first meeting after the time prescribed for the beginning of the term of a newly elected councilman or 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 term of the next newly elected councilman or councilmen and until their respective successors have been elected and qualify [qualified].

B. The mayor shall preside at meetings of the council, and shall certify the passage 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.

C. 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. 2-3. Councilmen; compensation.

Each councilman shall be paid $120.00 per year as compensation for his services; and such amount may be paid in equal monthly or quarterly installments as the council may determine.

Sec. 2-4. 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 shall have power, subject to the state constitution and law and this Charter:

1. To appoint and remove the city coordinator;
2. By ordinance, to enact municipal legislation;
3. To raise revenue and make appropriations, and to regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness salaries and wages and all other fiscal affairs of the city;
4. To inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs;
5. To appoint or elect and remove the members of the personnel board, the members of the planning commission, the members of the board of adjustment, and other quasilegislative, quasijudicial advisory officers and authorities, now or when and

if established, election personnel, and the city attorney and his subordinates; or prescribe the method of appointing or electing and removing the official;

6. To grant pardons for violations of the Charter and ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge;
7. To regulate elections, the initiative and referendum, and recall;
8. To regulate the organization, powers, duties and functions of the municipal court and of the minor violations bureau, when and if established; or
9. To create, change and abolish all offices, departments and agencies created by this Charter; and to assign additional powers, duties and functions to offices, departments and agencies created by this Charter.

Sec. 2-5. 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. 2-6. Council; when terms begin.

The terms of office of councilmen shall begin at 7:30 p.m. on the second Monday after the first Tuesday in April in the year in which they are elected. If a councilman-elect fails to qualify within one month thereafter, his office shall become vacant; and the council shall fill the vacancy.

Sec. 2-7. Council; meetings.

The council shall hold at least one regular meeting every month, at such time as it may prescribe by ordinance or otherwise. The mayor or any three 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. 2-8. Council; absences to terminate membership.

If 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 consecutive calendar months, he shall thereupon cease to hold office.

Sec. 2-9. 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 by recall as provided in this Charter.

Sec. 2-10. Council; vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired term or until successors are elected as provided in this section. If 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 second Monday after the first Tuesday in April, 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 second Monday after the first Tuesday in April.

Sec. 2-11. 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. 2-12. 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 Tishomingo, Oklahoma," and of all ordinances proposed by the voters under their power of initiative. "Be it ordained by the people of the City of Tishomingo, Oklahoma."

Sec. 2-13. 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 days after its passage, every 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 published, shall become effective 30 days after its final passage unless it specifies a later time; provided that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper of general circulation within the city and has been approved.

ARTICLE 3. DEPARTMENT OF FINANCE, FISCAL AFFAIRS

Sec. 3-1. City clerk; office created; duties.

There shall be a city clerk, who shall be an officer of the city and who shall be head of the department of finance. Except as the council provides otherwise by ordinance, the city clerk shall collect or 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, and government. He shall have such other powers, duties and functions as may be prescribed by the Charter, by applicable law or by ordinance. The city clerk shall be elected in odd-numbered years for a term of four years. The term of the city clerk shall begin at 7:30 p.m. on the second Monday after the first Tuesday in April in the year in which they are [he is] elected.

Editor's note: Charter change adopted at [an] election held April 3, 1984, to provide for four-year terms.

Sec. 3-2. City treasurer; office created; duties.

Within the department of finance, there shall be a city treasurer, who shall be an officer of the city provided also that the same person may be elected both city clerk and city treasurer, and that the council by ordinance may provide that the city clerk shall be ex officio city treasurer and that an acting city clerk shall be ex officio acting city treasurer. 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. The city treasurer shall be elected in odd-numbered years for a term of four years. The terms of the city treasurer shall begin at 7:30 p.m. on the second Monday after the first Tuesday in April in the year which they are [he is] elected.

Editor's note: Charter change adopted effective April 3, 1984, to provide for four-year terms.

Sec. 3-3. Purchases and sales.

A. The city coordinator, 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 coordinator 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.

B. 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.

C. The council, by ordinance, may transfer some or all of the power granted to the city coordinator by this section to an administrative officer appointed by the city council.

Sec. 3-4. 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 $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 a special nonemergency ordinance.

Such ordinance shall be published in full in a newspaper of general circulation within the city within ten 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 legal and sufficient referendum petition is properly filed within 30 days after and sufficient referendum petition is properly filed within 30 days after its passage; otherwise, it shall go into effect 30 days after its passage."

Sec. 3-5. 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 coordinator 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 $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. 3-6. Personal interest.

Neither any councilman nor the city coordinator 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 council.

Sec. 3-7. Fiscal year.

The fiscal year of the city government shall begin on the first day of July [July 1] and shall end on the last day of June of every calendar year.

Sec. 3-8. Independent annual audit.

The council shall designate a 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. 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 4. MUNICIPAL COURT

Sec. 4-1. 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, when the accused waives his right to be heard in court, pleads guilty, and pays 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 municipal judge may issue warrants and subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTICLE 5. ELECTIONS

Sec. 5-1. Councilmen designated; overlapping three-year terms; nominated and elected at large; nonpartisan elections.

A. The five councilmen shall be designated councilman number one, councilman number two, councilman number three, councilman number four and councilman number five. The term of councilman number one shall expire at 7:30 p.m. on the second Monday after the first Tuesday in April 1974 and every three years thereafter. The terms of councilman number two and councilman number three shall expire at that time in 1975 and every three years thereafter. The terms of councilman number four and councilman number five shall expire at that time in 1976 and every three years thereafter. Every year the successor or successors of those whose terms are expiring shall be elected for overlapping terms of three years.

B. All councilmen shall be elected at large, by the qualified electors of the entire city, by secret ballot.

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

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

Sec. 5-2. Filing.

Any qualified person may have his name placed on the ballot for the election as a candidate for councilman by filing, not more than one month and at least two weeks prior to the election, with the county clerk, a sworn statement of his candidacy, specifying the place on the council for which he is a candidate.

Sec. 5-3. Election; time; who elected, etc.

An election shall be held on the first Tuesday in April every year to elect a councilman or councilmen whose terms are about to expire. If only one person is a candidate for an office, he shall be elected ipso facto; and his name shall not appear on the ballot. Every qualified elector of the city shall be entitled to vote for one 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 canvassing authority in a public meeting.

Sec. 5-4. Canvassing returns; certificates.

The council shall promptly canvass the returns of all city elections, including special elections, and ascertain the results thereof; provided that the council may delegate this function to a board created by ordinance. The county clerk shall promptly prepare, sign and issue certificates of election, sealed with the seal of the county to all persons elected to office.

Sec. 5-5. Registered qualified electors.

Only electors residing in this city who 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. 5-6. Political activity of officers and employees.

No officer or employee of the city, except the councilmen and personnel who receive no compensation for their services, may work for or against or attempt to influence the nomination, election or defeat of any candidate for councilman, or the recall of any councilman, provided that

this shall not profit 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 $20.00, including costs. Such violation shall constitute cause for removal from office or employment.

Sec. 5-7. Council may regulate elections; state law.

The council by ordinance may further regulate city elections. The provisions of state 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.

ARTICLE 6. RECALL

Sec. 6-1. Recall authorized.

The incumbent of any elective city office, including a person appointed to fill a vacancy in any such 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. 6-2. Recall petition.

A. To initiate recall proceedings, written statement in duplicate proposing the recall of the incumbent of an elective office shall be made and sworn to by 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 months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than 200 words. Within five 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 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 200 words, and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.

B. 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." The two statements shall be in letters of the same size. A copy of the petition shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one month after recall proceedings are initiated by filing of the first statement, and before the petition is circulated.

C. A number of registered qualified electors of the city equal at least to 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 100 signatures may appear on a single copy of the petition. Only registered qualified electors of the city may circulate the petition. The person circulating a 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.

D. The circulated petition shall be filed with the city clerk not later than one month after the filing of a copy as provided above. Within one 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 months after 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. The decision of the city clerk shall be subject to judicial review.

Sec. 6-3. Recall election; council to order.

A. The council, by resolution or ordinance passed within ten 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 40 days, nor more than 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 days after its passage; and such publication shall be sufficient notice of the election.

B. 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. 6-4. Recall election; how held.

A. 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. 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 successful candidate must qualify within one month thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the council are filled. 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 year after the election.

B. 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. 6-5. 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 two years after his recall or resignation.

ARTICLE 7. MISCELLANEOUS PROVISIONS

Sec. 7-1. 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. 7-2. Initiative and referendum.

The powers of the initiative and referendum are reserved to the people of the city. The provisions of the state constitution and statutes relating to the initiative and referendum shall govern in the exercise of these powers.

Sec. 7-3. Appointment, removal, etc.

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.

Sec. 7-4. Qualifications of officers and employees.

Officers and employees of the city shall have the 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. 7-5. Nepotism.

Neither the city coordinator, the council nor any other authority of the city government may

appoint or elect any person related to any councilman, to the city coordinator or to himself, or, in the case of a plural authority, to any office or position of profit in the city government; but this shall not prohibit an officer or employee from continuing in the service of the city.

Sec. 7-6. Holding more than one office or position.

Except as may be otherwise provided by this Charter or by ordinance, the same person may hold more than one office or position in the city government. The city coordinator may hold more than one 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 coordinator shall hold ex officio designated administrative offices subordinate to the city coordinator as well as other designated compatible city offices, notwithstanding any other provision of this Charter.

Sec. 7-7. Official bonds.

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. 7-8. 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. 7-9. Who may administer oaths and affirmations.

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

Sec. 7-10. Removal, etc., of officers and employees.

The power of [to] layoff, suspend, demote and remove accompanies the power to appoint or elect; and the council, 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 council, or the other appointing or electing authority respectively may appoint or elect a successor.

Sec. 7-11. 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 provides by ordinance 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. 7-12. 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, death, abolition of the office or other legal manner.

Sec. 7-13. 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. 7-14. Separability clause.

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

B. 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.

ARTICLE 8. AMENDMENT OF CHARTER

Sec. 8-1. Proposal; ratification; approval.

This Charter may be amended by proposals therefor 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 amendment is proposed, all of them, except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such 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.

ARTICLE 9. SUCCESSION IN GOVERNMENT

Sec. 9-1. When Charter goes into effect; previous Charter repealed.

If a majority of the qualified electors of the city voting on the question vote to ratify this Charter, this Charter shall go into effect in lieu of the heretofore existing Charter upon approval by the governor as provided by the state constitution; and the heretofore existing Charter shall be repealed as of that time.

Sec. 9-2. Officers and employees to continue; shortterm councilmen, etc.

When this new Charter goes into effect, the commissioners and all other officers and employees under the old Charter, including members of boards and commissions, shall continue in their respective offices and positions of employment under this Charter until their respective terms expire, or until their services are terminated in accordance with the provisions of this Charter and ordinances relating to the creation, change and abolition of offices and removal of officers and employees, as the case may be; but the title of office of the commissioners shall be changed to councilman under this Charter.

Sec. 10-3/-9-37. 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. 10-4 F9-47. Pending actions and proceedings.

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

CHARTER COMPARATIVE TABLE (RESERVED)

PART II CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS

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Sec. 1-16. Ward boundaries.

Sec. 1-1. Designation and citation of Code.

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Tishomingo, Oklahoma," and may be so cited. (Code 1988, § 1-101)

State law references: Adoption and revision of codes of ordinances, 11 O.S. §§ 14-108 and 14-109.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed; provided, however, that these rules of construction shall not be applied to any section of this Code or any ordinance which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto:

Annual, per annum. The terms "annual" and "per annum" mean that a license shall expire 12 months from the date of issue.

Charter. The term "Charter" shall mean the Charter of the City of Tishomingo, as adopted by the electors of the city.

City. The terms "the city" and "this city" shall be construed as if followed by the phrase "of Tishomingo, Oklahoma."

City council, council. Whenever the terms "city council" and "council" are used, they shall be construed to mean the city council of the City of Tishomingo, Oklahoma.

City manager, administrator, coordinator, administrative officer, chief administrative officer, business officer. Whenever the terms "city manager," "administrator," "coordinator," "administrative officer," "chief administrative officer," and "business officer" are used, they shall be construed to mean the city manager. Whenever a duty is assigned to an office, and such office may be vacant or unassumed, such duty shall be included in the duties of the manager.

Clerk-treasurer. The offices of clerk and treasurer are currently combined. However, such combined office may be bifurcated in the future to create two distinct offices.

Code. The terms "the Code" and "this Code" shall mean "The Code of Ordinances, City of Tishomingo, Oklahoma."

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

County, this county. The terms "the county" and "this county" shall mean the County of Johnston, Oklahoma.

Day. A day is the period of time between any 12:00 midnight and the 12:00 midnight following.

State law references: Fractions of a day, 25 O.S. § 23.

Daytime; nighttime. The term "daytime" means the period of time between sunrise and sunset. The term "nighttime" means the period of time between sunset and sunrise.

Gender. A term importing one gender only shall extend and be applied to the other gender and to firms, partnerships, and corporations as well.

Health officer or health department. Wherever reference is made to the "health officer" or "health department," it shall be construed as meaning the county health officer or the county health department, respectively.

State law references: Local health officer defined, 63 O.S. § 1-102.

In the city. The phrase "in the city" shall mean and include all territory over which the city has or shall acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority. All terms giving "joint authority" to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Law. The term "law" shall mean applicable federal law, provisions of the state constitution and statutes, the ordinances of the city, and, when appropriate, any and all rules and regulations promulgated thereunder.

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

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

Must. The term "must" is to be construed as being mandatory.

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

Number. Terms used in the singular number shall include the plural, and the plural shall include the singular.

State law references: Similar provisions, 25 O.S. § 25.

Oath. The term "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 terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officer, employee, board, commission, department or office. Whenever any officer, employee, board, commission, department or office is referred to, it shall mean the respective officer, employee, board, commission, department or office of the city.

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

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

Owner. The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or of a part of such building or land or vendee in possession under a land sale contract.

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

Personal property. The term "personal property" shall include money, goods, chattels, things in action and evidences of debt.

State law references: Similar provisions, 25 O.S. § 26(3).

Preceding, following. The terms "preceding" and "following" shall mean next before and

next after, respectively.

Property. The term "property" shall include real and personal property.

Public grounds, public places, public buildings. The terms "public grounds," "public places" and "public buildings" shall be construed to mean any park or open space adjacent thereto; any lake or stream; and 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 lands, tenements and hereditaments.

State law references: Similar provisions, 25 O.S. § 26(3).

Roadway. The term "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall, may. The term "shall" is mandatory, and the term "may" is permissive.

Sidewalk. The term "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, subscription The terms "signature" and "subscription" shall include a mark when a person cannot write.

State. The terms "the state" and "this state" shall mean the State of Oklahoma.

Statutory reference The term "statutory references" shall mean references to state statutes, as they now are or as they may be amended to be.

Street. The term "street" or "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.

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

Tense. Terms used in the past or present tense include the future as well as the past and present.

Time standard. Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the city.

Week. The term "week" shall mean seven days.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing, in the English language, unless it is expressly provided otherwise.

Year. The term "year" shall mean a calendar year, except where otherwise provided.

State law references: Fractions of a year, 25 O.S. § 23.

(Code 1988, § 1-102)

Sec. 1-3. Catchlines of sections; citations.

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

(Code 1988, § 1-103)

Sec. 1-4. History notes and references.

The history notes appearing in parentheses after sections of this Code and the references

scattered throughout the Code shall not be considered as part of the Code but are mere aids for the benefit of the user of the Code.

Sec. 1-5. Special provisions to control over general provisions.

Any general provision of this Code which is of general application to the entire Code, in case of conflict with any provision of a special or limited application and which fully, adequately and effectively operates, shall be subordinate to such special provision insofar as is necessary to give full effect to the special provision.

Sec. 1-6. Continuation of existing ordinances.

The sections appearing in this Code, so far as they are the same in substance as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-7. Certain ordinances not affected by Code.

(a) 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 ordinance promising and guaranteeing the payment of money to or on behalf of the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness.
  (2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget not otherwise in this Code.
  (3) Any ordinance annexing territory to the city or excluding territory as a part of the city.
  (4) Any ordinance granting any franchise, permit or other right.
  (5) Any ordinance accepting the beneficial interest in any trust created by a trust indenture or a declaration of trust.
  (6) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument.
  (7) Any ordinance pertaining to airport zoning.
  (8) Any ordinance concerning utility fees and charges not codified.
  (9) Any ordinance relating to specific paving and sewer districts and special assessments.
  (10) Any standard specifications for construction of water distribution mains or public sanitary sewer lines, or plans for extension of water and sewer boundary mains.
  (11) Any temporary or special ordinance including, but not limited to, calling elections, and also any ordinance pertaining to specific locations or specific persons.
  (12) Any ordinance pertaining to salaries of city employees.

(b) All such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this section.

State law references: Authority of city to omit certain provisions from Code, 11 O.S. § 14-108.

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

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

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

(Code 1988, § 1-104)

Sec. 1-9. Severability of parts of Code.

It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence,

paragraph, or section of this Code or of any ordinance in the Code is declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.
(Code 1988, § 1-105)

Sec. 1-10. Amendment to Code; effect of new ordinances; amendatory language.

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

(b) Amendments to any of the provisions of this Code may be made by amending the provisions by specific reference to the section of this Code in substantially the following language: "Be it ordained by the City Council of the City of Tishomingo, Oklahoma, that section _____ of the Code of Ordinances, City of Tishomingo, Oklahoma, is hereby amended to read as follows:" (set out new provisions in full).

(c) When the city council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the city desires to incorporate into the Code, a section in substantially the following language may be made part of the ordinance: "Section _____ Be it ordained by the City Council of the City of Tishomingo, Oklahoma, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Tishomingo, Oklahoma, and the sections of this ordinance may be renumbered to accomplish this intention."

(d) All sections, articles, chapters or provisions of this Code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.

(Code 1988, § 1-106)

State law references: Enactment of ordinances generally, 11 O.S. § 14-103 et seq.

Sec. 1-11. Altering Code.

It is unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-12.
(Code 1988, § 1-107)

Sec. 1-12. General penalty.

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

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

(Code 1988, § 1-108)

State law references: Fines in municipal courts generally, 11 O.S. § 14-111.

Sec. 1-13. Fines recoverable by civil action.

All fines shall be recoverable by civil action before any court of competent jurisdiction in

addition to any other method provided by law.
(Code 1988, § 1-109)

Sec. 1-14. Ordinances in effect in outlying territory of city.

All ordinances of the city now in effect within the city are extended to all real property belonging to, or under the control of, the city outside the corporate limits of the city, and shall be in full effect therein, insofar as they are applicable. All ordinances of the city which shall go into effect in the future shall also apply to, and be in full effect within, the boundaries of all outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the city shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the city, unless the context clearly indicates otherwise.
(Code 1988, § 1-110)

Sec. 1-15. Map of city designated as official map.

The map of the city showing its territorial limits is designated as the official map of the city, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the city, including all annexations made to the city through and including the date of May 1, 1988. Such map is located in the offices of city hall.
(Code 1988, § 1-201)

Sec. 1-16. Ward boundaries.

The wards of the city shall include the territory described in this section:

(1) *Ward One. Ward One consists of that portion of the city laying north and west of a line beginning at the northmost part of Rennie Avenue; thence southwest approximately four blocks to Main Street; thence southeast down Main Street approximately five blocks to Neshoba Avenue; thence southwest down Neshoba Avenue approximately five blocks to Division Street; thence south down I Street to the south city limits.*

(2) *Ward Two. Ward Two consists of that portion of the city laying southeast of a line beginning at the northmost part of Rennie Avenue; thence southwest on Rennie Avenue, approximately four blocks to Main Street; thence that portion of the city laying northeast of a line going southeast down Main Street, approximately six blocks to Broadway Avenue; thence that portion of the city laying northwest of a line going northeast up to Broadway Avenue to the north city limits. This includes all of Highland Park Addition except a small triangular plot in the southeast corner.*

(3) *Ward Three. Ward Three consists of that portion of the city laying southeast and east of a line beginning at Main Street and Neshoba Avenue, going southwest down Neshoba Avenue to Division Street; thence south down I Street to the south city limits; thence east on the south city limits to N Street; thence north on N Street to Division Street; thence northeast on Byrd Avenue to Main Street; thence northwest on Main Street to point of the beginning.*

(4) *Ward Four. Ward Four consists of that portion of the city laying southeast and north of a line beginning on the north city limits at Broadway Avenue; thence southwest down Broadway Avenue to Main Street; thence southeast down Main Street to Byrd Avenue; thence northeast up Byrd Avenue to Eighth Street; thence southeast on Eighth Street to the east city limits; thence north on the east city limits to the north city limits; thence west on the north city limits to point of the beginning. This includes a small triangular plot of Highland Park Addition.*

(5) *Ward Five. Ward Five consists of that portion of the city laying south and east of a*

line beginning at the east city limits on Eighth Street; thence northwest on Eight Street to Byrd Avenue; thence southwest on Byrd Avenue to Division Street; thence south on N Street to the south city limits; thence east on the south city limits to the east city limits; thence north on the east city limits to point of the beginning.

(Code 1988, § 1-202)

State law references: Requirements for establishing wards, 11 O.S. § 2-105; review after each federal census, 11 O.S. § 20-101.

Chapters 2--5 RESERVED

Chapter 6 ALCOHOLIC AND NONINTOXICATING BEVERAGES*

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***Cross references: Businesses, ch. 18.; amusements not to be operated where nonintoxicating beverages sold for on-premises consumption, § 18-82; public intoxication and drinking, § 46-24; possession of intoxicating and nonintoxicating beverages, § 46-25; intoxicating liquors, § 46-26.**

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions and interpretations.

Word, phrases, and terms used in this chapter shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act, 37 O.S. § 505 et seq., with the same force and effect as if the definitions were set forth in full in this chapter, unless the context clearly indicates a different meaning or construction.

(Code 1988, § 3-101)

Cross references: Definitions generally, § 1-2.

Sec. 6-2. Penalty for violation of chapter.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-12.

(Code 1988, § 3-213)

Sec. 6-3. Application for certificate; investigations.

(a) Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the city required by O.S. tit. 37 (37 O.S. § 505 et seq.) shall apply at the office of the clerk-treasurer by:
   (1) Filing a written application on forms prescribed by that office; and
   (2) Paying a verification and certification fee as listed in chapter 26 of this Code.

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

(c) The mayor or clerk-treasurer shall act on all such applications within 20 days of receipt thereof.

(Code 1988, § 3-105)

Sec. 6-4. Issuance of certificate of zoning and certificate of compliance.

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

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

(c) The certificates of compliance shall be signed by the mayor or by the city clerk-treasurer.

(d) A conditional certificate may be granted if construction, modification or alteration of the premises proposed for licensed operations is not completed. The conditional certificate shall indicate that the proposed premises will comply with city zoning, fire, safety and health codes. A certificate in accordance with subsections (a) and (b) of this section shall be issued within ten days after all final inspections are complete.

(Code 1988, § 3-106)

Sec. 6-5. Retail package stores; location.

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

(b) The location of a retail package store is specifically prohibited within 300 feet from any church property primarily and regularly used for worship services and religious activities, or a public school. However, if any such church or school shall be established within 300 feet of any licensed retail premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property entrance door of the premises of such package store along the street right-of-way line

providing the nearest direct route usually travelled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. A license shall not be issued for a location on any block where a school or church is located.

(Code 1988, § 3-107)

Sec. 6-6. Condition of sale.

(a) No person shall sell or deliver alcoholic beverages out of any retail alcoholic beverage store other than:
   (1) In retail containers;
   (2) At ordinary room temperatures;
   (3) In the original package; and
   (4) For consumption off the premises.

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

(Code 1988, § 3-108)

State law references: Similar provisions, 37 O.S. § 521G.

Sec. 6-7. Prohibited sales; possession by minors.

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

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

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

(Code 1988, § 3-109)

Sec. 6-8. Transporting beverages.

It is unlawful to transport any alcoholic beverage, unless the alcoholic beverage is:
   (1) In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or
   (2) In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of a vehicle.

(Code 1988, § 3-110)

Cross references: Transportation, ch. 70.

Sec. 6-9. Prohibited employment; minors not to enter.

Except as provided in 37 O.S. §§ 537, 598, no minor shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within the city. No person shall employ or assist or aid in causing the employment of any minor at any place within the city in the selling, manufacture, distribution or other handling of alcoholic beverages. No minor shall be permitted to remain within or to loiter about the premises of a retail alcoholic beverage store. Violation of this provision shall subject the owner or proprietor, as well as the underage person, to prosecution.

(Code 1988, § 3-111)

Sec. 6-10. Dates and hours on which sales are prohibited.

(a) No person shall open for business or keep open for business or sell or deliver alcoholic

beverages to any person at a retail alcoholic beverage store in the city on any Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day, or while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county, or city, or any other day except between the hours of 10:00 a.m. and 9:00 p.m.

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

(Code 1988, § 3-112)

Sec. 6-11. Permitting of intoxicated person in cafe or club.

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 the place of business.

(Code 1988, § 3-113)

Sec. 6-12. Signs and advertising.

No person shall advertise, or cause to be advertised, in any manner, other than as authorized by state law, the sale of alcoholic beverages within the limits of the city.

(Code 1988, § 3-114)

Sec. 6-13. Separate premises required.

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

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

(Code 1988, § 3-115)

Sec. 6-14. Consumption and intoxication in a public place.

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

(Code 1988, § 3-116)

Cross references: Streets, sidewalks and public works, ch. 62.

Secs. 6-15--6-50. Reserved.

ARTICLE II. OCCUPATION TAX

Sec. 6-51. Levied.

(a) An annual occupation tax may be levied on persons engaging in the businesses or occupations within the city in the amounts respectively indicated in chapter 26 of this Code.

(b) The occupation tax for those service organizations which are exempt under section 501(c)(19) of the Internal Revenue Code for bottle club license shall be an annual fee as listed in chapter 26 of this Code.

(c) If a brewer or a class B wholesaler also holds a license from the state to manufacture or wholesale any nonintoxicating malt beverage, then the occupation tax for such brewer or class B wholesaler shall be reduced by 75 percent.

(Code 1988, § 3-102)

Sec. 6-52. Payment required; penalty.

(a) Any state licensee originally entering upon any occupation listed in this article shall pay the tax therefor at the office of the clerk-treasurer on or before the date upon which he enters upon such occupation. The licensee shall provide a copy of his current state license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before April 1.

(b) The occupation tax subject to this chapter shall be prorated on a monthly basis for the year in which an occupation begins operations.

(c) Upon payment of the occupation tax, the clerk-treasurer shall issue a receipt to the state licensee, which the licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.

(d) Any person who engages in any of the occupations taxed by this chapter, without paying the occupation tax imposed therefor in advance of such operation, is guilty of an offense against the city and, upon conviction, shall be punished as provided in section 1-12.

(Code 1988, § 3-103)

Sec. 6-53. Annual report.

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

(Code 1988, § 3-104)

Secs. 6-54--6-80. Reserved.

ARTICLE III. NONINTOXICATING BEVERAGES*

***State law references: Regulations on nonintoxicating beverages, 37 O.S. § 163.1 et seq.**

DIVISION 1. GENERALLY

Sec. 6-81. Determination of need to regulate.

The city council, having determined that there is a need to prevent the youth of the city access to alcoholic beverages and low-point beer, adopts in its entirety 37 O.S. §§ 601--606, which is known and may be cited as "The Prevention of Youth Access to Alcohol Beverages and Low-Point Beer Act."

(Ord. No. 97-03, 2-4-1997)

Sec. 6-82. 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:

Low-point beer means beverages containing more than one-half of one percent alcohol by volume, and not more than 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.

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

Retail dealer means any person who sells any low-point beer at retail for consumption or use, and this term includes state and county fair associations, and special licenses may be issued for the sale of low-point beer by such associations, and to other persons for the sale of such low-point beer at rodeos, picnics, or other organized temporary assemblages of people. The term

"retail dealer" also includes railways for the sale of such beverages, and licenses may be issued for each dining car or railway train, which railways and dining cars shall pay the same license fees as regular retail dealers.
(Code 1988, § 3-201)

Cross references: Definitions generally, § 1-2.

Sec. 6-83. Prohibited locations for sales.

It is unlawful for any place licensed to sell nonintoxicating beverages for on-premises consumption to be located within 300 feet from any public school or church property primarily and regularly used for worship services and religious activities. If any public school or church shall be established within 300 feet of any place which sells nonintoxicating beverages for on-premises consumption after such place has been licensed, this shall not be a deterrent to the renewal of such license so long as there has not been a lapse of more than 60 days. The distance indicated in this section shall be measured from the nearest property line of such public school or church to the nearest public entrance door of the premises of any place licensed to the sale of such nonintoxicating beverages for on-premises consumption 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 public school or church shall be considered as if it were located on the same side of the street with the school or church. The restrictions of this section shall not affect premises already licensed as of the initial effective date of the ordinance from which this section is derived to sell nonintoxicating beverages for on-premises consumption or premises which may presently or in the future be licensed to sell nonintoxicating beverages for on-premises consumption even though a school or church is subsequently established within 300 feet of such licensed premises.
(Code 1988, § 3-206)

Sec. 6-84. Sale and purchase to or by minors.

It is unlawful for any person to sell, offer for sale, give away, procure for, or otherwise dispense to any minor any nonintoxicating beverage; or for any minor to purchase, receive or procure any nonintoxicating beverage.
(Code 1988, § 3-207)

Sec. 6-85. Persons under 18 years of age not to be employed.

(a) It is unlawful for any owner, manager, operator or employer of a place where nonintoxicating beverages are sold for consumption on the premises to employ a person under 18 years of age to work in such place; or for any person under 18 years of age to work in such place. This subsection shall not apply to any licensed premises where sales of nonintoxicating beverages do not exceed 25 percent of the gross sales of the licensee.

(b) It is unlawful for any minor to be employed or permitted to work in any capacity whatsoever in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of nonintoxicating beverages. This subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which the sale or serving of nonintoxicating beverages is incidental to the main purpose.

(Code 1988, § 3-208)

State law references: Similar provisions, 37 O.S. § 243.

Sec. 6-86. Minors; possession of alcoholic beverages or beer.

It is unlawful and an offense for any minor to be in possession of any nonintoxicating beverages while such person is on any public street, road or highway, or in any public building or place.
(Code 1988, § 3-209)

Sec. 6-87. Owner of establishment not to permit minors to frequent bars; exceptions.

(a) The owner of any bar, beer hall, tavern, or other place wherein any nonintoxicating beverage is dispensed for consumption on the premises shall not permit any minor to be admitted to, enter or to remain in a separate enclosed bar area of the licensed premises which has as its main purpose the selling or serving of nonintoxicating beverages for consumption on the premises, unless the person's legal guardian or parent is present, nor shall any minor enter or remain about such separate or enclosed bar area.

(b) This section shall not prohibit minors from being admitted to, entering or remaining in an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of nonintoxicating beverages are incidental to the main purpose, if the minors are not sold or served or do not consume nonintoxicating beverages.

(Code 1988, § 3-210)

State law references: Similar provisions, 37 O.S. §§ 241, 246.

Sec. 6-88. Hours of sale.

It is unlawful for any person to sell nonintoxicating beverages for consumption on the premises to sell the beverages between the hours of 2:00 a.m. and 7:00 a.m. on any day.

(Code 1988, § 3-211)

State law references: Similar provisions, 37 O.S. § 213.

Sec. 6-89. Transporting open container.

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

(b) For the purpose of this section, the term "nonintoxicating beverage" shall be as defined in sections 6-1 and 6-82.

(Code 1988, § 3-212)

Cross references: Transportation, ch. 70.

Secs. 6-90--6-110. Reserved.

DIVISION 2. LICENSE

Sec. 6-111. Required.

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

(Code 1988, § 3-203)

Sec. 6-112. Fee levied.

(a) There is levied upon each retail dealer in nonintoxicating beverages for consumption on or off the premises an annual occupation tax as listed in chapter 26 of this Code, and an annual license fee as listed in chapter 26 of this Code, for sale of nonintoxicating beverages which are in original packages and are not for consumption on the premises.

(b) All such municipal license fees and taxes shall be paid to the clerk-treasurer at the time of issuance of the license and in the manner prescribed in this section.

(c) All license fees levied under the provisions of this chapter shall expire on June 30 of each year. No license is transferable.

(Code 1988, § 3-202)

Sec. 6-113. Compliance with law; expiration.

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

(Code 1988, § 3-204)

Sec. 6-114. Revocation.

The city council shall have the power, after a public hearing, to revoke any license granted under this article for violation of a law or ordinance by the license holder.

(Code 1988, § 3-205)

Chapters 7--9 RESERVED

Chapter 10 ANIMALS*

***Cross references: Health and sanitation, ch. 38; animals, § 54-148; dead animals and burials, § 74-88.**

Article I. In General
Sec. 10-1. Definitions.
Sec. 10-2. Penalty for violation of chapter.
Sec. 10-3. Running at large.
Sec. 10-4. Turning animals at large.
Sec. 10-5. Traps.
Sec. 10-6. Pasturing in public areas.
Sec. 10-7. Keeping of wild, exotic or dangerous animals.
Sec. 10-8. Court proceedings against vicious or dangerous animals.
Sec. 10-9. Keeping of swine prohibited; exceptions.
Sec. 10-10. Kennels.
Sec. 10-11. Pet shop and cattery regulations.
Sec. 10-12. Zoning ordinance to prevail.
Sec. 10-13. Animals which disturb prohibited; constitute nuisance.
Sec. 10-14. Buildings for animals; construction and conditions.
Sec. 10-15. Premises to be kept clean.
Sec. 10-16. Inspections.
Sec. 10-17. Leashing.
Sec. 10-18. Right to kill dog or cat in defense of self or another.
Sec. 10-19. Cruelty.
Sec. 10-20. Poisoning.
Sec. 10-21. Encouraging fighting.
Secs. 10-22--10-50. Reserved.
Article II. Permits and Tags
Sec. 10-51. Permit required for keeping fowl or livestock.
Sec. 10-52. Dog and cat registration; tag.
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Secs. 10-54--10-80. Reserved.
Article III. Rabies
Sec. 10-81. Dogs and cats to be vaccinated.
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Sec. 10-83. Quarantine of animals for observation.
Sec. 10-84. Securing support information on diagnosed animals.
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Article IV. Animal Control Shelter
Sec. 10-121. Established; feeding of animals; keeping of impounded animals generally.
Sec. 10-122. Impounding animals.
Sec. 10-123. Breaking into or interfering with.
Sec. 10-124. Fees for impoundment.
Sec. 10-125. Redemption of impounded animals.
Sec. 10-126. Sale or destruction of impounded animals.
Sec. 10-127. Owner may claim excess money from sales.

ARTICLE I. IN GENERAL

Sec. 10-1. 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:

Animal means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey or other animal, including fowl.

At large means neither enclosed with a building, fence or other enclosure of sufficient strength and construction to restrain and keep the animal within the building, fence, or other enclosure, nor securely restrained and controlled by a person 12 years of age or older by a leash or harness with handhold.

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

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

Owner means any person owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten days or more, shall be deemed to be harboring or keeping the animal.

Permit means, but is not limited to, the failure to take adequate precautions to prevent an animal from being at large.

Vicious animal means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks or barks or growls at and acts as if it intends to attack or bite, or bites a person, when not unduly provoked.

(Code 1988, § 4-101)

Cross references: Definitions generally, § 1-2.

Sec. 10-2. Penalty for violation of chapter.

Any person who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the health officer pursuant to this chapter, shall, upon conviction, be punished as provided in section 1-12 of this Code. The penalties provided for in this section shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive. The animal control officer may issue citations for the following violations:

(1) Animals running at large (section 10-3);
(2) Failure to have dogs and cats vaccinated for rabies (section 10-81);
(3) Failure to have cats and dogs registered (section 10-52);
(4) Allowing animal cruelty or animal neglect (sections 10-19--10-21); and
(5) Failure to have animal permits (sections 10-51 and 10-15--10-17).

(Code 1988, § 4-185; Ord. No. 96-3, § I, 11-7-1996)

Sec. 10-3. Running at large.

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

in the city.
(Code 1988, § 4-102)

State law references: Authority to regulate animals at large, 11 O.S. § 22-115.

Sec. 10-4. Turning animals at large.

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large.
(Code 1988, § 4-103)

Sec. 10-5. Traps.

It shall be a violation of this chapter to tamper with, vandalize, trip, move or otherwise interfere with the use of any trap, including releasing any animal, domesticated or wild, from such trap.
(Code 1988, § 4-103; Ord. No. 96-4, § I, 11-8-1996)

Sec. 10-6. Pasturing in public areas.

It is unlawful for any person to stake, confine or pasture any animal on any public school ground or other public property, federal, state, city or other, on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property.
(Code 1988, § 4-104)

Sec. 10-7. Keeping of wild, exotic or dangerous animals.

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

(b) It is unlawful to keep or harbor any wild, exotic or dangerous animal in the city limits as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except this section shall not be construed to apply to zoological parks or zoos, performing animal exhibitions or circuses licensed by the city.

(Code 1988, § 4-150)

Sec. 10-8. Court proceedings against vicious or dangerous animals.

Any dog or cat or other animal alleged to be vicious or dangerous may be proceeded against in the municipal court, after a complaint has been duly filed therein by any person having knowledge thereof. If the court shall find that, at such time:

(1) The dog or cat or other animal has attacked a person; and:

a. The person so attacked was not at the time trespassing upon theproperty of the owner or person having control of such dog or cator other animal; or

b. It cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such dog or cat or otheranimal; or

(2) The dog or cat or other animal is of such vicious and fierce disposition as to attack human beings without provocation, then the court shall have the authority to order such dog or cat or other animal kept muzzled or that such dog or cat or other animal be kept within a sufficient enclosure. If such dog or cat or other animal has bitten or attacked a human being on other occasions, the court may order that it be delivered to the animal control officer and destroyed by him.

(Code 1988, § 4-124)

Sec. 10-9. Keeping of swine prohibited; exceptions.

No swine shall be kept within the city, except temporarily in a stockyard or other enclosure

awaiting transportation and except as otherwise permitted by the zoning ordinance.
(Code 1988, § 4-105)

Sec. 10-10. Kennels.

(a) *Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:*

Kennel means any place of residence or business where more than four adult dogs over the age of six months are kept.

(b) *Maintenance. It is unlawful for a kennel to be maintained within the city limits.*

(c) *Penalty for violation of section. Violation of this section by maintaining a kennel within the city limits is punishable by a fine as found in chapter 26 of this Code.*

(Code 1988, § 4-180; Ord. No. 2000-2, § I, 4-3-2000)

Sec. 10-11. Pet shop and cattery regulations.

All pet shops and catteries shall:

(1) Maintain records and retain such records for a two-year period on all dogs and cats maintained in such facility. Such records shall show the following:
   a. Breed, color, markings, sex and age;
   b. Date and source of animal;
   c. Period for which animal is maintained;
   d. Date and disposition of animal, including name and address of new owner; and
   e. Disease prevention and treatment and by whom;

(2) Provide general environmental conditions to ensure adequate physical space for each animal, to control parasites, clean food and water, weather protection and clean and sanitary facilities; and

(3) Provide cages and pens of easily cleanable materials if used for confinement and shall keep such cages and pens clean and sanitary at all times.

(Code 1988, § 4-180)

Sec. 10-12. Zoning ordinance to prevail.

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.
(Code 1988, § 4-160)

Sec. 10-13. Animals which disturb prohibited; constitute nuisance.

(a) The following conditions are declared to be a nuisance:

(1) Any animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person;

(2) Any animal which goes into any garbage can or other waste vessel, or turns such container over or scatters the contents of the container on the ground; and

(3) Any animal which chases cars, motorcycles, bicycles or any other motor vehicle or intimidates joggers, pedestrians or children.

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

to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned.

(Code 1988, § 4-106)

Sec. 10-14. Buildings for animals; construction and conditions.

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

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

(c) No such building or other establishment wherein animals are kept shall be maintained closer than 40 feet to any apartment house, hotel, restaurant, boardinghouse, retail foodstore, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.

(Code 1988, § 4-107; Ord. No. 91-4, § 1, 8-6-1991)

Sec. 10-15. Premises to be kept clean.

Every structure or building, stable, pen, coop or place wherein an animal is kept or permitted to be kept shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

(Code 1988, § 4-109)

Sec. 10-16. Inspections.

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

(Code 1988, § 4-110)

Sec. 10-17. Leashing.

When requested by any proper official, meter reader, police officer, sanitation worker, or other person whose duty is to enter onto private property, an owner shall leash or otherwise confine any and all dogs to prevent harm to the person making a lawful entry on the owner's private property.

(Code 1988, § 4-111)

Sec. 10-18. Right to kill dog or cat in defense of self or another.

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

(Code 1988, § 4-123)

Sec. 10-19. Cruelty.

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

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

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

(Code 1988, § 4-140)

State law references: Cruelty to animals generally, 21 O.S. § 168.

Sec. 10-20. Poisoning.

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

(Code 1988, § 4-141)

Sec. 10-21. Encouraging fighting.

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

(Code 1988, § 4-142)

Secs. 10-22--10-50. Reserved.

ARTICLE II. PERMITS AND TAGS

Sec. 10-51. Permit required for keeping fowl or livestock.

(a) It is unlawful for any person, firm, corporation or association of individuals to allow or permit any:

  (1) Fowl including, but not limited to, chickens, pigeons and other like fowls; or

  (2) Livestock including, but not limited to, horses, mules, donkeys, cows, sheep or goats;

within the city limits without first having obtained a permit from the clerk-treasurer.

(b) The clerk-treasurer shall issue a permit, subject to the satisfaction of the requirements of this section upon receipt of an application in writing, together with a petition, requesting permission for an animal or fowl pen, the petition to be signed by 100 percent of the owners and occupants of the property adjacent to, or within 100 feet, excluding streets and alleys, of the outside boundary of the site of such animal or fowl pen, but no such permit shall be issued without prior approval of the city council.

(c) Prior to the issuance of a permit for the keeping of animals and fowls within the city limits, the clerk-treasurer shall verify that the animal control office has issued its certificate to be provided by the clerk-treasurer that suitable enclosure space has been erected for the safekeeping of such animals or fowls, and each such enclosure or pen shall be substantially erected on ground area of not less than 900 square feet per each fowl pen, and not less than 1,500 square feet per each animal. The clerk-treasurer, prior to the issuance of a permit, shall collect a permit fee of an amount listed in chapter 26 of this Code, to be refunded if the permit is denied by the council. Such permit shall expire one year after approval of the permit by the council.

(d) The keeping of any animal or fowl shall be upon the condition that the council may revoke the permit issued for this purpose when it is satisfactorily proved that:

(1) Any of the provisions of this chapter have been violated;
(2) The keeping of any such animal or fowl is a nuisance to any individual, neighborhood or the public generally; or
(3) The keeping of the animal or fowl is likely to endanger, or be prejudicial to the public health or welfare of any citizen of the city.

(Code 1988, § 4-108; Ord. No. 91-4, § 2, 8-6-1991)

Sec. 10-52. Dog and cat registration; tag.

(a) A fee in such sum as set by the council by motion or resolution for every dog or cat more than six months of age is levied upon the owner of any such dog or cat kept or harbored within the city.
(b) The regulatory fee levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a Seeing Eye dog or cat when the animal is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.
(c) The owner shall pay the fee levied to the city for every calendar year within 30 days after acquiring or bringing the dog or cat into the city. The licenses shall expire on April 30 of each year.
(d) The person offering the fee shall present to the city the certificate of a veterinarian or other person legally authorized to immunize dogs and cats, showing that the dog or cat has been immunized against rabies during the preceding calendar year prior to issuance of the license.
(e) The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the name and address of the owner; the name, breed, color and sex of the dog or cat; and such other reasonable information as the city may request.
(f) The city thereupon shall deliver an original receipt to the owner and also an appropriate tag to him for the dog or cat. The tag shall constitute a license for the dog or cat.

(Code 1988, § 4-121)

Sec. 10-53. Tag to be placed on collar; lost tags.

(a) The owner shall cause the tag received from the city to be affixed to the collar of the dog or cat so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog or cat at all times.
(b) In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the clerk-treasurer, presenting to him the original receipt, and paying to him a fee as set by the city council.
(c) No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat as provided in this article, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued.

(Code 1988, § 4-122)

Secs. 10-54--10-80. Reserved.

ARTICLE III. RABIES

Sec. 10-81. Dogs and cats to be vaccinated.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian every calendar year before May 1, or, in the case of a pup or kitten, before it is six months old. The person vaccinating the dog or cat shall furnish a certificate or statement of vaccination.

(Code 1988, § 4-120)

Sec. 10-82. Proclamation of rabies; dogs and cats confined.

(a) When the health officer or chief of police determines and certifies that a dog or cat, or

other animal in the city, or within five miles of the city, is or was infected with rabies and that an epidemic of rabies threatens the city, the council, by resolution, may order all dogs or cats to be confined. If it is deemed desirable, all cats shall be confined during a period of time to be determined by the council. Such resolution, or an adequate notice of its passage, shall be published in a newspaper of general circulation within the city and shall go into effect on the day following such publication, unless the resolution prescribes a later time.

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

(Code 1988, § 4-170)

Sec. 10-83. Quarantine of animals for observation.

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

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

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

(Code 1988, § 4-171)

Sec. 10-84. Securing support information on diagnosed animals.

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

(Code 1988, § 4-172)

Sec. 10-85. Crisis declaration.

When a report gives a suspected or a positive diagnosis of rabies, or when the city, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the mayor citywide quarantine. Upon the invoking of such quarantine by the mayor, no animal shall be taken into the streets or permitted to be in the streets, except for short periods

of exercise under leash and control of a competent adult. During the quarantine, no animal may be taken or removed from the city without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action.
(Code 1988, § 4-173)

Sec. 10-86. Destruction of animals under crisis period.

(a) During the period of rabies quarantine as mentioned, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six months' quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

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

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

(d) The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the animal control officer.

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

(Code 1988, § 4-174)

Sec. 10-87. Surrender of animals under suspicion.

No person shall remove from the city any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as provided in this article. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer, upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.
(Code 1988, § 4-175)

Secs. 10-88–10-120. Reserved.

ARTICLE IV. ANIMAL CONTROL SHELTER

Sec. 10-121. Established; feeding of animals; keeping of impounded animals generally.

(a) A city animal control shelter is established under the jurisdiction of the animal control officer or of such other person as may be officially designated. The person in charge of the animal control shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

(b) The animal control officer, or any other city officer or employee, may catch, or take up, and impound any animal which is at large within the city or in violation of this chapter. When an animal is so impounded, it shall be humanely kept and treated, and may be redeemed and disposed of as other impounded animals are kept, treated and redeemed or disposed of.

(Code 1988, § 4-130; Ord. No. 92-6, § 1, 11-3-1992)

Sec. 10-122. Impounding animals.

(a) *At-large animal constitutes presumption of owner responsibility. In any prosecution charging a violation of any part of this section, proof that the animal described in the complaint was at large and that the defendant named in the complaint was the owner of the*

animal shall constitute in evidence a prima facie presumption that the owner permitted his animal to be at large in violation of this chapter.

State law references: Disposal of animals generally, 4 O.S. §§ 501--508.

(b) *Authorized officers. The animal control officer, a police officer, or such other officer or employee of the city as may be authorized may:*

(1) Take into custody and impound any animal running at large in violation of any ordinance of the city; and

(2) Enter upon the premises of the owner or other private premises to take such animal into custody.

(c) *Authority of others. Any other person may take such animal into custody and present it to the authority in charge of the animal control shelter for impounding.*

(Code 1988, §§ 4-131, 4-132; Ord. No. 92-6, § 1, 11-3-1992)

Sec. 10-123. Breaking into or interfering with.

No unauthorized person shall:

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

(2) Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this article; or

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

(Code 1988, § 4-133)

Sec. 10-124. Fees for impoundment.

(a) The city council, by motion or resolution, shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

(b) Any person redeeming an impounded animal shall pay the required fees to the city and present a receipt therefor to the person in charge of the animal control shelter before the latter releases the animal.

(c) Any person redeeming a dog or cat not licensed as required by sections 10-52, 10-53 and 10-81 shall pay the required license tax to the city and secure a tag and present the receipt therefor and the tag to the person in charge of the control shelter before the latter releases the dog or cat. If a dog or cat has been licensed but is not wearing the tag, the person in charge of the control shelter shall require adequate evidence of the proper licensing of the dog or cat before releasing it.

(Code 1988, § 4-134)

Sec. 10-125. Redemption of impounded animals.

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

(Code 1988, § 4-135)

Sec. 10-126. Sale or destruction of impounded animals.

(a) As soon as practicable after any animal has been impounded, the animal control officer or other employee or officer impounding the animal shall post a notice thereof at the police office or animal control shelter of the city. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the animal prior to a designated time.

The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed as provided in this article.

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

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

(d) The purchaser of an animal at a sale held as provided in this section shall acquire absolute title to the animal purchased.

(e) The animal control officer shall pay to the city any money received from the sale of impounded animals.

(Code 1988, § 4-136)

State law references: Authorized means of destroying animals in animal shelters generally, 4 O.S. §§ 501--508.

Sec. 10-127. Owner may claim excess money from sales.

The owner of an impounded animal sold as provided in this article may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal, and a fee as listed in chapter 26 of this Code to reimburse the city for any expense it has had in making the sale, at any time within three months after the sale. If a claim is so made and approved by the council, the clerk-treasurer shall pay the owner such excess. If a claim is not made, the excess shall belong to the city.

(Code 1988, § 4-137)

Chapters 11--13 RESERVED

Chapter 14 BUILDING REGULATIONS AND CODES*

***Cross references: Fire prevention and protection, ch. 34; health and sanitation, ch. 38; destroying or injuring buildings and other property, § 46-4; planning, zoning and development, ch. 54; nonconforming buildings, structures and uses of land, § 54-261 et seq.; flood damage prevention, § 54-471 et seq.; public safety, ch. 58; streets, sidewalks and public works, ch. 62; warning lights for building material in streets, § 62-58; utilities, ch. 74.**

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ARTICLE I. IN GENERAL

Sec. 14-1. Penalty for violation of chapter.

Any person who shall engage in any business, trade or vocation for which a license, permit, certificate, or certificate of registration is required by this chapter, without having a valid

license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or who shall otherwise violate any provision of this chapter or of any code adopted by this chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this chapter, shall be guilty of an offense and, upon conviction, shall be punished as provided in section 1-12.
(Code 1988, § 5-1001)

Sec. 14-2. Relief in courts.

No penalty imposed by and pursuant to this chapter shall interfere with the right of the city also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person.
(Code 1988, § 5-1002)

Secs. 14-3--14-30. Reserved.

ARTICLE II. BUILDINGS AND BUILDING REGULATIONS*

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***State law references: Building codes, adoption by cities, 11 O.S. § 14-107, 74 O.S. § 324.8.**

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Sec. 14-31. Adoption of 2000 International Residential Code.

The city adopts the 2000 International Residential Code.
(Ord. No. 97-16, 8-19-1997)

Secs. 14-32--14-60. Reserved.

ARTICLE III. PLUMBING*

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***State law references: Powers to supervise plumbing, 59 O.S. § 1001 et seq.**

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Sec. 14-61. Adoption of The International Plumbing Code.

Certain documents, three copies of which are on file in the office of the clerk-treasurer, being marked and designated as "The International Plumbing Code, 2000," including appendices, as published by the International Code Council, is adopted as the plumbing code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of plumbing systems in the city and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2000 edition, published by the International Code Council on file in the office of the city are referred to, adopted and made a part of this article as if fully set out in this section.
(Ord. No. 97-11, § 1, 8-19-1997)

Sec. 14-62. Fee schedule.

The fee schedule from The International Plumbing Code (IPC), 2000, is as follows:

(1) Permit fee to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building, structure or to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the installation of which is regulated by the code or to cause any such work to be done: . . . N/A

(2) Inspection of plumbing systems:

a. Underground inspection (IPC 107.1(1)) . . . $15.00

b. Rough-in inspection (IPC 107.1(2)) . . . 15.00

c. Final inspection (IPC 107.1(3)) . . . 15.00

d. Review and followup inspection of prefabricated plumbing system including complete details of plumbing systems, etc. (IPC 107.1.2) . . . N/A

e. Reinspection and testing where work or installation does not meet compliance with IPC(IPC 107.3.3) . . . 15.00

(Ord. No. 97-11(A), 9-2-1997)

Sec. 14-63. Plumbers; registration, permits and fees.

(a) The terms "journeyman plumber," "plumber's apprentice," "plumbing contractor," and "plumbing," when used in the ordinances, regulations and other official acts and communications of this city, shall have the meanings respectively prescribed for them by 59 O.S. § 1001 et seq., the state plumbing license law, unless the context clearly indicates a different meaning.

(b) It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor (otherwise known as a master plumber), or of a journeyman plumber, or of a plumber's apprentice, in this city unless he is registered with the city and has a current and valid certificate of registration issued by the city.

(c) Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the commissioner of health as provided by the state plumbing license law may register as such with the city. Only persons who have current and valid certificates of registration as plumber's apprentices issued by the commissioner of health, as provided by the law, may register as such with the city.

(d) Applicants for certificates of registration, after complying with the laws of the state and with this chapter, and after payment of the fee specified in chapter 26 of this Code, shall be registered by the city. The registration shall expire annually on June 30, but may be renewed from year to year. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by this chapter.

(e) An applicant for a plumbing contractor's registration shall also furnish a bond in such sum and such conditions as set by the mayor and council.

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

(g) The fee for registration shall be as set by the council by motion or resolution.

(h) The council, upon at least ten days' notice and adequate opportunity for a public hearing, may revoke the city registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the city relating to the installation of plumbing or for any other cause specified in the state plumbing license law.

(Code 1988, § 5-203)

State law references: State plumbing license, requirements, 59 O.S. § 1001 et seq.

Sec. 14-64. Permits and inspections.

(a) No plumbing work shall be undertaken without a permit from the plumbing inspector.

(b) The application for such work must follow the adopted city code.

(c) The schedule of permit fees may be set forth by resolution or motion of the council. Such payment will be made upon application.

(d) Inspection of such work must conform to the guidelines set forth in the plumbing code adopted in section 14-61.

(Code 1988, § 5-204)

Secs. 14-65–14-100. Reserved.

ARTICLE IV. ELECTRICAL*

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***Cross references: Utilities, ch. 74.**

State law references: State electrical requirements, licensing by state, 59 O.S. §§ 1680--1696.

Sec. 14-101. 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 equipment means electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure.

(Code 1988, § 5-301)

Sec. 14-102. Adoption of National Electrical Code.

All installations of electrical equipment shall be in conformity with the provisions of this article, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this article or by statute or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the American Insurance Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

(Code 1988, § 5-302)

Sec. 14-103. Conformity of equipment with Underwriters' Laboratories, Inc. (UL).

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

(Code 1988, § 5-303)

Sec. 14-104. Council may make special rulings.

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

(Code 1988, § 5-304)

Sec. 14-105. Electrician's registration required; bond.

(a) It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or apprentice electrician without a certificate of registration as such secured from the city. Registrations expire annually, on June 30 of each year. The initial fee for a registration certificate, as described in chapter 26 of this Code and any renewal, to be paid to the clerk-treasurer, shall be as set by the council. A registration certificate must be renewed within 90 days following expiration of the certificate. After expiration, an application for a new certificate must be requested and the initial fee paid again. No person may be registered with the city as contractor, journeyman or apprentice unless he possesses a valid and current state license and pays the registration fee. This certificate is not transferable to any other individual or company.

(b) Every person receiving a certificate as an electrical contractor shall file with the

clerk-treasurer a bond in such sum as set by the council, executed with a surety company authorized to do business in the state and described in chapter 26 of this Code. The bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with law and the ordinances and other regulations of the city relating to electrical installations and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or nonstandard material; and that the city may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor or apprentice electrician, as the case may be.

(c) For the installation of bell, telephone or signal systems not using over 12 volts, no registration or bond will be required. The installation of such systems must comply with all other requirements of ordinances.

(d) After adequate opportunity for a hearing, the council may revoke the certificate of an electrical contractor, an apprentice electrician, or a journeyman electrician.

(Code 1988, § 5-305)

Sec. 14-106. Permit required for electrical installations; issuance.

(a) It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits or make extensions to any existing electrical installations without first securing a permit from the city.

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

(c) The fee for an electrical permit shall be as prescribed by motion or resolution passed by the council and described in chapter 26 of this Code.

(Code 1988, § 5-306)

Sec. 14-107. Compliance with electrical code regulations.

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

(Code 1988, § 5-307)

Sec. 14-108. Inspection of work; removal of defective installations.

(a) Upon the completion of any work for which a permit has been issued under section 14-106, it shall be the duty of the permit holder to notify the electrical inspector who shall, as early as possible, inspect the wiring, installation, appliances and apparatus and execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination. No such certificate shall be issued unless such wiring, motors, heating devices, appliances and apparatus are in strict accord with the rules, requirements and spirit of this article. No current shall be turned on until such certificate is issued.

(b) The amount of fee or charge to be made for such inspections and certificates shall be fixed and determined by the council and is described in chapter 26 of this Code.

(c) Whenever electric wiring, appliances or apparatus are found to be defective or hazardous

through improper manufacture or improper or insufficient installation or for any other reason, the electrical inspector shall at once cause the removal of such defect, at the expense of the owner of such wiring, appliance or apparatus.

(Code 1988, § 5-308)

Sec. 14-109. Discontinuing current for failure to comply with article provisions.

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

(Code 1988, § 5-309)

Sec. 14-110. Office of electrical inspector.

(a) *Creation; appointment. There is created the office of city electrical inspector. Such inspector shall be appointed by the mayor, subject to confirmation by the council.*

(b) *Duty. It is the duty of the electrical inspector to enforce all provisions of this article. He is granted the authority to enter all buildings in the city in the performance of his duties.*

(Code 1988, § 5-310)

Sec. 14-111. Responsibility for damages.

This article shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the city or any officer or employee of the city be held as assuming such liability by reason of the inspection or reinspection as provided in this article or by reason of the approval or disapproval of any authorized equipment.

(Code 1988, § 5-311)

Secs. 14-112--14-140. Reserved.

ARTICLE V. LIQUEFIED PETROLEUM GAS*

***State law references: State liquid petroleum gas rules, 52 O.S. § 420.1 et seq.**

Sec. 14-141. Code adopted.

It is unlawful for any person to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by law. The year 2000 or newest pamphlet, "Liquefied Petroleum Gases," issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this city. Any violation of the rules and regulations of such pamphlet shall be deemed a violation of the ordinances of the city and shall be punished accordingly.

(Code 1988, § 5-401)

Secs. 14-142--14-170. Reserved.

ARTICLE VI. GAS PIPING CODE

Sec. 14-171. Fuel gas code adopted.

The National Fuel Gas Code, the 1999 edition, is adopted and incorporated in this article by reference. The pamphlet shall be in full force and effect in the city and shall govern the installation of gas piping and gas appliances in the city. Any violation of the provisions of such pamphlet shall be deemed a violation of the ordinances of the city.

(Code 1988, § 5-501)

Secs. 14-172--14-200. Reserved.

ARTICLE VII. MECHANICAL

Sec. 14-201. International Mechanical Code adopted.

Certain documents, three copies of which are on file in the office of the clerk-treasurer, being marked and designated as "The International Mechanical Code, 2000," including appendices, as published by the International Code Council, is adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2000 edition, published by the International Code Council on file in the office of the clerk-treasurer are referred to, adopted and made a part of this article as if fully set out in this section.

(Ord. No. 97-13, § I, 8-19-1997)

Sec. 14-202. Fee schedule.

The fee schedule found in the International Mechanical Code (IMC), 2000, is as follows:

(1) Permit fee to erect, install, enlarge, alter, repair, remove,convert or replace a mechanical system whose installation is regulated by this code or to cause such work to be done . . . N/A

(2) Inspection of mechanical systems:

a. Underground inspections (IMC 107.1(1)) . . . $15.00

b. Rough-in inspection (IMC 107.1(2)) . . . 15.00

c. Final inspection (IMC 107.1(3)) . . . 15.00

d. Review and followup inspection of prefabricated construction, assembly including details of mechanical systems, etc. (IMC 107.1.2) . . . N/A

e. Reinspection and testing where work or installation does not meet compliance with IMC (IMC 107.2.3) . . . 15.00

(Ord. No. 97-13(A), 9-2-1997)

Secs. 14-203--14-230. Reserved.

ARTICLE VIII. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 14-231. Adoption.

A certain document, three copies of which are on file in the office of the clerk-treasurer, being marked and designated as "The International Property Maintenance Code, 2000," as published by the Building Officials and Code Administrators International, Inc., is adopted as the property maintenance code of the city for the control of buildings and structures. Each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this article as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 14-232.

(Ord. No. 97-15, § 1, 8-19-1997)

Sec. 14-232. Additions, insertions, deletions and changes to The International Property Maintenance Code (IPMC).

Additions, insertions, deletions and changes to the International Property Maintenance Code (IPMC), 2000, are as follows:

(1) The IPMC 106.4 is completed to provide for a fine not less than $50.00 nor more than $100.00 or imprisonment for a term not to exceed ten days, or both, at the discretion of the court;

(2) IPMC 303.14, screens, is completed to provide for the following dates of April 1 to November 15;

(3) IPMC 602.2.3, heat, is completed to provide for the following dates of November 15 through March 15 of the following year;

(4) IPMC 602.4, heat, is completed to provide for the following dates of November 15

through March 15 of the following year.

(Ord. No. 97-15, § 3, 9-2-1997)

Secs. 14-233--14-260. Reserved.

ARTICLE IX. PRIVATE SEWAGE DISPOSAL

Sec. 14-261. Adoption of the International Private Sewage Disposal Code.

Certain documents, three copies of which are on file in the office of the clerk-treasurer, being marked and designated as "The International Private Sewage Disposal Code," including appendices, as published by the International Code Council, is adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of sewage systems in the city and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, conditions and terms of such International Private Sewage Disposal Code, 2000 edition, published by the International Code Council, on file in the office of the clerk-treasurer, are referred to, adopted and made a part of this article as if fully set out in this section.

(Ord. No. 97-17, § 1, 8-19-1997)

Secs. 14-262--14-290. Reserved.

ARTICLE X. FAIR HOUSING

Sec. 14-291. Purposes and construction.

The general purposes of this article are to:

(1) Secure for all people equal access to housing in all neighborhoods; and

(2) Preserve the public safety, health and welfare.

(Code 1988, § 5-801)

Sec. 14-292. Penalty for violation of article.

It is unlawful and an offense for any person to violate any of the provisions of this article. Any person found guilty of violating any provisions shall be deemed guilty of an offense, and is subject, upon conviction, to punishment as provided in section 1-12.

(Code 1988, § 5-808)

Sec. 14-293. Prohibited discriminatory acts.

It is unlawful for any person, real estate broker, real estate salesperson, or corporation to:

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

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

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

(4) File a complaint alleging a violation of this article, with knowledge that such complaint is false in any material respect, or file such complaint for the sole

purpose of harassment.

(Code 1988, § 5-802)

Sec. 14-294. Exemptions.

(a) Nothing in this article shall apply to any religious organization, association, society or private club; a religious nonprofit organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwelling units owned and operated for other than a commercial purpose.

(b) Nothing in this article shall apply to:

(1) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses and was not the most recent resident of such house prior to such sale with the exception granted to one such sale within a 24-month period; provided further that such owner does not own or retain in his behalf title to a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided further that such sale or rental of such single-family house shall be excepted if such house is sold or rented without the use in any manner of a sale or rental facilities or employee thereof; and

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

(Code 1988, § 5-803)

Sec. 14-295. Fair housing board.

(a) *Creation. There is created a fair housing board of the city, referred to in this article as "board," which shall be the city council.*

(b) *Duties. It is the duty of the board to:*

(1) Initiate, receive, and investigate complaints, charging unlawful housing practices;

(2) Seek conciliation of such complaints, hold hearings, make findings of fact, and publish its findings of fact; and

(3) Adopt such rules and regulations as may be necessary within the limits of this article, and carry out the purposes and provisions of this article.

(c) *Procedure for complaints.*

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

(2) The board shall investigate each complaint filed with the board, and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the board shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the board takes no action within 90 days of the filing of the complaint, it shall be considered as dismissed.

(3) If conference or conciliation does not result in compliance with this article, the

board shall cause to be issued and served in the name of the city a written notice, together with a copy of the complaint, requiring the person named in the complaint, referred to in this section as "respondent," to answer charges of the complaint at a hearing before the board at a time and place to be specified in the notice.

(4) At the hearing provided for in subsection (c)(3) of this section, the complaint shall be heard by the board. At the hearing, the complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board. If the board finds at the hearing that the respondent has engaged in any discriminatory practice prohibited by this article, it shall state its findings of fact, and shall so certify the matter to the city attorney for appropriate action. No prosecution shall be brought under this article except upon such certification. If the board, upon hearing, finds that respondent has not engaged in any discriminatory practice, it shall state its findings of fact and shall issue and file an order dismissing the complaint. The board shall establish rules and regulations to govern and expedite and effectuate such procedure, and shall maintain the files provided for in this subsection.

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

(Code 1988, §§ 5-804--5-807)

Secs. 14-296--14-330. Reserved.

ARTICLE XI. OIL AND GAS WELLS*

***State law references: Municipal authority regarding oil and gas generally, 52 O.S. § 137.**

DIVISION 1. GENERALLY

Sec. 14-331. Endangering public health.

Every permit granted by the city shall be conditioned that whenever, in the judgment of the council, the public health, welfare and safety is endangered or threatened by reason of the drilling, operation, maintenance or abandonment of the well, the council may, if such condition is not corrected within 30 days after written notice thereof is given to permittee, direct the owners and operators of the well to cease and desist in the further work relating to the well and make any further order as the council may deem proper and requisite in the premises in order to remove or avoid such threat or hazard to the public health, safety and welfare, whether or not occasioned by such operators or owners.

(Code 1988, § 5-908)

Sec. 14-332. Operation of well.

(a) The well shall be cased and casing cemented from the top of the well hole to a depth not less than 50 feet below all fresh water strata encountered in the well and in a manner that will protect such fresh water from contamination resulting from the drilling or operation of the well. Notwithstanding a compliance or attempted compliance with the requirements of this subsection, if it is later determined that a fresh water strata exists in the well which has

not been properly cased and cemented to the extent and in the manner necessary to protect such fresh water strata from contamination, permittee shall take such measures as may be necessary to protect the fresh water strata.

(b) The permittee shall notify the city at least 24 hours prior to running the pipe for such work, for the purpose of permitting the authorized representatives of the city to inspect such pipe on the location, and at least two hours and not more than three hours before commencing procedure to cement such pipe. The city shall be notified thereof in order that a representative of the city may observe such procedure.

(Code 1988, § 5-909)

Sec. 14-333. Power source for pumping units.

Electric power motors only shall be used for pumping units, unless approval for use of other power is granted upon special application and permit of the council.

(Code 1988, § 5-910)

Sec. 14-334. Pollution control.

The permittee shall take every reasonable precaution to prevent the escape of noxious fumes, gases, oil or other substances from the location of such well.

(Code 1988, § 5-912)

Sec. 14-335. Chainlink fence required.

All pumps, tanks and equipment used in the operation of a completed well shall be enclosed on all sides by a chainlink fence six feet high with steel posts with four strands of barbed wire above such fence. During drilling operations, a watchman shall be maintained on the premises at all times who shall be charged with the responsibility of protecting the general public from any hazard resulting from the conduct of such drilling operations. If such watchman is not employed, then the entire well location shall be fenced as in the operation of a completed well.

(Code 1988, § 5-914)

Sec. 14-336. Earthen dikes required.

All tanks shall be surrounded by earthen dikes of sufficient height to contain a capacity of fluid equal to 150 percent of the capacity of such tanks.

(Code 1988, § 5-915)

Secs. 14-337--14-360. Reserved.

DIVISION 2. PERMIT

Sec. 14-361. Required.

It is an offense for any person, partnership, association or corporation to drill, operate, maintain, or abandon any oil or gas well within the corporate limits or to work upon or assist in any way in such work, unless a permit for such work is authorized by the council and as described in chapter 26 of this Code.

(Code 1988, § 5-901)

Sec. 14-362. Application.

(a) Such permit shall be issued only to the owners of the oil and gas leasehold interest and every applicant for such permit shall, at least ten days prior to the proposed commencement of such work, file a written application addressed to the city council for such permit, and such written application shall contain the following information:

(1) The name and address of each owner of an interest in the oil and gas lease under which such well is to be drilled, operated, maintained or abandoned.

(2) The name and address of the person or firm in charge of the operation and maintenance of the well.

(3) The name and address of the person or firm in charge of the work to be done under the permit.

(4) The exact location of the well or proposed well where the drilling or other work is

to be performed.

(5) The owners of 100 percent of the surface area, exclusive of streets and alleys, within 200 feet of the proposed well site have consented in writing to the drilling of such well at such location. This subsection shall only apply to an application for a permit to drill a new well. The mere execution of an oil and gas lease shall not be accepted as compliance with this subsection, unless the lease describes specifically the location of the proposed well and consents to the location.

(b) The owners of the leasehold interest and persons in charge of the drilling, operation, maintenance or abandonment of the well are familiar with the ordinances of the city and will abide by the provisions thereof.

(Code 1988, § 5-902)

Sec. 14-363. Supporting documentation.

If the application is for a permit to drill a new well, the applicant shall attach to the application exhibits reflecting the following:

(1) Exhibit A: Certificate by a bonded abstracter or an attorney at law authorized to practice law in the state reflecting the names of the owners of interest in the real estate situated within 200 feet of such proposed well site;

(2) Exhibit B: A plat with detailed, scaled dimensions of the proposed well location, lot and property lines within 200 feet of such well site, with notation or reference thereon to the surface owner of all such property as reflected by Exhibit A;

(3) Exhibit C: A scale drawing of the proposed well site reflecting the proposed well location of drilling rig, motors, tanks and other principal equipment to be used in the drilling of such well with reference being made to property lines and structures (nature of structures being noted) located within 200 feet of such well site; and

(4) Exhibit D: A scale drawing of the proposed well site reflecting the proposed location of equipment, motors, tanks and other installations to be used in the maintenance, operation and other work of such well with reference being made to property lines and structures (nature of structures being noted) located within 200 feet of the well site.

(Code 1988, § 5-903)

Sec. 14-364. Bond requirement.

(a) Every applicant at the time of filing an application shall also submit a bond in favor of the city in the amount found in chapter 26 of this Code and executed by the applicant and a corporate surety authorized to conduct business within the state and conditioned that the applicant shall:

(1) Repair immediately any damage to paving, sidewalks, streets, alleys, curbing, parking, sewers or other public property arising out of any work relating to the well, all in accordance with the requirements of the city and an authorized representative under his supervision; or

(2) Pay all fees and sums due the city under this article and comply and abide by the ordinances of the city and laws of the state.

(b) The council may increase or reduce the amount of such bond required at or after the issuance of such permit.

(c) In the case any bond required in this section shall lapse or become void for any reason whatsoever, the permit issued under the terms of this article shall immediately become inoperative and void until a new bond shall be provided and filed with the clerk-treasurer or the existing bond reinstated in full force. Such well shall be shut down and all operations and production thereof suspended and discontinued until the filing of such new bond or reinstatement of such existing bond.

(Code 1988, § 5-904)

Sec. 14-365. Insurance requirements.

(a) Each applicant shall also submit with a written application a policy of public liability insurance, insuring the applicant and the city against all claims or causes of action made against either or both applicant and the city for damages to persons or property arising out of the drilling, maintenance, operation or abandonment of such well. The minimum amounts of the insurance shall be as follows:

(1) Bodily injury: $100,000.00 each person, and $300,000.00 each occurrence; and

(2) Property damage: $50,000.00 each occurrence.

(b) Such insurance policy shall contain a provision that the issuing company will not cancel or change such policy of insurance except after 30 days' notice to the applicant and the city.

(Code 1988, § 5-905)

Sec. 14-366. Justification for refusal.

(a) No permit shall be granted for the location of any well within 600 feet of the location of another well for which a permit had previously been granted.

(b) The city council shall have the power and reserves the authority to refuse any applicant for a permit where by reason of the location of the proposed well and the character and value of the permanent improvements in its vicinity, and the use to which the land and surroundings are adapted for civic or other purpose, or for other reasons the council considers such proposed well might constitute a hazard to the public health, welfare and safety.

(Code 1988, § 5-906)

Sec. 14-367. Fee.

Every applicant shall pay an initial fee and annual fee as set by motion or resolution of the council and as described in chapter 26 of this Code. The annual fee is payable within 30 days after each anniversary date of the permit.

(Code 1988, § 5-907)

Sec. 14-368. Preferential issuance.

In case there are applications filed with the clerk-treasurer and pending at the same time, for permits to drill in any one drilling area of the city, by more than one applicant, an application shall be granted, if otherwise sufficient, which is made by the person, association or corporation holding the greater area of the ground in the area, by lease or other contract with the owners, permitting the drilling thereon for oil or gas.

(Code 1988, § 5-911)

Sec. 14-369. Additional permits required.

No pipelines, equipment, appliance or any structure shall be laid, constructed, erected, maintained or permitted to remain in, or under any street, alley, or public way without a special permit in writing from the city council as described in chapter 26 of this Code.

(Code 1988, § 5-913)

Sec. 14-370. Revocation.

If a permittee should violate or fail to comply with any of the provisions of this article or the order and direction of an authorized representative of the city acting pursuant to the authority granted in this article, the city council may cancel the permit theretofore granted by city to the permittee, and the permittee shall cease and desist in any work relating to any well, the permit for which has been canceled.

(Code 1988, § 5-916)

Chapters 15--17 RESERVED

Chapter 18 BUSINESSES*

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***Cross references: Alcoholic and nonintoxicating beverages, ch. 6; C-1 neighborhood commercial district, § 54-110; C-2 office commercial district, § 54-111; C-3 downtown commercial district, § 54-112; C-4 general commercial district, § 54-113; C-5 highway commercial district, § 54-114; C-6 planned shopping center district, § 54-115; I-1 light industrial district, § 54-116; I-2 heavy industrial district, § 54-117; taxicabs, § 70-71 et seq.; utilities, ch. 74.**

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ARTICLE I. IN GENERAL

Sec. 18-1. Penalty for violation of chapter.

Any person who shall violate any provision of this chapter by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who

shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor, punishable as provided in section 1-12 of this Code. Each day upon which any such violation continues shall constitute a separate misdemeanor.
(Code 1988, § 9-1001)

Sec. 18-2. Short weights and measures.

It is unlawful for any person to sell, or offer for sale, any food, fuel, clothing, or any other commodity which does not weigh or measure fully as much, according to standard weights or measures of the state, as the weight or measure for which it is sold or offered for sale.
(Code 1988, § 9-110)

Sec. 18-3. Consent required for sale of personal property on or in vacant property.

It is unlawful for any person, including a civic or religious organization, to sell, barter, trade or transfer any merchandise, wearing apparel or other personal property of any kind on or in any vacant property in the city without the consent of the owner or person in control of the property.
(Code 1988, § 9-111)

Sec. 18-4. Auctions on streets and sidewalks.

(a) It is unlawful for any person to hold any public or private auction for sale of property on any of the streets or sidewalks of the city.
(b) This section shall not apply to the sale of property under any lien, execution or order of any court of the state or of the United States of America.

(Code 1988, § 9-112)

Cross references: Streets, sidewalks and public works, ch. 62.

Secs. 18-5--18-40. Reserved.

ARTICLE II. LICENSES GENERALLY

Sec. 18-41. Required; fee levied on certain occupations.

(a) It is unlawful for any person to engage in, exercise or pursue any business, profession, trade, occupation, privilege or other activity for which a license is required or a license fee or tax is levied by any provision of this chapter or other ordinance of the city, without paying the license fee or tax and securing and possessing a valid license therefor.
(b) A license fee is levied (and is described in chapter 26 of this Code) on every person engaging in, exercising, or pursuing any of the businesses, professions, trades, occupations, or privileges in this city, as provided in this chapter.
(c) All annual occupation licenses shall expire on June 30 of each year.

(Code 1988, § 9-101)

State law references: Municipal authority to tax and regulate occupations, 11 O.S. §§ 22-106, 22-107.

Sec. 18-42. Separate licenses required.

Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the city, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee as listed in chapter 26 of this Code, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.
(Code 1988, § 9-102)

Sec. 18-43. Display.

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege shall conspicuously display the license at all times in some part of his

place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided in this section, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this section.
(Code 1988, § 9-103)

Sec. 18-44. Revocation.

Any license issued by the city to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege may be revoked by the council after adequate opportunity for a hearing.
(Code 1988, § 9-104)

Sec. 18-45. Transfer.

The assignment or transfer of licenses shall not be permitted in this city.
(Code 1988, § 9-105)

State law references: License may not be transferred, 11 O.S. § 22-107.

Sec. 18-46. Duplicates.

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege has been lost or destroyed without any wrongful act or connivance by the holder, the clerk-treasurer, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the clerk-treasurer an affidavit that the licensee has in fact lost or destroyed the license without any wrongful act or connivance by the licensee.
(Code 1988, § 9-106)

Sec. 18-47. Issuance and execution.

The clerk-treasurer shall issue a license required by this chapter or other ordinance when the applicant has filed a proper application therefor, paid the required tax or fee, and complied with all other requirements prescribed for obtaining such license. The clerk-treasurer shall affix the corporate seal of the city to the license. Such license shall be in suitable form and express the purpose for which it is issued.
(Code 1988, § 9-107)

Sec. 18-48. Subject to state law and city ordinances.

All licenses shall be issued subject to the ordinances of the city and the laws of the state. No license shall be construed as authority to do or omit to do any act in violation of law or ordinance.
(Code 1988, § 9-108)

Sec. 18-49. Proration of fee or tax.

The license fee or tax prescribed by this chapter or other ordinance shall be prorated if issued after June 1 for any new business or occupation.
(Code 1988, § 9-109)

Secs. 18-50–18-80. Reserved.

ARTICLE III. AMUSEMENTS*

***State law references: Coin-operated devices generally, 68 O.S. § 1501 et seq., 68 O.S. § 50004.**

DIVISION 1. GENERALLY

Sec. 18-81. 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:

Coin-operated amusement device means as defined in 68 O.S. § 1501(4).

Coin-operated music device means as defined in 68 O.S. § 1501(3).

Family amusement center means a place where games of skill or music devices, including regular or coin-operated, are maintained and operated for a profit and offered to persons of all ages and either sex.

Games of skill means regular or coin-operated pool tables, snooker tables, billiard tables, pinball machines, ping-pong tables or table tennis and shuffleboard tables.

Music devices means as defined in 68 O.S. § 1501(2).

(Code 1988, § 9-301)

Cross references: Defintions generally, § 1-2.

Sec. 18-82. Not to be operated where nonintoxicating beverages sold for on-premises consumption.

It is unlawful for any person to maintain, have or operate a family amusement center in any room or building in which nonintoxicating beverages, as defined by chapter 6 of this Code, are sold for consumption on the premises, or in any room which is connected to such a place by a door, hall or other facility for ingress or egress.

(Code 1988, § 9-308)

Cross references: Alcoholic and nonintoxicating beverages, ch. 6.

Sec. 18-83. Visibility from street or sidewalk.

No family amusement center shall be maintained or operated in a building, unless the games located therein and the persons playing the games shall be clearly visible from the sidewalk or street adjacent to the building.

(Code 1988, § 9-309)

Cross references: Streets, sidewalks and public works, ch. 62.

Sec. 18-84. Gambling.

It is unlawful for the proprietor, licensee or any person in charge of a family amusement center, or for any servant or employee of such proprietor, licensee or any other person in charge of such recreation center, or any public patron, to play, for money or any other representative thing of value, upon the recreational games or to play any game of chance for money or thing of value in such family amusement center.

(Code 1988, § 9-310)

Sec. 18-85. Closing hours.

Every person operating a family amusement center shall close such place of business at 12:00 midnight and shall not reopen for business before 7:00 a.m. on all days, except Sunday. Such places shall be closed from 12:00 midnight Saturday until 1:00 p.m. Sunday, and shall be closed at 12:00 midnight Sunday. No playing of any kind shall be allowed during the hours specified in this section as closing hours.

(Code 1988, § 9-311)

Secs. 18-86–18-110. Reserved.

DIVISION 2. LICENSE

Sec. 18-111. Required.

It is unlawful for any person to operate a family amusement center without first having

procured a license therefor issued under the terms of this article and described in chapter 26 of this Code.
(Code 1988, § 9-302)

Sec. 18-112. Age and citizenship of applicant.

No license shall be issued under this article to any applicant unless he shall be at least 18 years of age.
(Code 1988, § 9-304)

Sec. 18-113. Filing and contents of application.

Application for a license under this article shall be made, in duplicate, to the clerk-treasurer upon a form supplied for that purpose by the clerk-treasurer. Such application shall contain the following information:

(1) The name, address, age, date and place of birth of the applicant;
(2) Prior convictions of the applicant, if any;
(3) The place where the family amusement center is to be located; and
(4) A description of amusement and recreational devices to be located in the family amusement center.

(Code 1988, § 9-303)

Sec. 18-114. Action on application by chief of police and electrical inspector.

(a) The clerk-treasurer shall refer a copy of an application for a license under this article to the chief of police and to the electrical inspector.
(b) Upon receipt of a copy of an application for a license under this article, the chief of police shall inspect the specified location and shall determine whether or not the structure is safe for occupancy and for use as a family amusement center, and is in a location free from conditions which, physically, would render it unsuitable as a place for wholesome family recreation. He shall also determine whether or not the applicant is of good character and whether or not the requirements of this article have been met, except those to be reported upon by the electrical inspector. He shall report his findings and, based upon them, recommend whether the application should be granted or denied.
(c) Upon receipt of a copy of an application for a license under this article, the electrical inspector shall inspect all electric wiring and connections in the building, and all electrically operated machines to be played or operated by the patrons of the family amusement center, and shall determine whether or not all electrical installations and devices on the premises comply with the electrical code of the city. He shall report his findings and, based upon them, recommend whether the application should be granted or denied.
(d) The reports of the chief of police and of the electrical inspector referred to in this section shall be filed with the clerk-treasurer.

(Code 1988, § 9-305)

Sec. 18-115. Issuance or denial.

If the chief of police and the electrical inspector concur in recommending issuance of a license applied for under this article, the clerk-treasurer shall issue the license. If either or both recommend denial of the license, the clerk-treasurer shall notify the applicant of the adverse recommendation, and shall permit the applicant to make copies of the reports filed pursuant to this section. The applicant, within five days after such notice, may request a hearing by the council, which shall afford the hearing with due opportunity to the applicant to show compliance with the conditions for a license. The council shall determine the matter upon the proof at the hearing and shall order that the license be issued or denied. The council's decision shall be final, subject to judicial review as provided in statute.
(Code 1988, § 9-306)

Sec. 18-116. Revocation.

Any person having a license issued under this article who shall be convicted more than once of a violation of the terms of this article, or whose employees, in the operation of the licensed establishment, shall twice be so convicted, shall have his license revoked and canceled by the mayor. Such licensee shall have a right of appeal to the council, which shall hear and determine the matter on proof presented at a hearing, and its decision shall be final, subject to judicial review as provided in statute.
(Code 1988, § 9-307)
Secs. 18-117--18-150. Reserved.

ARTICLE IV. BUYERS OF JEWELRY, COINS, PRECIOUS METALS

DIVISION 1. GENERALLY

Sec. 18-151. 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:

Buyer means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in the business of buying silver, gold, copper, or tin in any form, coins, jewelry, scrap metal (wrecked or damaged motor vehicles excluded from the provisions of this article) aluminum, and who, in furtherance of such purpose, hires, leases, uses or occupies any building structure, motor vehicle, tent, railroad box car, boat, public room in hotels, lodginghouses, motels, apartments, shops or any street, alley or other place within the city; provided that such definition shall not be construed to include pawnbrokers or persons selling new or used property nor shall this article apply to the purchase of any motor vehicles.
(Code 1988, § 9-702)

Cross references: Definitions generally, § 1-2.

Sec. 18-152. Duty of police to enforce article provisions.

It shall be the duty of the police officers to examine all places of business and persons in their respective territories subject to the provisions of this article to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating this article.
(Code 1988, § 9-708)

Sec. 18-153. Advertisements.

Licensees are prohibited from indicating in any advertisements they may use that purchases will be confidential.
(Code 1988, § 9-710)

Sec. 18-154. Merchandise purchased to remain in the city 48 hours.

All property purchased by any licensee under this article shall remain within the city limits for 48 hours from the time it is purchased.
(Code 1988, § 9-711)
Secs. 18-155--18-180. Reserved.

DIVISION 2. LICENSE

Sec. 18-181. Required.

It is unlawful for a buyer to engage in business within the city without first obtaining a license therefor in compliance with the provisions of this article and as described in chapter 26 of this Code.
(Code 1988, § 9-701)

Sec. 18-182. Application; contents.

Applicants for a license under this article, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual; by all partners, if a partnership; and by the president, if a corporation, with the clerk-treasurer, showing:

(1) The following:
   a. The name of the person who will exercise the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city;
   b. The local address of such person while engaged in such business;
   c. The permanent address of such person;
   d. The capacity in which such person will act, that is, whether asproprietor, agent or otherwise;
   e. The name and address of the person, firm or corporation forwhose account the business will be carried on, if any; and
   f. If a corporation, under the laws of what state the corporation isincorporated;
(2) Three letters of recommendation from reliable residents in the county certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the clerk-treasurer good character and business responsibility of such person;
(3) The place in the city where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that the business shall be conducted;
(4) The place, other than the permanent place of business of the applicant, where the applicant within the six months next preceding the date of the application conducted a business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
(5) A statement of the nature, character and quality of the goods, wares or merchandise to be purchased by the applicant in the city;
(6) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and if required by the clerk-treasurer, copies of all the advertising, whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to the application as exhibits thereto;
(7) Whether or not the person having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;
(8) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and
(9) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the clerk-treasurer may deem proper to fulfill the purpose of this article in the protection of the public good.

(Code 1988, § 9-703)

Sec. 18-183. Investigation and issuance.

Upon receipt of such application, the clerk-treasurer shall cause such investigation of such person's business responsibility or character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the clerk-treasurer shall so certify in writing, and a license shall be issued by the clerk-treasurer. The clerk-treasurer shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the license is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name of the person authorized to carry on

the business.
(Code 1988, § 9-704)

Sec. 18-184. Fees.

Licensees under this article shall pay a fee as set by the council and listed in chapter 26 of this Code.
(Code 1988, § 9-706)

Sec. 18-185. Exhibition.

The license issued under this article shall be posted conspicuously in the place of business named therein. If such person applying for the license shall desire to do business in more than one place within the city, separate licenses must be issued for each place of business, and shall be posted conspicuously in each place of business.
(Code 1988, § 9-705)

Sec. 18-186. Transfer.

No license shall be transferred from one location to another or from one person or entity to another without prior written consent from the clerk-treasurer showing to whom or where the license is transferred and the date of the transfer.
(Code 1988, § 9-707)

Sec. 18-187. Recordkeeping.

The clerk-treasurer shall deposit the record of fingerprints of the licensee, together with a license number, with the chief of police. The chief of police shall report to the clerk-treasurer any complaints against any person licensed under the provisions of this article and any conviction for violation of this article. The clerk-treasurer shall keep a record of all such licenses and of such complaints and violations. In addition, every licensee shall keep a record in which shall be written legibly in ink or typed at the time any purchase is made by the licensee, an accurate account and description of the goods or chattels or property so purchased, the amount of money paid therefor, the time the amount was received, the name, residence, description and signature of the person selling the property to the licensee, which record shall be written in the English language and which record shall be readily accessible during normal business hours and subject to inspection by the chief of police or his authorized representative. This record is to be kept for a period of no less than two years, and if the licensee leaves town that record is to be left with the chief of police. It shall further be the duty of the licensee to have the records required in this section available to be picked up by the chief of police or his duly authorized representatives at the beginning of each business day.
(Code 1988, § 9-709)

Sec. 18-188. Revocation.

(a) The licenses issued pursuant to this article may be revoked by the council after notice and hearing, for any of the following causes:
    (1) Any fraud, misrepresentation or false statement contained in the application for license;
    (2) Any fraud, misrepresentation or false statement made in connection with the purchasing of goods, wares or merchandise;
    (3) Any violation of this article;
    (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
    (5) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such

notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for hearing.

(Code 1988, § 9-712)

Secs. 18-189--18-220. Reserved.

ARTICLE V. DANCING

DIVISION 1. GENERALLY

Sec. 18-221. Rules and regulations.

The council will determine by resolution the rules and guidelines for the conduct of public dances in the city limits. These rules must be given to the individual, company, association or corporation upon application for a license.

(Code 1988, § 9-804)

Sec. 18-222. Notification of dance.

It is the duty of any individual, company, association, or corporation to apply for a license to conduct a dance not less than 72 hours prior to the time of holding or conducting the dance.

(Code 1988, § 9-802)

Secs. 18-223--18-240. Reserved.

DIVISION 2. LICENSE

Sec. 18-241. Required.

It is unlawful for an individual, company, association or corporation to conduct, aid, abet or assist in any dance in any form whatever within the incorporated city limits without a proper license issued by the council or their designee and as described in chapter 26 of this Code.

(Code 1988, § 9-801)

Sec. 18-242. Types.

There shall be two types of dancing licenses:

(1) Annual; and

(2) Single.

The annual license shall be valid for one year from the date of issue unless revoked by the council at any time prior to the expiration of the license. The single license shall be valid for one date and time only, as specified on the license. The fees for the single and annual licenses shall be as set by the council and described in chapter 26 of this Code.

(Code 1988, § 9-803)

Secs. 18-243--18-270. Reserved.

ARTICLE VI. FIREWORKS*

***Cross references: Fire prevention and protection, ch. 34.**

Sec. 18-271. 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:

Fireworks means as defined by 68 O.S. § 1622.

(Code 1988, § 9-601)

Cross references: Definitions generally, § 1-2.

Sec. 18-272. Limitation of the purchase, sale, possession or use.

The purchase, sale, or possession of fireworks within the corporate limits is prohibited, except from 8:00 a.m. to 12:00 midnight on July 4 of each year, and the use of fireworks within the corporate limits is prohibited, except from 8:00 a.m. to 12:00 midnight on July 4 of each year and except as allowed by law.

(Code 1988, § 9-602)

Sec. 18-273. Application and permits for sale.

Application for the sale of fireworks within the corporate limits must be made at least ten days in advance of the proposed sale to the clerk-treasurer or police chief, and the specific location of the stand must be given. The area must be inspected by the fire marshal or the police chief to ensure that the location will not endanger the lives or property of the citizens of the community and that such site will not become a public nuisance. This inspection and site approval must be made before the permit will be issued. A fee as set by the council and listed in chapter 26 of this Code is levied on any person, group, or organization involved in the sale of fireworks within the corporate limits for this permit.

(Code 1988, § 9-603)

Sec. 18-274. Public displays; applications and permits.

(a) Nothing in this article shall be construed as applying to the purchase, sale, possession, or use of fireworks for pubic display by holders of a permit for the public display to be conducted in accordance with the rules and regulations specified in this section.

(b) Public displays may be performed only under competent supervision and after the persons or organizations making such displays shall first apply for and receive a written permit from the council.

(c) Such applications shall be made at least ten days in advance of the proposed display, and shall show the location, who is to shoot the show, and the name of the display distributor who is to furnish the merchandise and shall bear the signed approval of the chief of the police and the fire chief.

(d) A fee as set by the council is levied on any person, group, or organization involved in the conducting of public displays of fireworks within the city. The council may refund a portion of the fee after the program if the site is cleared of all waste material from the program. This inspection may be made by the fire chief and given to the clerk-treasurer for action. The group may appeal negative decisions to the council.

(Code 1988, § 9-604)

Secs. 18-275--18-310. Reserved.

ARTICLE VII. ITINERANT VENDORS*

***State law references: Authority to regulate, 11 O.S. § 22-106; state licensing of itinerants, 47 O.S. § 421 et seq.; exemption for disabled veterans, 72 O.S. § 1.**

DIVISION 1. GENERALLY

Sec. 18-311. 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:

Itinerant vendor means all persons, as well as their agents and employees, who engage in the temporary or transient business in the city of selling or offering for sale any goods or merchandise, or exhibiting the goods or merchandise for sale or for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the city in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

Temporary means any such business transacted or conducted in the city for which definite

arrangements have not been made for the hire, rental or lease of premises for at least 100 days, in or upon which such business is to be operated or conducted.

Transient means any such business of any such itinerant vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the city or who have fixed places of business in places other than the city or who move stocks of goods or merchandise or samples thereof into the city with the purpose or intention of removing them, or the unsold portion thereof, away from the city before the expiration of 100 days.

(Code 1988, § 9-201)

Cross references: Definitions generally, § 1-2.

Sec. 18-312. Burden on interstate commerce; exemption hearing.

Any person engaged in interstate commerce, or upon whom the provisions of this article would impose a direct and unlawful burden on interstate commerce, may request in writing a hearing before the municipal judge to consider an exemption from the licensing terms of this article.

(Code 1988, § 9-201)

Sec. 18-313. Going upon private residences.

(a) In the exercise of the authority conferred upon the city by law, the practice of going to, in or upon the premises of any private residence in the city by door-to-door salespersons, solicitors, peddlers and order takers, without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sale of goods, wares, or publications or merchandise of any description, or the purpose of peddling, or hawking such goods, wares, publications or merchandise, or for the purpose of soliciting subscriptions thereto, is prohibited, except as to Constitutionally protected activities, charitable and nonprofit.

(b) Any violation of the provisions of this section shall be punishable as a misdemeanor against the city. Any person convicted of violating any provisions of this article shall be fined as provided in section 1-12.

(c) It is unlawful for any person to go from house to house or door to door within the city, for the purpose of selling, offering for sale, or taking orders for the sell of any personal property, service or subscription to publications, between the hours of 9:00 p.m. and 8:00 a.m.

(Code 1988, § 9-206)

Secs. 18-314--18-330. Reserved.

DIVISION 2. LICENSE

Sec. 18-331. Required.

It is unlawful for any itinerant vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof any goods or merchandise in the city without first obtaining a license as provided for in this division. The clerk-treasurer shall issue to any itinerant vendor a license authorizing such itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the city his goods or merchandise only after such itinerant vendor shall have fully complied with all provisions of this article and shall have paid the license fees provided in section 18-333, which sum shall be compensation to the city for the services required of it in this article and to enable the city to partially defray the expenses of enforcing the provisions of this article. Such itinerant vendor license fees are listed in chapter 26 of this Code.

(Code 1988, § 9-202)

Sec. 18-332. Application; exemptions.

The itinerant vendor shall make application to the clerk-treasurer at least ten days prior to

the date of his contemplated sale or exhibit to be held in the city, which application shall be in the form of an affidavit, stating the full name and address of the itinerant vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it is a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor is a partnership. The application must be accompanied by:

(1) A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited;
(2) A certified copy of the articles of incorporation if the itinerant vendor is a corporation, incorporated under the laws of this state;
(3) A certified copy of its permit or authority to do business in the state as may be required by applicable law;
(4) A certified copy of a current and valid state sales tax permit; and
(5) A bond in the sum of not less than an amount listed in chapter 26 of this Code, executed by the itinerant vendor as principal, with some surety company authorized to do business in the state as surety, which bond shall be payable to the city for the use and benefit of any person entitled thereto and conditioned that the principal and surety will pay all damages to a person caused by or arising from, or growing out of the wrongful or illegal conduct of the itinerant vendor while conducting the sale or exhibit in the city. The bond shall remain in full force and effect for the entire duration of the license permit as provided in this division, and two years thereafter.

(Code 1988, § 9-203)

Sec. 18-333. Fee.

The license fee for an itinerant vendor shall be as set by motion or resolution by the council and described in chapter 26 of this Code.

(Code 1988, § 9-204)

Sec. 18-334. Transfer.

The license shall not be transferable nor give authority to more than one person to conduct a business as an itinerant vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business.

(Code 1988, § 9-205)

Secs. 18-335--18-370. Reserved.

ARTICLE VIII. NURSING HOMES

Sec. 18-371. State law regulations adopted.

State law and regulations on minimum standards for nursing homes, rest homes and specialized homes, as set out in 63 O.S. §§ 1-819--1-840, and as promulgated by the state department of health, all as amended from time to time, are adopted as the law in the city for the regulations of nursing homes, rest homes and specialized homes as though the regulations were set out in full in this section.

(Code 1988, § 9-901)

Sec. 18-372. Committee to have certain powers.

A committee, composed of the county health nurse and county sanitarian, shall have the same authority and function in the same manner, in all respects, as is delegated in the laws and minimum standards described in section 18-371, as the state commissioner of health.

(Code 1988, § 9-902)

Secs. 18-373--18-400. Reserved.

ARTICLE IX. PAWNBROKERS*

***State law references: Pawnshop regulations generally, 59 O.S. § 1501 et seq.**

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Sec. 18-401. 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:

Pawnbroker means any person who loans money on deposits of personal property or who deals in the purchase of personal property on the condition of selling the property back again at a stipulated price, or who makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business: three gilt or yellow balls.

(Code 1988, § 9-401)

Cross references: Definitions generally, § 1-2.

Sec. 18-402. License required.

No person shall carry on or engage in business as a pawnbroker in the city without having first obtained a license therefor from the city. The license shall conform to those now provided for or that may be provided for by ordinance or resolution. The fee for the license shall be as set by the council and is described in chapter 26 of this Code.

(Code 1988, § 9-402)

Sec. 18-403. Register; contents; how kept.

Every pawnbroker shall keep at his place of business a register in which he shall enter in writing a minute description of all property taken, purchased or received by him, including any number that may be in or upon any article, together with the time and name and place of residence (giving street and number, if within the city) of the person leaving the property, also the amount loaned, the interest charged and the time when the loan falls due; which register shall be kept clean and legible. He shall make such entry within one hour after the receipt or purchase of such property. Every entry shall be made in ink and shall not in any manner be obliterated or erased.

(Code 1988, § 9-403)

Sec. 18-404. Register open to inspection.

The register kept by the pawnbroker shall at all times be kept open to the inspection of the chief of police or any police officer, the city attorney, and anyone authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the pawnbroker. The pawnbroker shall, upon request, show and exhibit to such person or officer for inspection any article purchased, taken or received by him.

(Code 1988, § 9-404)

Sec. 18-405. Pawn ticket.

To the person negotiating or leaving such property, the pawnbroker shall give a plainly written or printed ticket, having upon it a true copy of all the entries made in the register concerning the property left or pledged, for which copy no charge shall be made.

(Code 1988, § 9-405)

Sec. 18-406. Purchasing certain property forbidden.

No pawnbroker shall purchase, take or receive in pledge or on deposit any article or property of or from a minor, or owned by any minor, or from any person under the influence of intoxicating liquors or drugs, or stolen property, or property which for any cause, he may have reason to believe or suspect cannot be lawfully or rightfully sold, pawned or pledged by the person offering it.

(Code 1988, § 9-406)

Sec. 18-407. Sale of pistols.

It is unlawful for any pawnbroker or his agent or employee to sell, give or otherwise furnish

a secondhand revolver or other pistol to any person, unless such person has a permit from the chief of police or the state permitting him to purchase or otherwise secure the revolver or pistol. This section shall not apply to a person recovering a gun which he has pledged to the pawnbroker.
(Code 1988, § 9-407)
Secs. 18-408--18-440. Reserved.

ARTICLE X. GARAGE SALES

DIVISION 1. GENERALLY

Sec. 18-441. 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:

Garage 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. This definition 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.
(Code 1988, § 9-501)

Cross references: Definitions generally, § 1-2.

Sec. 18-442. Exemptions.

The provisions of this article shall not apply to or affect the following persons:

(1) Persons acting pursuant to an order or process 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; or
(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 1988, § 9-502)

Sec. 18-443. Compliance with article provisions; separate violations.

(a) No person shall hold, conduct, engage in or participate in any manner in a garage sale except in strict compliance with the provisions of this article.
(b) Every article sold and every day a sale is conducted in violation of any provision of this article shall constitute a separate offense. A violation of the provisions of this article shall result in a fine not to exceed $100.00, together with court costs.

(Code 1988, § 9-503; Ord. No. 00-1, § III(B), 2-22-2000)

Sec. 18-444. Interval between sales.

It is unlawful for any person to hold, conduct, engage in or participate in any manner a garage sale, or to allow a garage sale to be held or conducted on premises under his control or ownership, more than one time in any six-month period. No garage sale shall be held on the same premises more than one time in any six-month period except as allowed in this article.
(Code 1988, § 9-504)

Sec. 18-445. Signs or other advertising devices.

Not more than one sign or other device used for the purpose of advertising or otherwise calling attention to a garage sale shall be allowed for each garage sale. The sign or device shall be located on the immediate premises where the sale is to be conducted, but in no event shall the sign or device be more than 200 feet from the sale area. The display surface of the sign or device shall not exceed 12 square feet on each side.
(Code 1988, § 9-505)
Secs. 18-446--18-470. Reserved.

DIVISION 2. LICENSE

Sec. 18-471. Required.

It is unlawful for any person to hold, conduct, engage in or participate in any manner in a garage sale without having first obtained a license issued under this article. No person shall advertise or publicly announce in any way that a garage sale of any kind will be held before such person has obtained such a license. A separate license shall be required for each location at which a garage sale is to be held. The license holder will be required to clearly display a placard on the dates and at the site of the garage sale demonstrating that such garage sale is being held in compliance with this article. Any garage sale occurring without having obtained a license for such purpose or without clearly displaying the placard shall be guilty of violation of this article and shall be punished as set out in section 18-475(b). All signs and placards advertising such sale must be removed within 24 hours after such sale is completed. Failure to abide by this requirement may result in the imposition of a fine for each day of violation as found in chapter 26 of this Code.
(Code 1988, § 9-506; Ord. No. 00-1, § II, 2-22-2000)

Sec. 18-472. Application.

Application for a license under this article shall be filed with the clerk-treasurer and shall contain the following:

(1) Full name and address of the applicant;
(2) The location at which the proposed garage sale is to be held;
(3) The serial or identification number of each article to be sold, if it is obtainable;
(4) The date upon which the sale will be held; and
(5) An affidavit from the applicant to the effect that all goods to be sold at the garage sale are owned by the applicant and have not been obtained for the purpose of reselling the articles at such sale.

(Code 1988, § 9-507)

Sec. 18-473. Fee.

The fee for a license required by this article for each garage sale is as found in chapter 26 of this Code.
(Code 1988, § 9-508; Ord. No. 00-1, § IV, 2-22-2000)

Sec. 18-474. Issuance; exceptions; preinvestigations.

(a) The clerk-treasurer is authorized to grant a license for a garage sale for a period not to exceed two consecutive days to any person applying who otherwise complies with the requirements of this article.
(b) If a garage 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, and an affidavit by the license holder to this effect is submitted, the clerk-treasurer may issue another license to the applicant for a garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held.
(c) Before issuing a garage sale license, the clerk-treasurer may conduct such investigation as may reasonably be necessary to determine if there is compliance with this article.

(Code 1988, § 9-509)

Sec. 18-475. Revocation or refusal.

(a) Any license issued under this article may be revoked, or any application for issuance of a license may be refused, by the clerk-treasurer if the application submitted by the applicant or license holder contains any false, fraudulent or misleading statement.
(b) If any person is convicted of an offense under this article, the clerk-treasurer is instructed to cancel any existing garage sale license held by the person convicted and not to issue such person another garage sale license for a period of two years from the time of conviction.

(Code 1988, § 9-510; Ord. No. 00-1, § III, 2-22-2000)

Chapters 19--21 RESERVED
Chapter 22 COURT*

***Cross references: Fire prevention and protection, ch. 34; offenses and crimes, ch. 46; public safety, ch. 58.**

State law references: Municipal courts not of record, organization, rules and procedures, 11 O.S. §§ 27-101--27-131.

Sec. 22-1. Organization of municipal court.
Sec. 22-2. Definitions.
Sec. 22-3. Jurisdiction of court.
Sec. 22-4. Judge; qualifications.
Sec. 22-5. Term of judge.
Sec. 22-6. Alternate judge.
Sec. 22-7. Acting judge.
Sec. 22-8. Appointment of judge and alternate judge.
Sec. 22-9. Salary and payments to judges.
Sec. 22-10. Removal of judge.
Sec. 22-11. Vacancy in office of judge.
Sec. 22-12. Disqualification of judge.
Sec. 22-13. Chief of police.
Sec. 22-14. Clerk of the court; duties.
Sec. 22-15. Bond of clerk.
Sec. 22-16. Prosecuting attorney; duties; conflict of interest.
Sec. 22-17. Rules of court.
Sec. 22-18. Enforcement of rules.
Sec. 22-19. Written complaints to prosecute ordinance violations.
Sec. 22-20. Traffic ordinance violations; procedures for issuing citation; custody; arrest.
Sec. 22-21. Traffic bail bond procedures.
Sec. 22-22. Traffic violations bureau.
Sec. 22-23. Summons for arrest.
Sec. 22-24. Form of arrest warrant.
Sec. 22-25. Procedures for bail or bond.
Sec. 22-26. Arraignment and pleadings by defendant.
Sec. 22-27. Trials and judgments.
Sec. 22-28. Sentencing.
Sec. 22-29. Imprisonment; work by prisoners.
Sec. 22-30. Fees.
Sec. 22-31. Imposition of assessment for court costs.
Sec. 22-32. Fines and costs.

Sec. 22-1. Organization of municipal court.

This chapter shall govern the organization and operation of the municipal criminal court of the city, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by 11 O.S. §§ 27-101 and 27-102. To the extent of conflict between any provisions of this chapter and the provisions of any ordinances of this city, the provisions of this chapter shall control. The court shall become operative on and after January 6, 1969.

(Code 1988, § 6-101)

Sec. 22-2. 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:

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

Clerk means the clerk-treasurer of this municipality, including any deputy or member of the

office staff of the clerk-treasurer while performing duties of the clerk's office.

Court means the municipal court of the city.

Governing body means the city council.

Judge means the judge of the municipal court, including any acting judge or alternate judge thereof as provided for by statute and this chapter.

Municipality and this municipality mean the city.

This judicial district means the district court judicial district of the state wherein the government of this municipality is situated.

(Code 1988, § 6-102)

Cross references: Definitions generally, § 1-2.

Sec. 22-3. Jurisdiction of court.

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

(Code 1988, § 6-103)

Sec. 22-4. Judge; qualifications.

There shall be one judge of the court. A judge may be an attorney licensed to practice law in the state, possessed of good character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. He must be a resident of this county or maintain a law office therein. He may serve as judge of other municipal courts, if such service may be accomplished consistently with his duties as judge of this court, with the consent of the mayor and council.

(Code 1988, § 6-104)

Sec. 22-5. Term of judge.

The official term of the judge shall be two years expiring on February 13 of each odd-numbered year. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

(Code 1988, § 6-105)

Sec. 22-6. Alternate judge.

There shall be appointed for each judge of the court an alternate judge possessed of the same qualifications required of the judge in this chapter. 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:

(1) Absent from the court;

(2) Unable to act as judge; or

(3) Disqualified from acting as judge in the case.

(Code 1988, § 6-106)

Sec. 22-7. Acting judge.

If at any time there is no judge or alternate judge, duly appointed and qualified, available to sit as judge, the mayor 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 1988, § 6-107)

Sec. 22-8. Appointment of judge and alternate judge.

Judges and alternate judges shall be appointed by the mayor with the consent of the governing body. A proposed appointment shall be submitted in writing to the governing body at

the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The governing body may decide upon the proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the governing body unless the mayor, in writing, withdraws the proposed appointment.
(Code 1988, § 6-108)

Sec. 22-9. Salary and payments to judges.

(a) A judge, other than an alternate judge or an acting judge, shall receive compensation as set by the governing body by motion or resolution.

(b) An alternate judge or an acting judge shall be paid an amount as set by motion or resolution of the governing body; however, payments to an acting judge or alternate judge shall not exceed the salary set for a judge in whose stead he sits.

(Code 1988, § 6-109)

Sec. 22-10. Removal of judge.

(a) Judges shall be subject to removal from office by the governing body for the causes prescribed by the constitution and laws of this state for the removal of public officers. Proceedings for removal shall be instituted by the filing of a verified written petition setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by:
   (1) The mayor; or
   (2) Twenty-five or more qualified electors of this municipality. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.

(b) The governing body shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten days before the hearing. At the hearing, the judge shall be entitled to:
   (1) Representation by counsel;
   (2) Present testimony and cross examine the witnesses against him; and
   (3) Have all evidence against him presented in open hearing.

(c) So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings (75 O.S. §§ 309--317) shall govern removal proceedings. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal.

(Code 1988, § 6-110)

Sec. 22-11. Vacancy 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 proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term in the same manner as an original appointment is made.
(Code 1988, § 6-111)

Sec. 22-12. Disqualification of judge.

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

disqualified, the matter shall be heard by an alternate judge or acting judge appointed as provided in this chapter.
(Code 1988, § 6-112)

Sec. 22-13. Chief of police.

All writs or process of the court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal officer of the court, or some appropriate peace officer.
(Code 1988, § 6-113)

Sec. 22-14. Clerk of the court; duties.

The clerk-treasurer, or a deputy designated by him, shall be the clerk of the court. He shall assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers. He shall administer oaths required in proceedings before the court. He shall enter all pleadings, processes, and proceedings in the dockets of the court. He shall perform such other clerical duties relating to the proceedings of the court as the judge shall direct. He shall receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court. He shall pay to the clerk-treasurer all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the clerk-treasurer shall be placed in the general fund of the municipality, or in such other funds as the governing body 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.
(Code 1988, § 6-114)

Sec. 22-15. Bond of clerk.

The court clerk shall give bond (as described in chapter 26 of this Code) in the form provided by 11 O.S. § 27-111. When executed, the bond shall be submitted to the city council for approval. When approved, it shall be filed with the clerk-treasurer and retained in the municipal archives.
(Code 1988, § 6-116)

Sec. 22-16. Prosecuting attorney; duties; conflict of interest.

The city attorney, or his duly designated assistant, may be the prosecuting officer of the court. He may prosecute all alleged violations of the ordinances of the city. He may be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of matters in this court.
(Code 1988, § 6-115)

Sec. 22-17. Rules of court.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this municipality for the proper conduct of the business of the court.
(Code 1988, § 6-117)

Sec. 22-18. Enforcement of rules.

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed 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.
(Code 1988, § 6-118)

Sec. 22-19. Written complaints to prosecute ordinance violations.

All prosecutions for violations of ordinances of this municipality shall be styled "The City of Tishomingo v. (naming defendant or defendants)." Except as provided in this chapter, prosecution 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 and approved for filing

by the city attorney.
(Code 1988, § 6-119)

Sec. 22-20. Traffic ordinance violations; procedures for issuing citation; custody; arrest.

(a) If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with section 22-21, or take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the mayor or his duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.

(b) If the alleged traffic violation is committed by a nonresident or resident of this municipality, the police officer may:

(1) Release the person after obtaining sufficient information as set out in subsection (a) of this section pending his appearance on a day certain in court;

(2) Take the person in custody and demand that bond for the offense charged be posted according to the provisions of this chapter; or

(3) Take the person into custody under arrest. The arrested person either shall be taken immediately before the judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in subsection (a) of this section, the person shall be released from custody.

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

(Code 1988, § 6-120)

Sec. 22-21. Traffic bail bond procedures.

(a) In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

(1) The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, or any party jurisdiction of the Nonresident Violator Compact (47 O.S. § 789 et seq.);

(2) The arresting officer is satisfied as to the identity of the arrested person;

(3) The arrested person signs a written promise to appear as provided for on the citation; and

(4) The violation does not constitute:

a. A felony;
b. Negligent homicide;
c. Driving or being in actual physical control of a motor vehiclewhile impaired or under the influence of alcohol or otherintoxicating substances;
d. Eluding or attempting to elude a law enforcement officer;
e. Operating a motor vehicle without having been issued a validdriver's license, or while the license is under suspension, revocation, denial or cancellation;
f. An arrest based upon an outstanding warrant;
g. A traffic violation coupled with any offense stated in subsections (a)(4)a--f of this section;
h. An overweight violation, or the violation of a special permitexceeding the authorized permit weight; or
i. A violation relating to the transportation of hazardous materials.

(b) If the arrested person is eligible for release on personal recognizance as provided for in subsection (a) of this section, then the arresting officer shall:
(1) Designate the traffic charge;
(2) Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;
(3) Record the motor vehicle make, model and tag information;
(4) Record the arraignment date and time on the citation; and
(5) Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driver's license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact (47 O.S. § 789 et seq.).

(c) Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of driver's license shall be required in state law, 22 O.S. §§ 1115.1--1115.5.

(d) A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for ensuring full payment of the fine and costs to the court clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.

(e) If, pursuant to the provisions of subsection (d) of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within 120 calendar days from the date the citation was issued by the arresting officer, shall notify the state department of public safety that:
(1) The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided

for in the citation;

(2) The defendant has failed to appear for arraignment without good cause shown;

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

(4) The citation has not been satisfied as provided by law.

The court clerk shall request the state department of public safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the state department of public safety.

(f) The court clerk shall not process the notification and request provided for in subsection (e) of this section if, with respect to such charges:

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

(2) The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or, if released, was not permitted to remain on such personal recognizance for arraignment;

(3) The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

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

(g) The court clerk shall maintain a record of each request for driver's license suspension submitted to the state department of public safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact (47 O.S. § 789 et seq.), and shall in all other cases notify the state department of public safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the state department of public safety; provided, however, that the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

(Code 1988, § 6-121)

Sec. 22-22. Traffic violations bureau.

(a) There may be established a traffic violations bureau for the city. The judge may establish rules, consistent with the laws of the state and with ordinance, for the traffic violations bureau.

(b) The traffic violations bureau shall be staffed by court personnel and be physically separate and apart from the police department.

(c) The traffic violations bureau shall accept fines which may be paid in lieu of a court appearance for such traffic offenses as may be designated by the judge under the court's rules. The schedule of fines shall be adopted by the governing body from time to time by motion or resolution. A copy shall be kept in the clerk-treasurer's office.

(d) In no event shall payment of a fine without court appearance be accepted in the traffic violations bureau for the following offenses:
  (1) A second or subsequent offense of the same violation within a 12-month period;
  (2) Driving under the influence of intoxicating liquor or drugs or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs;
  (3) A driver's license offense; or
  (4) A fine of more than $100.00.

(e) Payment of any fine to the traffic violations bureau shall be deemed a final determination of the cause against the defendant. In no event shall any such payment be introduced as evidence in any civil cause arising out of the offense charged.

(Code 1988, § 6-122)

Sec. 22-23. Summons for arrest.

(a) Upon the filing of a complaint charging a violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, 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 certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

(b) The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.

(Code 1988, § 6-123)

Sec. 22-24. Form of arrest warrant.

(a) Except as otherwise provided in ordinance, upon the filing of a complaint approved by the endorsement of the city attorney or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The City of Tishomingo to the Police Chief of Tishomingo, Oklahoma.

Complaint upon oath having this day been made by (naming complainant) that the offense (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefor forthwith to arrest the above named defendant and bring the above named (name of defendant) before me, at the municipal courtroom,

Witness my hand this _____ day of _____ 20_____

Judge of the Municipal Court, Tishomingo, Oklahoma.

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

(Code 1988, § 6-124)

Sec. 22-25. Procedures for bail or bond.

(a) Upon arrest, or upon appearance without arrest in response to a citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than an amount listed in chapter 26 of this Code, nor more than the maximum monetary penalty provided by ordinance for the offense charged.

(b) A bail bond schedule may be adopted by the judge or council and be amended from time to time.

(Code 1988, § 6-125)

Sec. 22-26. Arraignment and pleadings by defendant.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the city attorney, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date.

(Code 1988, § 6-126)

Sec. 22-27. Trials and judgments.

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

(b) The defendant must be present in person at the trial or be represented by counsel if permitted by the judge.

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

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

(e) At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.

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

(g) A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for the amount of fine as described in chapter 26 of this Code or as set out in subsection (h) of this section for defendants who are without means to make such payment.

(h) If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

(Code 1988, § 6-127)

Sec. 22-28. Sentencing.

(a) The judge may suspend, modify, defer or reduce a sentence in accordance with 11 O.S. §§ 27-123 and 27-124.

(b) A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce, or suspend or defer the imposition of such sentence or any part thereof and to authorize probation for a period not to exceed six months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in 11 O.S. § 27-123. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea

of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six months from the date of sentence. At the expiration of such period of time, the judge may allow the municipal attorney to amend the charge to a lesser offense. If a deferred sentence is imposed, an administrative fee as found in chapter 26 of this Code may be imposed as costs in the case.

(Code 1988, § 6-128)

Sec. 22-29. Imprisonment; work by prisoners.

(a) All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence; provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation.

(b) If, after conviction, a judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the county sheriff or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

(c) All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving one day of imprisonment under his sentence as described in chapter 26 of this Code.

(d) The chief of police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

(Code 1988, § 6-129)

Sec. 22-30. Fees.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

(1) The names of no more than three witnesses;

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

(3) That the testimony of the witnesses is material; and

(4) That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality and are described in chapter 26 of this Code.

(Code 1988, § 6-130)

Sec. 22-31. Imposition of assessment for court costs.

An assessment of up to an amount listed in chapter 26 of this Code per case, representing court costs in all criminal charges filed in the city, may be imposed at the discretion of the court.

(Ord. No. 94-11, § I, 12-15-1994)

Sec. 22-32. Fines and costs.

If a judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, which shall be the maximum amount authorized by law, plus the fees and mileage of witnesses and jurors, but the total amount of fine may not exceed the amount set in section 1-12 of this Code and up to 30 days in jail. Such amounts are further described in chapter 26 of this Code.

(Code 1988, § 6-131)

State law references: Maximum costs generally, 11 O.S. § 27-126.

Chapters 23--25 RESERVED

Chapter 26 FEES AND CHARGES*

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***Cross references: Finance and taxation, ch. 30.**

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SCHEDULE OF FEES AND CHARGES

For the purpose of providing a clear and concise listing of the fees and charges authorized by the provisions of this Code in payment for licenses, permits and services performed in accordance with the regulations and controls upon which the licenses and permits are conditioned, and to provide uniformity in the supervision and administration of the issuance of licenses and permits and the collection of the amounts prescribed, a schedule of fees and charges, or fee schedule, is set forth in this chapter. The heading gives the titles of the appropriate chapters, sections, fee descriptions and section references.

CHAPTER 1. GENERAL PROVISIONS

No fees or charges are directly enumerated in this chapter.

CHAPTER 6. ALCOHOLIC AND NONINTOXICATING BEVERAGES

TABLE INSET:

Section	*Description*	*Fee*
6-3	*Verification and certification fee for certificate of compliance with zoning, fire, health and safety codes*	*As set by the council (previously $50.00)*
6-51	*Annual occupation tax, each location in city, for:*	
	Brewer	*$1,250.00*
	Distiller	*3,125.00*
	Winemaker	*625.00*
	Oklahoma winemaker	*75.00*
	Rectifier	*3,125.00*
	Wholesaler	*3,500.00*
	Class B wholesaler	*625.00*
	Retail package store	*600.00*
	Bottle club (initial)	*1,000.00*

	Bottle club (renewal	*900.00*
	Exempt service organizations	*500.00*
	Class B wholesaler with license from state	*75 percent reduction*
6-112	*Nonintoxicating beverages*	
	License fee levied, annual consumption on and off premises	*20.00*
	Original package, not for consumption on premises	*10.00*

CHAPTER 10. ANIMALS

TABLE INSET:

Section	*Description*	*Fee*
10-10	*Fine for maintaining kennel in city limits*	*$150.00 per day*
10-51	*Permit fee for keeping fowl or livestock*	*10.00*
10-52	*Dog and cat registration; tag*	*As set by the council by motion or resolution*
	For every dog or cat more than six months of age	*5.00 per year*
10-124	*Fees for impounding*	*As set by the council bymotion or resolution.*
	Horse, mule, donkey, pony, cow or similar large animal	*For impounding: $3.00* *For keeping, each day: $3.00*
	Dog, hog, sheep, goat or other similar small animal	*For impounding: $2.00* *For keeping, each day: $2.00*
	For any fowl	*For impounding: $1.00* *For keeping, each day: $1.00*
10-125	*Owner may redeem*	*By paying required fees*
10-126	*Sale of impounded animals*	*Not less than feesaccrued against the animal*
10-127	*Owner may claim excess money of the sale price of the animal above the fees for impounding*	*5.00 fee reimbursement to city.*

CHAPTER 14. BUILDING REGULATIONS AND CODES

TABLE INSET:

Section	*Description*	*Fee*
14-63	*Plumbing contractor's registration fee*	*As set by the council by motion or resolution*
14-105	*Electrician's certificate of registration fee, bond*	*As set by the council by motion or resolution*
	Initial registration for residents	*$25.00*
	Nonresidents	*35.00*

	Annual renewal for residents	*25.00*
	Annual renewal for nonresidents	*35.00*
14-106	*Inspection fee*	*As set by the councilby motion or resolution*
14-108	*Fee or charge for inspection of work*	*As set by the council by motion or resolution.*
14-361	*Permit required to drill, operate, maintain or abandon any oil or gas well*	*As set by the council by motion or resolution*
		100.00 to city and an annual fee of $50.00 each anniversary date of permit
14-364	*Bond requirement*	*10,000.00*
14-367	*Initial fee and annual fee*	*As set by the council by motion or resolution*
14-369	*Additional permit required for pipelines, equipment, appliance or any structure*	*Special permit in writing from the city council*

CHAPTER 18. BUSINESSES

TABLE INSET:

Section	*Description*	*Fee*
18-41	*Occupational license required; fee levied on certainoccupations*	
18-42	*Separate occupational license for each business*	
	License fee for each nursing home, rest home, or specialized home within the city	*$25.00 per year*
18-111	*Licenses required*	*Upon approval of application.*
18-181	*Buyers of jewelry, coins, precious metals, license required*	
18-184	*License fee for buyers of jewelry etc.*	*25.00 annually.*
18-241	*Dancing license required*	
18-242	*Types of dancing licenses:*	*As set by the council*
	Annual	*100.00*
	Single	*5.00*
18-273	*Permit fee for the sale of fireworks within the corporate limits of the city*	*5.00*
18-331	*License required*	
	Business or occupation agents or solicitors selling insurance, or taking orders for insurance policies, each	*10.00 per annum* *5.00 per day*
	Agents or solicitors selling or taking orders for sale of books, magazines, periodicals, or publications of any description, each	*10.00 per annum* *5.00 per day*

	Carnival, circus or menagerie where admission is charged	*50.00 per day*
	Collection agents	*10.00 per annum* *5.00 per day*
	Concessions, games and amusements not a part of an organized carnival where a fee is charged	*10.00 per annum* *5.00 per day*
	Palm reader, not a part of an organized carnival, each	*10.00 per annum* *5.00 per day*
	Business or occupation of persons selling or undertaking to sell unsolicited services not specifically listed	*10.00 per annum* *5.00 per day*
	Photographers, each	*10.00 per annum* *5.00 per day*
	Real estate agents, each	*10.00 per annum* *5.00 per day*
	For the privilege of selling fruits, vegetables, trees, shrubs, flowers, or any plant that grows, or the privilege of spraying, treating, grafting, or pruning trees, shrubs, flowers or vines, each	*25.00 per annum* *5.00 per day*
	Salesmen, solicitors, solicitors of donations to public or private charities, vendors and peddlers, either selling or taking orders for sale at retail of goods and merchandise not heretofore listed, each	*50.00 per annum* *25.00 per day*
	Occupational tax on all domestic businesses. This tax shall be based on the front foot of such business and is payable each year	*0.50 per front foot*
	Occupational tax on all domestic general contractors involved in construction or building trades. This shall be based on the front foot of such business and is payable each year	*0.50 per front foot* *minimum $25.00 for such activities*
18-332(5)	*Bond required*	*Not less than $500.00*
18-333	*License fee*	*As set by the council by motion or resolution*
18-402	*License required*	*As set by the council by motion or resolution*
18-471	*Garage sale license required; fine for nonrenewal of sign, per day*	*100.00*
18-473	*Fee for garage sale license*	*2.50 for each day*

CHAPTER 22. COURT

TABLE INSET:

Section	*Description*	*Fee*

22-15	*Bond of court clerk*	*$1,000.00, as provided by 11 O.S. § 27-111*
22-25	*Bail bond schedule*	*Adopted by the judge or city council and amended from time to time. Not less than $10.00 nor more than the maximum monetary penalty provided by ordinance for the offense charged*
22-27	*Imprisonment to satisfy a fine*	*One day imprisonment for each $5.00 of fine*
22-28	*Administration fee for deferred sentence*	*Not to exceed $100.00*
22-29	*Imprisonment; work by prisoners*	*Community service without compensation in lieu of imprisonment*
22-30	*Witness fees*	*2.00 per day plus $0.10 per mile.*
22-31	*Assessment for court costs*	*25.00 per case*
22-32	*Fines and costs if judgment of conviction is entered*	*10.00 maximum per law, plus the fees and mileage of witnesses and jurors*
	Compensation of jurors	*7.50 per day plus mileage at the rate of $0.10 per mile*

CHAPTER 30. FINANCE AND TAXATION

TABLE INSET:

Section	*Description*	*Fee*
30-15	*Photocopies, per copy*	*$0.25*
30-60	*Sales tax rate*	*Two percent upon the gross proceeds or gross receipts derived from all sales taxable under the state sales tax code*
30-131	*Annual inspection fee and service charge upon each operator of a telephone exchange in the city*	*Equal to two percent of the gross revenues*
30-132	*Telephone exchange fee to be in lieu of other fees, taxes*	
30-196	*Use tax for tangible, personal property purchased or brought into the city*	*Two percent of the purchase price*

CHAPTER 34. FIRE PREVENTION AND PROTECTION

No fees or charges are directly enumerated in this chapter.

CHAPTER 38. HEALTH AND SANITATION

No fees or charges are directly enumerated in this chapter.

CHAPTER 42. MOBILE UNITS

No fees or charges are directly enumerated in this chapter.

CHAPTER 46. OFFENSES AND CRIMES

TABLE INSET:

Section	*Description*	*Fee*
46-82	*Service of warrants*	*$20.00*

CHAPTER 50. PARKS, RECREATION AND CEMETERY

TABLE INSET:

Section	*Description*	*Fee*
50-79	*Application for interment permit*	*As set by the council by motion or resolution*
	Purchase cemetery lots; one grave site, or any combination of spaces	*$150.00 each (including perpetual care)*
	Fee for grave opening and closing	*100.00*
Such fees shall be paid in advance and shall be paid in a lump sum.		
50-111	*Community center rates (8:00 a.m. to 3:00 p.m. to 10:00 p.m.)*	
	Deposit and reservation ($25.00 refundable upon cleaning inspection	*35.00*
	Large conference room, per half day	*17.50*
	Large conference room, per full day	*35.00*
	Small conference room, per half day	*12.50*
	Small conference room, per full day	*25.00*
	Room 2 (library), per half day	*10.00*
	Room 2 (library), per full day	*20.00*
	Rental of entire facility (does not include kitchen), per half day	*40.00*
	Rental of entire facility (does not include kitchen), per full day	*80.00*
	Use of kitchen	*25.00*

CHAPTER 54. PLANNING, ZONING AND DEVELOPMENT

TABLE INSET:

Section	*Description*	*Fee*
54-32(a)	*Building permit or certificate of occupancy required*	*When required conditions are met*
54-34	*Fee schedule*	*As set by the council per application per parcel of land*
54-37(g)	*Appeals to the board of adjustment*	*Fee as set by the council*
54-183	*Initial license or temporary use permit for mobile homes*	*Not to exceed $25.00 per year*
	Nonresident mobile trailers	*$20.00 annually*
54-334	*Filing fees*	*As set by city council*
	Submission of preliminary fee	*100.00, plus $2.00 per lot*

54-414	*Surety bond in lieu of completion of improvements*	*100 percent of estimated cost of improvement*
54-502	*Establishment of development permit*	
54-504	*Development permit procedures*	
54-641	*Mobile home license and temporary permit*	*Issued upon annual application and annually thereafter* *25.00 per year*
54-642	*Mobile home license fees and temporary permits for each mobile home park or travel trailer park*	*As set by the council; no charge for renewals of licenses*
54-673	*Vacating streets and alleys: application and fee*	*25.00 nonrefundable filing fee*
		1.50 mailing and processing fee

CHAPTER 58. PUBLIC SAFETY

TABLE INSET:

Section	*Description*	*Fee*
58-81	*Contract terms, fees for service for fire department service*	*$100.00 per trip and 100.00 per hour*
58-124	*Police department emergency duties in other cities*	*Reimbursed by requesting the municipality for the cost of the transportation to and from such municipality and the pro rata cost of the salaries, insurance and other benefits attributable to the service in such municipality*

CHAPTER 62. STREETS, SIDEWALKS AND PUBLIC WORKS

TABLE INSET:

62-81	Excavation permit required	
62-83	Excavation license fees	As set by the city council $5.00
62-84	Excavation bond	To be determined by the city council
62-85	Excavation cash deposit with clerk-treasurer	$20.00 if no pavement is involved 500.00 if the excavation is a paved area

CHAPTER 66. TRAFFIC AND VEHICLES

No fees or charges are directly enumerated in this chapter.

CHAPTER 70. TRANSPORTATION

TABLE INSET:

Section	*Description*	*Fee*
70-91	*Taxicab license required*	
	Fee	*$20.00 first vehicle*
		10.00 each additionalvehicle per year

CHAPTER 74. UTILITIES

TABLE INSET:

Section	*Description*	*Fee*
74-1	*Grinding or chipping wood for mulch*	*Minimum $10.00*
		$25.00 per hour
74-3(d)	*Transferring utility service from address to another*	*10.00* *Two-week temporary accounts: $5.00*
74-3(f)	*Customer deposits for utility service:*	

TABLE INSET:

	Homeowner	Renter	Commercial
Water	$40.00	$60.00	$ 40.00
Temporary landlord	20.00		
Sewer	20.00	30.00	20.00
Garbage	0.00	0.00	40.00
All utilities	60.00	90.00	100.00

TABLE INSET:

Section	*Description*	*Fee*
74-3(g)	*Reconnect charges*	*Payment of the full bill plus a $15.00 reconnect charge for residential and commercial customers during regular business hours and a $20.00 reconnect charge if after hours reconnection is required*
74-5	*Utility fees and billings in general*	*Rates as set by the city council or the public works authority*
74-6	*Utility taps and connections*	
	Water tap fees for installation	*350.00 plus meter cost*
	Sewer tap fees (residential)	*350.00*
	Sewer tap fees (commercial/industrial)	*500.00*
74-7	*Other utility fees or charges*	*As set from time to time by the council or public works authority by ordinance or resolution*
74-8	*Permit fees for temporary water use by landlords*	*Deposit of $20.00, rate of $10.00 or actual usage*
74-9	*Late fee for utility payments*	*10 percent of total*
74-10	*Wastewater treatment violations*	
	Per violation	*200.00*

	Solid and septic waste (per gallon)	*0.05*
	Annual dumping license fee of solid and septic waste	*25.00*
74-11	*Meter rereading and testing*	
74-11(a)	*Reread fee*	*10.00*
74-11(b)	*Yearly read*	*No charge*
74-11(c)	*Customer requests*	*Charged all costs*
74-42	*Water rates*	*As set by city council or public works authority*
	Deposit for water service	
	Commercial applicant	*75.00*
	Residential applicant	*30.00*
	Water usage rate	*$6.00 for first 2,000 gallons, plus $1.50 for 1,000 gallons after the first 2,000 gallons used*
	Sewer rate	*One-third of residence total monthly water bill*
74-129	*Conditions for permits to discharge*	*When all requirements to the saving clause are met*
74-170	*Dumping of solid and septic waste license and other fees*	*See section 74-10 in this schedule*
74-207	*Fees for refuse collection*	*A monthly amount as set by the city council by ordinance or resolution*
	Refuse collection per residential unit	*2.50 per month*
	Commercial establishment outside a determined commercial area	*48.00 per month*
	Commercial unit receiving collections each business day with no more than one standard container of refuse per day	*30.00 per month minimum based on 1.50 daily charge per container*
74-209	*Garbage and sanitation service charges to be included on water bills*	

Chapters 27--29 RESERVED

Chapter 30 FINANCE AND TAXATION*

***Cross references: Fees and charges, ch. 26.**

Article I. In General

Sec. 30-1. Depositories designated; funds to be deposited.

Sec. 30-2. Deposits to be collateralized.

Sec. 30-3. Definitions.

Sec. 30-4. Purchases of goods, services and capital.
Sec. 30-5. Payroll disbursements.
Sec. 30-6. Debt service.
Sec. 30-7. Financial reporting.
Sec. 30-8. Applicability to public trusts.
Sec. 30-9. Competitive bidding.
Sec. 30-10. When competitive bidding not required generally.
Sec. 30-11. Surplus or obsolete materials; bidding.
Sec. 30-12. Sales; when competitive bidding is not required.
Sec. 30-13. Council and other officers; purchases and contracts.
Sec. 30-14. Petty cash.
Sec. 30-15. Photocopy charges.
Secs. 30-16--30-50. Reserved.
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Sec. 30-51. Article provisions cumulative.
Sec. 30-52. Effective date.
Sec. 30-53. Amendments.
Sec. 30-54. Definitions.
Sec. 30-55. Classification of taxpayers.
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Sec. 30-195. Records confidential.
Sec. 30-196. Excise tax on storage, use or other consumption of intangible, personal property levied.
Sec. 30-197. Purpose of revenues.
Sec. 30-198. Exemptions.
Sec. 30-199. Due date; returns; payment.
Sec. 30-200. Tax constitutes debt.
Sec. 30-201. Collection of tax by retailer or vendor.
Sec. 30-202. Collection of tax by retailer or vendor not maintaining a place of business within state or both

within and without state; permits.
Sec. 30-203. Revoking permits.
Sec. 30-204. Remunerative deductions allowed vendors or retailers of other states.
Sec. 30-205. Interest and penalties; delinquency.
Sec. 30-206. Waiver of interest and penalties.
Sec. 30-207. Erroneous payments; claim for refund.
Sec. 30-208. Fraudulent returns.

ARTICLE I. IN GENERAL

Sec. 30-1. Depositories designated; funds to be deposited.

All banks and all savings and loan associations in this city which are incorporated under federal or state law, and other institutions approved by the mayor and council, are designated as depositories for the funds of the city. The clerk-treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations.

(Code 1988, § 7-101)

State law references: Deposits by treasurers, designation of depositories, 11 O.S. § 12-110.

Sec. 30-2. Deposits to be collateralized.

The deposits of the city shall be secured by collateral as provided by statute.

(Code 1988, § 7-102)

State law references: Allowable collateral, 62 O.S. § 517.5 et seq.

Sec. 30-3. 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:

Contractual services means services performed for the city by persons not in the employment of the city, and may include the use of equipment or the furnishing of commodities in connection with the services under express or implied contract. Contractual services shall include travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; printing out; binding; repairs, alterations and maintenance of buildings, equipment, streets and bridges, and other physical facilities of the city; and other services performed for the city by persons not in the employment of the city.

(Code 1988, § 7-103)

Cross references: Definitions generally, § 1-2.

Sec. 30-4. Purchases of goods, services and capital.

(a) The following employees or officers have been designated as purchasing officers empowered to purchase or contract against budget appropriation accounts:
  (1) City manager, or in his absence;
  (2) Clerk-treasurer, or in his absence;
  (3) Assistant clerk-treasurer.

(b) Every contract for, or purchase of, supplies, materials,equipment or contractual services for more than $5,000.00 by the city shall require the prior approval of the council. Under no circumstances may the manager make such contract or purchase without first obtaining the prior approval of the council. Any such contract for an amount of $5,000.00 or less may be entered into by the manager if a purchase order for such purchase shall be approved by the clerk-treasurer prior to entering into such contract.

(c) For all purchases of goods, services or capital except payroll and personal services, utility and telephone services (governed by state corporation commission), insurance (governed by contract and debt service), the approved purchase order or contract shall be forwarded to an officer or employee charged with the appropriation and expenditure records who shall determine that there exists available appropriation in the accounts to be charged.

Upon such determination, the officer or employee shall attest to that fact in writing.

(Ord. No. 95-6, § 1(7-105), 4-4-1995; Ord. No. 97-02, 1-7-1997)

Sec. 30-5. Payroll disbursements.

(a) For all employees and officers of the city, a documented record shall be maintained in a personnel file of the authorized rate of pay or salary for each employee or officer.

(b) Upon verification of the work record, a payroll statement or register, including the amount of gross pay, authorized deductions, and net pay, shall be prepared and submitted to the manager for review and written approval.

(c) Upon approval of the payroll statement or register, the net payroll checks shall be prepared along with checks for payment of related payroll taxes and other payroll benefits, required by law or contract.

(d) The checks shall be presented to the clerk-treasurer along with the approved payroll statement or register. The clerk-treasurer shall compare the checks to the payroll statement or register and verify their accuracy. Upon verification, the clerk-treasurer or the deputy treasurer shall sign the checks and prepare them for distribution. In addition, the clerk-treasurer shall prepare or cause to be prepared a check register.

(Ord. No. 95-6, § 1(7-104), 4-4-1995)

Sec. 30-6. Debt service.

(a) All longterm indebtedness, in the form of bonds, notes or lease purchase obligations, shall only be incurred in the manner provided by law.

(b) Once lawfully incurred, payments of principal and interest on the bonds or notes and payments on the lease purchase obligations shall be paid in accordance with the terms as specified in the bond indenture, note agreement or lease purchase contract by the clerk-treasurer without further approval of the council.

(Ord. No. 95-6, § 1(7-106), 4-4-1995)

Sec. 30-7. Financial reporting.

The clerk-treasurer shall prepare a monthly budget status report in accordance with the detail of budgetary accounts in the annual fiscal year budgets. The report shall be placed on the agenda for council acknowledgment at the first meeting following the close of the previous month. The report shall reveal expenditures and budgetary amounts in such form, but not limited to, the following:

Budget Status Report

TABLE INSET:

Fund			Month Ending	
Expenditure Category	Appropriation	Month Expenditures	Year to Date Expenditures	Remaining Balance

(Ord. No. 95-6, § 1(7-107), 4-4-1995)

Sec. 30-8. Applicability to public trusts.

(a) The manner of payment shall be consistent with the manner used for the payment of purchases of goods, services or capital as described in section 30-4.

(b) The clerk-treasurer shall record or cause to be recorded in the appropriate journals and ledgers the debt service payments and maintain current records of the remaining amount of indebtedness.

(Ord. No. 95-6, § 1(7-108), 4-4-1995)

Sec. 30-9. Competitive bidding.

Before any purchase of, or contract for, supplies, materials, equipment or contractual services are made, as otherwise provided in this chapter, the city purchasing authority shall submit

to at least three persons dealing in and able to supply such supplies, materials, equipment or services, or to a smaller number if there are not three dealing in and able to supply such supplies, materials, equipment or services, a request for quotation, or invitation to bid, and specifications, to give them an opportunity to bid; or publish notice of the proposed purchase in a newspaper of general circulation within the city. He shall favor a person in the city when this can be done without additional cost to the city; but he shall submit requests for quotation to those outside the city when this may be necessary to secure bids or to create competitive conditions, or when he thinks that by so doing he can make a saving for the city; and shall purchase from them when he can make a saving for the city. All bids shall be sealed and shall be opened in public at a designated time and place. He may repeatedly reject all bids, and again may submit to such bidders or other persons the request for quotation, or invitation to bid, and again publish notice of the proposed purchase. He may purchase from the bidder whose bid is most advantageous to the city, considering price, quality, date of delivery and so on, and, in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid most advantageous to the city.
(Ord. No. 95-6, § 1(7-109), 4-4-1995)

State law references: Public competitive bidding law, bidding required on construction and public works projects over $25,000.00, 61 O.S. § 101 et seq.

Sec. 30-10. When competitive bidding not required generally.

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

(1) Supplies, materials, equipment or contractual services of which the cost does not exceed $7,500.00 in a single transaction;

(2) Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;

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

(4) Equipment to replace existing equipment which has become inoperable when the council declares the purchase an emergency;

(5) Contractual services including, but not limited to, natural gas, electricity, telephone service, purchased from a public utility at a price or rate determined by the state commission or other governmental authority;

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

(7) Contractual services of a professional nature, such as engineering, architectural, legal and medical services unless competitive bidding is required by applicable law or regulations, such as certain federal grants programs.

(Ord. No. 95-6, § 1(7-110), 4-4-1995)

Sec. 30-11. Surplus or obsolete materials; bidding.

No surplus or obsolete materials, supplies or equipment of a value of $150.00 or more in a single transaction may be sold until the council has declared them obsolete or surplus. Before a city employee sells any surplus or obsolete supplies, materials or equipment, except as otherwise provided in this chapter, he shall advertise them for sale in a newspaper of general circulation in the city or in such other manner as he deems necessary adequately to reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The

employee may repeatedly reject all bids and advertise again. He shall sell such supplies, materials or equipment to the highest bidder, and if necessary shall cast lots in case of a tie to determine to whom to sell.
(Ord. No. 95-6, § 1(7-111), 4-4-1995)

Sec. 30-12. Sales; when competitive bidding is not required.

The mayor may sell the following without giving an opportunity for competitive bidding: surplus or obsolete supplies, materials or equipment of which the total value is less than $150.00 in a single transaction.
(Ord. No. 95-6, § 1(7-112), 4-4-1995)

Sec. 30-13. Council and other officers; purchases and contracts.

No councilmember may sell, or furnish for a consideration, any materials or supplies for use of the city. Any councilmember voting for, or consenting to, or being a part to, such contract or purchase is personally liable as provided by 62 O.S. § 371.
(Ord. No. 95-6, § 1(7-113), 4-4-1995)

Sec. 30-14. Petty cash.

(a) As provided for in 11 O.S. § 17-102(D), the city may have petty cash accounts for use in making certain small payments for costs incurred in operating the city.

(b) Each petty cash account established shall require council approval, including the amount of the petty cash balance. However, in no case, should the balance exceed $200.00

(c) The petty cash accounts shall be reimbursed by utilizing properly itemized invoices or petty cash voucher slips and by then processing the reimbursement in the manner used for payment of purchases of goods, services and capital as described in section 30-4. If an appropriation is not available for the proposed purchase or commitment, the purchase or commitment shall not proceed until budget amendments are authorized to provide sufficient appropriation. Upon approval of the purchasing agent and officer or employee charged with keeping the appropriation and expenditure records, the original copy of the purchase order shall be filed in a pending file awaiting delivery of the goods or services.

(d) After satisfactory delivery of the merchandise or completion of contract provisions, an invoice or claims form shall be obtained adequately documenting the request for payment. The officer or employee receiving satisfactory delivery of merchandise or contract service shall acknowledge such fact by signing the invoice, claims form, delivery ticket or receiving invoice. The invoice or claims form, along with the written acknowledgment of receipt, shall be forwarded to the officer or employee responsible for processing accounts payable who shall review the invoice for accuracy and propriety, including comparison to the authorized purchase order or contract, if applicable. Upon completion of the accounts payable officer review, a copy of the claims list will be provided in the monthly council packet for approval as a consent item on the agenda.

(e) Upon the approval of the invoices or claims for payment, checks or other payment documents as authorized by law (11 O.S. § 17-102) shall be prepared and submitted to the clerk-treasurer, along with a copy of the approved invoice or claims listing. The clerk-treasurer shall compare the checks or other payment documents to the invoice or claims listing and verify their accuracy. Upon verification, the clerk-treasurer shall sign the checks or other payment documents and prepare them for distribution. In addition, the clerk-treasurer shall prepare or cause to be prepared a check register.

(f) The clerk-treasurer shall record or cause to be recorded in the appropriate journals and ledgers the purchases and cash disbursements incurred and paid.

(g) No payroll related encumbrances are required to be recorded in the budgetary accounting records as long as the payroll costs are recorded as expenditures at the time they become due and payable. However, no payroll costs may be incurred or paid if they exceed the

available appropriation for the accounts to be charged at the legal level of control.

(h) The clerk-treasurer shall record or cause to be recorded in the appropriate journals and ledgers the payroll costs incurred and/or paid for the pay period.

(i) A copy of the payroll statement, register or payroll check register may be provided to the council for informational purposes; however, council approval is not required prior to the payment of payroll related costs if incurred and paid in accordance with the provisions of this section.

(Ord. No. 95-6, § 1(7-114), 4-4-1995)

Sec. 30-15. Photocopy charges.

The charge for photocopies made at city hall by the general public shall be as set forth is chapter 26.

(Ord. No. 2002-02, 1-2-2001)

Secs. 30-16--30-50. Reserved.

ARTICLE II. SALES TAX*

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***State law references: Authority to levy sales taxes for municipal purposes, 68 O.S. § 2701; state sales tax generally, 68 O.S. § 1350 et seq.**

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DIVISION 1. GENERALLY

Sec. 30-51. Article provisions cumulative.

The provisions of this article shall be cumulative and in addition to any or all other taxing provisions of city ordinances.

(Code 1988, § 7-226)

Sec. 30-52. Effective date.

This article became effective as to each cent tax after approval of a majority of the registered voters of the city voting on the ordinance in the manner prescribed by 11 O.S. § 16-112.

(Code 1988, § 7-206)

Sec. 30-53. Amendments.

The people of the city, by their approval of the sales tax ordinance, authorize the council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this article as may be necessary or proper for efficiency and fairness. Neither the rate of the tax provided in this article, nor the use to which the revenue is put shall be changed without approval of the qualified electors of the city as provided by law.

(Code 1988, § 7-225)

Sec. 30-54. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, 68 O.S. § 1352, and in 37 O.S. §§ 576 and 593 are adopted by reference and made a part of this article. 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:

Gross receipts, as defined in the state sales tax code, is augmented to contain the additional following words: "The total retail sale price received for the sale, preparation or service of mixed beverages, ice and nonalcoholic beverages to be mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service occurs shall constitute the gross receipts from such transaction."

Sale means the sale, preparation or service of ice or nonalcoholic beverages that are sold,

prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or otherwise occurs.

Tax collector means the department of the city or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this article.

(Code 1988, §§ 7-202, 7-203)

Cross references: Definitions generally, § 1-2.

Sec. 30-55. Classification of taxpayers.

For the purpose of this article, the classification of taxpayers under this article shall be as prescribed by law for purposes of the state sales tax code.

(Code 1988, § 7-204)

Sec. 30-56. Subsisting state permits.

All valid and subsisting permits to do business issued by the state tax commission pursuant to the state sales tax code are, for the purpose of this article, ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

(Code 1988, § 7-205)

Sec. 30-57. 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 such records and files, the provisions of the state sales tax code, 68 O.S. § 205, and each subsection thereof, are adopted by reference and made fully effective and applicable to administration of the city sales tax as if set forth in full in this section.

(Code 1988, § 7-224)

Sec. 30-58. Vendor's duty to collect tax; penalties.

(a) The tax levied under this article shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this city to collect from the consumer or user the full amount of the tax levied by this article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

(b) Vendors shall add the tax imposed under this article, or the average equivalent thereof, to the sales price or charge, and, when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

(c) A vendor who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this article, or 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 levied in this article, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-12.

(d) Any sum collected or required to be collected in accordance with this article shall be deemed to be held in trust for the city. Any person, firm, corporation, joint venture or association that willfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-12.

(Code 1988, § 7-218)

Sec. 30-59. Purpose of revenues.

It is the purpose of this article to provide revenues for the support of the functions of the

government of the city.

Editor's note: Ord. No. 237 levied the first $0.01 tax. Ord. No. 76-10, adopted November 9, 1976, levied a second $0.01 tax, earmarking the revenues for certain street and sewer improvements and paying the debt of the Tishomingo Municipal Authority.

(Code 1988, § 7-207)

Sec. 30-60. Tax rate; sales subject to tax.

There is levied an excise tax of two percent upon the gross proceeds or gross receipts derived from all sales taxable under the state sales tax code including, but not exclusive of, the following:

(1) Tangible personal property;

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

(3) Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;

(4) Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance; this shall also include all services and rental charges having any connection with the transmission of any messages;

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

(6) The service of furnishing rooms by hotels, apartment hotels, public roominghouses, motels, public lodginghouses or tourist camps;

(7) The service of furnishing storage or parking privileges by auto hotels and parking lots;

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

(9) Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

(10) Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this article;

(11) Dues or fees to clubs including free or complimentary dues or fees which shall have the value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;

(12) Sales of tickets, fees or other charges made for admission to or voluntary contributions made to places of amusement, sports, entertainment, exhibitions, displays or other recreational events or activities, including free or complimentary admissions which shall have the value equivalent to the charge that would have otherwise been made;

(13) Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged spectators, such as tennis, racquetball or handball courts;

(14) Charges made for the privilege of using items for amusement, sports,

entertainment or recreational activity such as trampolines or golf carts;

(15) The rental of equipment for amusements, sports, entertainment or other recreational activities, such as bowling shoes, skates, golf carts, or other sports and athletic equipment;

(16) The gross receipts from sales through any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

(17) Gross receipts or gross proceeds from the rental or lease of tangible personal property, including the rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered; provided that if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;

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

(19) Flowers, plants, shrubs, trees and other floral items, whether or not such plants or floral items were produced by the vendor, sold by persons engaged in the florist or nursery business in this state, including all orders taken by a state business for delivery in another state; provided that all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this article;

(20) Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that the city will lose tax revenue due to the difficulty of enforcing this article because of:

a. The operation of the business;
b. The nature of the business;
c. The turnover of independent contractors;
d. The lack of a place of business in which to display a permit or keep records;
e. Lack of adequate records;
f. The persons are minors or transients;
g. The persons are engaged in service businesses; or
h. Any other reasonable reason;

(21) Any taxable services and tangible personal property including materials, supplies and equipment sold to contractors for the purpose of developing and improving real estate even though such real estate is intended for resale as real property are declared to be sales to consumers or users and taxable; and

(22) Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, are declared to be sales to consumers or users and taxable.

(Code 1988, § 7-208)

Sec. 30-61. Tax due date; returns; records.

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

(Code 1988, § 7-215)

Sec. 30-62. Payment of tax; brackets.

(a) The tax levied in this article shall be paid to the tax collector at the time and in the form and manner provided for payment of the state sales tax.

(b) The bracket system for the collection of the city sales tax by the tax collector shall be the same as is adopted by the agreement of the city and the tax collector, in the collection of both the city sales tax and the state sales tax.

(Code 1988, § 7-216)

Sec. 30-63. Tax constitutes debt.

The taxes, penalty and interest due under this article 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 1988, § 7-217)

Sec. 30-64. Returns and remittances; discounts.

Returns and remittances of the tax levied and collected in this article shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected under this article and shall be subject to the same discount as may be allowed by the state sales tax code for collection of state sales taxes.

(Code 1988, § 7-219)

Sec. 30-65. Interest and penalties; delinquency.

68 O.S. § 217 is adopted and made a part of this article, and interest and penalties at the rates and in the amounts as therein specified are levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this article. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this article shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five days, the taxpayer shall forfeit his claim to any discount allowed under this article.

(Code 1988, § 7-220)

Sec. 30-66. 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 levied in this article may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in 68 O.S. § 220. To accomplish the purposes of this section, the applicable provisions of 68 O.S. § 220 are adopted by reference and made a part of this article.

(Code 1988, § 7-221)

Sec. 30-67. Erroneous payments; claim for refund.

Refund of erroneous payment of the city sales tax levied in this article may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in 68 O.S. § 227. To accomplish the purpose of this section, the applicable provisions of 68 O.S. § 227 are adopted by reference and made a part of this article.

(Code 1988, § 7-222)

Sec. 30-68. Fraudulent returns.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances required in this article, or the making of any false and

fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense and, upon conviction, the offending taxpayer shall be subject to a fine as provided in section 1-12.
(Code 1988, § 7-223)
Secs. 30-69--30-90. Reserved.

DIVISION 2. EXEMPTIONS

Sec. 30-91. Sales subject to other tax.

There is specifically exempted from the tax levied by this article the gross receipts or gross proceeds exempted from the state sales tax code inclusive, but not exclusive of, and derived from the following:

(1) Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;
(2) Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the state motor vehicle excise tax levied by state law has been paid;
(3) Sale of crude oil, petroleum or natural or casinghead gas and other products subject to the gross production tax under state law. This exemption shall not apply when such products are sold to consumers or users for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This subsection shall not operate to increase or repeal the gross production tax levied by the laws of this state; and
(4) Sales of aircraft on which the tax levied pursuant to 68 O.S. §§ 6001--6004 has been paid.

(Code 1988, § 7-209)

Sec. 30-92. Governmental and nonprofit entities.

There are specifically exempted from the tax levied by this article:

(1) Sales of tangible personal property or services to the United States government or to the state, any political subdivision of this state or any agency of a political subdivision of the state; provided, however, that all sales to contractors in connection with the performance of any contract with the United States government, state or any of its political subdivisions shall not be exempted from the tax levied by this article, except as provided in this section.
(2) Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States government if ownership and possession of such property transfers immediately to the United States government.
(3) Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority.
(4) Sale of food in cafeterias or lunchrooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit.
(5) Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided that such societies or organizations operate under what is commonly termed the lodge plan or system, and provided that such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members.
(6) Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business.

(7) The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, fieldhouses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements described in this section.

(8) Sales of tangible personal property or services to the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of the U.S.A. and the Camp Fire Girls shall be exempt from sales tax.

(9) Sales of tangible personal property or services to any county, city, public school district, the institutions of the state system of higher education and the Grand River Dam Authority, or to any person with whom any of the subdivisions or agencies of this state named in this section has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the subdivisions or agencies of this state named in this section or who otherwise violates this section shall be guilty of a misdemeanor and, upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than 60 days, or both.

(10) Sales of tangible personal property or services to private institutions of higher education and private institutions of higher education and private elementary and secondary institutions of education accredited by the state department of education or registered by the state board of education for purposes of participating in federal programs or accredited as defined by the state regents for higher education which are exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for education purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state shall certify, in writing, on the copy of the invoice or sales ticket, the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in subsection (9) of this section.

(11) Tuition and education fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the state department of education or registered by the state board of education for purposes of participating in federal programs or accredited as defined by the state regents for higher education which are exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code.

(12) Sales of tangible personal property made by public or private school for grade levels kindergarten through 12th grade, a public school district, public school board,

public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this subsection, the term "public or private school" shall mean any public or private institution of education accredited by the state department of education or registered by the state board of education for purposes of participating in federal programs. Sale of tangible personal property in this subsection shall not include the sale of admission tickets or concessions at athletic events.

(Code 1988, § 7-210)

Sec. 30-93. Generally.

The following are specifically exempted from the tax levied by this article:

(1) Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles.

(2) Transportation of persons where the fare of each person does not exceed $1.00, or local transportation of persons within the corporate limits except by taxicab.

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

(4) Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this city are made to persons to whom sales tax permits have been issued as provided in this article. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit.

(5) Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television.

(6) Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising such terrestrial or aquatic animal life for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out in this subsection. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor, that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the state tax commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor.

(7) Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by 59 O.S. § 353.1.

(8) Transfers of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil

drums.

(9) Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by 7 USC 2011--2029, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the state in the federal food stamp program.

(10) Nothing in this section shall be construed as limiting or prohibiting the city from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the city on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items.

(Code 1988, § 7-211)

Sec. 30-94. Agriculture.

The following are specifically exempted from the tax levied by this article:

(1) Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

a. Farm, orchard or garden products;

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

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

d. The provisions of this subsection (1) shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out in this section.

(2) Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

(3) Sales of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the pullets will be used primarily for egg production;

(4) Sales of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

a. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;

b. Feed purchased in the state for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;

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

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

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

f. This exemption shall only be granted and extended where the purchaser

of feed that is to be used, and in fact is used for a purpose that would bring about an exemption under this section, executes an invoice or sales ticket in duplicate on a form to be prescribed by the tax commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy.

(5) Sales of items to be and in fact used in the production of agricultural products. Sales of the following items shall be subject to the following limitations:

a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business.

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

c. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this article, and the sales shall not be considered to be taxable sales within the meaning of the state sales tax code. As used in this section, the terms "agricultural fertilizer," "pharmaceuticals," and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals.

d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens.

e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this section, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall

certify to the state tax commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the state tax commission shall revoke the vendor's sales tax permit.

g. Sales of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for in this section shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the state tax commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the state tax commission shall revoke the vendor's sales tax permit.

(Code 1988, § 7-212)

Sec. 30-95. Manufacturers.

The following are specifically exempted from the tax levied by this article:

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

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

(3) Sales of machinery and equipment purchased and used by persons establishing new manufacturing plants in the state, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in the state. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this article. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such.

(4) Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once

and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this article. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise.

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

(6) Machinery, equipment, fuels and chemicals incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of controlled industrial waste at treatment facilities specifically permitted pursuant to the Hazardous Waste Management Act (27A O. S. § 2-7-101) and operated at the place of waste generation, or facilities approved by the state department of health for the cleanup of a site of contamination. The term controlled industrial waste may include low-level radioactive waste for the purpose of this subsection.

(Code 1988, § 7-213)

Sec. 30-96. Corporations and partnerships.

The following are specifically exempted from the tax levied in this article:

(1) The transfer of tangible personal property, as follows:

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

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

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

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

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

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

(Code 1988, § 7-214)

Secs. 30-97--30-130. Reserved.

ARTICLE III. TELEPHONE EXCHANGE FEE*

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***State law references: Authority to levy utility tax on gross receipts, 68 O.S. § 2601 et seq.**

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Sec. 30-131. Levied.

There is levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the city in an amount equal to two percent of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the city limits to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the city. The inspection fee and charge shall be due and payable to the city in quarterly installments on or before May 1 of each year, and shall be paid into and appropriated and expended from the general revenue fund of the city and is further described in chapter 26 of this Code.

(Code 1988, § 7-301)

Sec. 30-132. Fee to be in lieu of other fees and taxes.

During continued substantial compliance with the terms of this article by the owner of any telephone exchange, the charge levied shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. Such charge is further described in chapter 26 of this Code. However, it is not intended to extinguish or abrogate any existing arrangement whereby the city is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the city.

(Code 1988, § 7-302)

Secs. 30-133--30-160. Reserved.

ARTICLE IV. UTILITIES TAX

Secs. 30-161--30-190. Reserved.

ARTICLE V. USE TAX*

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***State law references: Use tax generally, 68 O.S. § 1401 et seq.**

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Sec. 30-191. Article provisions cumulative.

The provisions of this article shall be cumulative, and in addition to any and all other taxing provisions of the city.

(Code 1988, § 7-519)

Sec. 30-192. Definitions.

The definitions of words, terms and phrases contained in the state use tax code, 68 O.S. § 1401, are adopted by reference and made a part of this article; and 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:

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 levied in this article.

Transaction means sale.

(Code 1988, § 7-502)

Cross references: Definitions generally, § 1-2.

Sec. 30-193. Classification of taxpayers.

For the purpose of this article, the classification of taxpayers under this article shall be as prescribed by law for purposes of the state use tax code.

(Code 1988, § 7-517)

Sec. 30-194. Subsisting state permits.

All valid and subsisting permits to do business issued by the tax commission pursuant to the state use tax code are for the purpose of this article ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

(Code 1988, § 7-518)

Sec. 30-195. Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the city use tax is legislatively recognized and declared; and to protect such records and files, the provisions of 68 O.S. § 205 of the state use tax code, and each subsection thereof, is adopted by reference and made fully effective and applicable to the administration of the city use tax as if set forth in full in this section.

(Code 1988, § 7-516)

Sec. 30-196. Excise tax on storage, use or other consumption of intangible, personal property levied.

There is levied and there shall be paid by every person storing, using or otherwise consuming within the city tangible, personal property purchased or brought into this city an excise tax on the storage, use or other consumption within the city of such property at the rate of two percent of the purchase price of such property. Such tax rate is further described in chapter 26 of this Code. Such tax shall be paid by every person storing, using or otherwise consuming, within the city, tangible, personal property purchased or brought into the city. The additional tax levied under this article shall be paid at the time of importation or storage of the property within the city and shall be assessed to only property purchased outside the state; provided, however, that the tax levied in this section shall not be levied against tangible, personal property intended solely for use outside the city, but which is stored in the city pending shipment outside the city or which is temporarily retained in the city for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized in this section may deduct from such tax any local or city sales tax previously paid on such goods or services; provided, however, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the city had been levied on the sale of such goods or services.

(Code 1988, § 7-503)

Sec. 30-197. Purpose of revenues.

It is declared to be the purpose of this article to provide revenues for the support of the functions of the city government, and any and all revenues derived under this article may be expended by the council for any purpose for which funds may be lawfully expended as authorized.

(Code 1988, § 7-504)

Sec. 30-198. Exemptions.

The provisions of this article shall not apply in respect to the following:

(1) The use of an article of tangible, personal property brought into the city by a nonresident individual visiting in this city for his personal use or enjoyment while within the city.

(2) The use of tangible, personal property purchased for resale before being used.

(3) The use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the state use tax code and the city use tax, has been paid by the person using such tangible, personal property in the city, whether such tax was levied under the laws of the state or some other state or city of the United

States. If any article of tangible, personal property has already been subjected to a tax by the state or any other state or city in respect to its sale or use, in an amount less than the tax imposed by both the state use tax code and city use tax, the provision of this article shall also apply to it by a rate measured by the difference only between the rate provided by both the state use tax code and the city use tax, and the rate by which the previous tax upon the sale or use was computed; provided, however, that no credit shall be given for taxes paid in another state or city, if that state or city does not grant like credit for taxes paid in the state and the city.

(4) The use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the city, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the city; provided, however, that 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 city. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such.

(5) The use of tangible, personal property now specifically exempted from taxation under the sales tax code of the city.

(6) The use of any article of tangible, personal property brought into the city by an individual with intent to become a resident of this city where such personal property is for such individual's personal use or enjoyment.

(7) The use of any article of tangible, personal property used or to be used by commercial airlines or railroads.

(8) Livestock purchased outside the state and brought into this city for feeding or breeding purposes, and which is later resold.

(Code 1988, § 7-505)

Sec. 30-199. Due date; returns; payment.

The tax levied by this article is due and payable at the time and in the manner and form prescribed for payment of the state use tax under the state use tax code.

(Code 1988, § 7-506)

Sec. 30-200. Tax constitutes debt.

Such taxes, penalty and interest due under this article 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 1988, § 7-507)

Sec. 30-201. Collection of tax by retailer or vendor.

Every retailer or vendor maintaining places of business both within and without the state, and making sales of tangible, personal property from a place of business outside this state for use in this city shall at the time of making such sales collect the use tax levied by this article from the purchaser and give to the purchaser a receipt 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 address of all his agents operating in this city and location of any and all distribution or sales houses or offices or other places of business in the city.

(Code 1988, § 7-508)

Sec. 30-202. 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 levied in this article 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 city and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without this state and making sales of tangible, personal property by such out-of-state place of business for use in this city. 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 city. Such authority and permit may be canceled at any time the tax commission considers that such tax can more effectively be collected from the person using such property in this city; provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this city 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 city sales tax at the point of delivery and the tax shall be collected and reported under the taxpayer's sales tax permit number accordingly.
(Code 1988, § 7-509)

Sec. 30-203. 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 levied in this article, fails to comply with any of the provisions of this article of the state use tax code or any orders, rules or regulations of the tax commission, the tax commission may, upon notice and hearing as provided for in 68 O.S. § 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 provided in this section, cancel the corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this article, the state use tax code, or any orders, rules or regulations of the tax commission.
(Code 1988, § 7-510)

Sec. 30-204. Remunerative deductions allowed vendors or retailers of other states.

Returns and remittances of the tax levied and collected in this article 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 state use tax code. Remittances of the tax collected under this article shall be subject to the same discount as may be allowed by the code for the collection of state use taxes.
(Code 1988, § 7-511)

Sec. 30-205. Interest and penalties; delinquency.

68 O.S. § 217 is adopted and made a part of this article, and interest and penalties at the rates and in the amounts as specified in this article are levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this article; provided, however, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax, in the time and manner required by this article, shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five days, the retailer or vendor shall forfeit his claim to any discount allowed under this article.
(Code 1988, § 7-512)

Sec. 30-206. 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 city tax levied in this article may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state use tax provided in

68 O.S. § 227, and, to accomplish the purposes of this section, the applicable provisions of 68 O.S. § 220 are adopted by reference and made a part of this article.
(Code 1988, § 7-513)

Sec. 30-207. Erroneous payments; claim for refund.

Refund of erroneous payment of the city use tax levied in this article may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state use tax as set forth in 68 O.S. § 227, and to accomplish the purpose of this section, the applicable provisions of 68 O.S. § 227 are adopted by reference and made a part of this article.
(Code 1988, § 7-514)

Sec. 30-208. Fraudulent returns.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances required in this article, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense and, upon conviction, the offending taxpayer shall be punished by a fine of not more than $100.00 and costs. Each day of noncompliance with this article shall constitute a separate offense.
(Code 1988, § 7-515)

Chapters 31--33 RESERVED

Chapter 34 FIRE PREVENTION AND PROTECTION*

***Cross references: Building regulations and codes, ch. 14; fireworks, § 18-271 et seq.; court, ch. 22; interference with fire hydrants, § 46-15; fire prevention, § 58-31 et seq.; fire department and services, § 58-71 et seq.; crossing fire hose, § 66-93.**

Sec. 34-1. Adoption of 2000 International Fire Code.
Sec. 34-2. Adoption of BOCA code table.
Sec. 34-3. Storage of explosive materials.

Sec. 34-1. Adoption of 2000 International Fire Code.

A certain document, three copies of which are on file in the office of the clerk, being marked and designated as "The 2000 International Fire Code," as published by the Building Officials and Code Administrators International, Inc., is adopted as the fire prevention code of the city for the control of buildings and structures. Each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this chapter as if fully set out in this section.
(Ord. No. 97-14, § 1, 8-19-1997)

Sec. 34-2. Adoption of BOCA code table.

The BOCA National Fire Prevention Code (fire code) table 105.6.21 is also adopted and made a part of this chapter.
(Ord. No. 97-14(A), 9-2-1997)

Sec. 34-3. Storage of explosive materials.

The storage of explosive materials is prohibited in the city.
(Ord. No. 97-14, § 4, 8-19-1997)

Chapters 35--37 RESERVED

Chapter 38 HEALTH AND SANITATION*

***Cross references: Animals, ch. 10; building regulations and codes, ch. 14; utilities, ch. 74.**

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Article IV. Nuisances
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Sec. 38-119. Additional public nuisances enumerated.
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Sec. 38-123. Summary abatement.
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Sec. 38-191. Definitions.
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Sec. 38-193. Reports of accumulations on property.
Sec. 38-194. Receipt of report; hearing and notice.
Sec. 38-195. Right of entry; work done by employees or contract.
Sec. 38-196. Determination and assessment of costs.
Sec. 38-197. Lien on the property; civil remedy.
Sec. 38-198. Council may designate officer to perform duties; appeals.
Sec. 38-199. Deposit of rubbish.
Sec. 38-200. Burning refuse.
Sec. 38-201. Removal of dead animals.

ARTICLE I. IN GENERAL

Sec. 38-1. Penalty for violation of chapter.

Any person who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-12. In addition thereto, such person may be enjoined from continuing such violations.

(Code 1988, § 8-504)

Sec. 38-2. State laws adopted.

All misdemeanor provisions of tit. 63 (63 11 O.S. § 1-101 et seq.) relating to public health and other matters are adopted and incorporated in this section by reference.

(Code 1988, § 8-115)

Sec. 38-3. County health department designated to enforce health ordinances.

Anywhere in this chapter where the term "health officer" is used, it may be construed to mean the director of the county health department or his duly designated representative unless another person is designated by the mayor. It is the intent and purpose of the mayor and city council to delegate the enforcement of the health ordinances of this city as set out in this chapter. Any such decisions rendered under this section shall be subject to review by the council upon an appeal from an offender.

(Code 1988, § 8-501)

Sec. 38-4. Obstructing health officer.

It is unlawful for any person to willfully obstruct or interfere with any health officer or officer charged with the enforcement of the health laws of this city.

(Code 1988, § 8-502)

Sec. 38-5. Quarantine; violations.

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

(Code 1988, § 8-503)

Secs. 38-6--38-40. Reserved.

ARTICLE II. JUNKED, WRECKED MOTOR VEHICLES*

***Cross references: Traffic and vehicles, ch. 66.**

State law references: Removal of abandoned vehicles on private property, 47 O.S. § 954A; grounds for removal of vehicles on state highways, 47 O.S. § 955.

Sec. 38-41. Nuisance.

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the city in places other than in authorized junkyards or other areas authorized by the council and which tend to do any one or more of the following:

(1) Impede traffic in the streets;
(2) Reduce the value of private property;
(3) Create fire hazards;
(4) Extend and aggravate urban blight; or
(5) Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the city,

are declared to be a nuisance.

(Code 1988, § 8-401)

Sec. 38-42. 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:

Junk motor vehicle means any motor vehicle, which does not have lawfully affixed thereto both an unexpired license plate and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

Motor vehicle means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

Private property means any real property within the city which is privately owned and which is not public property as defined in this section.

Public property means any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

(Code 1988, § 8-402)

Cross references: Definitions generally, § 1-2.

Sec. 38-43. Administration and supervision.

Administration and supervision of the removal of vehicles or parts thereof shall be by the chief of police, except that the removal of the abandoned vehicle or part thereof declared to be a nuisance may be by any other person duly authorized by the chief of police.

(Code 1988, § 8-408)

Sec. 38-44. Orders from municipal court.

The judge of the municipal court shall have authority to issue all orders necessary to enforce the provisions of this article.

(Code 1988, § 8-410)

Sec. 38-45. Immediate removal of vehicle obstructing traffic.

Nothing contained in this article shall affect the provisions permitting immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

(Code 1988, § 8-411)

Sec. 38-46. Abandoned or wrecked autos.

(a) For the purpose of this article, the term "abandoned motor vehicle" means any motor vehicle or vehicle which is abandoned, dismantled, nonoperating, wrecked, junked or unlicensed, or which does not possess a current inspection sticker or equipment as required by law.

(b) No person in charge or control of any property within the city limits, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or unlicensed vehicle to remain on such property longer than seven days. No person shall leave any such vehicle on any property within the city for a longer time than seven days. This section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(Code 1988, § 8-403)

Sec. 38-47. Notice to the owner or occupant of the premises.

Prior to removal of an abandoned vehicle by the city, notice shall be given to the owner or occupant of the premises whereupon such nuisance exists stating the nature of the public nuisance giving the owner or occupant ten days in which to remove or abate the nuisance. Such notice shall be mailed, by certified or registered mail with a five-day return requested, to the owner or occupant. If the notice is returned undelivered by a U.S. Postal Service official, or unsigned by

the owner or occupant, action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.
(Code 1988, § 8-404)

Sec. 38-48. Public hearing.

Any owner or occupant of the premises on which the abandoned motor vehicle is located, after receiving notice to abate in accordance with the provisions of this article may, within ten days after service of notice to abate the public nuisance, request a public hearing prior to the removal of the abandoned vehicle or part thereof declared to be a public nuisance. Such hearing shall be heard before the code enforcement officer. Any order requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle if available at the site.
(Code 1988, § 8-405)

Sec. 38-49. No junked vehicle to be reconstructed or made operable.

No vehicle removed under the provisions of this article shall be reconstructed or made operable.
(Code 1988, § 8-406)

Sec. 38-50. Notice to state transportation department.

Notice shall be given by the chief of police to the state department of transportation within five days of the date of removal identifying the abandoned vehicle or part thereof.
(Code 1988, § 8-407)

Sec. 38-51. Disposal of abandoned vehicles.

The chief of police shall dispose of abandoned vehicles or parts thereof by removal to a scrapyard or demolished as scrap or salvage, but subject to the provision of section 38-47, the chief of police may enter upon private property for the purposes specified in this article relative to removal of abandoned vehicles to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance, pursuant to the provisions of this article.
(Code 1988, § 8-409)
Secs. 38-52–38-80. Reserved.

ARTICLE III. LITTER

Sec. 38-81. Defined; declared unlawful.

(a) The term "littering" is defined as throwing any trash, refuse, wastepaper, tin cans, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the city or upon any real property owned or occupied by another.
(b) It is unlawful for any person to litter.
(Code 1988, § 8-112)

Cross references: Definitions generally, § 1-2.

Sec. 38-82. From automobiles.

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the city any litter, trash, wastepaper, tin cans or any other substance or refuse whatever.
(Code 1988, § 8-113)

Sec. 38-83. Accumulations on property.

(a) It is unlawful for any person occupying any real property, either as tenant or owner, to allow trash, wastepaper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.
(b) It is unlawful for any person occupying any real property, either as tenant or owner, to

allow accumulated trash, wastepaper, litter objects, bottles, tin cans or any other used or disposed objects to be carried from the occupied premises, either by wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

(Code 1988, § 8-114)

Secs. 38-84–38-110. Reserved.

ARTICLE IV. NUISANCES*

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***Cross references: Nuisances, § 46-3.**

State law references: Nuisances defined, municipal powers to define, abate, 50 O.S. § 1 et seq.; 11 O.S. § 22-121.

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Sec. 38-111. 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:

Nuisance means unlawfully doing an act or omitting to perform a duty or is any thing or condition which either:

(1) Annoys, injures or endangers the comfort, repose, health or safety of others;

(2) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or

(3) In any way renders other persons insecure in life or in the use of property.

Public nuisance means one 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. Every nuisance not included in this definition is a private nuisance.

(Code 1988, § 8-301)

Cross references: Definitions generally, § 1-2.

Sec. 38-112. Penalties for violation of article.

A fine of not less than $50.00, nor more than $200.00 per day as long as the nuisance is permitted to remain shall be imposed by the municipal judge on any person found guilty of harboring or creating a nuisance, with each day constituting a new and separate violation.

(Ord. No. 94-3, § 1, 4-5-1994)

Sec. 38-113. Declared unlawful.

It is unlawful for any person including, but not limited to, any owner, lessee, or other person to create or maintain a nuisance within the city or to permit a nuisance to remain on premises under his control within the city.

(Code 1988, § 8-310)

Sec. 38-114. Article abatement procedures cumulative.

The various procedures for abating nuisances prescribed by this article and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized.

(Code 1988, § 8-313)

Sec. 38-115. Responsibility of property owners.

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

(Code 1988, § 8-302)

Sec. 38-116. Health nuisances; abatement.

(a) Pursuant to the authority granted by 63 O.S. § 1-1011, the health officer shall have the authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within 24 hours, or within such other time as may be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a police officer. A copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the city.

(b) If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the clerk-treasurer, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill of the owner or occupant if he is a user of water from the city water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any city utility service, such costs, after certification to the clerk-treasurer, may be collected in any manner in which any other debt due the city may be collected.

(Code 1988, § 8-311)

Sec. 38-117. Toilet facilities required.

(a) *Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:*

Human excrement means the bowel and kidney discharge of human beings.

Sanitary water closet means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.

Septic tank means a privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.

(b) *Owner requirements. Every owner of a residence or other building in which humans reside, are employed or congregate within this city shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a septic tank. The closets and septic tanks required shall be of the sanitary water closet type when located within 250 feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the septic tank type. A septic tank system may be used in such cases only if it meets the standards of, and is approved by, the state health department.*

(c) *Disposal of excrement. All human excrement disposed of within this city shall be disposed of by depositing it in closets and septic tanks of the type provided for in the section. It is unlawful for any owner of property within the city to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the city in any other manner.*

(d) *Unlawful facilities declared nuisance. All facilities for the disposal of human excrement in a manner different from that required by this section and all septic tanks and closets so constructed, situated or maintained as to endanger the public health, are declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.*

(Code 1988, § 8-312)

Sec. 38-118. City has power to define and summarily abate.

As provided in 50 O.S. § 16, the city has the power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the city has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be given.

(Code 1988, § 8-306)

Sec. 38-119. Additional public nuisances enumerated.

In addition to other public nuisances declared by other sections of this Code or law, the following are declared to be public nuisances:

(1) The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;

(2) The sale, offering for sale or furnishing of intoxicating liquor in violation of law or ordinances; or the keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of law or ordinance;

(3) The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such items are exposed, displayed, sold or distributed;

(4) The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;

(5) The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;

(6) The keeping of a place where activities in violation of law or ordinance are practiced or carried on;

(7) The conduct or holding of public dances in violation of ordinance; or the keeping of a place where such dances are held;

(8) The public exposure of a person having a contagious disease;

(9) The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;

(10) The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;

(11) Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;

(12) Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;

(13) All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;

(14) Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or

disease germs; and the premises on which such exist;

(15) Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;

(16) Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;

(17) Any fire or explosion hazard which endangers the public safety;

(18) Any occupation or activity which endangers the public peace, health, safety or welfare;

(19) Any motor vehicle, whether in operating condition or not, or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district;

(20) Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the city, by reason of any noise made by the animal therein, or by reason of lack of sanitation, is declared to be a nuisance;

(21) The keeping of any dog kennels within this city for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals contained in the kennels;

(22) Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse, or other filthy substance;

(23) Any pond, slop, trash, refuse, cobs, manure, decayed or decaying vegetable matter left, kept or maintained in such condition as to endanger the public health;

(24) Every septic tank or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of this city;

(25) Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this city;

(26) Any unclean, foul, leaking, broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle;

(27) Every building or other structure that shall become unsafe and dangerous from fire, decay and other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause; and

(28) Any water or putrid substances, whether animal or vegetable, allowed to accumulate as to cause an offensive odor to be emitted therefrom, or to become in a condition injurious or dangerous to the health of the neighborhood.

The enumeration of certain public nuisances in this section shall be cumulative and not limit other provisions of law or ordinance defining public or private nuisances either in more general or more specific terms.

(Code 1988, § 8-307)

Sec. 38-120. Time does not legalize.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of a public right.

(Code 1988, § 8-303)

Sec. 38-121. Remedies against public nuisances.

The remedies against a public nuisance are as follows:

(1) Prosecution on complaint before the municipal court;

(2) Prosecution on information or indictment before another appropriate court;

(3) Civil action; or

(4) Abatement:

a. By the person injured as provided in 50 O.S. § 12; or
b. By the city in accordance with law or ordinance;
(5) Penalties as described in section 38-112.

(Code 1988, § 8-304; Ord. No. 94-3, § 1, 4-5-1994)

Sec. 38-122. Remedies against private nuisances.

The remedies against a private nuisance are as follows:
(1) Civil action; or
(2) Abatement:
a. By the person injured as provided in 50 O.S. §§ 14 and 15; or
b. By the city in accordance with law or ordinance.

(Code 1988, § 8-305)

Sec. 38-123. Summary abatement.

(a) Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or city manager or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

(b) The city manager, city attorney, chief of police, public works director, fire chief, police officer or any other official designated by the city manager may submit a statement to the police department of any nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated. Any city official or resident may submit such a statement and request a recommendation to the police department.

(c) The municipal judge shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the municipal judge shall have the power to subpoena and examine witnesses, books, papers, photographs and other effects. Before proceeding to abate the nuisance or have it abated, the municipal judge shall give notice of hearing on the proposed abatement to the owner or occupant of any property and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice shall be given by a police officer in the form of a citation or by certified letter to the owner or occupant of the property upon which the nuisance is located. If the names and addresses of the property owners or occupants are not known, and the peace, health, safety,or welfare of the persons or public adversely affected would not be duly jeopardized by the general delay, a notice of the hearing shall be published in a paper of general circulation within the city.

(d) If the municipal judge finds that a nuisance does in fact exist, he shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, or welfare of the persons or public adversely affected would not be unduly jeopardized by the consequent delay, and may impose any penalties as prescribed. If the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the municipal judge shall direct city personnel to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 O.S. § 16. The clerk-treasurer shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the city, collectible as other debts to the city may be collected. Any unpaid penalties may result in arrest or incarceration of the owner or persons responsible for the nuisance.

(Code 1988, § 8-308; Ord. No. 94-3, § 1, 4-5-1994)

Sec. 38-124. Abatement by suit in district court.

In cases where it is deemed impractical to abate a nuisance summarily, the city may bring suit in the district court of the county where the nuisance is located, as provided in 50 O.S. § 17.
(Code 1988, § 8-309)

Secs. 38-125--38-160. Reserved.

ARTICLE V. TOBACCO

Sec. 38-161. Determination of need to deny access to minors.

The city council, having determined that there is a need to prevent the youth of the city access to tobacco products adopts in its entirety 37 O.S. §§ 600.1--600.12, which is known and may be cited as, "The Prevention of Youth Access to Tobacco Act."
(Ord. No. 97-04, 2-4-1997)

Secs. 38-162--38-190. Reserved.

ARTICLE VI. WEEDS AND TRASH*

***State law references: Authority regarding cleaning, mowing property generally, 11 O.S. § 22-111.**

Sec. 38-191. 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:

Owner means the owner of record as shown by the most current tax rolls of the county treasurer.

Trash means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned.

Weeds means, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

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

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural use.
(Code 1988, § 8-102)

Cross references: Definitions generally, § 1-2.

Sec. 38-192. Accumulations unlawful.

It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or partly within the city to allow trash or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.
(Code 1988, § 8-101)

Sec. 38-193. Reports of accumulations on property.

Any officer or employee of the city who discovers an accumulation of trash or growth of grass and weeds, or both these conditions, upon any premises within the limits of the city, shall report the condition to the clerk-treasurer if, as a result of the accumulation or growth, the premises appear to be:

(1) Detrimental to the health, benefit and welfare of the public and the community;
(2) A hazard to traffic;
(3) A fire hazard to property; or
(4) Any two or more of these conditions.

(Code 1988, § 8-103)

Sec. 38-194. Receipt of report; hearing and notice.

(a) Upon receiving the report provided for in section 38-193, or upon receipt of equivalent information from any reliable source, the clerk-treasurer shall give written notice of the provisions of this section that premises are in violation of section 38-192 by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten days prior to the date of a hearing by the council or before it takes action.

(b) At least ten days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the council may hear the matter and receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the council determines that any of the conditions specified in section 38-193 exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten days from the date of receipt of the notice or date of publication the owner either:

(1) Cuts, removes or destroys the trash or weeds in accordance with the notice; or
(2) Gives written consent authorizing the city to abate the trash or weeds, waiving his right to a hearing.

(Code 1988, § 8-104)

Sec. 38-195. Right of entry; work done by employees or contract.

(a) Upon finding that the condition of the property constitutes a detriment or hazard as specified in section 38-193, and that the property would be benefited by the removal of such conditions, the agents of the city are granted the right of entry on the property to remove trash, mow weeds or grass, and perform necessary duties as a governmental function.

(b) The work ordered to be performed under section 8-194 may be done by the employees of this city under supervision of the city, or it may be let by contract in the manner for letting other contracts.

(Code 1988, § 8-105)

Sec. 38-196. Determination and assessment of costs.

Upon the completion of the work ordered to be performed under section 38-195, the clerk-treasurer shall report the costs thereof to the council. The council shall determine the actual costs of the cleaning or mowing and any other expenses necessary in connection therewith, including actual cost of labor, equipment and maintenance. The clerk-treasurer shall forward a statement and demand payment of the total costs by certified mail, with return receipt requested, to the owner of the property at the address shown by the current tax rolls in the office of the

county treasurer of the county in which the property lies.
(Code 1988, § 8-106)

Sec. 38-197. Lien on the property; civil remedy.

If the costs of the work performed under this article are not paid within 30 days from the date of mailing the notice prescribed by section 38-196, the clerk-treasurer shall forward a certified statement of the amount of the costs to the county treasurer in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by law. The lien is 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. The lien shall continue until the cost is fully paid. At any time prior to collection, the city may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, the clerk-treasurer shall forward to the county treasurer a notice of such payment and directing discharge of the lien.
(Code 1988, § 8-107)

Sec. 38-198. Council may designate officer to perform duties; appeals.

The council may designate an administrative officer to carry out the duties of the council in sections 38-191--38-197. The property owner shall have a right of appeal to the council from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the clerk-treasurer within ten days after the administrative hearing.
(Code 1988, § 8-108)

Sec. 38-199. Deposit of rubbish.

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this city.
(Code 1988, § 8-109)

Sec. 38-200. Burning refuse.

(a) It is unlawful to burn any trash or refuse or any type of material within the city.
(b) It is unlawful for any person to burn trash, wastepaper, rubbish or refuse except under a permit issued by or in receptacles and conditions approved by the state health department or the U.S. Environmental Protection Agency.

(Code 1988, § 8-110)

Sec. 38-201. Removal of dead animals.

The owner or any person having charge of any animal dying in this city shall, within 24 hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.
(Code 1988, § 8-111)

Chapters 39--41 RESERVED

Chapter 42 MOBILE UNITS

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Article II. Commercial Vehicles and Trailers
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Secs. 42-33--42-60. Reserved.
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ARTICLE I. IN GENERAL

Secs. 42-1--42-30. Reserved.

ARTICLE II. COMMERCIAL VEHICLES AND TRAILERS

Sec. 42-31. Parking or storage.

(a) *Generally. Commercial vehicles and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:*

(1) No more than one commercial vehicle, which does not exceed 1 1/2 tons rated capacity, shall be permitted per family living on the premises; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquified petroleum products be permitted.

(2) No more than one camping or travel trailer or hauling trailer shall be permitted per family living on the premises, and such trailer shall not exceed 24 feet in length or eight feet in width; and further provided that such trailer shall not be parked or stored for more than 48 hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the city.

(b) *Mobile home. Doublewide mobile homes or relocated homes shall be parked or stored only in a mobile home park which is in conformity with ordinance, except when it complies with the conditions set forth in article III of this chapter.*

(Ord. No. 97-121, § I, 12-2-1997)

Sec. 42-32. Display in commercial and industrial districts.

Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of such vehicles or in such industrial districts allowing sales of such vehicles or in such industrial districts allowing their manufacture; provided, however, that such vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under ordinance.

(Ord. No. 97-121, § V, 12-2-1997)

Secs. 42-33--42-60. Reserved.

ARTICLE III. MOBILE, DOUBLEWIDE AND RELOCATED HOMES*

***Cross references: Mobile homes, additional regulations, § 54-171 et seq.**

DIVISION 1. GENERALLY

Sec. 42-61. 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:

Mobile home and doublewide mobile home mean a manufactured single-family dwelling not less than 40 feet in length, no less than ten feet in width, designed for transportation on streets or highways, on its own wheels or transported by any truck or rail type transportation, to any location ready to be occupied as living quarters. A unit less than 40 feet in length or less than ten feet in width shall be classified as a house trailer and regulated by the ordinances, rules, and regulations

of the city pertaining to house trailers and camp trailers.

Relocated home means a previously constructed home which has been moved from its original building site by conventional house moving methods to another location to be occupied as living quarters.

(Ord. No. 97-121, § II, 12-2-1997)

Cross references: Definitions generally, § 1-2.

Sec. 42-62. Application for variance; contents; approval; transfer.

(a) Applications for variance shall be made to the city planning and zoning board. The applicant shall pay all fees in accordance with the schedule of fees in force for permits. The application shall be subject to the approval of the planning and zoning board and the council. The application shall state the following information:

(1) The proposed location where the mobile home or relocated home is to be placed;

(2) Proof of the applicant's ownership of the land on which the mobile home or relocated home is to be located;

(3) Size and type of the mobile home or relocated home; and the size of the lot on which the mobile home or relocated home is to be placed; and a diagram showing measurements of the lot and mobile home or relocated home and showing the proposed location of the mobile home or relocated home upon the lot, together with measurements showing the distance between such home and front, side and rear boundaries of the lot;

(4) Proposed method of sewage, water and electricity connections;

(5) In the case of a mobile home, the type of proposed skirting to screen opening between such mobile home and ground;

(6) The type and size of the proposed foundation upon which the mobile home or relocated home shall be placed;

(7) Pictures of the mobile home or relocated home (front, back, and side views) shall be provided which clearly show the condition of the mobile home or relocated home; the mobile home or relocated home shall be in good repair, be neat in appearance, so as to add to the overall appearance of the neighborhood;

(8) In the case of a relocated home, the proposed outside renovation of such relocated home, if any;

Applicants shall obtain consent from at least 75 percent of the owners of adjoining property before making an application; photographs showing the condition of the mobile home or relocated home must be presented to adjoining property owners prior to making an application.

(b) Variances approved by the city planning and zoning board shall be nontransferable and shall not inure to any subsequent owners, renters or lessees. In the event of a change of ownership or in the event of any subsequent lease or rental, reapplication must be made to the city planning and zoning board, and the reapplication shall be subject to the approval of the planning and zoning board and the council.

(c) If the physical condition of the mobile home, doublewide mobile home or relocated home changes to the extent that such home becomes unsightly or unsafe, such variance as set forth in this section is subject to revocation.

(d) All persons making application for a variance to the city planning and zoning ordinance or who otherwise wish to locate a mobile home, doublewide mobile home or relocated home in the city limits shall obtain a permit for the same issued from the clerk-treasurer's office. Such permit shall bear a cost of that equal to the cost of a building permit at that time.

(Ord. No. 97-121, § IV, 12-2-1997)

Secs. 42-63--42-80. Reserved.

DIVISION 2. MOBILE HOMES*

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***Cross references: Mobile homes, § 54-571 et seq.**

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Sec. 42-81. Regulations enumerated.

The following regulations shall apply to mobile homes and doublewide homes, referred to collectively as "mobile homes":

(1) For a mobile home, there shall be a lot not less than 50 feet in width; the length must be sufficient length to provide the setback distances provided in this section. A mobile home may not be placed on a lot occupied by another dwelling.

(2) The minimum depth of the front yard shall be 25 feet; a side yard of not less than five feet on both sides if an interior lot, or if located on a corner lot, there shall be a side yard setback from the intersecting street of not less than 15 feet; and a rear yard of not less than 20 feet.

(3) A mobile home shall be connected to the sewer main with its own sewer line; and shall have its own water meter and light meter; all of which shall conform to the ordinances and regulations pertaining to water, electric and sewers in the city.

(4) A mobile home shall be placed on a foundation of solid material and the foundation shall be built and placed so as to constitute a solid base. The foundation should be of reinforced concrete set at least 18 inches in the ground. It should be at least 18 inches wide and ten feet long. The foundation shall be placed at not more than ten-foot intervals beneath the runners of the mobile home.

(5) A skirt of solid material must be provided from the floor level of the mobile home to the ground to screen any opening beneath the mobile home. The skirting material should compliment the appearance of the mobile home.

(6) The mobile home shall be tied down and underpinned in accordance with insurance codes and specifications. It is suggested that a licensed, insured mover be used to relocate and tie down the mobile home.

(7) Parking of motor vehicles shall conform to parking and traffic ordinances, rules and regulations as provided for other residences in the city.

(8) A separate application must be made and approval obtained for the building of each accessory or supporting building or structure, including a garage; or for alteration, enlargement or change in any application previously approved. The application shall be made in writing to the clerk-treasurer.

(9) The described and required acts in this section must be initiated by the applicant within 60 days of the application for a variance and must be completed within six months following the application for such variance. Noncompliance shall revoke any variance granted immediately, and without notice.

All mobile homes must be certified by the code enforcement officer to be in compliance with all regulations before utility services are provided.

(Ord. No. 97-121, § III, 12-2-1997)

Secs. 42-82--42-100. Reserved.

DIVISION 3. RELOCATED HOMES

Sec. 42-101. Regulations enumerated.

The following regulations shall apply to relocated homes:

(1) Relocated homes must be of a sufficient length and width to provide the setback distances as provided in this section. A relocated home may not be placed on a lot occupied by another dwelling.

(2) The minimum depth of a front yard shall be 25 feet; the side yard of not less than

five feet on both sides as an interior lot, or if located on a corner lot, there shall be a side yard setback from the intersecting street of not less than 15 feet; and a rear yard of not less than 20 feet.

(3) A relocated home shall be connected to the sewer main with its own sewer line; and shall have its own water meter and light meter; all of which shall conform to the ordinances and regulations pertaining to water, electric and sewers in the city.

(4) A relocated home must be placed on a foundation of solid material, and the foundation shall be built and placed so as to constitute a solid base. The foundation should be of reinforced concrete set at least 18 inches in the ground. It should be at least eight inches wide and support the entire structure of such structure of such relocated home.

(5) A relocated home must be moved and relocated by a licensed, insured mover.

(6) A separate application must be made and approval obtained for the building of each accessory or supporting building or structure, including a garage; or for alteration, enlargement or change in any application previously approved. The application shall be made in writing to the clerk-treasurer.

(7) The described and required acts of this section must be initiated by the applicant within 60 days of the application for variance and must be completed within six months following the application for such variance. Noncompliance shall revoke any variance granted immediately, and without notice.

All relocated homes must be certified by the code enforcement officer to be in compliance with all regulations before utility services are provided.

(Ord. No. 97-121, § III, 12-2-1997)

Chapters 43--45 RESERVED

Chapter 46 OFFENSES AND CRIMES*

***Cross references: Court, ch. 22; traffic and vehicles, ch. 66.**

Article I. In General

Sec. 46-1. State laws adopted.
Sec. 46-2. Penalty not to excuse offense.
Sec. 46-3. Nuisances.
Sec. 46-4. Destroying or injuring buildings and other property.
Sec. 46-5. Placing signs on property of another.
Sec. 46-6. Throwing or shooting at persons or property.
Sec. 46-7. Tampering with or damaging public utilities.
Sec. 46-8. Unlawful intrusion upon land.
Sec. 46-9. Illegal entrance.
Sec. 46-10. Throwing injurious substances.
Sec. 46-11. Injury to plants and trees.
Sec. 46-12. Public streets and trees.
Sec. 46-13. Trespass.
Sec. 46-14. Parking on property of another.
Sec. 46-15. Interference with fire hydrants.
Sec. 46-16. Injurious substances on streets.
Sec. 46-17. Disposal of deleterious substances on public property.
Sec. 46-18. Insulting signs, literature or language.
Sec. 46-19. Storing or keeping explosives; nitroglycerine prohibited.
Sec. 46-20. Carrying weapons; exceptions.
Sec. 46-21. Reckless conduct.
Sec. 46-22. Discharging firearms; exceptions.
Sec. 46-23. Loud noise or music; amplified sound.

Sec. 46-24. Public intoxication and drinking.
Sec. 46-25. Possession of intoxicating and nonintoxicating beverages.
Sec. 46-26. Intoxicating liquors.
Sec. 46-27. Marijuana.
Sec. 46-28. Prostitution.
Sec. 46-29. Disorderly house.
Sec. 46-30. Nudity.
Sec. 46-31. Curfew for minors.
Sec. 46-32. Sleeping in public.
Sec. 46-33. Gambling; prohibited acts.
Sec. 46-34. Being in vicinity where gambling is going on.
Sec. 46-35. Harmful deception.
Sec. 46-36. Swindling.
Sec. 46-37. Assault and battery.
Sec. 46-38. Resisting an officer.
Sec. 46-39. Refusing or failing to assist an officer.
Sec. 46-40. Assault or battery upon police or other law officer.
Sec. 46-41. Rescuing prisoners.
Sec. 46-42. Escape of prisoners.
Sec. 46-43. Impersonating an officer or employee.
Sec. 46-44. False alarms.
Sec. 46-45. False representation to an officer.
Sec. 46-46. Removal of barricades.
Sec. 46-47. Resisting public officials.
Secs. 46-48--46-80. Reserved.
Article II. Fine Schedule
Sec. 46-81. Fines for criminal violations enumerated.
Sec. 46-82. Serving of warrants.
Sec. 46-83. Imposition or dismissal of fines.

ARTICLE I. IN GENERAL

Sec. 46-1. State laws adopted.

All of the misdemeanor provisions relating to crimes and offenses contained in tit. 21 (21 O.S. § 1 et seq.) are adopted and incorporated in this chapter by reference in this section.
(Code 1988, § 10-112)

Sec. 46-2. Penalty not to excuse offense.

The imposition of one penalty for any offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties should the offenses be continued or permitted to continue.
(Code 1988, § 10-105)

Sec. 46-3. Nuisances.

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premises owned by him or under his control at any place within the corporate limits.
(Code 1988, § 10-109)

Cross references: Nuisances, § 38-111 et seq.

Sec. 46-4. Destroying or injuring buildings and other property.

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.
(Code 1988, § 10-203)

Cross references: Building regulations and codes, ch. 14.

Sec. 46-5. Placing signs on property of another.

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.
(Code 1988, § 10-204)

Sec. 46-6. Throwing or shooting at persons or property.

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another, whether public or private. An exception to this section is where the prohibited acts are done in defense of oneself, of another person or of property.
(Code 1988, § 10-205)

Sec. 46-7. Tampering with or damaging public utilities.

It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water, cable or electricity and belonging to a public utility, whether publicly or privately owned, in such a manner as to enable him to consume or use the gas, water, cable service or electricity without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.
(Code 1988, § 10-206)

Cross references: Utilities, ch. 74.

Sec. 46-8. Unlawful intrusion upon land.

It is unlawful for any person to intrude or squat upon any lot or piece of land within the city without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the city, any hut, shanty, hovel, or other structure without authority of law or ordinance.
(Code 1988, § 10-207)

Sec. 46-9. Illegal entrance.

It is illegal for any person to enter upon the property of another or into an area or structure on such property, whether such property, area or structure is public or private, when such entrance is plainly forbidden by signs or any notice or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.
(Code 1988, § 10-208)

Sec. 46-10. Throwing injurious substances.

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with the intent to injure or harass the person, property or animal.
(Code 1988, § 10-210)

Sec. 46-11. Injury to plants and trees.

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the city, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any

stand, bench, seat or other property situated upon such park or ground. Any person violating this section, upon conviction, shall be deemed guilty of an offense.
(Code 1988, § 10-211)

Sec. 46-12. Public streets and trees.

It is unlawful for any person to:

(1) Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the city;
(2) Attach any guy wires, telephone, telegraph, electric wire, or any wire to any live tree;
(3) Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the city;
(4) Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the city, or to cut, break or otherwise injure any pavement, curb or gutter therein; or
(5) Connect any driveway to any street or other public place without first securing permission from the city to do so.

Any such digging, removing, or driveway connection shall be done under the supervision of the city.
(Code 1988, § 10-212)

Cross references: Streets, sidewalks and public works, ch. 62.

Sec. 46-13. Trespass.

(a) *Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:*

Public property means that property which dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control.

Private property means any property other than public property.

Trespass means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, agent, employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this definition shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner by a person in lawful possession of such premises, nor shall the provisions of the definition apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this definition.

(b) *Prohibited. It is unlawful for any person to trespass on private property.*

(Code 1988, § 10-213)

Sec. 46-14. Parking on property of another.

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge or by authority of law or ordinance.

(Code 1988, § 10-214)

Sec. 46-15. Interference with fire hydrants.

(a) It is unlawful for any person except one duly authorized by city utility personnel or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with any fire hydrant or stopcock belonging to the city.

(b) It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant.

(Code 1988, § 10-215)

Cross references: Fire prevention and protection, ch. 34.

Sec. 46-16. Injurious substances on streets.

It is unlawful and an offense for any person to purposely or wantonly place, throw, or cause to be placed or thrown, in or upon any thoroughfare in the city any broken glass, tacks, nails, pieces of iron, bottles, or other substances or things that might cut or puncture any pneumatic tire when passing over the same or cause injury to persons or animals.

(Code 1988, § 10-216)

Cross references: Streets, sidewalks and public works, ch. 62.

Sec. 46-17. Disposal of deleterious substances on public property.

(a) *Prohibited substances. It is unlawful for any person to place, throw, drop, deposit or discard any garbage, trash, waste, rubbish, refuse, debris or other deleterious substance on any public property of the city including, but not limited to, Pennington Creek and its shores located within the city.*

(b) *Penalty. Any person convicted of violating subsection (a) of this section shall be punished by a fine not exceeding $25.00.*

(c) *Trial. A trial for such violation shall be conducted as a trial in a traffic case.*

(Ord. No. 90-1, §§ I--III, 5-1-1990)

Sec. 46-18. Insulting signs, literature or language.

(a) It is unlawful for any person within the city to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the city, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.

(b) It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:

  (1) A natural consequence of the language or literature is to cause a breach of the peace or an assault; or

  (2) The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

(Code 1988, § 10-302)

Sec. 46-19. Storing or keeping explosives; nitroglycerine prohibited.

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance of any kind without having first complied with the laws of the state and ordinances of the city for the purpose of selling, storing or keeping such items.

(Code 1988, § 10-303)

Sec. 46-20. Carrying weapons; exceptions.

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, Bowie knife, dirk knife, switchblade knife, spring-type knife, metal knuckle, or any other dangerous or deadly weapon or instrument except when doing so in line of duty or as may

be permitted by law.
(Code 1988, § 10-304)

State law references: State Firearms Act, 21 O.S. § 1289.1 et seq.

Sec. 46-21. Reckless conduct.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.
(Code 1988, § 10-305)

Sec. 46-22. Discharging firearms; exceptions.

(a) No person shall discharge any species of firearm in the city, except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or when otherwise authorized by law or ordinance.
(b) It is unlawful to discharge a rifle, firearm or BB gun in the city except as may be authorized by law.

(Code 1988, § 10-306)

Sec. 46-23. Loud noise or music; amplified sound.

It is unlawful for any person to disturb the peace and quietude of any part of the city by operating, having operated or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loudspeaker, in such a manner as to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.
(Code 1988, § 10-307)

Sec. 46-24. Public intoxication and drinking.

(a) It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the city in a state of intoxication.
(b) For the purposes of this section, the term "state of intoxication" means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his full physical or mental power, or in which a person is a danger to himself or others.

(Code 1988, § 10-401)

Cross references: Alcoholic and nonintoxicating beverages, ch. 6.

Sec. 46-25. Possession of intoxicating and nonintoxicating beverages.

(a) It is unlawful for any person under the age of 21 years to be in possession of any intoxicating or nonintoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the city limits.
(b) It is unlawful for any parent or guardian of a person under the age of 21 years to permit such person to be in possession of an intoxicating alcoholic beverage.
(c) For the purpose of this section, the terms "intoxicating beverage" and "nonintoxicating beverage" shall be as defined in sections 6-1 and 6-82 of this Code.

(Code 1988, § 10-402)

Cross references: Alcoholic and nonintoxicating beverages, ch. 6.

Sec. 46-26. Intoxicating liquors.

It is unlawful:

(1) For any person to barter, sell, give away or otherwise furnish to another any intoxicating or nonintoxicating liquor or beverage of any kind except as permitted by law;
(2) To have in possession or under control any intoxicating or nonintoxicating liquor or

beverage except as permitted by law, or to transport or in any manner convey from place to place in the city any intoxicating or nonintoxicating liquor or beverage except as permitted by law;

(3) To loiter in a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or

(4) To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.

(Code 1988, § 10-403)

Cross references: Alcoholic and nonintoxicating beverages, ch. 6.

Sec. 46-27. Marijuana.

(a) The misdemeanor marijuana possession provisions of 63 O.S. § 2-402 are incorporated in this section, and any conviction of a violation of such provisions shall constitute a violation of this section, punishable as provided in section 1-12.

(b) It shall be unlawful to appear or be upon or in any street, alley, place of business or other public place in the city while under the influence of a controlled dangerous substance or marijuana.

(c) For the purpose of this section, the term "marijuana" shall have the meaning prescribed by 63 O.S. § 2-101. The term "drug paraphernalia" shall have the meaning prescribed by 63 O.S. § 2-101, including the factors to determine in 63 O.S. § 2-101.1.

(d) This section shall not apply to any marijuana lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice.

(Code 1988, § 10-404)

Sec. 46-28. Prostitution.

(a) *Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:*

Letting premises for prostitution means the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

Prostitution means the giving of the body for sexual intercourse or sodomy for hire or money.

Soliciting for prostitutes means the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution.

(b) *Prohibited acts. It is unlawful for any person to:*

(1) Be a prostitute;

(2) Solicit, entice, or procure another to commit or engage in any act of prostitution;

(3) Engage in any act of prostitution;

(4) Knowingly let premises for purposes of prostitution;

(5) Conduct a business or premises for prostitution; or

(6) Be a party to an act of prostitution or solicitation of prostitution in the limits of the city.

(Code 1988, § 10-405)

Sec. 46-29. Disorderly house.

(a) *Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:*

Disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

(1) The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by statute;

(2) The violation of any of the ordinances of this city or statute regulating the sale, distribution, possession or use of alcoholic beverages;

(3) The performance of any sexual act declared unlawful by statute or ordinance including, but not limited to, soliciting for purposes of prostitution; or

(4) The violation of any statute or ordinance prohibiting gambling.

(b) *Maintaining or leasing.*

(1) No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

(2) No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

(c) *Residents and visitors. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.*

(Code 1988, §§ 10-406--10-408)

Sec. 46-30. Nudity.

It is unlawful for any person to appear in any public place in the city in a state of nudity.

(Code 1988, § 10-409)

Sec. 46-31. Curfew for minors.

(a) *Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:*

Custodian means any person over the age of 21 years who is in loco parentis to a minor.

Guardian means any person other than a parent who has legal guardianship of a minor.

Minor means any person under the age of 18 years.

Parent means the natural or adoptive parent of a minor.

Public place means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of such places.

(b) *Prohibited hours; exceptions. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the city as follows:*

(1) For minors 15 years of age and under, between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday, and between the hours of 11:00 p.m. and 6:00 a.m., Friday and Saturday; and

(2) For minors 16 and 17 years of age, between the hours of 12:00 midnight and 5:00 a.m., Monday through Friday, and 1:00 a.m. through 5:00 a.m., Saturday and Sunday; unless:

a. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;

b. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor;

c. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation;

d. Engaged in interstate travel;

e. When returning directly, without deviation, from a school or church sponsored adult supervised event.

(c) *Responsibility of operators of public places. It is unlawful for any person operating or having, charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in subsection (b) of this section.*

(d) *Responsibility of parents and guardians. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the city between the hours of curfew designated in subsection (b) of this section. The provisions of this section do not apply if the parent, guardian or other adult person has made a missing person notification to the police department.*

(e) *Custody procedures for violations by minors. The city council adopts the following procedure for taking into custody any minor children found to be in violation of this section: The taking of minor children into custody shall be governed by, and the city adopts, 10 O.S. § 7003-2.1, and the general statutes dealing with minor children (i.e., O.S. tit. 10).*

(Code 1988, § 10-413)

Sec. 46-32. Sleeping in public.

It is unlawful for any person, between the hours of 12:00 midnight and 6:00 a.m., to sleep on any street, in any other public place, or on the property of another without the express or tacit consent of the owner or person in charge of such place.

(Code 1988, § 10-414)

Sec. 46-33. Gambling; prohibited acts.

(a) It is unlawful for any person, or agent or employee thereof, to do any of the following:

(1) To play, open or cause to be opened, or operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;

(2) To set up, operate or permit to be operated any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing such machine or device might result in a gain or loss to the party playing;

(3) To gamble knowingly in any other manner; or

(4) To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section.

(b) It is unlawful and an offense against the city for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.

(Code 1988, § 10-416)

State law references: Authority to prohibit gambling, 11 O.S. § 22-108.

Sec. 46-34. Being in vicinity where gambling is going on.

It is unlawful for any person to be about in the immediate vicinity where a person is gambling, whether by playing games, operating a slot machine or other device, or otherwise.

(Code 1988, § 10-417)

Sec. 46-35. Harmful deception.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

(Code 1988, § 10-418)

Sec. 46-36. Swindling.

It is unlawful to get money or property from any other persons or businesses under false pretense, deception, cheating or by any other fraudulent act.

(Code 1988, § 10-420)

Sec. 46-37. Assault and battery.

(a) An assault is any intentional, willful, and unlawful attempt or offer with force or violence to do a corporal hurt to another.

(b) A battery is any intentional, willful and unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.

(c) It is unlawful to commit an assault or an assault and battery within the jurisdiction of the city. Any person committing an assault or an assault and battery within the jurisdiction of the city shall be guilty of an offense.

(Code 1988, § 10-501)

Sec. 46-38. Resisting an officer.

(a) It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.

(b) It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

(c) Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

(d) The term "obstruction of" shall, in addition to its common meaning, include the following:

  (1) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

  (2) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under restraint; or

  (3) Refusal by the arrested party to give his name and make his identity known to the arresting officer.

(Code 1988, § 10-601)

Sec. 46-39. Refusing or failing to assist an officer.

(a) An officer of the city making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the city or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

(b) It is unlawful for any person lawfully called upon thus to assist an officer of the city to refuse or fail to do so.

(Code 1988, § 10-602)

Sec. 46-40. Assault or battery upon police or other law officer.

It is unlawful for any person to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties.

(Code 1988, § 10-603)

Sec. 46-41. Rescuing prisoners.

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner from any officer or employee of the city having legal custody of the prisoner or from the city jail or other place of confinement by the city, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement.

(Code 1988, § 10-604)

Sec. 46-42. Escape of prisoners.

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison or custody.

(Code 1988, § 10-605)

Sec. 46-43. Impersonating an officer or employee.

It is unlawful for any person to impersonate any officer or employee of the city, falsely represent himself to be an officer or employee of the city, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being duly authorized to do so.

(Code 1988, § 10-606)

Sec. 46-44. False alarms.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run.

(Code 1988, § 10-607)

Sec. 46-45. False representation to an officer.

It is unlawful for any person, or any agent or employee thereof, 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; or to commit perjury before any tribunal or officer of the city.

(Code 1988, § 10-608)

Sec. 46-46. Removal of barricades.

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area.

(Code 1988, § 10-609)

Sec. 46-47. Resisting public officials.

It is unlawful for any person knowingly or willfully to:

(1) Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the city in the discharge of his official duties; or

(2) Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties.

(Code 1988, § 10-610)

Secs. 46-48--46-80. Reserved.

ARTICLE II. FINE SCHEDULE

Sec. 46-81. Fines for criminal violations enumerated.

The fines for the following criminal violations shall be as follows:

Abandoned refrigerators . . . $75.00
Abusive language on a peace officer . . . 100.00
Assault on a peace officer . . . 100.00
Breach of the peace . . . 75.00
Carrying a concealed weapon . . . 100.00
Contributing to the delinquency of a minor by providing orsupplying alcohol to a minor . . . 200.00
Cruelty to animals . . . 100.00
Discharging fireworks . . . 75.00
Disorderly conduct . . . 75.00
Disturbing assembly of public body . . . 75.00
Disturbing the peace public/individual . . . 100.00
Domestic abuse . . . 100.00
Drinking or possession of open container of alcoholic beverage in public place . . . 100.00
Drinking or possession of open container of nonintoxicating alcoholic beverage in public place . . . 100.00
Failure to appear . . . 75.00
Failure to keep animals restrained . . . 75.00
Having false ID to obtain alcoholic beverages . . . 100.00
Illegal/improper parking . . . 15.00
Injury to plants, trees or streets . . . 75.00
Littering or unlawful dumping . . . 100.00
Loud music/excessive noise . . . 75.00
Malicious damage to personal property . . . 100.00
Malicious damage to emergency vehicles . . . 100.00
Minimum court cost . . . 15.00
Permitting a minor to sell alcoholic beverages . . . 100.00
Possession/consumption of nonintoxicating alcohol by a minor . . . 75.00
Possession/consumption of intoxicating alcoholic beverage by a minor . . . 100.00
Possession of drug paraphernalia . . . 100.00
Possession/use of firearm while intoxicated . . . 100.00
Possession of marijuana . . . 100.00
Public drunkenness . . . 100.00
Removal/destruction of barricade/traffic control device . . . 100.00
Resisting arrest/escape from officer, failure to assist, ordisobeying a lawful order . . . 100.00
Simple assault . . . 100.00

Tampering with a motor vehicle . . . 100.00
Tampering with or damage to personal property of the city . . . 100.00
Tampering with or damage to public/city utility . . . 100.00
Unlawful assembly . . . 80.00
Unlawful entrance . . . 80.00
Unlawfully obtaining/delivering/possessing a controlled dangerous substance . . . 100.00
Violations to animals (other) . . . 75.00
Violations not specifically listed . . . 100.00
(Ord. No. 99-4, § 1, 7-19-1999)

Sec. 46-82. Serving of warrants.

A fee as listed in chapter 26 of this Code shall be imposed for the serving of warrants.
(Ord. No. 99-4, § 2, 7-19-1999)

Sec. 46-83. Imposition or dismissal of fines.

After a violation has been filed with the municipal court clerk, the municipal judge shall have the authority to impose or dismiss any and all fines at his discretion.
(Ord. No. 99-4, § 3, 7-19-1999)

Chapters 47--49 RESERVED

Chapter 50 PARKS, RECREATION AND CEMETERY*

***Cross references: Streets, sidewalks and public works, ch. 62.**

Article I. In General
Sec. 50-1. Glass containers.
Secs. 50-2--50-30. Reserved.
Article II. Board of Park Commissioners
Sec. 50-31. Establishment and name.
Sec. 50-32. Number of members; appointment.
Sec. 50-33. Terms; vacancies; compensation; meetings.
Sec. 50-34. Officers.
Sec. 50-35. Powers and duties; enforcement of rules in parks.
Sec. 50-36. Members not to be concerned in contracts or interested in park property.
Sec. 50-37. Park property defined.
Sec. 50-38. Gifts may be made to city.
Secs. 50-39--50-70. Reserved.
Article III. Cemetery
Sec. 50-71. Definitions.
Sec. 50-72. Establishment of cemetery policy.
Sec. 50-73. Enforcement of rules.
Sec. 50-74. Enumeration of general rules.
Sec. 50-75. Lots and lot owners.
Sec. 50-76. Care of lots.
Sec. 50-77. Descent of title.
Sec. 50-78. Interments.
Sec. 50-79. Plants and shrubs.
Sec. 50-80. Application for interment permit.
Secs. 50-81--50-110. Reserved.
Article IV. Community Center
Sec. 50-111. Rates for use; deposit and reservation.

ARTICLE I. IN GENERAL

Sec. 50-1. Glass containers.

(a) *Prohibited in specified area. All glass or glass containers within 150 feet of either side of Pennington Creek within the corporate limits are prohibited.*

(b) *Penalty for possession. The penalty for possession of glass or glass containers in the area described in subsection (a) of this section, if convicted, shall be $200.00.*

(Ord. No. 94-6, §§ 1, 2, 7-5-1994)

Secs. 50-2--50-30. Reserved.

ARTICLE II. BOARD OF PARK COMMISSIONERS

Sec. 50-31. Establishment and name.

There is established a park commission for the city called the board of park commissioners.

(Code 1988, § 11-101)

Sec. 50-32. Number of members; appointment.

The board of park commissioners shall consist of five persons, to be appointed by the mayor, with the approval of the city council.

(Code 1988, § 11-102)

Sec. 50-33. Terms; vacancies; compensation; meetings.

(a) The terms of office of the members of the board of park commissioners of the city shall be as follows: One commissioner shall be appointed for a term of one year, two commissioners for terms of two years, and two commissioners for terms of three years. At the expiration of the terms of office of the first commissioners appointed under this article, each park commissioner shall be appointed for a term of three years and until his successor in office has been appointed and qualifiesd.

(b) The terms of the commissioners shall begin on May 1. Any vacancy which may occur through death, resignation, or otherwise may be filled for the unexpired term in like manner. No commissioner shall be eligible to succeed himself in office, except the original board, whose terms of office shall expire the first year. No compensation for services of the commission shall be allowed to any member thereof. Special meetings of the park commission may be called by the chair or a majority of the commissioners. The board shall determine the time of its regular meetings.

(Code 1988, § 11-103)

Sec. 50-34. Officers.

The board of park commissioners shall elect one of its number chair and another vice-chair, and shall elect a member secretary. Thereafter, such officers shall be chosen on the first Monday of May in each year, or as soon thereafter as practicable.

(Code 1988, § 11-104)

Sec. 50-35. Powers and duties; enforcement of rules in parks.

(a) The board of park commissioners shall act in an advisory capacity to the mayor and council in connection with the care, management and control of all parks and grounds used for park purposes, all boulevards and parkways, now or hereafter owned by or under the control of the city. The board shall advise with, and suggest to, the mayor and council methods of improving and adorning parks, boulevards and parkways. The board shall have power to make and alter from time to time necessary rules and regulations for the maintenance of order, safety, and decency in the parks, both within and without the limits of the city. No such rules or regulations shall be of any effect unless they shall have been first approved by the city council.

(b) For the purpose of enforcing such rules and regulations, all such parks and property, within or without the limits of the city, are placed under the police jurisdiction of the city. Any member of the police department may arrest, without warrant, in any such parks or places, whether within or without the limits of the city, any person who has broken any park rule or committed any violation of such rules or ordinance in the park, and the municipal court shall have jurisdiction of all such violations committed within the limits of the parks.

(Code 1988, § 11-105)

Sec. 50-36. Members not to be concerned in contracts or interested in park property.

No member of the board of park commissioners shall be concerned in any contract with the city or any of its departments, either as contractor, subcontractor, bondsman, or other party directly or indirectly interested.

(Code 1988, § 11-107)

Sec. 50-37. Park property defined.

The term "park property" means all parks, street parking, and all buildings, structures, improvements, seats, benches, fountains, boats, floats, walks, drives, roads, trees, plants, herbages, flowers, and other things thereon, and the enclosures of such, and all trees on streets or thoroughfares, resting places, water stations, playgrounds, or the like, and all boulevards, parkways, roads, or drives between parks.

(Code 1988, § 11-106)

Sec. 50-38. Gifts may be made to city.

Real or personal property may be granted, bequeathed, devised, or conveyed to the city for the purpose of the improvement or ornamentation of such parks or approaches, or for the establishment or maintenance therein of museums, zoological or other gardens, collections of natural history, observatories, monuments, statues, fountains, or other works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof, and accepted by the city council. All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits, and income thereof shall be subject to the exclusive management, direction, and control of the city.

(Code 1988, § 11-108)

Secs. 50-39--50-70. Reserved.

ARTICLE III. CEMETERY

Sec. 50-71. 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:

Cemetery means burial park for earthen interments, a community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more than one thereof.

Certificate of ownership means the original conveyance given by the cemetery to the original purchaser.

Interment means the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment or burial.

Lot means numbered divisions as shown on the record plat which consists of six or more plots.

Lot marker means a type of post used by the cemetery to locate corners of the lot or plot.

Marker means a memorial flush with the ground.

Memorial means a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn and crypt and niche place.

Monument means a tombstone or memorial of granite or marble which shall extend above the surface of the ground.

Plot means a space of sufficient size to accommodate one adult interment approximately three feet by ten feet.

(Code 1988, § 11-202)

Cross references: Definitions generally, § 1-2.

Sec. 50-72. Establishment of cemetery policy.

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the city as the rules and regulations of the city cemetery. All lot owners and visitors within the cemetery and all lots sold shall be subject to the rules and regulations, and subject further to such other rules and regulations, amendments or alterations as shall be adopted by the city council from time to time and the reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as if set forth in this article.

(Code 1988, § 11-201)

Sec. 50-73. Enforcement of rules.

The city is empowered to enforce all rules and regulations and to exclude from the cemetery any person violating such rules and regulations. The city shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, plot owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

(Code 1988, § 11-209)

Sec. 50-74. Enumeration of general rules.

(a) The city owns and operates the cemetery in accordance with law. The following rules also apply:

(1) Employees of the city are not expected to work on Saturdays, Sundays or holidays except when absolutely necessary in the preservation of order, and as specified in the rules and regulations. Consequently, Saturday and Sunday funerals will be held to a minimum.

(2) Employees of the city are not permitted to do any work for lot owners except upon order of the superintendent but are required to be civil and courteous to all visitors.

(3) All fees or charges for services are payable at the clerk-treasurer's office and patrons of the cemetery are requested not to pay any fee or gratuity to any employee.

(4) Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

(5) Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorials, fence, or other structure within the cemetery grounds.

(6) Motorcars and vehicles must be kept under complete control at all times. When meeting a funeral procession, they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Motorcars must not be left with the engine running and the emergency brakes must be set when the driver is not in his seat. Mufflers must not be opened nor the horn sounded within the cemetery.

(7) The following are prohibited:

a. The driving of motorcars or other vehicles at speeds exceeding five miles per hour;

b. Driving any motorcar, vehicle or animal across or upon anygrave, lot or lawn or parking or leaving such vehicle or animal thereon;

c. Parking or leaving any motorcar or vehicle on any road ordriveway within the cemetery at such location or in such positionas to prevent any other car

or vehicle from passing such motorcar or vehicle, and if so parked or left, the management will remove such motorcar or vehicle; or

d. Making a complete or partial reverse turn of any motorcar orvehicle on any road or driveway within the cemetery.

(8) Children under 15 years of age are not permitted within the cemetery, or its buildings, unless accompanied by proper persons to take care of them.

(9) Receptacles for waste material are located at convenient places. The throwing of rubbish on the drives and paths, or on any part of the grounds or buildings, is prohibited.

(10) The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases and similar articles, upon plots will not be permitted; and if so placed, the management reserves the right to remove them. Except on Memorial Day when flowers, metal boxes, ornaments, glass vases, etc., will be allowed; however, they must be removed within three days. On Christmas, blankets and decorations, etc., will be allowed, and they must be removed by January 15. All other exceptions must be cleared by the cemetery superintendent or mayor. Personal property removed by the city will be retained for 30 days after removal so that property owners may claim their property if they so desire.

(11) It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. All persons within the cemetery should avoid conduct unbecoming a sacred place including:

a. Loud or boisterous talking;

b. Idling or loafing on the grounds or in any of the buildings;

c. Bringing lunches or refreshments into the cemetery or consumingthem on the grounds;

d. Peddling or soliciting the sale of any commodity within thecemetery;

e. Placing of signs or notices or advertisements of any kind withinthe cemetery;

f. Bringing dogs into the cemetery or any of the buildings; or

g. Bringing firearms into the cemetery except by a military escortaccompanying a veteran's funeral or attending memorial services.

(b) It is the duty of the city to see that the rules and regulations are complied with and to see that order is maintained and to protect and promote the best interests of the cemetery. To that end, city staff are authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these rules and regulations.

(c) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The city, therefore, is given the necessary powers to make exceptions, suspensions or modifications of any of these rules and regulations, without notice, when in the judgment of the city staff such action appears necessary. Such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rules and regulations.

(Code 1988, § 11-203)

Sec. 50-75. Lots and lot owners.

(a) Persons desiring to purchase lots should visit the cemetery where the management will aid them in making a selection. Payment for lots is to be made at the clerk-treasurer's office and a certificate to the lot will be issued upon receipt of payment. The fees are as set by the council by motion or resolution for grave sites, opening and closing. The fees are payable in advance either in a lump sum or in quarterly or monthly installments until the

amounts due and owing are paid. A copy of the current fee schedule is in the office of the clerk-treasurer.

(b) Lots of various sizes are available in the cemetery, and such lots will not be subdivided.

(c) No lot shall be used for any other purpose than for the burial of the human dead.

(d) No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery or buildings, as long as the city devotes it to that purpose.

(e) The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives, or walks, or any part thereof is reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The city reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.

(f) Descriptions of lots will be in accordance with the cemetery plats which are kept on file in the clerk-treasurer's office.

(g) The city will take all reasonable precautions to protect lot owners and the property rights of plot owners within the cemetery from loss or damage. The cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage is direct or collateral, other than as provided in this section.

(h) It is the duty of the plot owner to notify the city of any change in his post office address.

(i) The instrument of conveyance of these rules and regulations and any amendment thereto constitute the sole agreement between the city and the plot owner. The statement of any employee or agent, unless confirmed in writing by the city, shall in no way bind the cemetery.

(j) The council shall have the power to limit the placement of a community mausoleum for vaults and crypts for interments in restricted areas.

(k) All obstructions within the cemetery except for headstones and grave markings are prohibited. This restriction and requirement is made part of the cemetery plat and is a covenant running with the land.

(Code 1988, § 11-204)

Sec. 50-76. Care of lots.

(a) The general care of the cemetery is assumed by the city.

(b) The general care assumed by the city shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the cemetery, including the work caused by the impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work or any section or plot, or any portion thereof in the cemetery, caused by the elements, an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage is direct or collateral, other than as provided in this section.

(c) Lot owners desiring additional care of their lots may arrange for such care through private contract.

(d) Investment of permanent maintenance. The money received for perpetual care shall be

held in trust and invested as provided by law. The city reserves the right, however, either to handle all investments itself, or to deposit the funds with any person, company, or corporation qualified to act as trustee for such funds.

(e) Concrete walkways will not be allowed between lots.

(f) Each monument shall have a concrete base. This base shall be flush with the ground and be extended six inches to eight inches on all four sides to give the monument full support.

(g) No plot or lot shall be enclosed in any type of ground marker.

(h) All cemetery monuments and headstones shall be required to rest on appropriate cement pads to ensure they will remain upright.

(Code 1988, § 11-205)

Sec. 50-77. Descent of title.

The laws of the state govern the descent of title to cemetery lots as well as other matters pertaining to assignment, conveyance devises, trust deeds and inalienability apply. The city will assist any lot owner who desires information or advice on questions pertaining to his lot.

(Code 1988, § 11-206)

Sec. 50-78. Interments.

(a) The following rules govern interments:

(1) The cemetery will be open to the public from sunrise to sunset.

(2) Where immediate burial is required by law or under the rules and regulations of the board of health, interments may be made on Saturdays, Sundays and holidays, but an additional fee will be added to the regular interment charge. Otherwise, interments will be permitted only Monday through Friday.

(3) All funerals on entering the cemetery shall be under the charge of city personnel.

(4) Once a casket containing a body is within the confines of the cemetery, no funeral director nor his embalmer, assistant, employee, or agent shall be permitted to open the casket or touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

(5) Funeral directors, upon arrival at the cemetery, must present the necessary burial permit from the local health office.

(6) All orders for interments in lots must be signed by the owner of the lot or his legal representative. However, when this is impossible because such person is absent from the city, telegraphic permission will be accepted in lieu thereof.

(7) Lot owners shall not allow interments in their lots in return for remuneration of any kind.

(8) No interment of two or more bodies shall be made in one grave except in the case of mother and child or two infants in one casket.

(9) When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation, the city reserves the right to make the interment in a location designated by the city.

(10) Employees of the city are the only persons permitted to open graves with the following exceptions:

a. When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the city; or

b. When the district judge directs the disinterment for the purposeof holding an inquest and has filed with the city his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by his lawful agents. City employees will not be permitted to assist

his agents.

(11) All charges for interment or services in connection therewith shall be paid to the city which will issue a receipt therefor upon request.

(12) Arrangements for the payment of any and all indebtedness due to the city must be made before interment will be made.

(13) The right is reserved by the city to insist upon at least 24 hours' notice prior to the interment and at least one week's notice prior to any disinterment or removal.

(14) All interments, disinterments and removals must be made at the time, and in the manner and upon the charges fixed by the council.

(15) Besides being subject to these rules and regulations, all interments, disinterments and removals are subject to the orders and laws of the properly constituted public authorities.

(16) All caskets buried in the cemetery must have outside containers of wood, metal, cement or fiberglass.

(b) The city will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.

(c) The city will not be liable for the interment permit nor for the identity of the person sought to be interred.

(Code 1988, § 11-207)

Sec. 50-79. Plants and shrubs.

(a) There shall be no individual beds of shrubbery or flowers allowed on the grounds except by special permission of the city. Application for the shrubbery and flowers should be accompanied by a scaled sketch of the proposed planting indicating the position and names of the plants and shrubs suggested.

(b) The city shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in the judgment of the city personnel, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standard maintained or as heretofore set forth in the rules and regulations of this article.

(c) The city shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery.

(d) The city shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, or by other causes beyond its control.

(e) The owner shall notify the clerk-treasurer's office any time his lot is resold.

(f) The city reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind unless the city gives consent.

(Code 1988, § 11-208)

Sec. 50-80. Application for interment permit.

The following application will be used to secure interment within any cemetery operated by the city. All applications must be submitted with a statement signed by family or friends requesting interment and that all fees have been explained and understood by all parties.

APPLICATION FOR INTERMENT PERMIT

The undersigned, duly licensed funeral director, does hereby make application to the City of Tishomingo, Oklahoma, for a permit to bury _____, deceased, in Tishomingo Cemetery, located in Johnston County, Oklahoma, and, in consideration of the granting of such permit, such funeral director does covenant, promise and agree:

1. To employ the Park Department of the City of Tishomingo, Oklahoma, for the sum

as listed in chapter 26 of the city Code, to be paid to such city, to open and close the grave, unless friends or relatives of the deceased desire to open such grave gratis, but in no event shall any grave be opened without the knowledge of the Park Department who shall designate the exact location of the grave, this to prevent graves being opened in walkways or on another's lot, and in the event friends or relatives of the deceased open and close the grave, the funeral director shall assume full responsibility for any claims for damage or otherwise in connection with or arising out of the opening and/or closing of such grave.

2. To take full charge and supervision of such burial and of the conducting of the funeral of the deceased, and such city shall have no obligation or responsibility whatsoever with reference thereto.
3. To assume complete responsibility for any damages, or any claim of any nature whatsoever, arising from or out of the conduct of such funeral, and all things and occurrences in connection therewith; it being distinctly agreed and understood that such funeral director shall absolve and hold harmless the City of Tishomingo and from all liability and for all occurrences in connection with the performance and conduct of such funeral.
4. To reduce the possibility of accidents at the grave sites, all opened graves shall have planks placed on both sides and across both ends of the opened graves for the protection of all concerned. If planks are not used, the funeral director in charge assumes all responsibility.
5. To conform and comply, in all respects, with the rules, resolutions and regulations of such city relative to the use and operation of such cemetery.

Dated this _____ day of _____ 20_____

FUNERAL HOME

By: _____

(Code 1988, § 11-210)

Secs. 50-81--50-110. Reserved.

ARTICLE IV. COMMUNITY CENTER

Sec. 50-111. Rates for use; deposit and reservation.

(a) The rates for use of the community center, and the deposit and reservation fee, are as given in chapter 26.

(b) The rates described in subsection (a) of this section shall not apply to any city, county, or state election boards for use of the community center for purposes of conducting elections.

(c) Civic organizations and nonprofit organizations may use the community center rooms at no cost. However, the use of the kitchen will be charged. Deposits may be waived in lieu of volunteer work at the community center.

(d) The deposit and reservation fee guarantees the use of the community center. A group may reserve the center for no cost. Preference will be given to groups that pay the fee. A nondepositing group will be given a two-week notice if another group pays a deposit for that date.

(e) Reservations must be made at least two weeks ahead of time. Organizational reservations must be redone every three months. Family reunion reservations will be accepted on a one-year notice.

(Ord. No. 99-2, 3-16-1999; Ord. No. 2002-01, 1-7-2002)

Chapters 51--53 RESERVED

Chapter 54 PLANNING, ZONING AND DEVELOPMENT*

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***Cross references: Building regulations and codes, ch. 14; streets, sidewalks and public**

works, ch. 62; airport zoning, § 70-131 et seq.; utilities, ch. 74.

State law references: Municipal planning commissions generally, 11 O.S. § 45-101 et seq.

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ARTICLE I. IN GENERAL

Sec. 54-1. Penalties for violation of chapter.

Any person who violates any of the provisions of this chapter or fails to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense, and shall be liable for punishment as provided in section 1-12. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof where anything in violation of this chapter shall exist, and any architect, builder, contractor, individual, person, firm, or corporation employed in connection therewith and who may assist in the commission of any such violation shall be deemed guilty of a separate offense and, upon conviction, shall be fined.

(Code 1988, § 12-396(A))

Secs. 54-2--54-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 54-31. Planning commission.

(a) *Created. There is created within and for the city a planning commission, which shall consist of five citizens of the city. The members of the planning commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and*

shall serve without compensation, except as may be otherwise provided.

(b) *Term of office; vacancies. Members of the city planning and zoning commission (hereafter planning commission) shall hold office for a term of three years, except when a vacancy occurs and the appointment shall be made to fill the unexpired term.*

(c) *Ex officio members. The mayor and the city engineer shall be ex officio members of the city planning commission, but shall receive no compensation other than their affixed salary as such officials.*

(d) *Quorum. Three members of the city planning commission shall constitute a quorum for the transaction of business. However, no action shall be taken and be binding upon the city planning commission unless concurred in by not less than three members of the city planning commission.*

(e) *Nomination and confirmation. The mayor shall nominate the members of the city planning commission, subject to approval and confirmation by the city council.*

(f) *Meetings; organization and rules. The members of the city planning commission shall meet within two weeks after their nomination and confirmation and organize by electing from their members a chair, vice-chair, and secretary, and shall adopt from time to time such bylaws, rules, and regulations and amendments thereto as may be necessary to effectuate the purposes of this chapter.*

(g) *Power to employ staff; duties. It is the duty of the planning commission to prepare from time to time plans for the systematic development and betterment of the municipality as a place of residence or for business. It shall have the power and authority to employ engineers, attorneys, clerks and a secretary, or other help deemed necessary, subject to the approval of the mayor and city council. The salary and compensation of such employees shall be fixed by the city and shall be paid out of the city treasury as other officers and employees, and the necessary expenses incurred by the commission shall be paid out of the city treasury as other legal expenses of the city government.*

(h) *Powers and duties; subdivision of land.*

(1) The planning commission 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 municipal government, and for any purpose make, or cause to be made, surveys, maps or plans. Before final action shall be taken by the city council, or any department of the city government, on the location and designs of any public building, statue, memorial, park, parkway, boulevard, street and alley, playgrounds, public grounds, bridges, or the change in location of any street or alley, or the grade thereof, such question shall be submitted to the city planning commission for investigation and report.

(2) The planning commission may prepare and recommend to the city council the adoption of rules and regulations governing the subdivision of land within the corporate limits. All plans, plats, or other portions of such intended to be dedicated to public or private use within the corporate limits of the city shall first be submitted to the planning commission for its recommendation, approval, or rejection.

(3) The disapproval of any such plan, plat, or replat by the city council shall be deemed a refusal of the purported dedication shown thereon.

(i) *Uniformity of regulations. The planning commission may recommend the division of the city into districts of such number, size, and area as may be deemed best suited to carry out the zoning purpose. All such regulations shall be uniform for each class or kind of buildings*

throughout each district, but the regulations in one district may differ from those in other districts.

(j) *Comprehensive plan; purpose of regulations and matters considered. The regulations created by the planning commission shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.*

(k) *Additional authority. The city planning commission shall have additional authority and responsibility as the city council shall from time to time prescribe.*

(l) *To act as zoning commission. The city planning commission also shall act as the zoning commission and shall have the power to prepare and recommend to the city council zoning district boundaries and appropriate regulations relating to the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residences, and other purposes.*

(Code 1988, §§ 12-101--12-112)

Sec. 54-32. Building permit or certificate of occupancy.

(a) *Required. This chapter shall be enforced by a building inspector appointed by the city council. It shall be a violation of this chapter for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move, or improve any building or structure until a building permit or certificate of occupancy has been obtained under the conditions of this section and as described in chapter 26 of this Code.*

(b) *Building permits. Whenever any structure or building is to be improved or erected, moved or structurally altered, a building permit shall be obtained from the building inspector. The building inspector may require every applicant for a building permit to furnish the following information:*

(1) A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities;

(2) A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate;

(3) Additional information relating to the proposed improvements needed to determine compliance with these regulations; and

(4) A survey prepared by a state registered engineer of the boundaries of the lot on which the improvement is proposed to be located.

(c) *Certificate of occupancy. No change shall be made in the use of any land or building or structure after the passage of the ordinance from which this chapter is derived until a*

certificate of occupancy is obtained from the building inspector certifying that all of the provisions of this chapter are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall also be required, prior to occupancy.

(Code 1988, §§ 12-390--12-392)

Sec. 54-33. Amendments.

(a) The city council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the planning commission, amend the regulations and districts established in this chapter. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the date, time and place of such hearing shall be published in an official paper or paper of general circulation in the city.

(b) Every such proposed amendment shall be referred to the city planning commission for report. If a protest against the amendment is presented, duly signed, more than three days prior to the public hearing by the owners of 20 percent or more of the area of lots included in such proposed change, or by the owners of 50 percent or more of the area of the lots within 300 feet of any side of the territory included in such proposed change, separated therefrom only by an alley or street, such amendment shall not become effective, except by the favorable votes of three-fourths of all members of the city council.

(c) Notice of such proposed amendment shall be given by mailing written notice by the clerk-treasurer or secretary of the planning commission to all owners of property within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain the following:

(1) Legal description of the property and the street address or approximate location in the city;

(2) Present zoning and classification of the property, and the classification sought by the applicant; and

(3) The date, time and place of the public hearing.

In addition, notice may be given by posting notice of such hearing on the affected property at least 20 days before the date of the hearing.

(d) Petitions to amend the zoning regulation heard and decided by the city council will not again be set down for the hearing within one year of the date of the decision by the city council. Petitions may not be refiled with the planning commission within one year after the date of such decision by the city council. Petitions for zoning of the same property in a different zoning classification may, however, be refiled.

(Code 1988, § 12-393)

Sec. 54-34. Fee schedule.

Fees for filing petitions to change the zoning of property and to amend the district boundaries shall be as set by the city council per application, per parcel of land, and as described in chapter 26 of this Code.

(Code 1988, § 12-394)

Sec. 54-35. Classification of new additions.

(a) All new additions and annexations of land to the city shall be in an A general agricultural district unless otherwise classified by the city council for a period of time not to exceed one year from the effective date of the ordinance annexing the addition.

(b) Within this one-year period of time, the city council shall instruct the city planning commission to study and make recommendations concerning the use of land within the annexation to promote the general welfare and in accordance with the comprehensive city

plan, and upon receipt of such recommendations, the city council shall, after public hearings as required by law, establish the district classification of the annexation; provided, however, that this shall not be construed as preventing the city council from holding public hearings prior to annexation and establishing the district classification at the time of annexation.

(Code 1988, § 12-395)

Sec. 54-36. Additional remedies for violation of chapter.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building, structure or land is used in violation of this chapter, the city, in addition to other remedies, may institute any proper 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, or to prevent any illegal act, conduct, business, or use in or about the premises.

(Code 1988, § 12-396(B))

Sec. 54-37. Board of adjustment.

(a) *Creation; composition; terms; vacancies; removal. There is created a board of adjustment consisting of five members, citizens of the city, appointed by the mayor and confirmed by the council, each to be appointed for a term of three years. Not more than two members shall be appointed from the membership of the planning commission. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. Members may be removed for cause by the council upon written charges and allowing an opportunity for hearing.*

(b) *Meetings and rules.*

(1) The board of adjustment shall elect one of its members as chair to serve a term of two years. The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair, or, in his absence, the acting chair, may administer oaths and compel the attendance of witnesses by subpoena. The board of adjustment shall be subject to the open meeting laws of the state, and all meetings, deliberations and voting of the board shall be open to the public. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of all official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(2) The concurring vote of three members of the board is necessary to reverse any order, requirement, decision, determination of any administrative official, or to decide in favor of the applicant on any matter upon which the board required to pass under any ordinance or to effect any variation as provided in this chapter.

(c) *Powers. The board of adjustment shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the interpretation or enforcement of this chapter, or as provided in any other ordinance or regulation.*

(d) *Powers relative to variances.*

(1) The board of adjustment shall have the power to authorize variances from the strict application of the provisions of this chapter, as well as such other ordinances as the council shall so determine, where the strict application of such provisions would result in an unnecessary hardship, and may establish such requirements relative to such property as would carry out the purpose and intent of the regulations.

(2) The board may grant a variance only upon finding that:

a. The strict application of the ordinance to the particular piece of property would result in an unnecessary hardship by reason of:
   1. Exceptional narrowness, shallowness, or shape of a specific parcel of property at the time of the original adoption of the regulations;
   2. Exceptional topographic conditions; or
   3. Other extraordinary or exceptional situation or condition of a specific parcel of property;

b. The conditions are peculiar to the particular piece of property involved; and

c. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan.

(e) *Powers relative to exceptions. Upon appeal, the board is empowered to permit the following exceptions:*

(1) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;

(2) To interpret the provisions of the chapter where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this chapter; and

(3) To grant exceptions to the off-street parking requirements set forth in division 5 of article III of the zoning ordinance, when it is determined that the size and shape of the lot to be built on is such that the off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

(f) *Extent of relief.*

(1) In exercising the powers mentioned in subsection (e) of this section, the board of adjustment in conformance with the provisions of this chapter may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made in keeping with the intent, spirit and purpose of this chapter, and to that end shall have all the powers of the officer from whom the appeal is taken.

(2) Every ruling made upon any appeal to the board shall include a written finding of fact by the board of adjustment and shall specify the reason for granting or denying the appeal.

(g) *Procedure for appeals. Appeals from the action of any administrative official acting under this chapter shall be made in the following manner:*

(1) The appeal shall be taken within 30 days of the action appealed by filing with the official from whom the appeal is taken and the office of the board of adjustment, a notice of appeal specifying the grounds therefor, and paying such fee as shall be established by the council.

(2) The official from whom the appeal is taken shall transmit to the board all papers constituting the record of the matter on appeal.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the 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 or notice to the officer from whom the appeal is taken and on due cause

shown.

(4) 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 such appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(h) *Notice of hearings for variances and exceptions.*

(1) Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation and by mailing written notice by the clerk of the board of adjustment to all owners of property within a 300-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 days prior to the hearing.

(2) The notice, whether by publication or by mail, of a public hearing before the board of adjustment shall contain the following:

a. Legal description of the property and the street address or approximate location in the municipality;

b. Present zoning classification of the property and the nature of the appeal, variance or exception requested; and

c. Date, time and place of the hearing.

(3) On hearings involving minor variances or exceptions, notice shall be given by the 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 days prior to the hearing and shall contain the facts listed in subsection (h)(2) 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.

(i) *Appeal to district court.*

(1) An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any persons, jointly or severally, or any taxpayer, or an, officer, department, board or bureau of the city to the district court by filing a notice of appeal with the clerk-treasurer and with the board of adjustment within ten days from the filing of the decision of the board of adjustment which notice shall specify the ground of such appeal. Upon filing of the notice of appeal as provided in this section, the board of adjustment shall forthwith transmit to the court clerk of the county the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board of adjustment.

(2) An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from unless the chair 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, in his opinion, would 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 the ordinance, and upon notice to the chair of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

(Code 1988, §§ 12-120--12-128)

Secs. 54-38--54-70. Reserved.

ARTICLE III. ZONING*

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***State law references: Authority generally, 11 O.S. §§ 43-101--43-109, 44-101--44-110.**

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DIVISION 1. GENERALLY

Sec. 54-71. Purpose of article.

The regulations contained in this article are necessary to encourage the most appropriate uses of land; maintain and stabilize the value of property; reduce fire hazards and improve public safety and safeguard the public health; decrease traffic congestion and its accompanying hazards; prevent undue concentration of population; and create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of these regulations, they are held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

(Code 1988, § 12-202)

Sec. 54-72. Nature and application of article provisions.

This article classifies and regulates the use of land, buildings, and structures within the limits of the city. The regulations contained in this article are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, density of population and location of buildings.

(Code 1988, § 12-203)

Sec. 54-73. Regulation of use, height, area, yards and open spaces.

Except as otherwise provided in this article, no land is to be used and no building, structure, or improvement is to be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the divisions contained in this article relating to any or all districts.

(Code 1988, § 12-204)

Sec. 54-74. 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 or structure means a building customarily incidental and appropriate and subordinate to the main building or use and located on the same lot with the main building.

Accessory use means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

Advertising sign or structure means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" means 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 is determined as the area of the largest cross section of such structure. Neither directional, warning

nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale are construed as advertising signs for the purpose of this definition.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses is secondary to that of the normal agricultural activities.

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. (See Dwelling, multiple-family).

Automobile means a self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including, but not limited to, the following: passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile wash or laundry means a structure designed primarily for washing automobiles.

Automobile service station means any area of land, including structures thereon, that is used for the sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and which may or may not include facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

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 is 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.

Boardinghouse means a dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more but not exceeding 12 persons.

Building means any structure intended for the shelter, housing or enclosure of persons, animals or chattels. When separated by dividing walls without openings, each portion of such structure so separated is deemed a separate structure.

Building coverage means the percentage of the lot area covered by the building, excluding 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 the coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

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 dwelling is deemed to be a 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 sides, designed for or occupied by private passenger vehicles.

Child care center means any place, home or institution which receives three or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents,

legal guardians or custodians, when received for regular periods of time for compensation; provided, however, that this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

Clinic, dental or medical, means a facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions, including but not limited to dental and doctors' offices.

Convalescent, rest, nursing home, or extended care facility 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 or more sides by such a building.

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 the 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 the use of buildings and premises or the height and area of buildings are uniform.

Drive-in restaurant means any establishment where food, frozen desserts or beverages are sold to the consumer and where motor vehicle parking space is provided and where such food, frozen desserts or beverages are 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 or more families.

Dwelling, attached, means a dwelling having any portion of each of one or more 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 or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

Dwelling, single-family, means a detached dwelling designed to be occupied by one family.

Dwelling, townhouse or row house, means three or more dwelling units attached at the side, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Dwelling, two-family, means a dwelling designed to be occupied by two families living independently of each other.

Family means one or more persons related by blood or marriage, including adopted children, or a group of not to exceed five persons, excluding servants, not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodginghouse, hotel, club, or similar dwelling for group use. A family is deemed to include domestic servants employed by the family.

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 centerline of walls separating two 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 feet;
(4) Penthouses;
(5) Attic space providing headroom of seven feet or more;
(6) Interior balconies, mezzanines and enclosed covered porches and enclosed steps; and
(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 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, as such.

Garage apartment means a dwelling unit for one family erected above a private garage.

Garage, private, means an 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. See Floor area, gross.

Help-yourself laundry. See Dry cleaning or laundry, self-service.

Home association means an incorporated nonprofit organization, LLP or LLC, operating under recorded land agreements through which:

(1) Each lot or homeowner in a planned unit or other described land area is automatically a member;
(2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
(3) The charge, if unpaid, becomes a lien against the property.

Home occupation means any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not

change the character thereof, and which is conducted entirely within the main or accessory buildings; provided, however, that only limited trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one nonilluminated nameplate, not more than three square feet in area attached to the main or accessory building or freestanding within the owner's property line (it may not be placed on the right-of-way); and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which the occupation is conducted. The conducting of a tearoom or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, real estate office, or cabinet, metal or auto repair shop is not deemed a home occupation. Home occupations are subject to all city taxes and to all zoning and parking regulations for the district in which they are located.

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.

Hotel means a building or group of buildings under one ownership containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

Kennel means any lot or premises on which four or more dogs, more than six months of age, are kept.

Lot means any plot of land occupied or intended to be occupied by one building or a group of buildings, and accessory buildings and uses, including such open spaces as required by this article and other laws or ordinances, 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 adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot depth means the 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 nonintersecting 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 mean the lines bounding a lot.

Manufactured building and manufactured housing shall be defined in section 54-171.

Mobile home means a portable or mobile living unit used or designed for human occupancy on a permanent basis and shall be defined in section 54-171.

Mobile home, freestanding, means a mobile home located outside of a mobile home park or subdivision.

Mobile home park means land or property which is used or intended to be used or rented for occupancy by one or more trailers or movable sleeping quarters of any kind.

Nonconformance means a lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include, but not be limited to,

failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming use means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Nursery, plant, means the growing of trees, shrubs, bushes, plants or other similar vegetation where no retail sales of any vegetation is conducted on the site.

Parking space means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile. For purposes of this article, the size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet, plus adequate area for ingress and egress.

Planned unit development means a development planned in accordance with the provisions of division 6 of this article.

Rest home. See Convalescent home.

Roominghouse means a building where lodging only is provided for compensation to three or more, but not exceeding 12 persons; all in excess of this number are defined as a hotel under the terms of this article.

Setback means the distance between the lot line and the building line.

Stable, private, means a stable with a capacity for not more than two horses or mules.

Stable, public, means a stable, other than a private stable, with a capacity for more than two horses or mules.

Sanatorium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

Signs. See Advertising sign.

Site development plan means a plan drawn at a scale of not less than one inch equals 50 feet which shows the topographic characteristics of the site at two-foot contour intervals; the location and dimensions of buildings, yards, 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.

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 is 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 feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing independent apartment or living quarters is counted as a full story.

Street means any public 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.

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.

Structural alterations means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Tourist court means an area containing one or more structures designed or intended to be

used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients.

Tourist home means a dwelling in which sleeping accommodations in not more than four rooms are provided or offered for transient guests for compensation.

Townhouse. See Dwelling, townhouse or row house.

Trailer court. See Mobile home park.

Trailer home. See Mobile home.

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.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this article that an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building is used.

Yard, front, means a yard located in front of the front elevation of a building and extending across a lot between the side lot lines and being the minimum horizontal distance between the front property line and the main building or any projections thereof, other than steps.

Yard, rear, means a yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard is 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 building and the 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.

(Code 1988, § 12-205; Ord. No. 95-5, § 1, 4-4-1995)

Cross references: Definitions generally, § 1-2.

Secs. 54-75--54-100. Reserved.

DIVISION 2. DISTRICTS AND DISTRICT REGULATIONS

Sec. 54-101. Zoning districts; enumeration.

(a) The city is divided into zones as shown on the zoning map, filed with the clerk-treasurer. The map, as amended, and all explanatory material thereon is made a part of this article by reference. Zoning districts are designated as follows:

(1) Agricultural: A general agricultural district.

(2) Residential:

a. R-1 rural single-family residential district;

b. R-2 single-family residential district;

c. R-3 rural mobile home residential district;

d. R-4 mobile home residential district; and

e. R-5 high density residential district.

(3) Commercial:

a. C-1 neighborhood commercial district;
b. C-2 office commercial district;
c. C-3 downtown commercial district;
d. C-4 general commercial district;
e. C-5 highway commercial district; and
f. C-6 planned shopping center commercial district.

(4) Industrial:
a. I-1 light industrial district; and
b. I-2 heavy industrial district.

(5) Other:
a. EC environmental conservation districts;
b. F floodplain district; and
c. PUD planned unit development district.

(b) Specific district regulations are set forth in this division.

(Code 1988, § 12-206)

Sec. 54-102. 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 are construed to be such boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines are construed to be the 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 are construed as being parallel thereto and at such scaled distance therefrom as indicated on the zoning map.

(4) Where the boundary of a district line follows a railroad line, such boundary is deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.

(Code 1988, § 12-207)

Sec. 54-103. Vacation of public easements.

Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

(Code 1988, § 12-208)

Sec. 54-104. A general agricultural district.

(a) *Intent. This A general agricultural district is intended to provide a location for land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses. Therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this A district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this A district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.*

(b) *Uses permitted. Property and buildings in an A general agricultural district may be used only for the following purposes:*

(1) Detached single-family dwellings;
(2) Freestanding mobile home in accordance with the provisions contained in section 54-176;
(3) Churches;
(4) Public schools or schools offering the same general educational courses as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping for students;
(5) All agricultural land uses, buildings and activities;
(6) The raising of farm animals in accordance with ordinances;
(7) All of the following uses:
    a. Country club;
    b. Golf course or driving range;
    c. Home occupation;
    d. Library;
    e. Municipal use;
    f. Park or playground;
    g. Plant nursery;
    h. Public service or utility use;
    i. Advertising sign;
    j. Bulletin board or sign, not exceeding 40 square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign is removed as soon as the premises are leased, hired or sold;
    k. Accessory buildings which are not a part of the main building, including barns, sheds, and other farm buildings, private garages and accessory buildings which are a part of the main building; and
    l. Sign or display, not exceeding two in number, advertising the residential, commercial or industrial development of the land on which the sign or display is situated. All signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three years from the date of issuance of the special permit. The type, location and lighting of the sign or display shall be such as to not be detrimental to the use of adjacent properties, or restrict the sight distance on public streets.

(c) *Special exceptions. The following uses may be permitted in the A district on review in accordance with the provisions contained in this article:*
(1) Lodge hall, veteran's organization, and service organization;
(2) Airport or landing field;
(3) Cemetery, in accordance with state law;
(4) Kennel;
(5) Radio and television station and transmission tower;
(6) Stable, public;
(7) Child care center in accordance with the provisions of section 54-386;
(8) Drilling for oil or natural gas or the extraction of sand, gravel or minerals; provided that the operation is conducted in accordance with the provisions of ordinances and state laws and regulations relating thereto;
(9) Veterinary hospital;
(10) Transportation, pipeline, and utility easements and rights-of-way; and
(11) Temporary roadside stands for the sale of farm products grown on the premises; provided, however, that up to 15 percent of the display area for produce may be

used for the sale of products not grown on the premises. The temporary structure is required to be set back from the roadway only an adequate distance to permit parking and ingress and egress, and shall not be constructed in such a location as would create an undue traffic hazard subject to the regulations and recommendations of the engineer.

(d) *Area regulations. All buildings in the A district shall be set back from street rights-of-way or property lines to comply with the following yard requirements, except as provided in section 54-382:*

(1) Front yard regulations are as follows:

a. The minimum depth of the front yard shall be 50 feet from the street right-of-way or 100 feet from the centerline of the street right-of-way, whichever is greater;

b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 100 feet, and no building varies more than five feet from this average setback line, then no buildings shall be erected closer to the street line than the minimum setback so established by existing buildings; but this regulation shall not require a front yard of greater depth than 100 feet; and

c. When a yard has double frontage, the front yard requirements shall apply on both streets.

(2) Side yard regulations are as follows:

a. For one-story dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than 15 feet and of not less than 20 feet for dwellings of more than one story, except as provided in section 54-382. For unattached buildings of accessory use, there shall be a side yard of not less then five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not less than 60 feet from the front property line.

b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 15 feet if such lot is back to back with another corner lot, and 20 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

c. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall be set back from all exterior and interior side lot lines a distance of not less than 35 feet.

(3) There shall be a rear yard for a main building of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) For dwellings there shall be a minimum lot width of 275 feet.

(5) Intensity of use:

a. For each dwelling, mobile home and buildings accessory thereto, there shall be a lot area of not less than four acres.

b. Where a lot has less area than required and all of the boundary lines of that lot touch lands under other ownership at the effective date of the ordinance from which this article is derived, that lot may be used for one single-family

dwelling unit, freestanding mobile home or for the uses set forth in section 54-105(b) but not for the raising of animals.

c. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this article and the off-street parking areas required in division 5 of this article.

(6) Main and accessory buildings shall not cover more than 40 percent of the lot area. Accessory buildings shall not cover more than 20 percent of the rear yard.

(e) *Height regulations. No building in the A district shall exceed 35 feet in height except as provided in section 54-143.*

(Code 1988, §§ 12-210--12-214)

Sec. 54-105. R-1 rural single-family residential district.

(a) *Intent. This R-1 rural single-family residential district is intended to provide a location for the land situated on the fringe of the urban area that may be either agricultural or urban in character. This area commonly has been subdivided by ownership into various shaped tracts usually ranging from less than an acre to 20 acres in size. The use of land in these areas will represent a variety of urban and rural uses including the single-family dwelling unit on a small tract, residential uses with farm animals on acreages and agricultural endeavors of a limited scale. It is the purpose of this R-1 district to promote a compatibility between uses and to encourage and provide an orderly transition from agricultural to urban uses.*

(b) *Uses permitted. Property and buildings in an R-1 rural single-family residential district may be used only for the following purposes:*

(1) Detached single-family home;

(2) Church;

(3) Public school or school offering the same general educational courses as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping for students;

(4) Public park or playground;

(5) Library;

(6) Garden or agricultural crops but not for the raising of livestock;

(7) Home occupation;

(8) Accessory buildings which are not a part of the main building, including a private garage or accessory buildings which are a part of the main building, including a private garage;

(9) Bulletin board or sign, not exceeding 40 square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign is removed as soon as the premises are leased, hired, or sold; and

(10) Temporary building of the construction industry which is incidental to the erection of buildings permitted in this R-1 district, and which are removed when construction work is completed.

(c) *Special exceptions. The following uses may be permitted in the R-1 district on review in accordance with the provisions contained in this article:*

(1) Municipal use, public building and public utility;

(2) Plant nursery in which no building or structure is maintained in connection therewith;

(3) Golf club;

(4) Sign or display, not exceeding two in number advertising the residential, commercial or industrial development of the land on which the sign or display is

situated; all signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three years from the date of issuance of the special permit; the type, location and lighting of the sign or display shall not be detrimental to the use of adjacent properties, or restrict the sight distance on public streets;

(5) Nationally recognized lodge halls, fraternal organizations, and veterans' organizations; provided, however, that any club organized primarily for the purpose of dispensing or drinking alcoholic beverages shall not be permitted;

(6) Greenhouse, provided that the lot shall have a frontage on a major street of not less than 80 feet with a land area of not less than 20,000 square feet and the greenhouse is located within 300 feet of a major street with a setback from the side lot lines of not less than 25 feet and in accordance with front building line requirements; and

(7) Child care center in accordance with the provisions contained in section 54-146.

(d) *Area regulations. All buildings in the R-1 district shall be set back from street rights-of-way or property lines to comply with the following, except as provided in section 54-142:*

(1) Front yard regulations are as follows:

a. The minimum depth of the front yard shall be 25 feet.

b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this article shall not require a front yard of greater depth than 40 feet.

c. When a yard has double frontage, the front yard requirements shall be met on both streets.

(2) Side yard regulations are as follows:

a. For dwellings of one story located on interior lots, there shall be a side yard on each side of the main building of not less than 15 feet and of not less than 20 feet for dwellings of more than one story, except as provided in section 54-142. For unattached buildings of accessory use, there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not less than 60 feet from the front property line.

b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 35 feet, and from exterior side lot lines a distance not less than 25 feet.

(3) There shall be a rear yard for a main building of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) There shall be a lot width of 100 feet at the front building line, and such lot shall abut on a street for a distance of not less than 60 feet.

(5) Intensity of use:

a. For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than 22,500 square feet.

b. Where a lot has less area than required in this section and all the boundary

lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any of the uses, except churches, permitted by this section.

c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 5 of this article.

(6) Main and accessory buildings shall not cover more than 40 percent of the lot area. Accessory buildings shall not cover more than 20 percent of the rear yard.

(e) *Height regulations. No building in the R-1 district shall exceed 35 feet in height except as provided in section 54-143.*

(Code 1988, §§ 12-215--12-219)

Sec. 54-106. R-2 single-family residential district.

(a) *Intent. The principal use of land in this R-2 single-family residential district 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 function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.*

(b) *Uses permitted. Property and buildings in an R-2 single-family residential district may be used only for the following purposes:*

(1) Detached single-family dwelling;

(2) Church;

(3) Public school or school offering the same general educational courses as ordinarily given in public schools and having no rooms regularly used for housing and sleeping for students;

(4) Public park or playground;

(5) Library;

(6) Garden or agricultural crops but not for the raising of livestock;

(7) Home occupation;

(8) Accessory buildings which are not a part of the main building, including a private garage or accessory buildings which are a part of the main building, including a private garage;

(9) Bulletin board or sign, not exceeding 40 square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;

(10) Temporary building of the construction industry which is incidental to the erection of buildings permitted in this R-2 district, and which shall be removed when construction work is completed.

(c) *Special exceptions. The following uses may be permitted in the R-2 district on review in accordance with provisions contained in this article:*

(1) Municipal use, public building and public utility;

(2) Plant nursery in which no building or structure is maintained in connection therewith;

(3) Golf club;

(4) Sign or display, not exceeding two in number advertising the residential,

commercial or industrial development of the land on which the sign or display is situated; all signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three years from the date of issuance of the special permit; the type, location and lighting of the sign or display shall not be detrimental to the use of adjacent properties, or to restrict the sight distance on public streets;

(5) Nationally recognized lodge halls, fraternal organizations, and veterans' organizations; provided, however, that any club organized primarily for the purpose of dispensing of drinking alcoholic beverages shall not be permitted;

(6) Greenhouse, provided that the lot shall have a frontage on a major street of not less than 80 feet with a land area of not less than 20,000 square feet and the greenhouse shall be located within 300 feet of a major street with a setback from the side lot lines of not less than 25 feet and in accordance with front building line requirements; and

(7) Child care center in accordance with the provisions contained in section 54-146.

(d) *Area regulations. All buildings in the R-2 district shall be set back from street rights-of-way or property lines to comply with the following, except as provided in section 54-142:*

(1) Front yard regulations are as follows:

a. The minimum depth of the front yard shall be 25 feet.

b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this article shall not require a front yard of greater depth than 40 feet.

c. When a yard has double frontage, the front yard requirements shall be met on both streets.

(2) Side yard regulations are as follows:

a. For dwellings of one story located on interior lots, there shall be a side yard on each side of the main building of not less than eight feet and of not less than ten feet for dwellings of more than one story, except as provided in section 54-142. For unattached buildings of accessory use, there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not less than 60 feet from the front property line.

b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 15 feet if such lot is back to back with another corner lot, and 20 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

c. Churches and main and accessory buildings, other than dwellings, shall be set back from all interior side lot lines a distance of not less than 35 feet, and from exterior side lot lines a distance not less than 25 feet.

(3) There shall be a rear yard for a main building of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) For dwellings, there shall be a minimum lot width of 50 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.

(5) Intensity of use:

a. For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than 6,000 square feet.

b. Where a lot has less area than required in this section and all the boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any of the uses, except churches, permitted by this section.

c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 5 of this article.

(6) Main and accessory buildings shall not cover more than 40 percent of the lot area. Accessory buildings shall not cover more than 20 percent of the rear yard.

(e) *Height regulations. No building in the R-2 district shall exceed 35 feet in height except as provided in section 54-143.*

(Code 1988, §§ 12-220--12-224)

Sec. 54-107. R-3 rural mobile home residential district.

(a) *Intent. This R-3 mobile home residential district is intended to provide an area with a low population density and having restrictions similar to those for the R-1 district. A variety of land use activities, including single-family dwellings and mobile homes on small acreages and agricultural operations of small scale would be accommodated. It is the purpose of this R-3 district to afford a peaceful, healthy, and safe living environment in a rural country setting located on the urban fringe of the community.*

(b) *Uses permitted. Property and buildings in an R-3 rural mobile home residential district may be used only for the following purposes:*

(1) Any use permitted in the R-1 rural single-family residential district;

(2) A freestanding mobile home in accordance with the provisions contained in section 54-176; and

(3) Accessory buildings and uses customarily incidental to any of the uses described in this subsections (b)(1) and (2) of this section when located on the same lot.

(c) *Special exceptions. The following uses may be permitted in the R-3 district on review in accordance with the provisions contained in this article:*

(1) Municipal use, public building and public utility;

(2) Plant nursery in which no building or structure is maintained in connection therewith;

(3) Golf club;

(4) Sign or display, not exceeding two in number advertising the residential, commercial or industrial development of the land on which the sign or display is situated; all signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three years from the date of issuance of the special permit; the type, location and lighting of the sign or display shall be such as to not be detrimental to the use of adjacent properties, or restrict the sight distance on public streets;

(5) Nationally recognized lodge halls, fraternal organizations, and veterans' organizations; provided, however, that any club organized primarily for the purpose of dispensing or drinking alcoholic beverages shall not be permitted;

(6) Greenhouse, provided that the lot shall have a frontage on a major street of not less than 80 feet with a land area of not less than 20,000 square feet and the greenhouse shall be located within 300 feet of a major street with a setback from the side lot lines of not less than 25 feet and in accordance with front building line requirements; and

(7) Child care center in accordance with the provisions contained in section 54-146.

(d) *Area regulations. All buildings in the R-3 district shall be set back from street rights-of-way or property lines to comply with the following yard requirements, except as provided in section 54-142:*

(1) Front yard regulations are as follows:

a. The minimum depth of the front yard shall be 25 feet.

b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street than the minimum setback so established by the existing buildings; but this article shall not require a front yard of greater depth than 40 feet.

c. When a yard has double frontage, the front yard requirements shall be met on both streets.

(2) Side yard regulations are as follows:

a. For dwellings of one story located on interior lots, there shall be a side yard on each side of the main building of not less than 15 feet and of not less than 20 feet for dwellings of more than one story, except as provided in section 54-142. For unattached buildings of accessory use, there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not less than 60 feet from the front property line.

b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 15 feet if such lot is back to back with another corner lot, and 20 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

c. Churches and main and accessory buildings, other than dwellings, shall be set back from all interior lot lines a distance of not less than 35 feet, and from exterior side lot lines a distance not less than 25 feet.

(3) There shall be a rear yard for a main building of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) For dwellings, there shall be a minimum lot width of 100 feet at the front building line, and such lot shall abut a street for a distance of not less than 60 feet.

(5) Intensity of use:

a. For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than 22,500 square feet.

b. Where a lot has less area than required in this section and all the boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any

of the uses, except churches, permitted in the R-2 single-family residential district.

c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 5 of this article.

(6) Main and accessory buildings shall not cover more than 40 percent of the lot area. Accessory buildings shall not cover more than 20 percent of the rear yard.

(e) *Height regulations. No building in the R-3 district shall exceed 35 feet in height, except as provided in section 54-143.*

(Code 1988, §§ 12-225--12-229)

Sec. 54-108. R-4 mobile home residential district.

(a) *Intent. It is intended that this R-4 mobile home residential district provide for higher population densities which are more urban in character and have restrictions similar to those for the R-2 district. A range of activities including single-family dwellings and mobile homes along with the required educational and recreational uses for the residential area would be accommodated. The purpose of this R-4 district is to afford all persons an opportunity to enjoy the benefits of a safe and healthy living environment.*

(b) *Uses permitted. Property and buildings in an R-4 mobile home residential district may be used only for the following purposes:*

(1) Any use permitted in the R-2 single-family district;

(2) Freestanding mobile home in accordance with the provisions contained in section 54-176; and

(3) Accessory buildings and uses customarily incidental to any of the uses described in this subsections (b)(1) and (2) of this section when located on the same lot.

(c) *Special exceptions. The following use may be permitted in the R-4 district on review in accordance with the provisions contained in this article: Any special exception permitted on review in the R-2 single-family residential district.*

(d) *Area regulations. All buildings in the R-4 district shall be set back from street rights-of-way or property lines to comply with the following front yard requirements, except as provided in section 54-142:*

(1) Front yard regulations are as follows:

a. The minimum depth of the front yard shall be 25 feet.

b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line greater than 25 feet, and no building varies more than five feet from this average setback line, then no buildings shall be erected closer to the street line than the minimum setback so established by existing buildings; but this article shall not require a front yard of greater depth than 40 feet.

c. When a yard has double frontage, the front yard requirements shall be met on both streets.

(2) Side yard regulations are as follows:

a. For detached single-family dwellings of one story located on interior lots, there shall be a side yard on each side of the main building of not less than five feet and of not less than eight feet for dwellings of more than one story, except as provided in section 54-142. For unattached buildings of accessory use, there shall be a side yard of not less than five feet;

provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not less than 60 feet from the front property line.

b. For freestanding mobile homes located on interior lots, there shall be a side yard on each side of the main building of not less than ten feet, except as provided in section 54-142. For unattached buildings of accessory use, there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot when all parts of the accessory building are located not less than 60 feet from the front property line.

c. For single-family dwellings, mobile homes and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot, and 20 feet in every case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

d. Churches and main and accessory buildings, other than dwellings, shall be set back from all interior side lot lines a distance of not less than 35 feet, and from exterior side lot lines a distance not less than 25 feet.

(3) There shall be a rear yard for a main building of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) Lot width regulations are as follows:

a. For single-family dwellings, there shall be a minimum lot width of 50 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.

b. For freestanding mobile homes, there shall be a minimum lot width of 75 feet at the front building line, and such mobile homes shall abut on a street for a distance of not less than 35 feet.

(5) Intensity of use:

a. For each single-family dwelling and accessory buildings, there shall be a lot area of not less than 6,000 square feet.

b. For each freestanding mobile home and accessory buildings, there shall be a lot area of not less than 10,000 square feet.

c. Where a lot has less area than required in this section and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any use, except churches, permitted in the R-2 single-family residential district.

d. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 5 of this article.

(6) Main and accessory buildings shall not cover more than 40 percent of the lot area. Accessory buildings shall not cover more than 20 percent of the rear yard.

(e) *Height regulations. No building in the R-4 district shall exceed 35 feet in height except as provided in section 54-143.*

(Code 1988, §§ 12-230--12-234)

Sec. 54-109. R-5 high density residential district.

(a) *Intent. This R-5 high density residential district is designed to provide for a higher density of population than is afforded in any of the other residential districts. The principal use of land is for a wide variety of dwelling types, including single-family, attached-dwellings (townhouses), low-rise multiple-family dwellings, garden apartments, and high-rise apartments. Recreational, religious, and educational uses normally located to service residential areas also are permitted to provide the basic elements of convenient, balanced, and attractive living areas.*

(b) *Uses permitted. Property and buildings in an R-5 high density residential district are used only for the following purposes:*

(1) Any use permitted in an R-2 single-family residential district;
(2) Two-family dwelling (duplex);
(3) A detached single-family dwelling and a garage apartment;
(4) Townhouse;
(5) Multiple-family dwelling, in accordance with the provisions contained in section 54-144;
(6) Roominghouse or boardinghouse;
(7) Accessory buildings and uses customarily incidental to the uses described in this subsection (b) when located on the lot; and
(8) Mobile home park or subdivision.

(c) *Special exceptions. The following uses may be permitted in the R-5 district on review in accordance with the provisions contained in this article:*

(1) Any special exception permitted on review in the R-2 single-family residential district;
(2) Off-street parking lot associated with a commercial use as regulated under the provisions of division 5 of this article;
(3) Convalescent, rest, or nursing home;
(4) Doctor's or dentist's office or clinic;
(5) Hospital; and
(6) Sanitorium.

(d) *Area regulations. All buildings in the R-5 district shall be set back from street rights-of-way or property lines to comply with the following yard requirements, except as provided in section 54-142:*

(1) Front yard regulations are as follows:
   a. The minimum depth of the front yard is 25 feet.
   b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this article shall not require a front yard of greater depth than 40 feet.
   c. When a yard has double frontage, the front yard requirements shall be met on both streets.

(2) Side yard regulations are as follows:
   a. For detached dwellings and for unattached sides of attached dwellings located on an interior lot, a side yard of not less than five feet shall be provided on the unattached sides of the main dwelling for the first story and an additional three feet of side yard shall be provided for each additional

story or part thereof. For detached buildings of accessory use, there shall be a side yard of not less than five feet; provided, however, that detached one-story buildings of accessory use shall not be required to be set back more than three feet from an interior side lot line when all parts of the accessory building are located not less than 60 feet from the front property line.

b. For dwellings and accessory buildings located on corner lots, there shall be a side yard set back from the intersecting street of not less than 15 feet if such lot is back to back with another corner lot, and 20 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

c. Churches and main and accessory buildings, other than dwellings, shall be set back from all interior side lot lines a distance of not less than 35 feet, and from exterior side lot lines a distance not less than 25 feet.

(3) For main buildings, other than garage apartments, there shall be a rear yard of not less than 20 feet or 20 percent of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) Lot width regulations are as follows:

a. For single-family dwellings, two-family dwellings, and for a single-family dwelling and a garage apartment located on the same lot, there shall be a minimum lot width of 50 feet at the front building line, and the front lot line shall abut a street for a distance of not less than 35 feet.

b. For townhouse dwellings, there shall be a minimum lot width of 22 feet at the front building line, and the front lot line shall abut a street for a distance of not less than 22 feet; provided, however, that whenever a side yard is required the width of the lot at the building line shall be increased by an amount equal to the width of the required side yard.

c. For multiple-family dwellings, there shall be a minimum lot width of 60 feet at the front building line, and the width shall be increased by ten feet for each additional dwelling unit exceeding three which is located in the dwelling; however, the lot width at the front building line shall not be required to exceed 150 feet; and further provided that the front lot line shall abut a street for a distance of not less than 50 feet.

(5) Intensity of use:

a. For a single-family dwelling and accessory buildings, there shall be a lot area of not less than 6,000 square feet.

b. For a two-family dwelling and accessory buildings, there shall be a lot area of not less than 7,000 square feet.

c. For each townhouse dwelling unit and accessory building, there shall be a lot area of not less than 2,500 square feet; provided, however, that the lot area for each townhouse dwelling unit shall not be required to exceed 1,980 square feet if the rear lot line abuts an open space, commonly owned by the owners of the abutting property and of not less than 50 feet in width and extending across the total length of all of the rear yards of all dwelling units in the attached dwelling.

d. Where a garage apartment is located on the same lot with a single-family dwelling, there shall be a lot area of not less than 7,000 square feet. When a garage apartment is located on the same lot with a two-family or

multiple-family dwelling, the lot area shall provide not less than 2,000 square feet more than is required for the two-family or multiple-family dwelling.

e. For multiple-family dwellings of less than five stories in height, there shall be provided a lot area of not less than 8,500 square feet and an additional 2,000 square feet shall be added for each unit, more than three, which is located in the dwelling.

f. For multiple-family dwellings of five stories or greater in height, there shall be provided a lot area equal to not less than two times the gross floor area of the building, plus the coverage of the building.

g. Where a lot has less area than required in this section and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any use, except churches, permitted in the R-2 single-family residential district.

h. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in division 5 of this article.

(6) Main and accessory buildings shall not cover more than 35 percent of the lot area; provided, however, that a townhouse which is located on a lot with a rear yard abutting a common open space, as authorized in section 54-110(d), may cover not more than 40 percent of the lot area. Accessory buildings shall not cover more than 30 percent of the rear yard.

(e) *Height regulations. There are no specific height regulations established for uses permitted in this R-5 district, except as provided for in section 54-143.*

(Code 1988, §§ 12-235--12-239)

Sec. 54-110. C-1 neighborhood commercial district.

(a) *Intent. This C-1 neighborhood commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.*

(b) *Uses permitted. Property and buildings in a C-1 neighborhood commercial district may be used only for the following purposes:*

(1) Any use permitted in the R-2 single-family residential district;

(2) Any special exception use permitted on review in R-2 single-family residential district;

(3) Retail stores and shops which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, as follows:

Art school, gallery or museum;
Automatic bank center;
Bakery goods store;
Barbershop;
Beauty shop;
Candy store;
Child care center;

Cleaning, pressing, laundry collection agency;
Dairy products or ice cream store;
Delicatessen;
Drugstore or fountain;
Dry goods store;
Grocery store;
Lodge hall;
Meat market;
Newspaper or magazine sales;
Package liquor store;
Pharmacy; and
Self-service laundry or dry-cleaning.

(4) A nameplate and sign relating only to the use of the store and premises or to products sold on the premises. Lighted signs of flashing or intermittent type shall be prohibited; provided, however, that this shall not prevent the use of animated signs located entirely within the building which can be seen only from the street side of the building.

(5) Accessory buildings and uses customarily incidental to the uses in this subsection (b).

(6) Any building used for any of the enumerated uses may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in subsections (b)(1)--(b)(3) of this section shall be displayed or stored outside of a building.

(c) *Area regulations. The area requirements for dwellings and buildings accessory thereto in the C-1 district shall be the same as the area requirements for the R-5 high density residential district. The following requirements shall apply to all other uses permitted in this C-1 district, except as provided in section 54-142:*

(1) All buildings shall be set back from the street right-of-way or property line to provide a front yard having not less than 25 feet in depth.

(2) On the side of a lot adjoining a residential district, there shall be a side yard of not less than ten feet. Whenever the rear lot line of a corner lot abuts a residential district, the side yard adjacent to the street shall be not less than 15 feet in width. In all other cases, no side yard shall be required.

(3) Rear yard regulations are as follows:

a. Whenever the rear lot line abuts a residential district, there shall be provided a rear yard of not less than 20 feet; and

b. Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof, of not less than 30 feet.

(4) Whenever any commercial district or parking lot or parking area is established to abut the side or rear line of a lot in a residential district, an opaque ornamental fence or wall not less than five feet high and not more than six feet high shall be constructed and maintained in good condition along the 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 division 5 of this article, pertaining to off-street parking lots, shall apply. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will not be annoying glare directed or reflected toward residential buildings in a residential

district.

(5) Intensity of use:

a. For each structure, there shall be a lot area of not less than 5,000 square feet;

b. Where a lot has less area than required in this section and all the boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any use permitted in the R-2 single-family residential district.

(6) The main commercial building shall not cover more than 40 percent of the lot area.

(d) *Height regulations. No building in the C-1 district shall exceed 35 feet in height, except as provided in section 54-143.*

(Code 1988, §§ 12-250--12-253)

Cross references: Businesses, ch. 18.

Sec. 54-111. C-2 office commercial district.

(a) *Intent. This C-2 office commercial 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 aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods.*

(b) *Uses permitted. Property and buildings in a C-2 office commercial district shall be used only for the following purposes:*

(1) Any use permitted in an R-5 high density residential district;

(2) Any of the following uses:

a. Apartment hotel;

b. Art gallery;

c. Assembly hall for nonprofit corporations;

d. Business college;

e. Hospital and sanitorium;

f. Library;

g. Museum;

h. Music conservatory;

i. Office building, 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 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 an undertaking establishment and funeral homes;

j. Public and private schools and colleges, with students in residence and dormitories associated therewith; and

k. Trade school and school for vocational training;

(3) Recreational uses associated with and maintained primarily for the benefit and use of the occupants and families of the uses listed under subsection (b)(2) of this section;

(4) Shops and stores associated with and incidental to the uses listed under subsection (b)(2) of this section and maintained only for serving the occupants thereof;

(5) Buildings, structures and uses customarily incidental and accessory to the uses in this subsection (b); and

(6) Nameplate and sign relating only to the principal use.

(c) *Area regulations. The area requirements for dwellings and buildings accessory thereto in the C-2 district shall be the same as the area requirements for the R-5 high density residential district. The following requirements shall apply to all other uses permitted in this C-2 district, except as provided in section 54-142:*

(1) All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.

(2) Where a side yard is adjacent to a residential district, no building shall be located closer than 50 feet to the side lot line. In all other cases, no building shall be located closer than 35 feet to the side lot line.

(3) No building shall be located closer than 35 feet to the rear lot line.

(4) Whenever any commercial district, parking lot 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 five feet high and not more than six feet high shall be constructed and maintained in good condition along the side or rear lot line up to, but not beyond, the abutting residential setback building line; except when the front yard is used for off-street parking, then the provisions of division 5 of this article, 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.

(5) Intensity of use:

a. For each structure, there shall be a lot area of not less than 5,000 square feet; and

b. Where a lot has less area than required in this section and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any use permitted in the R-2 single-family residential district.

(6) Main and accessory buildings shall not cover more than 35 percent of the lot area, and in no case shall the total gross floor area of the main building exceed the area of the lot.

(d) *Height regulations. No building or structure in the C-2 district shall exceed 45 feet in height, except as otherwise provided in section 54-143, unless it is set back from all lot lines an additional one foot for each two feet that the building height exceeds 45 feet.*

(Code 1988, §§ 12-255--12-258)

Cross references: Businesses, ch. 18.

Sec. 54-112. C-3 downtown commercial district.

(a) *Intent. This C-3 downtown commercial district is intended to provide a concentrated downtown core accommodating commercial and personal services of all kinds, governmental, business and financial to satisfy the needs of the community and surrounding trade region. The uses in this C-3 district require a central location, accessible from all routes entering the city, and they must be grouped so that the transient and infrequent shopper can park and visit a number of stores and businesses on foot.*

(b) *Uses permitted. Property and buildings in a C-3 downtown commercial district may be used only for the following purposes:*

(1) Any use permitted in a C-1 neighborhood commercial district, a C-2 office commercial district, or an R-5 high density residential district;

(2) Any special exception use permitted on review in an R-5 high density residential district;

(3) Any of the following uses:
Ambulance service office or garage;
Amusement enterprise;
Antique shop;
Appliance store;
Artist materials, supply, and studio;
Arts and craft shop;
Automobile parking lot;
Automobile supply store;
Baby wares or supplies store;
Bakery;
Bank or financial institution;
Book or stationery store;
Bus terminal;
Camera shop;
Carpenter and cabinet shop;
Catering establishment;
Cleaning and dyeing plant;
Clothing or apparel store;
Commercial school or hall;
Curio or gift shop;
Dancehall;
Dental laboratory;
Department store;
Dress shop;
Electric transmission station;
Florist shop, greenhouse, plant nursery;
Frozen food locker;
Furniture repair and upholstery;
Furniture store;
Funeral parlor or mortuary;
Golf course, miniature or practice range;
Hardware store;
Heating, ventilating or plumbing supplies and service;
Hospital for small animals;
Hotel;
Ice storage locker plant;
Interior decorating shop;
Jewelry or notions store;
Key shop;
Laboratory, testing and experimental;
Laundry;
Leather goods shop;
Lodge hall;
Medical facility;
Messenger or telegram service;
Musical instrument sales;
Music, radio or television store;
Nightclub;

Office business;
Office supply;
Optical manufacturing;
Optometrist sales and service;
Pawn shop;
Pet shop;
Photographer studio;
Printing plant;
Radio and television sales;
Recreation center;
Research laboratory;
Restaurant, sit down;
Sewing machines sales and service;
Shoe store and repair shop;
Sign printing shop;
Skating rink;
Sporting goods sales;
Storage warehouse;
Supermarket;
Tailor shop;
Tavern;
Theater, sit down;
Toy store;
Variety store; and
Wholesale distributing center;

(4) Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated in this subsection (b);

(5) Buildings, structures and uses accessory and customarily incidental to any of the uses listed in this subsection (b), provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments; and

(6) No article or material stored or offered for sale in connection with uses permitted under subsections (b)(1)--(b)(5) of this section shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls or fences that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven feet in height shall be required.

(c) *Area regulations. The area requirements for dwellings and buildings accessory thereto in the C-3 district shall be the same as the area requirements for the R-5 high density residential district. The following requirements shall apply to all other uses permitted in this C-3 district, except as provided in section 54-142:*

(1) There are no specific front yard requirements for uses other than dwellings.

(2) On the side of a lot adjoining a residential district, there shall be a side yard of not less than ten feet. Whenever the rear lot line of a corner lot abuts a residential district, the side yard adjacent to the street shall not be less than 15 feet in width. In all other cases, no side yard shall be required.

(3) Rear yard regulations are as follows:

a. Whenever the rear lot line abuts a residential district, there shall be

provided a rear yard of not less than 20 feet; and

b. Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof, of not less than 30 feet in width. In all other cases, no rear yard is required.

(4) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in division 5 of this article.

(5) Whenever any commercial district or parking lot 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 five feet high and not more than six feet high shall be constructed and maintained in good condition along the side or rear lot line up to, but not beyond, the abutting residential building setback line; except when the front yard is used for off-street parking, then the provisions of division 5 of this article, 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.

(6) For structures other than dwellings, there shall be a lot width of not less than 25 feet at the front building line.

(7) For structures other than dwellings, there shall be a lot area of not less than 2,500 square feet.

(d) *Height regulations. There are no specific height regulations established for uses permitted in this C-3 district, except as otherwise provided for in section 54-143.*

(Code 1988, §§ 12-260--12-263)

Cross references: Businesses, ch. 18.

Sec. 54-113. C-4 general commercial district.

(a) *Intent. This C-4 general commercial district is intended for the conduct of personal and business services and the general retail business of the community to which persons living in the community and in the surrounding trade territory require direct and frequent access.*

(b) *Uses permitted. Property and buildings in a C-4 general commercial district may be used only for the following purposes:*

(1) Any use permitted in a C-1 neighborhood commercial district, a C-2 office commercial district, a C-3 downtown commercial district, or an R-5 high density residential district;

(2) Any special exception use permitted on review in an R-5 high density residential district;

(3) Any of the following uses:

Ambulance service office or garage;
Amusement enterprise;
Antique shop;
Appliance store;
Artist materials, supply, and studio;
Arts and craft shop;
Automobile parking lot;
Automobile service stations and new and used automobile sales lots;
Automobile supply store;
Baby wares and supplies store;
Bakery;
Bank or financial institution;
Book or stationery store;

Bus terminal;
Camera shop;
Carpenter and cabinet shop;
Catering establishment;
Cleaning and dyeing plant;
Clothing or apparel store;
Commercial school or hall;
Curio or gift shop;
Dancehall;
Dental laboratory;
Department store;
Dress shop;
Electric transmission station;
Florist shop, greenhouse, plant nursery;
Frozen food locker;
Furniture repair and upholstery;
Furniture store;
Funeral parlor or mortuary;
Golf course, miniature or practice range;
Hardware store;
Heating, ventilating or plumbing supplies and service;
Hospital for small animals;
Hotel;
Ice storage locker plant;
Interior decorating shop;
Jewelry or notions store;
Kennel;
Key shop;
Laboratory, testing and experimental;
Laundry;
Leather goods shop;
Lodge hall;
Medical facility;
Messenger or telegram service;
Musical instrument sales;
Music, radio or television store;
Nightclub;
Office business;
Office supply;
Optical manufacturing;
Optometrist sales and service;
Print or decorating store;
Pawn shop;
Pet shop;
Photographer studio;
Printing plant;
Radio and television sales;
Recreation center;
Research laboratory;

Restaurant, sit down;
Sewing machine sales and service;
Shoe store and repair shop;
Sign printing shop;
Skating rink;
Sporting goods sales;
Storage warehouse;
Supermarket;
Tailor shop;
Tavern;
Theater;
Toy store;
Variety store; and
Wholesale distributing center;

(4) Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated in this subsection (b);

(5) Buildings, structures and uses accessory and customarily incidental to any of the uses listed in this subsection (b), provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments; and

(6) No article or material stored or offered for sale in connection with uses permitted under subsections (b)(1)--(b)(5) of this section shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls or fences that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven feet in height shall be required.

(c) *Area regulations. The area requirements for dwellings and buildings accessory thereto in the C-4 district shall be the same as the area requirements for the R-5 high density residential district. The following requirements shall apply to all other uses permitted in this C-4 district, except as provided in section 54-142:*

(1) All buildings shall be set back from the street right-of-way or property line a distance of not less than 25 feet.

(2) On the side of a lot adjoining a residential district, there shall be a side yard of not less than ten feet. Whenever the rear lot line of a corner lot abuts a residential district, the side yard adjacent to the street shall not be less than 15 feet in width. In all other cases, no side yard shall be required.

(3) Rear yard regulations are as follows:

a. Whenever the rear lot line abuts a residential district, there shall be provided a rear yard of not less than 20 feet; and

b. Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof, of not less than 30 feet in width. In all other cases, no rear yard is required.

(4) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in division 5 of this article.

(5) Whenever any commercial district or parking lot 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 five feet high and not more than six feet high shall be constructed and maintained in good condition along the side or rear

lot line up to, but not beyond, the abutting residential building setback line; except when the front yard is used for off-street parking, then the provisions of division 5 of this article, pertaining to off-street parking lots, shall apply. In addition, the lighting, including a permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(6) For structures other than dwellings, there shall be a lot width of not less than 50 feet at the front building line.

(7) For structures other than dwellings, there shall be a lot area of not less than 5,000 square feet.

(8) Main and accessory buildings shall not cover more than 50 percent of the lot area.

(d) *Height regulations. There are no specific height regulations established for uses permitted in this C-4 district, except as otherwise provided for in section 54-143.*

(Code 1988, §§ 12-265--12-268; Ord. No. 92-3, § 1, 7-7-1992)

Cross references: Businesses, ch. 18.

Sec. 54-114. C-5 highway commercial district.

(a) *Intent. This C-5 highway commercial district is intended to provide a location for the limited amount of merchandise, equipment, and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building, or which require easy and direct access by the traveling public. There will be more assembly of equipment and incidental activity than would prevail in the general commercial district. Persons of the community and the surrounding trade territory will require direct access. However, the concentration of shoppers will be much smaller and visits less frequent than in the C-4 general commercial district.*

(b) *Uses permitted. Property and buildings in a C-5 highway commercial district may be used only for the following purposes:*

(1) Any use permitted in a C-4 general commercial district;

(2) Any of the following uses:

a. Automobile court or tourist court;
b. Automobile sales and service;
c. Automobile service station;
d. Boat sales;
e. Carwash;
f. Farm implements and machinery sales and service;
g. Feed and fuel store;
h. Machinery sales and service;
i. Metal and wood fencing, ornamental grillwork and decorative wrought-iron work and play equipment sales;
j. Mobile home and camper sales;
k. Monument sales;
l. Motel;
m. Prefabricated house sales;
n. Public garage;
o. Restaurant, drive-in;
p. Theater, drive-in;
q. Trailers for hauling, rental and sales; and
r. Truck sales and service;

(3) The uses listed under subsection (b)(2) of this section shall comply with the following provisions:

a. All open storage and display of merchandise, material, and equipment shall be so screened by ornamental fencing that it cannot be seen by a person standing on ground level in a residential district when located to the side or rear of the lot on which the open storage or display occurs; provided, however, that screening shall not be required in excess of seven feet in height. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with such screening requirements, be so screened by ornamental fences or by permanent buildings that it cannot be seen from a public street.

b. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the yearround.

c. All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress, shall be paved with a seal surface pavement and maintained in such a manner that no dust will be produced by continued use.

d. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

e. Driveways used for ingress and egress shall not exceed 25 feet in width, exclusive of curb returns.

f. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

(c) *Area regulations. The area requirements for dwellings and buildings accessory thereto in the C-5 district shall be the same as the area requirements for the R-5 high density residential district. The following requirements shall apply to all other uses permitted in this C-5 district, except as provided in section 54-142:*

(1) All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet.

(2) On the side of a lot adjoining a residential district, there shall be a side yard of not less than ten feet. Whenever the rear lot line of a corner lot abuts a residential district, the side yard adjacent to the street shall not be less than 15 feet in width. In all other cases, no side yard shall be required.

(3) Rear yard regulations are as follows:

a. Whenever the rear lot line abuts a residential district, there shall be a rear yard of not less than 20 feet.

b. Where a commercial building is to be serviced from the rear, there shall be an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in width. In all other cases, no rear yard is required.

(4) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in division 5 of this article.

(5) Whenever any commercial district, parking lot 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 five feet high and not more than six feet high shall be

constructed and maintained in good condition along the 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 division 5 of this article, 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.

(d) *Height regulations. There are no specific height regulations established for uses permitted in the C-5 district, except as otherwise provided for in section 54-143.*

(Code 1988, §§ 12-270--12-273)

Cross references: Businesses, ch. 18.

Sec. 54-115. C-6 planned shopping center district.

(a) *Intent. This C-6 planned shopping center district is intended for a unified grouping, in one or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the community and surrounding trade region. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.*

(b) *Uses permitted.*

(1) Property and buildings in a C-6 planned shopping center district shall be used only for the uses enumerated in this subsection (b); provided, however, that these uses shall be located in a unified shopping center which shall have not less than five shops and stores.

(2) Any of the following uses may be permitted:

Antique shop;
Appliance store;
Apparel store, family, children, men or women;
Artist supplies;
Automobile parking lot;
Bakery goods store;
Bank;
Barbershop;
Beauty shop;
Book or stationery store;
Camera shop;
Candy store;
Catering establishment;
Cleaning and pressing collection station;
Curio shop;
Drugstore or fountain;
Dry goods store;
Dairy products or ice cream store;
Delicatessen;
Florist shop;
Furniture store;
Gift shop;
Grocery store;
Hardware store;

Help-yourself laundry;
Jewelry store;
Meat market;
Medical facility;
Music store;
Newspaper or magazine sales;
Notions store;
Office supply store;
Optometrist sales and service;
Paint and decorating shop;
Photographer studio;
Pharmacy;
Radio and television sales and service;
Restaurant;
Sewing machine sales and service;
Shoe store or repair shop;
Specialty shop for women;
Sporting goods sales;
Tailor shop;
Toy store; and
Variety store.

(3) Office uses; provided, however, that the total gross floor area of all office uses, exclusive of those listed in subsection (b)(2) of this section, shall not exceed 20 percent of the gross floor area of the shopping center.

(4) Automobile service stations which shall be planned as an integral part of the center and constructed at the time of construction of the center.

(5) Advertising signs relating to the shopping center, the stores and shops therein and products sold therein. All advertising signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center.

(6) Accessory buildings and uses customarily incidental to the uses listed in this subsection (b).

(c) *Area regulations. It is intended that the grouping of the buildings and parking areas in the C-6 district are designed to protect, insofar as possible, adjacent residential areas, and that ornamental screening from noise and light shall be provided where necessary; provided, however, that in no case shall the design of the shopping center provide less than the following standards:*

(1) All buildings shall be set back from all street right-of-way lines not less than 25 feet.

(2) On any side of a lot adjoining a residential district, there shall be a yard of not less than 25 feet.

(3) There shall be a rear yard, alley, service court, or combination thereof, of not less than 30 feet in width, and all of the service area of all buildings shall be completely screened from public view with permanent ornamental screening materials.

(4) Whenever any commercial district, parking lot 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 five feet high and not more than six feet high shall be constructed and maintained in good condition along the side or rear lot line up to, but not beyond, the abutting residential building setback line; except when the front yard is used for off-street parking, then the provisions of division 5 of this article,

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.

The parcel of land on which a planned shopping center is located shall not be less than three acres in area. Buildings shall not cover more than 20 percent of the site on which the shopping center is located.

(d) *Height regulations. No building in the C-6 district shall exceed 2 1/2 stories, or 35 feet, in height, except as provided in section 54-143.*

(e) *Common parking facilities. Off-street parking requirements set forth in division 5 of this article may be complied with by providing a permanent common off-street parking facility for all of the uses within the C-6 district shopping center, provided that the lot contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements; provided, however, that in no case shall the amount of off-street parking area, including driveways required for ingress and egress and circulation, be less than 2 1/2 times the gross floor area of the shopping center.*

(f) *Administration procedures for shopping center development. An application for rezoning for a shopping center in the C-6 district shall include the following, in addition to the administrative requirements set forth in this article:*

(1) The developer shall submit site development plans of the proposed development which shall be in adequate detail to determine compliance with the provisions of this section; and which shall show the arrangement of the buildings, design, and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts, and utility and drainage easements and facilities; and the relationship of the shopping center development to adjacent areas which it may affect.

(2) Evidence that indicates to the satisfaction of the planning commission the ability and intent of the developer to carry out the development of the shopping center in accordance with subsection (f)(1) of this section.

(3) The developer shall obtain a building permit for the shopping center in accordance with the requirements and procedures set forth in this article and shall begin construction of the shopping center within two years after the effective date of rezoning for the shopping center, and shall make a reasonable and continuous progress toward completion. If the shopping center is not under construction within two years after the effective date of the shopping center rezoning, the planning commission shall review the status of the development, and if it shall find that the developer cannot proceed immediately with the development in conformity with the requirements of this section, it shall recommend to the city council the appropriate action and zoning classification to implement and be consistent with the comprehensive plan.

(4) Any substantial deviation from the plat or building plans submitted at the time of rezoning shall constitute a violation of the building permit authorizing construction of a shopping center. Substantial changes in plans shall be resubmitted to the planning commission to ensure compliance with the requirements, purpose and intent of this section, and no building permit shall be issued for any construction which is not in substantial conformity with the approved plan.

(Code 1988, §§ 12-275--12-280)

Cross references: Businesses, ch. 18.

Sec. 54-116. I-1 light industrial district.

(a) *Intent. This I-1 light industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust, and glare of each operation is completely confined within an enclosed building, and for warehousing, wholesale, and service uses. These industries may require direct access to rail, air, or street transportation routes.*

(b) *Uses permitted. Property and buildings in an I-1 light industrial district shall be used only for the following purposes:*

(1) Any use, except dwellings, permitted in the C-5 highway commercial district. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-1 light industrial district.

(2) Any of the following uses:
Advertising signs and structures;
Bakery;
Bottling works;
Book bindery;
Building material sales yard and lumberyard, including the sale of rock, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;
Candy manufacturing;
Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors;
Engraving plant;
Electrical equipment assembly;
Electronic equipment assembly and manufacture;
Food products processing and packing;
Freighting or trucking yard or terminal;
Furniture manufacturing;
Garment manufacturing;
Instrument and meter manufacturing;
Jewelry and watch manufacturing;
Laboratories, experimental;
Laundry and cleaning establishment;
Leather goods fabrication;
Oil field equipment storage yard;
Optical goods manufacturing;
Outdoor advertising signs;
Paper products manufacturing;
Public utility service yard or electrical receiving or transforming station;
Sale barn; and
Sporting goods manufacturing.

(3) The following uses when conducted within a completely enclosed building:

a. The manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;

b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;

c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;

d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheetmetal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;

e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing andoverhauling, tire retreading or recapping, and battery manufacturing;

g. Blacksmith shop and machine shop, excluding punch presses over 20 tons rated capacity, drop hammers, and automatic screw machines;

h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;

i. Assembly of electrical appliances, electrical instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like; and

j. Wholesale storage or manufacture of alcoholic beverages;

(4) Buildings, structures, and uses accessory and customarily incidental to any of the uses listed in this subsection (b);

(5) The uses permitted under this subsection (b) shall be conducted in such a manner that no noxious odor, fumes, or dust will be emitted beyond the property line of the lot on which the use is located; and

(6) No article or material permitted in this I-1 district shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

(c) *Special exceptions. The following uses may be permitted in the I-1 district on review in accordance with provisions contained in this article: concrete batch or transit mix plant.*

(d) *Area regulations. All uses permitted in this I-1 district shall comply with the following yard requirements, except as provided in section 54-142:*

(1) All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.

(2) No building shall be located closer than 25 feet to a side lot line, except that when the side of a lot abuts a residential district, there shall be provided a side yard of not less than 50 feet.

(3) No building shall be located closer than 25 feet to the rear lot line, except that when the rear of a lot abuts a residential district, there shall be provided a rear yard of not less than 50 feet.

(4) All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

(5) Whenever any industrial district, parking lot 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 five feet high and not more than six feet high shall be constructed and maintained in good condition along the 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 division 5 of this article, 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.

(6) Main and accessory buildings and off-street parking and loading facilities shall not cover more than 80 percent of the lot area.

(e) *Height regulations. No building or structure in the I-1 district shall exceed 45 feet in height, except as provided in section 54-143.*

(Code 1988, §§ 12-290--12-294)

Cross references: Businesses, ch. 18.

Sec. 54-117. I-2 heavy industrial district.

(a) *Intent. This I-2 heavy industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this article. The intensity of uses permitted in this I-2 district makes it desirable that they be located downwind and separated from residential and commercial uses wherever possible.*

(b) *Uses not permitted. Property and buildings in an I-2 heavy industrial district may be used for any use except the following:*

(1) All residential uses except sleeping facilities required by night watchmen and caretakers employed upon the premises;

(2) All uses not complying with this article, or any other county, state, or federal regulation or law;

(3) All of the following uses until they have been studied by the planning commission and have received the express approval of the city council. The city council may require approval of the county health department, the state fire marshal, and other state and county regulating agencies, and may attach to the approval specific restrictions designed to protect the public welfare.

a. Acid manufacture;

b. Cement, lime, gypsum, or plaster of Paris manufacture;

c. Explosives, manufacture or wholesale storage;

d. Gas manufacture;

e. Petroleum or its products, refining of; and

f. Wholesale or bulk storage of gasoline, propane, butane or other petroleum products;

(4) Property and buildings in an I-2 heavy industrial district, when used for the following purposes, shall have the uses thereon conducted in such a manner that all operation, display, or storage of material or equipment is so screened by ornamental fences or walls that it cannot be seen from a public street:

a. Automobile salvage or junkyard;

b. Building materials salvage yard;

c. Junkyard or salvage yard of any kind; and

d. Scrap metal storage yard.

(c) *Area regulations. All uses permitted in this I-2 district shall comply with the following yard requirements, except as provided in section 54-142:*

(1) There are no specific front yard requirements established for uses permitted in this I-2 district.

(2) When the side of a lot abuts a residential district, there shall be provided a side yard of not less than 50 feet. In all other cases, no side yard is required.

(3) Rear yard regulations are as follows:

a. When the rear of a lot abuts a residential district, there shall be provided a

rear yard of not less than 50 feet.

b. Where a building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof, of not less than 30 feet in width or of adequate area and width to provide for the maneuver of service vehicles, whichever is greater. In all other cases, no rear yard is required.

(4) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in division 5 of this article.

(5) Whenever any industrial district, parking lot 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 five feet high and not more than six feet high shall be constructed and maintained in good condition along the 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 in division 5 of this article, 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.

(d) *Height regulations. Where a lot adjoins a residential district in the I-2 district, the building shall not exceed 45 feet in height, unless it is set back an additional foot from all front, side and rear building lines for each foot of additional height above 45 feet, except as provided in section 54-143.*

(Code 1988, §§ 12-300--12-303)

Cross references: Businesses, ch. 18.

Sec. 54-118. F floodplain district.

(a) *Intent. This F floodplain district is intended to comprise those areas which are subject to periodic or occasional inundation and therefore are unsuited for all residential uses and the usual commercial and industrial uses.*

(b) *Uses permitted. Property and buildings in the F floodplain district may be used only for the following purposes:*

(1) The growing of agricultural crops, nursery stock, and gardening;

(2) The keeping of agricultural livestock in accordance with the regulations relating thereto; and

(3) Public recreation not involving buildings.

(Code 1988, §§ 12-310--12-311)

Sec. 54-119. EC environmental conservation district.

(a) *Intent. This EC environmental conservation district is intended to provide for the protection and preservation of environmentally sensitive lands incapable of accommodating development of an urban character without experiencing any adverse impacts as a result.*

(b) *Uses permitted. Property and buildings in the EC environmental conservation district may be used only for the following purposes:*

(1) The growing of agricultural crops, nursery stock, and gardening;

(2) The raising of farm animals in accordance with ordinance; and

(3) Advertising signs.

(c) *Special exceptions. The following uses may be permitted in the EC district on review in accordance with the provisions contained in this article:*

(1) Cemetery;

(2) Church;

(3) Detached single-family dwelling;
(4) Freestanding mobile home in accordance with the provisions contained in section 54-176;
(5) Golf course or driving range;
(6) Park or playground; and
(7) Public stable.

(d) *Area regulations. All buildings in the EC district shall be set back from street rights-of-way and lot lines to comply with the following yard requirements, except as provided in section 54-142:*
(1) All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.
(2) A side yard of not less than 15 feet shall be provided for all lots upon which a building is located.
(3) A rear yard of not less than 20 feet shall be provided for all lots upon which a building is located.
(4) There shall be a minimum lot width for all buildings of not less than 100 feet.
(5) For each main building and buildings accessory thereto, there shall be a lot area of not less than ten acres.
(6) Main and accessory buildings shall not cover more than five percent of the lot area.

(e) *Height regulations. No building in the EC district shall exceed 35 feet in height, except as provided in section 54-143.*

(Code 1988, §§ 12-315--12-319)

Secs. 54-120--54-140. Reserved.

DIVISION 3. ADDITIONAL DISTRICT PROVISIONS

Sec. 54-141. Conditions of a more restricted district applied to residential uses.

Whenever the specific district regulations pertaining to one district permit residential uses of a more restricted district, such residential uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.

(Code 1988, § 12-330)

Sec. 54-142. Open space.

(a) The requirements of this section are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in division 2 of this article.

(b) No open space or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

(c) Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two feet. Open porches may project into a front or rear yard a distance not to exceed five feet.

(d) Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured at a starting point 25 feet from the centerline of the street easement.

(e) No dwelling shall be erected on a lot which does not abut on at least one street for at least 35 feet and have a width of at least 50 feet at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.

(f) Where minimum lot sizes and open spaces are not established for commercial and industrial uses, it is the intent of this article that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space

required for operation of the enterprise.

(g) The following statements are definitions of the sight distance area:

(1) Sight distance area at intersections of two public streets. On any corner lot, a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along the front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.

(2) Sight distance area at an intersection of a public street and private driveway leading to a parking lot of six or more vehicles. Triangles formed by measuring from the points of intersection of the front lot line and the exterior edges of the pavement of the driveway approach from the private property to the public thoroughfare, a distance of 25 feet along the front lot line and the edges of payment and connecting the points so established to form a sight area on the lot adjacent to the driveway intersection, and including the area of the driveway between the two triangles.

(3) No wall, fence, sign, structure, or any plant growth other than grasses shall be placed or maintained within the sight distance area as defined in this subsection (g)(1) and (2) of this section from the ground elevation to a height of ten feet above the elevation of the adjacent public street or private driveway, whichever is higher, except for traffic control signs and lighting standards and except for private sign poles not exceeding one foot in diameter.

(4) Parking in the driveways of one-family and two-family dwellings is excluded from the provisions of this article.

(h) An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the street easement line.

(i) No accessory building shall be constructed upon a lot to be used for a single-family dwelling 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.

(j) Whenever one or more residential, institutional, commercial, or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation or other site planning variation from that of other buildings, structures, or uses in the area or on adjacent properties, the architectural design, location, orientation, service, and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning commission.

(Code 1988, § 12-331)

Sec. 54-143. Height.

The regulations set forth in this section qualify or supplement, as the case may be, the specific district regulations appearing in division 2 of this article:

(1) In measuring heights, a habitable basement or attic shall be counted as a story, provided that for a story in a sloping roof, the area of which story at a height of four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.

(3) Churches, schools, hospitals, sanatoriums, and other public and semipublic buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot for each two feet by which the height of such public or

semipublic structure exceeds the prescribed height limit.

(Code 1988, § 12-332)

Sec. 54-144. Court requirements for multiple-family dwellings.

Whenever a multiple-family dwelling or group of multiple-family dwellings is designed with an inner or outer court, the following requirements shall be complied with:

(1) The width of an outer court upon which windows open shall be not less than ten feet, or equal to the height of the opposing wall, whichever is greater; and in no case shall an outer court be less than five feet in width or equal to 70 percent of the height of the opposing wall, whichever is greater.

(2) The width of an inner court of a multiple-family dwelling shall be not less than two times the height of the lowest wall forming the court, but in no case shall it be less than 20 feet.

(3) An open unobstructed passageway shall be provided at the grade of each inner court. Such passageway shall be not less than 12 feet in width, shall have a clearance of not less than 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.

(Code 1988, § 12-333)

Sec. 54-145. Storage and parking of commercial vehicles, recreational vehicles and mobile homes.

(a) Commercial vehicles and trailers of all types, including those used for hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

(1) Not more than one commercial vehicle, which does not exceed 1 1/2 tons rated capacity, per family living on the premises shall be permitted.

(2) In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

(b) Recreational vehicles, which specifically includes, but is not limited to, motorized homes, camping trailers, pickup campers, travel trailers, boats and boat trailers, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provisions:

(1) Recreational vehicles may be stored in the rear yard of a residential lot whenever reasonable access to the rear yard is available. If absolutely no access to the rear yard is available, recreational vehicles may be stored in the front yard of a residence provided that no portion of the vehicle extends over or into the street right-of-way.

(2) Recreational vehicles shall not be parked or stored in any street right-of-way except for purpose of loading and unloading and then not for a period to exceed 24 hours. Pickup campers that are in use daily shall be exempted from this subsection.

(3) No recreational vehicle shall be stored in the front or side yard of a residence or a residential lot in a manner that would constitute a traffic hazard or would, in any way, obstruct vision within the "sight triangle" of a corner lot.

(4) In no instance shall a recreational vehicle, either parked or stored, be occupied either permanently or temporarily.

(c) Mobile homes shall be parked or stored only in conformance with city ordinances and the provisions of section 54-176.

(Code 1988, § 12-334)

Sec. 54-146. Child care centers.

(a) Child care centers authorized under uses permitted on review in residential districts shall

meet the following provisions:

(1) The center shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.

(2) The center shall contain not less than 900 square feet of gross floor area where three children, not members of the family, are provided for. The center shall provide an additional 50 square feet of floor area for each child more than three provided for in the center. The floor area of an attached garage shall not be included in determining the interior floor space in the center unless compatible to the existing dwelling. Hallways and bathrooms shall not be included in figuring the floor area of the center.

(3) The center shall meet county health requirements as to safety, design, facilities and equipment and other features.

(4) The center shall be located on a lot having not less than 6,000 square feet of area and all portions of the lot used for outdoor play space shall be enclosed by an opaque ornamental fence not less than 42 inches in height. The outdoor play area shall have a minimum of 75 square feet per child within the fenced boundaries.

(5) The center shall be operated in a manner that will not adversely affect property and uses in the area. Parking for the leaving and picking up of children shall be regulated so as not to interfere with normal traffic.

(b) Child care centers are authorized under permitted uses in commercial districts as follows:

(1) The center shall provide a minimum of 35 square feet per child of indoor space, exclusive of hallways, bathrooms, kitchen and space occupied by furniture not for the children's use.

(2) The center shall provide a minimum outdoor space of 75 square feet per child which shall be enclosed by an opaque ornamental fence not less than 42 inches in height or the fencing shall be in accordance with the appropriate screening requirements of the particular zoning district.

(3) The center shall meet county health requirements as to safety, design, facilities, equipment and licensing of the features.

(4) Parking for the leaving and picking up of children shall be required so as not to interfere with normal traffic and be determined in accordance with section 54-217.

(Code 1988, § 12-335)

Sec. 54-147. Swimming pools.

(a) *Private. Private swimming pools are pools maintained by an individual for the use of his family and friends, with no other formal admission requirements. Private swimming pools shall be subject to the following regulations:*

(1) Pools may be constructed as an accessory use, and yards in which pools are contained shall be completely enclosed by a permanent wall or fence not less than four feet in height.

(2) A swimming pool shall not be constructed in front of the front or side building line and no portion of the pool, pool equipment such as filters, diving boards, etc., shall be permitted on an easement.

(3) Pool walkways and decking may be permitted on easements; however, these facilities shall not be placed in such a manner as to restrict access to public utilities. All facilities permitted over easements shall be subject to removal if maintenance of the public utilities is necessary. Removal and restoration of the decking, walkways or other permitted facilities on easements shall be at the expense of the property owner.

(4) The inside wall of the pool and integral portions of the structure composing the pool wall shall be set back a minimum of five feet from the side or rear lot line and be required to meet all other provisions of this section.

(5) Pool and pool equipment including, but not limited to, diving boards, filters, etc., shall be located in such a manner as not to disturb adjoining property owners and be a minimum of 15 feet from any portion of an existing residential building on an adjacent lot.

(6) Pool drainage and oversplash from pool usage shall not be permitted to be directed or otherwise run onto adjacent lots and shall be handled in a manner consistent with all provisions of this chapter.

(b) *Public. Public swimming pools are all entirely artificially constructed wading pools, swimming pools, bathhouses used collectively by a number of persons for wading, swimming, recreative, or therapeutic bathing, together with all appurtenances pertaining to such bathing places. Public swimming pools shall be subject to the following regulations:*

(1) Pools shall meet all regulations contained in subsection (a)(1) of this section.

(2) Pools shall meet all requirements and regulations contained in 63 O.S. §§ 1-1013--1-1020, "Public Bathing Places."

(Code 1988, § 12-336)

Sec. 54-148. Animals.

Animals in any district shall be kept only in accordance with ordinance.

(Code 1988, § 12-337)

Cross references: Animals, ch. 10.

Sec. 54-149. Storage of liquefied petroleum gases.

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the regulations of the city and the regulations of the state liquefied petroleum gas administration.

(Code 1988, § 12-338)

Sec. 54-150. Trailer court regulations.

Trailer parks shall be constructed in accordance with the requirements of the regulations of the city relating thereto.

(Code 1988, § 12-339)

Sec. 54-151. Architectural design of accessory buildings and fences.

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which the building or fence is accessory.

(Code 1988, § 12-340)

Sec. 54-152. Portable or temporary buildings.

Portable or temporary buildings shall be permitted only in accordance with the provisions of the regulations of this article and the relevant ordinances.

(Code 1988, § 12-341)

Secs. 54-153--54-170. Reserved.

DIVISION 4. MOBILE HOMES, ADDITIONAL REGULATIONS*

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***Cross references: Mobile, doublewide and relocated homes, § 42-61 et seq.**

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Sec. 54-171. 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:

Anchoring equipment means straps, cables, turnbuckles, and chains, including tensioning devices which are used with ties to secure a mobile home to ground anchoring.

Anchoring system means a combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces and earthquakes.

Footer means that portion of the support system that transmits loads directly to the soil.

Freestanding mobile home means any mobile home inside the corporate limits of the city which is not located in an approved mobile home park.

Ground anchor means any device at the mobile home stand designed to transfer mobile home anchoring loads to the ground.

Ground set means installation of a mobile home with a crawl space elevation three inches or more below the elevation of the exterior finish grade.

Main frame means the structural component on which is mounted the body of the mobile home.

Manufactured building means an independent individual structure, or a module in combination with other elements to form a building on the site, that was previously mass produced in a factory and was designed and constructed for transportation to a site for installation and use when connected to required utilities.

Manufactured housing means a manufactured building or portion of a building designed for longterm residential use, containing one or more dwelling units.

Mobile home means manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile home park means an officially approved unified development for two or more mobile home spaces arranged on a tract of land under single ownership.

Pier means that portion of the support system between the footer and the mobile home, exclusive of caps and shims.

Recreational vehicle means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreation or vacation use, being of any weight, but with a length not exceeding 35 feet and a width not exceeding eight feet.

Skirting means a type of wainscoting which encloses the lower part of the mobile home, covering wheels and undercarriage, and which is constructed of fire-resistant and weather-resistant material, such as aluminum or cement asbestos board.

Stabilizing devices means all components of the anchoring and support systems such as piers, footers, ties, anchoring equipment, ground anchors and any other equipment which supports the mobile home and secures it to the ground.

Support system means a combination of footers, piers, caps and shims that will, when properly installed, support the mobile home.

(Code 1988, § 12-345)

Cross references: Definitions generally, § 1-2.

Sec. 54-172. Compliance with division provisions.

In addition to complying with all the requirements set forth in the district regulations contained in division 2 of this article, any freestanding mobile home located outside an approved

mobile home park or subdivision shall also comply with the requirements of this division.
(Code 1988, § 12-346)

Sec. 54-173. Insignia.

All mobile homes not established as a residence in the city on the effective date of the ordinance from which this division is derived shall bear the insignia of approval of the United States Department of Housing and Urban Development.
(Code 1988, § 12-347)

Sec. 54-174. Running gear.

All running gear, wheels, towing devices or other equipment designed for the purpose of transmitting the mobile home from one location to another shall be physically removed from the mobile home.
(Code 1988, § 12-348)

Sec. 54-175. Skirting.

All mobile homes shall have an approved skirting around the entire perimeter of the mobile home. Skirting shall be noncombustible or self-extinguishing and unaffected by decay or oxidation for a minimum distance of six inches above finish grade. Skirting above six inches from finish grade may be any weather-resistant material that will blend with the exterior siding of the mobile home. Installation shall be according to manufacturer's recommendations or approved equal, but in all cases shall be capable of resisting a 15 pound per square foot wind load. Wood used as backup framing which has not been pressure treated shall be a minimum of two inches above the interior grade and bottom of the skirting, except wood framing used for ground set skirting shall all be pressure treated. The area underneath the mobile home floor shall be ventilated by openings in the skirting. The openings shall have a net area of not less than 1 1/2 square feet for each 25 linear feet of exterior perimeter. Openings shall be located as close to corners as practicable and shall provide cross ventilation on at least two approximately opposite sides. The openings shall be covered with corrosion-resistant wire mesh not less than one-quarter inch or more than one-half inch in any dimension. The area under the floor shall be provided with an 18-inch by 24-inch minimum size access crawl hole. Pipe, ducts or other nonstructural construction shall not interfere with the accessibility to or within underfloor areas.
(Code 1988, § 12-349)

Sec. 54-176. Platform and steps.

All mobile homes shall have as a minimum requirement one entrance platform in front and one in the rear. The platform shall have a minimum width and length of four feet. Steps leading to the platform shall have a maximum rise of eight inches and a minimum run of nine inches. The platform shall be designed for a live load of 60 pounds per square foot, and the steps shall be designed for a live load of 100 pounds per lineal foot. Construction shall be of cedar, plywood, or any suitable comparable material. All wood not pressure treated shall be a minimum of two inches above finish grade. A substantial railing capable of sustaining a load of 20 pounds per linear foot applied horizontally at right angles to the top rail shall be provided on all open sides of the platform and steps. If plywood is used as the finished surface, it shall have a nonslip treatment or be covered with an approved nonslip material.
(Code 1988, § 12-350)

Sec. 54-177. Water and sewer service.

The tubing or piping connecting the drain outlet of the mobile home to the sewer system shall be noncollapsible semirigid or smooth bore pipe three inches in diameter. Pipe shall be in practical alignment and have a uniform slope of not less than one-fourth of an inch per foot of run. Each mobile home shall be connected to the water riser by a flexible connector such as copper tubing not less than three-fourths inch interior diameter. All piping shall be adequately supported.
(Code 1988, § 12-351)

Sec. 54-178. Drainage.

Drainage shall be controlled in a manner to direct surface water away from the crawl space.

(Code 1988, § 12-352)

Sec. 54-179. Anchoring.

When the mobile home to be installed is provided with the manufacturer's installation instructions as approved by the United States Department of Housing and Urban Development, those instructions shall be followed in the installation of the mobile home anchoring system. Mobile homes not provided with a set of manufacturer's installation instructions shall be provided with an anchoring system that has been approved by the building inspector.

(Code 1988, § 12-353)

Sec. 54-180. Support system.

(a) Individual footers and loading and loadbearing piers or listed supports shall be sized and located to support the loads specified in the manufacturer's installation instructions. Size of footers shall conform to table I in section 54-181. A minimum clearance of 12 inches should be maintained beneath the underside of the main frame (I beam or channel beam).

(b) Mobile homes which are not provided with manufacturer's installation instructions for support systems shall meet the requirements in section 54-181 unless the entire proposed support system is designed by a registered professional engineer or architect.

(Code 1988, § 12-354)

Sec. 54-181. Supports, piers, and plates.

(a) Supports shall be placed not more than eight feet apart, beginning from the front wall of the mobile home, with not more than two feet open end spacing at the area of the main frame. Supports shall be installed directly under the main frame or chassis of the mobile home. (See table I.) Methods other than those specified in this section may be approved by the building department. The required loadbearing capacity of individual loadbearing supports and footings shall be calculated at not less than actual live and dead loads combined but in no case less than 70 pounds per square foot.

(b) Footers shall be solid concrete, a minimum of 3 1/2 inches thick. All grass and organic material shall be removed and the footer evenly bedded and leveled on firm undisturbed soil. As an alternate, two solid concrete blocks can be used as footers provided the joint between the blocks is parallel to the steel I beam frame.

(c) Maximum assumed soil bearing designed capacity shall be 1,200 pounds per square foot unless higher values are justified by soil analysis (see table 1 of this section). Minimum soil bearing capacity shall be 1,000 pounds per square foot unless a special design is submitted. Designs which have footings or footers on the exterior perimeter of the mobile home shall have the bottom of the footings 12 inches below finish grade.

(d) Piers on loadbearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the mobile home or shall extend at least six inches from the centerline of the frame member. Manufactured loadbearing supports or devices shall be listed or approved for the use intended or piers shall be constructed as follows:

(1) Single eight-inch by 16-inch block shall not exceed three high. Blocks shall be capped with two-inch by eight-inch by 16-inch material.

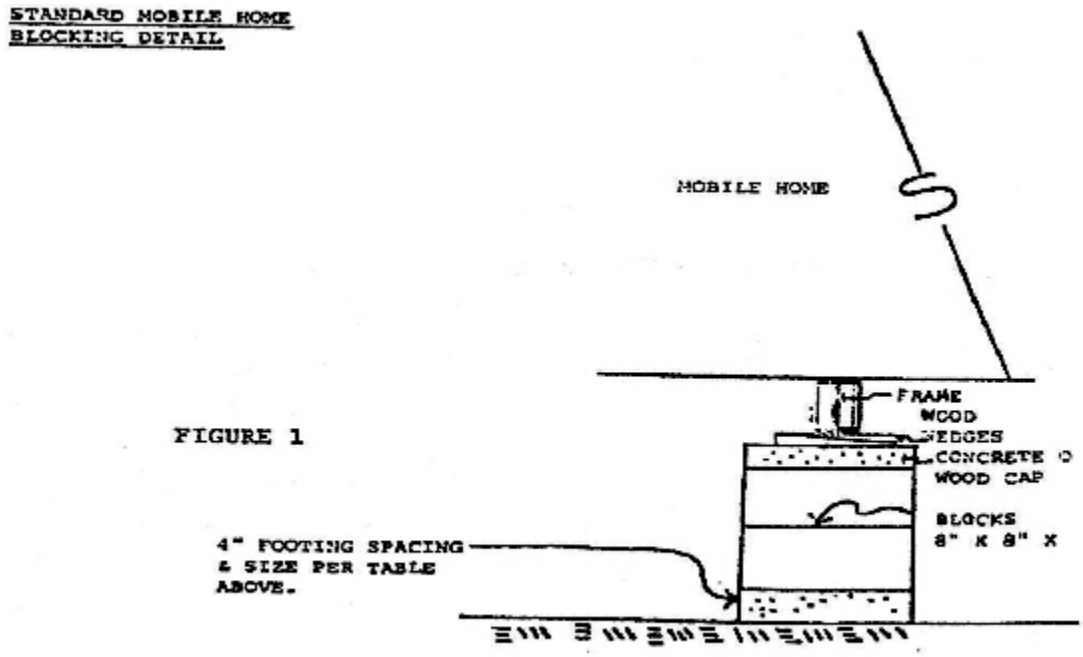
(2) Spacing of mobile home piers based on 1,200-square foot soil bearing and 70-square foot mobile home weight:

Table I

TABLE INSET:

Width of Mobile				
Single	8'0"	10'0"	12'0"	14'0"
Double		20'0"	24'0"	28'0"
Spacing of piers	Footing size	Footing size	Footing size	Footing size
4'0"	16" X 16"	16" X 16"	16" X 16"	16" X 16"
5'0"	16" X 16"	16" X 16"	16" X 16"	18" X 16"
6'0"	16" X 16"	16" X 16"	18" X 18"	20" X 18"
7'0"	16" X 16"	18" X 16"	18" X 20"	20" X 20"
8'0"	18" X 16"	18" X 20"	20" X 20"	20" X 24"

GRAPHIC LINK: Figure 1, Standard Mobile Home Blocking Detail



(3) Four high and five high block piers shall be double tiers with interlocking blocks; and

(4) Piers more than 40 inches high shall be double piers with interlocking blocks, with Number 3 reinforcing steel in the four corners and poured solid with 2,500 psi concrete. (See illustration, figure 1);

(e) A cushion of wood plate not exceeding two inches in thickness and shims not exceeding one inch in thickness may be used to fill the gap between the top of the pier and the main frame. Two-inch or four-inch concrete blocks may be used to fill the remainder of any gap. Shims shall be at least 3 1/2 inches wide and six inches long and shall be fitted and driven tight between the wood plate or pier and main frame.

(Code 1988, § 12-355)

Sec. 54-182. Commercial structures.

Mobile homes shall not be used for commercial purposes inside the corporate limits of the city, but may be used at construction sites for the duration of construction with permission from the building inspector.

(Code 1988, § 12-356)

Sec. 54-183. Temporary use permit.

(a) Exemptions from the conditions and requirements set forth in sections 54-172--54-182 may be obtained by an individual or organization by applying for and obtaining a temporary use permit as described in chapter 26 of this Code. However, in no instance shall the issuing of a temporary use permit allow for an exemption from the specific district regulations provided in division 2 of this article or from the procedures in section 54-185.

(b) The following conditions shall apply to the issuance of a temporary use permit:

(1) The mobile home shall be connected with a suitable water supply and sewer system and shall be in conformance with the health and sanitation laws of the city, county, and state.

(2) The land on which the mobile home is located shall be owned by the occupant thereof or the owner shall be related, in the first degree, to an occupant thereof.

(3) Only one mobile home unit shall be permitted to locate on a lot. The mobile home unit shall be temporary only for a period of time which shall not exceed 12 months from the date of issuance of the permit.

(4) The temporary use permit shall not be renewable; and

(5) The issuance of a temporary use permit shall not be made until after the planning commission has reviewed and approved the application for the temporary use permit.

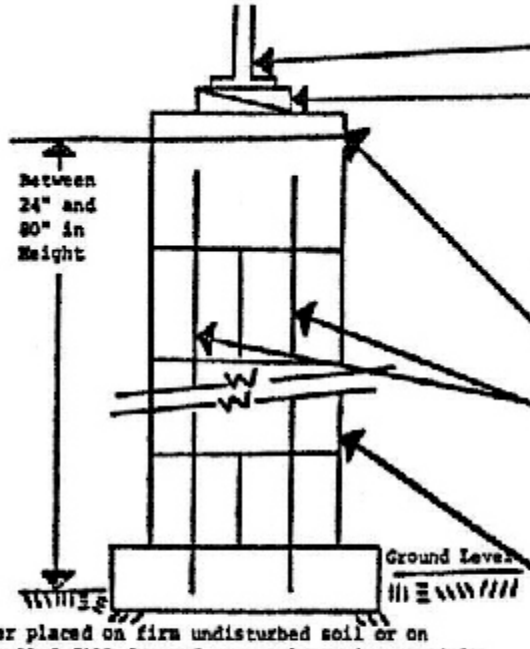
(Code 1988, § 12-357)

Sec. 54-184. Exemptions.

The conditions contained in this division shall not be construed to include a mobile home used as caretakers' quarters at various job sites such as construction projects, gravel pits and dumping operations, or any mobile home offered for sale located on a legal mobile home sales lot.

(Code 1988, § 12-358)

GRAPHIC LINK: I-Beam Frame



I-Beam Frame

Gap between top of pier and main frame may be a wood plate (not exceeding 2" in thickness) and shims (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or 4" solid concrete block may fill remainder of any gap.

Cap - Solid concrete block or equivalent 4" x 16".

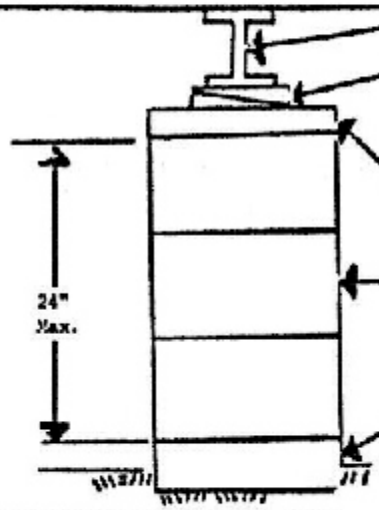
3/8" diameter reinforcing rod place in corners of piers (4 required per pier) if over 40" high and poured solid with 2500 PSI concrete.

Reinforcing steel not required for piers less than 40" high.

Footer placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load bearing capacity of 1,200 PSF. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6" from the centerline of the frame member.

Footer or pier foundation 24"x24"x6" solid concrete or other product approved for this purpose. 16"x16"x4" footing may be used for piers not exceeding 40" high.

FIGURE 1 (cont.)



I-Beam Frame

Gap between top of pier & main frame may be a wood plate (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or 4" solid concrete block may fill remainder of any gap.

Cap-Wood or concrete 2"x8"x16".

Open or closed cell concrete blocks 8"x8"x16" (Open cells placed vertical upon footer) installed with 16" dimension perpendicular to the I-Beam frame.

Footer 16"x16"x4" solid concrete or other product approved for the purpose, or alternately, two 8"x16"x4" solid concrete blocks with joint between blocks parallel to the steel I-Beam frame.

Footer placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load bearing capacity of 1200 PSF. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6" from the centerline of the frame.

*Note: See Table 1 for spacing and Size of Footers.

FIGURE 1 (cont.)

Sec. 54-185. Placement procedures.

The following procedure is adopted for permitting mobile home placement in R-1, R-2 and R-5 districts:

(1) The owner shall submit to clerk-treasurer completed Form MH-1, application for placement of mobile home in an R-1, R-2 or R-5 district, and shall pay a filing fee as set by the council, plus cost of mailing certified notices to property owners within 300 feet. The applicant may also apply for a building permit at this time.

(2) The clerk-treasurer, or other designated official or employee, shall send by certified mail a notification letter, Form MH-2, to all landowners named in the application. Return receipt will be requested. Form MH-2 calls for response from the landowners within ten days of receipt of the notice. All "no responses" shall be considered favorable to the application.

(3) After adequate response time has been given to landowners, the clerk-treasurer shall transmit the application and all responses received to the city council.

(4) Within 60 days after filing of a completed application, the council shall approve the application if all the following criteria are met:

a. Placement of the mobile home complies with all applicable zoning district regulations;

b. The placement is approved by the owner of three-fourths (75 percent) of the adjacent property within a 300-foot radius, or owners representing three-fourths (75 percent) of the value of the property within a 300-foot radius;

c. The mobile home is HUD approved and is in good condition; and

d. The mobile home's physical appearance will not detract from the general appearance of the neighborhood.

If any condition is not met, the city council shall deny the application.

(5) If an application is denied, the applicant shall be notified of the denial.

(Code 1988, § 12-359)

Sec. 54-186. Mobile home parks.

Mobile home parks shall be constructed and operated in accordance with the requirements of the ordinances of the city relating thereto and contained in article VI of this chapter.

(Code 1988, § 12-360)

Secs. 54-187--54-210. Reserved.

DIVISION 5. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING*

***Cross references: Traffic and vehicles, ch. 66.**

Sec. 54-211. General intent and application.

It is the intent of the requirements of this division that adequate parking and loading facilities are provided off the street for each use of land within the city. The requirements are intended to be based on the demand created by each use. This division shall apply to all uses in all districts.

(Code 1988, § 12-365)

Sec. 54-212. Required open space.

(a) Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

(b) The area required for off-street parking shall be in addition to the yard areas required in

this article, except that the front yard required in a C-1 neighborhood commercial district or I-1 light industrial district may be used for uncovered parking area, and the front yard of a residential district may be used for the uncovered parking area for six or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered area for more than six vehicles in accordance with the provisions of section 54-218.

(Code 1988, § 12-366)

Sec. 54-213. Location.

The off-street parking lot shall be located within 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 in this division.

(Code 1988, § 12-367)

Sec. 54-214. Joint parking facilities.

Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers, and service.

(Code 1988, § 12-368)

Sec. 54-215. Ownership or control of lot.

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.

(Code 1988, § 12-369)

Sec. 54-216. Size of off-street parking space.

The size of the parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet, plus adequate area for ingress and egress.

(Code 1988, § 12-370)

Sec. 54-217. Amount of off-street parking and loading required.

(a) Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

(1) Dwelling: 1 1/2 parking spaces for each separate dwelling unit within the structure;

(2) Boardinghouse or roominghouse or hotel: One parking space for each two guests provided overnight accommodations;

(3) Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three employees including nurses, plus adequate area for the parking of emergency vehicles;

(4) Medical or dental clinics or offices: Seven spaces per doctor, plus two spaces for each three employees;

(5) Sanatoriums, convalescent or nursing homes: One space for each six patient beds, plus one space for each staff or visiting doctor, plus one space for each four employees including nurses;

(6) Community center, theater, or auditorium: One parking space for each five seats, based on maximum seating capacity;

(7) Convention hall, lodge, club, library, museum, place of amusement or recreation: One parking space for each 100 square feet of floor area used for assembly or recreation in the building;

(8) Office building: One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area;

(9) Commercial establishments not otherwise classified: One parking space for each 150 square feet of floor space in the building used for retail trade or used by the public, whichever is the greater;

(10) Industrial establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment; and

(11) Church sanctuary: One parking space for each three seats, based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not in excess of 50 percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not in excess of 400 feet from the church sanctuary.

(b) For all uses not covered in subsection (a) of this section, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

(Code 1988, § 12-371)

Sec. 54-218. Off-street parking lot construction and maintenance.

Off-street parking lots for more than six vehicles shall comply with the following provisions:

(1) All sides of a lot abutting a residential district shall be enclosed with an opaque, ornamental fence or wall having a height of not less than five feet nor more than six feet. Such fence or wall shall be maintained in good condition.

(2) No parking shall be permitted within a front yard setback line established ten feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, no setback shall be required; provided, however, that on any corner lot formed by two intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of three feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of 30 feet along the front and side lot lines, from their point of intersection, and connecting lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

(3) All yards shall be landscaped with grass, shrubs, and evergreen ground cover and maintained in good condition yearround.

(4) Driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width, exclusive of curb returns.

(5) All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

(6) The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district use.

(7) 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.

(Code 1988, § 12-372(A))

Secs. 54-219--54-240. Reserved.

DIVISION 6. PLANNED UNIT DEVELOPMENTS

Sec. 54-241. Purpose and intent of division.

(a) It is the intent of this division to encourage unified design of housing, commercial, industrial, or institutional areas and facilities, or combinations thereof, to provide for integrated developments having harmony of design and variety of function. It is not intended to permit a greater density or uses different from those set forth in the regulations of the district in which the development is located, but this division is to provide for greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of district regulations, and to produce:

(1) A maximum choice in the types of environment and living units available to the public;

(2) Open space and recreation areas;

(3) A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion;

(4) A creative approach to the use of land and related physical development;

(5) An efficient use of land resulting in smaller networks of utilities and streets and lower housing costs;

(6) An environment of stable character in harmony with surrounding development; and

(7) A more desirable environment than would be possible through the strict application of other sections of this article.

(b) The planned unit development division is designed to provide for small-scale and large-scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such a development may consist of individual lots or it may have common building sites. Common land must be an essential and major element of the plan which is related to and affects the longterm value of the homes and other development. A planned unit shall be a separate entity with a distinct character in harmony with surrounding development.

(Code 1988, § 12-375)

Sec. 54-242. Authorized; required conditions.

A planned unit development may be authorized, provided that all of the following provisions are complied with:

(1) A planned unit development shall be permitted in any district except an A general agricultural district, R-1 rural single-family district, R-2 single-family district, R-3 rural mobile home residential district, or an R-4 mobile home residential district.

(2) The proposed planned unit development shall be designed to provide for the unified development of the area and in accordance with the spirit and purposes of the district in which the unit is located. The design may provide for modification of yard, setback, and height requirements, but the use, density, intensity of use, and coverage requirements for the district, and the minimum dimensions established for the design of courts shall not be reduced.

(3) The minimum size of the site upon which a planned unit development shall be located shall be not less than three acres for commercial developments, not less than ten acres for residential developments, and not less than 40 acres for industrial, educational, medical, and other types of institutional developments.

(4) The off-street parking requirements set forth in division 5 of this article may be complied with by providing one or more permanent, common, off-street parking 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.

(5) The developer shall submit a site development plan of the proposed development in support of the application for a planned unit development permit. This application shall be considered the same as a rezoning request and the same procedures shall be followed concerning application, planning commission review, and public hearings. Upon approval by the city council, the site development plan shall become a part of the zoning districts map. The plan may provide for staged development of the project and shall indicate so on the plan.

(6) Any substantial deviation from the plans submitted at the time of rezoning shall constitute a violation of the rezoning and any substantial change in plans shall be resubmitted for review following the same procedure required in the original adoption of the plan. The chief enforcement officer shall interpret what constitutes a "substantial" deviation or change in plan.

(7) The construction of the planned unit development shall be started within two years of the effective date of approval of the plan by the city council. Failure to begin the development within the two years shall automatically void the development plan and the land shall revert to the same zoning classification which existed immediately preceding the approval of the planned unit development.

(8) A homeowners association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including streets, drives, service and parking areas, and recreation areas. When required, the owner shall establish a homeowners association in accordance with the requirements and procedures outlined by the FHA in sections 7 and 8.2 of the Land Planning Bulletin No. 6 entitled, "Planned Unit Development with a Homes Association," as updated.

(Code 1988, § 12-376)

Secs. 54-243--54-260. Reserved.

DIVISION 7. NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND*

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***Cross references: Building regulations and codes, ch. 14.**

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Sec. 54-261. Nonconforming buildings and structures.

A nonconforming building or structure existing at the time of adoption of the ordinance from which this article is derived may be continued and maintained except as otherwise provided in this division.

(Code 1988, § 12-380)

Sec. 54-262. Alteration or enlargement of buildings and structures.

A nonconforming building or structure shall not be added to or enlarged in any manner unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, the building or structure may be enlarged or added to, provided that the enlargement or addition complies with the yard or height requirements and the existing building and the addition complies with the off-street parking requirements of the district in which the building or structure

is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of the building or structure is made to conform to all of the regulations of the district in which it is located.
(Code 1988, § 12-381)

Sec. 54-263. Outdoor advertising signs and structures.

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the effective date of the ordinance from which this article is derived, which does not conform with the provisions hereof, shall not be structurally altered, and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary and their supporting members shall be completely removed from the premises no later than three years from the effective date of the ordinance from which this article is derived.
(Code 1988, § 12-382)

Sec. 54-264. Building vacancy.

A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
(Code 1988, § 12-383)

Sec. 54-265. Change in use.

(a) A nonconforming use of a conforming building or structure (i.e., commercial use of 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. If such a nonconforming use of a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of the ordinance from which this article was derived.

(b) The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification, but where the use of a nonconforming building or structure is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification.

(c) A building or structure that is nonconforming as to use at the time of adoption of the ordinance from which this article is derived, or at any time thereafter, shall not be converted to or in any manner used as a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

(Code 1988, § 12-384)

Sec. 54-266. Restoration of damaged use.

When a building, the use of which does not conform to the provisions of this article, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than 50 percent of its true value, it shall not be restored except in conformity with the district regulations. However, when a building is permitted to be restored under this section, the requirements of these regulations of the city requiring right-of-way dedications, egress and ingress improvements, and all other requirements pertaining to improvements on public rights-of-way shall be complied with prior to restoration of the building.
(Code 1988, § 12-385)

Sec. 54-267. Nonconforming uses of land.

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than $1,000.00, existing at the time of adoption of the ordinance from which this

article is derived, may be continued for a period of not more than three years therefrom, provided that:

(1) The nonconforming use may not be extended or expanded; and

(2) If the nonconforming use of any portion thereof is discontinued for a period of three months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which the land is located.

(Code 1988, § 12-386)

Secs. 54-268--54-300. Reserved.

ARTICLE IV. SUBDIVISION REGULATIONS*

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***Cross references: Streets, sidewalks and public works, ch. 62; utilities, ch. 74.**

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DIVISION 1. GENERALLY

Sec. 54-301. Purpose of article.

(a) The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. The regulations and standards of this article for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open space, drainage, transportation, public utilities and other needs, and to ensure 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's regulations are designed and intended to achieve the following and should be administered to:

(1) Assist orderly, efficient and coordinated development within the territorial jurisdiction;

(2) Provide neighborhood conservation and prevent the development of slums and blight;

(3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;

(4) Provide that the cost of improvements which primarily benefit the tract of land being developed is borne by the owners or developers of the tract, and that the cost of improvements which primarily benefit the whole community is borne by the whole community;

(5) Provide the best possible design for the tract;

(6) Provide the most beautiful relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, the pedestrian traffic movements appropriate to the various uses of land and buildings, and provide for the proper location and width of streets and building lines;

(7) Prevent pollution of the air, streams and ponds; ensure the adequacy of drainage facilities; safeguard the water table; and encourage the wide use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

(8) Preserve the natural beauty and topography of the municipality and ensure appropriate development with regard to these natural features;

(9) Reconcile any differences of interest; and

(10) Establish adequate and accurate records of land subdivision.

(Code 1988, § 12-401)

Sec. 54-302. Authority of article provisions.

The subdivision regulations and minimum standards for land development are adopted under the authority granted by 11 O.S. §§ 45-101--45-104.

(Code 1988, § 12-403)

Sec. 54-303. Application of article regulations.

(a) The regulations and development standards of this article shall apply to the following forms of land subdivision:

(1) The division of land into two or more tracts, lots, sites or parcels, any part of which when subdivided shall contain less than ten acres in area;

(2) The division of land previously subdivided or platted into tracts, lots, sites or parcels of less than ten acres in area;

(3) The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

(4) The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

(b) No subdivider proposing to make, or having made, a subdivision within the territorial jurisdiction shall proceed with any construction work on the proposed subdivision, including grading, before obtaining a certificate of preliminary plat approval, and shall not convey title to any lot before obtaining from the planning commission a certificate of final plat approval and acceptance of the plat.

(Code 1988, § 12-404)

Sec. 54-304. 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:

Alley means a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Block means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, or a combination thereof.

Building includes the word "structure."

Building line and setback line mean a line designating the area outside of which buildings may not be erected.

Easement means a grant by the property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

General plan means the comprehensive development plan for the city which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities.

Lot means a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

Lot, corner, means a lot located at the intersection of and abutting on two or more streets.

Lot, double frontage, means a lot which runs through a block from street to street and which

has two nonintersecting sides abutting on two or more streets.

Lot, reverse frontage, means a double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot split means any division of land by metes and bounds description into two or more parcels for the purpose, whether immediate or future, of transfer of ownership, and which does not constitute a subdivision as described in this article.

Plat, final, means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

Plat, preliminary, means a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

Roadway means that portion of any street so designated for vehicular traffic; and where curbs are in place, that portion of the street between curbs.

Street means any public or private right-of-way which affords the primary means of access to abutting property.

Street, collector, means a minor street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

Street, cul-de-sac, means a minor street having one end open to vehicular traffic and having one closed and terminated by a turnaround.

Street, frontage or service, means a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access;

Street, major, means an arterial street which is designated on the major street plan or expressway plan.

Street, minor, means any street not classified as a major street on the major street plan or expressway plan.

Subdivider means any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land.

Subdivision means the division or redivision of land into two or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development or the dedication or vacation of a public or private right-of-way or easement.

Territorial jurisdiction means all land lying within the corporate limits of the city.

(Code 1988, § 12-405)

Cross references: Definitions generally, § 1-2.

Secs. 54-305--54-330. Reserved.

DIVISION 2. ADMINISTRATION AND AMENDMENT

Sec. 54-331. Penalty for violation of article.

Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense and shall be punished as provided for in section 1-12. Each day such violation shall be permitted to exist shall constitute a separate offense. In addition to the other remedies provided in this article, the city may institute any proper action or proceedings to enforce the provisions of this article.

(Code 1988, § 12-481)

Sec. 54-332. General procedure.

For all cases of subdividing within the scope of the regulations of this article, a plat of the land in question shall be drawn and submitted to the planning commission and city council for their approval or disapproval, as provided in this article.
(Code 1988, § 12-406)

Sec. 54-333. Administration.

The rules and regulations of this article shall be administered by the planning commission along with the city council.
(Code 1988, § 12-475)

Sec. 54-334. Filing fees.

(a) To defray partially the costs of notification and administration procedures, there shall be paid to the clerk-treasurer at the time of submission of the preliminary plat a fee in the amount set by city council and described in chapter 26 of this Code.
(b) Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five years of the preliminary approval without payment of an additional filing fee by the subdivider, if the final plat for the additional area conforms substantially with the approved preliminary plat.

(Code 1988, § 12-476)

Sec. 54-335. Exemptions from article regulations.

(a) Whenever there is a tract or previously subdivided parcel under single ownership which is to be resubdivided into three or fewer lots, the proposed subdivision may be exempt from the procedural provisions of this article, and a preliminary and final plat may not be required, but this shall not constitute an exemption from any of the design requirements contained in this article.
(b) Exemptions which shall be designated as "lot splits" shall be permitted under the following procedures:
    (1) An accurate survey, prepared by a land surveyor registered in the state, shall be submitted of the proposed tract, and the resubdivision thereof shall be submitted to the city engineer, or his designated representative; and
    (2) The city engineering and planning staff shall review the proposed lot split to ensure compliance with all design and improvement requirements of this article and shall prepare a written report thereon, which shall be forwarded to the planning commission not more than 15 days after receipt of the application for a lot split, for consideration at the next regular meeting of the planning commission. If the application is approved by the planning commission, it shall be certified by the signature of the chair of the planning commission and attested by the secretary. If the application is denied, the reasons for denial shall be stated in writing, with reference made to the express provision of the regulations to which the proposed lot split does not conform, and shall be transmitted to the applicant. Whenever a deviation is required from the improvement requirements contained in this article or a street or other element is to be dedicated, the action of the planning commission shall be forwarded to the city council for its approval and acceptance of dedications. For all other types of lot splits, the action of the planning commission shall be final.

(Code 1988, § 12-477)

Sec. 54-336. Variations.

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 this article would result in substantial hardship or inequity, 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 that, at the same time, the public welfare and interests of the city are protected and the general intent and spirit of this article are preserved. Such modification may be granted upon written request of the subdivider stating the reason for each modification and may be waived by a three-fourths vote of the regular membership of the planning commission, subject to the acceptance of the plat and the dedications thereon by the city council.
(Code 1988, § 12-478)

Sec. 54-337. Adoption and amendment of article regulations.

The city council may, from time to time, adopt, amend and make public rules and regulations for the administration of this article to the end that the public is informed and that approval of plats is expedited. This article may be enlarged or amended by the city council after public hearing, due notice of which shall be given as required by law.
(Code 1988, § 12-479)

Sec. 54-338. Conditions for issuing a building permit.

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land where the new structure does not comply with all of the provisions of the regulations of this article.
(Code 1988, § 12-480)
Secs. 54-339--54-360. Reserved.

DIVISION 3. PLAT PREPARATION AND APPROVAL PROCEDURE

Sec. 54-361. Preliminary plat.

(a) *Preparation and submission to planning commission.*

(1) The subdivider shall prepare a preliminary plat for submission to the planning commission. Four copies of the preliminary plat shall be submitted to the office of the clerk-treasurer not less than 15 days prior to the meeting at which it is to be considered.

(2) Each plat submitted for preliminary approval shall be placed on the agenda of the planning commission only after payment of fees, as specified in section 54-334, has been made and all the other appropriate requirements of these regulations have been fulfilled. However, a plat not meeting all of the requirements may be submitted, provided that the subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons therefor.

(b) *Preapplication plans and data. Not less than 14 days prior to the filing of an application for approval of a preliminary plat, the subdivider shall present to the planning commission 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 land characteristics, 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 and school sites and other pertinent data as may be needed to supplement the sketches required by this section.

(2) A general location map should be included and should 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 hospitals, churches, airports, railroads and shopping and employment centers.

(3) A sketch plan drawn to approximate scale should be included and should show topography, using a contour interval of not greater than five feet, the proposed street layout, lots and other planning features. The street and lot plan may be in the

form of a freehand pencil sketch.

(c) *Certification of design. The preliminary plat shall be accompanied by a statement signed by the registered engineer preparing the plat that he has, to the best of his ability, designed the subdivision 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.*

(d) *Contents. The preliminary plat shall be drawn at a scale of 100 feet to one inch and shall contain or be accompanied by the following information:*

(1) The scale, north point and date;

(2) The proposed name of the subdivision;

(3) The names and addresses of the owners of record, the subdivider and the registered engineer preparing the preliminary 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 locations 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 feet referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument;

(7) The locations of existing buildings, water, watercourses and the locations of dedicated streets at the point where they adjoin or are immediately adjacent to the subdivision; provided, however, that the actual measured distances shall not be required;

(8) The length of the boundaries of the tract, measured to the nearest foot, and the proposed locations and widths of streets, alleys, 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 pipelines 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, submains and laterals;

c. Storm sewers, culverts and drainage structures; and

d. Street improvements;

(10) Location of the tract by legal description, giving acreage;

(11) Names and addresses of owners of unsubdivided property abutting the proposed subdivision;

(12) Proposed layout, including lot lines with rough dimensions, lot numbers, block numbers, street and alley lines with proposed street names, right-of-way and easement widths, sites reserved for parks, playgrounds, schools, etc., sites for nonresidential, nonpublic uses and building lines with dimensions;

(13) 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; on all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract, the drainage area above the point of entry into the subdivision shall be given in

acres;

(14) 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 (expressway, primary thoroughfare, secondary thoroughfare, collector or minor) directly on each street;

(15) Existing and proposed covenants and restrictions which affect the area.

(e) *Planning commission action. The planning commission shall approve, approve conditionally or disapprove the preliminary plat within 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 chair and shall be attached to one copy of the plat and transmitted to the subdivider. Unless a stipulation for additional time is agreed to by the subdivider, if no action is taken by the planning commission at the end of 60 days after submission, the preliminary plat shall be deemed to have been approved. The reasons for disapproval or conditional approval shall refer specifically to those parts of the subdivision regulations with which the preliminary plat does not conform. On conditionally approving a preliminary plat, the planning commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and planning commission agree upon any revision which shall be filed with the planning commission on a revised copy, the preliminary plat shall be forwarded to the city council for its review.*

(f) *City council action. The city council shall approve, approve conditionally or disapprove the preliminary plat within 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 attached to one copy of the preliminary plat and transmitted to the subdivider. Unless a stipulation for additional time is agreed to by the subdivider, if no action is taken by the city council at the end of 60 days after submission, the preliminary plat shall be deemed to have been approved. The reasons for disapproval or conditional approval shall refer specifically to those parts of the subdivision regulations with which the preliminary plat does not conform. On conditionally approving a preliminary plat, the city council may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and city council agree upon any revision which shall be filed with the city council on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and the preparation of a final plat.*

(Code 1988, §§ 12-410--12-415)

Sec. 54-362. Final plat.

(a) *Submission for approval.*

(1) A final plat, neatly drawn in ink on tracing cloth, and three dark line prints thereof shall be submitted to the office of the clerk-treasurer not less than 12 days before the planning commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted two sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.

(2) Each plat submitted for final approval shall be placed on the agenda of the planning commission only after fulfilling the appropriate requirements of this article. However, a plat not meeting all of the requirements may be submitted, provided

that the subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons therefor.

(b) *Time of submission. The final plat of the proposed subdivision shall be submitted to the planning commission and the city council for final approval within one year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved unless the planning commission agrees to an extension of time. The final plat shall be filed in the office of the county recorder within two years after approval by the city council and planning commission, and if not filed within such time, such approval shall be considered as having been voided.*

(c) *Drafting. The final plat shall be drawn at a scale of 100 feet to the inch from an accurate survey and on sheets whose dimensions are 21 inches by 33 1/2 inches between borderlines. On the first sheet of every final 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 righthand side and a margin of two inches at the left side for binding purposes.*

(d) *Contents. The final plat shall show the following information:*

(1) The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced;

(2) The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as 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 or direction of an alley is not readily discernible from data given for lot and block lines, the length and bearing shall be given;

(6) The widths and names, where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located;

(7) The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except that where a lot line meets a street line at right angles, the angle or bearing value may be omitted;

(8) The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings with the area marked "public";

(9) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively 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 radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns;

(12) The proper acknowledgements of owners and the consent by the mortgagee to plat restrictions;

(13) The scale, north point and date;
(14) Location of the tract by legal description, giving acreage;
(15) The following which shall be made and shown on the cloth tracing:
a. Owner's certificate and dedication, signed;
b. Engineer's certificate of survey, signed, and his seal;
c. Certificate for release of mortgage for any portion dedicated to the public;
d. Reference to any separate instruments, including restrictive covenants, filed in the office of the county recorder of deeds which directly affect the land being subdivided;
e. Certificate of planning commission approval;
f. Certificate of city council acceptance of ways, easements and public land dedications;
g. Clerk-treasurer's certificate; and
h. County sanitarian's certificate;
(16) A title which shall include the following:
a. Name of subdivision;
b. Name of city, county and state; and
c. Location and description of the subdivision referenced to section, range and township.

(e) *Planning commission action.*
(1) The planning commission shall act upon the final plat within 45 days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the planning commission chair or secretary. Unless a stipulation for additional time is agreed to by the subdivider, and if no action is taken by the planning commission at the end of 45 days after submission, the plat shall be deemed to have been approved. A certificate by the clerk-treasurer to the date of submission of the plat for final approval and failure of the planning commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.
(2) 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 this article with which the plat does not comply.

(f) *City council action. Before recording the final plat, it shall be submitted to the city council for approval and for acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the final plat shall be shown over the signature of the mayor and attested by the clerk-treasurer or his deputy. The disapproval of any plat or plan by the city council shall be deemed a refusal of the proposed dedication shown thereon.*

(g) *Prints to be furnished. After final approval of the final plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the planning commission with two dark line prints thereof, and one contact reproducible cloth tracing, the tracing to be filed with the city engineer. The applicant, accompanied by a representative of the city, shall file the original tracing with the county clerk, and the applicant shall pay all required filing fees.*

(h) *Approval and recording. No final plat or other land subdivision instrument shall be filed in the office of the county clerk until it shall have been approved by the planning commission and by the city council as required. All final plats shall be filed within two years of the date of approval by the planning commission, and no lots shall be sold from any final plat until*

recorded. Failure to record the final plat within two years of the date of planning commission or city council approval, whichever is later, shall void all approvals thereto.

(Code 1988, §§ 12-416--12-423)

Secs. 54-363--54-380. Reserved.

DIVISION 4. DESIGN STANDARDS

Sec. 54-381. Streets.

(a) The arrangement, character, extent, width, grade and location of all streets shall be designed in accordance with the following provisions:

(1) Major streets shall be planned to conform with the major street and expressway plan.

(2) Whenever a subdivision abuts or contains an existing or proposed major street, the planning commission may require service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(3) Minor streets shall be laid out so that their use by through traffic will be discouraged.

(4) Where a subdivision borders on or contains a railroad right-of-way or limited-access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures.

(5) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the planning commission.

(6) Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(7) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connections for such resubdivision.

(8) Street jogs with centerline offsets of less than 150 feet should be avoided.

(9) Street right-of-way widths shall be in accordance with the transportation plan, and where not otherwise designated, it shall be the responsibility of the developer to dedicate rights-of-way to provide a width of not less than the following:

Major streets:

Primary arterial . . . 120 feet

Secondary arterial . . . 100 feet

Minor streets:

Collector . . . 60 feet

Local . . . 50 feet

Whenever the major street or minor street is located wholly within the proposed subdivision, the total width of the right-of-way shall be dedicated; and whenever the major street or minor street is located adjacent to the outer edge of the subdivision, one-half of the right-of-way shall be dedicated, if it is determined by the planning commission that it is equitable and feasible from an engineering design standpoint for the other half of the right-of-way to be dedicated from adjacent property.

(10) In general, the design criteria as set forth in table III-1 shall be followed in the layout and design of major and minor streets. All collector streets shall have an approved surface of not less than 32 feet in width, measured from face-to-face of curbs and all other minor streets shall have an approved surface of not less than 26 feet in width, measured from face-to-face of curbs. All construction shall be in accordance with the street construction specifications of the city.

(11) Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than 60 degrees. Detailed designs of intersections may be required.

(12) A cul-de-sac should not exceed 500 feet in length, measured from the entrance to the center of the turnaround, and if more than 150 feet in length shall be provided with a turnaround having a radius of not less than 50 feet at the property line and not less than 40 feet at the curbline.

(13) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this article; and provided that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract which is being subdivided.

(14) The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The planning commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties.

TABLE III-1

DESIGN STANDARDS FOR TISHOMINGO CITY STREETS

TABLE INSET:

Design Element	*Freeway*	*Primary Arterial*	*Secondary Arterial*	*Collector*	*Local*
Design Speed					
Outlying areas	*70 mph*	*50 mph*	*45 mph*	*30 mph*	*25 mph*
Urbanized areas	*60 mph*	*40 mph*	*40 mph*	*30 mph*	*25 mph*
Maximum Curvature					
Outlying areas	*4˚*				
Urbanized areas	*4˚*				
Maximum Grade					
Outlying areas	*4 percent*	*7 percent*	*7 percent*	*10 percent*	*15 percent*
Urbanized areas	*6 percent*	*7 percent*	*7 percent*	*10 percent*	*15 percent*
Minimum Grade		*0.5 percent*	*0.5 percent*	*0.5 percent*	*0.5 percent*
Stopping Sight Distance	*600'/475'*	*350'*	*200'*	*200'*	*200'*
Number of Traffic Lanes	*4 min.*	*4 min.*	*4*	*2*	*2*
Traffic Lane Effective Width	*12'*	*12'*	*12'*	*12'*	

Number of Parking Lanes	*Not allowed*	*Not allowed*	*Not allowed*	*1 side*	*1 side*
Total Minimum Street Width (face-to-face of curbs)		*50' min.*	*50' min.*	*32'*	*26'*
Minimum Paving Thickness	*Structurally designed*				
Asphalt section	*Structurally designed*	*8 1/2"*	*8 1/2"*	*3"*	*3"*
Concrete section	*Structurally designed*	*6"*	*6"*	*6"*	*5"*
Width of Shoulder/Parking Lane	*10'*	*10'*	*10'*	*8'*	*8'*
Right-of-way Width	*300'*	*120' min.*	*100' min.*	*60' min.*	*50' min.*
Access Control	*Full*	*Planned*	*Planned*		
Structure Design Load	*HS-20*	*HS-20*	*HS-20*	*H-15*	*H-15*
Vertical Clearance	*16.5'*	*15.5'*	*15.5'*	*15.5'*	*15.5'*
Surface Type	*High*	*High*	*High*	*High*	*High*

(b) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission.

Sec. 54-382. Alleys.

(a) Alleys shall be provided in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

(b) Alleys serving commercial and industrial areas shall not be less than 30 feet in width.

(c) Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys. When alleys are permitted in residential blocks, they shall not be less than 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 turnaround facilities at the dead end, as determined by the planning commission.

(Code 1988, § 12-431)

Sec. 54-383. Easements.

(a) Where alleys are not provided, easements not less than ten feet wide shall be provided along each rear lot line, and along side lot lines where necessary for use by public and private utilities. The planning commission may require aerial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.

(b) Where a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided a right-of-way for drainage and public parks and public utility purposes

adequate to contain all of the runoff from a 100-year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation below the 100-year maximum flood elevation which shall be calculated in accordance with, and shall be adequate to provide for, the drainage requirements of the ordinances and regulations relating thereto. This shall not be interpreted as prohibiting the reclamation of lands subject to flooding by filling or by other appropriate means.

(Code 1988, § 12-432)

Sec. 54-384. Blocks.

(a) The lengths, widths 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) Needs for convenient access, circulation, control and safety of street traffic; and
  (3) Limitations and opportunities of topography.

(b) Blocks for residential use shall not be longer than 1,800 feet measured along the centerline of the block. When a block exceeds 600 feet in length, the planning commission may require a dedicated easement not less than 15 feet in width and a paved crosswalk not less than four feet in width to provide pedestrian access across the block.

(c) Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

(Code 1988, § 12-433)

Sec. 54-385. Lots.

(a) Residential lots other than lots for townhouses shall be not less than 50 feet in width at the front building line and shall abut a street a distance of not less than 35 feet, except that a corner lot shall be not less than 60 feet in width at the front building line.

(b) Side lot lines should be approximately at a right angle or radial to street lines.

(c) The depth of residential lots, other than lots for townhouses, should not be less than 110 feet.

(d) The area of residential lots, other than lots for townhouses, shall not be less than 7,200 square feet.

(e) In residential subdivisions where septic tanks or individual sewage disposal devices are to be installed, the area of the lot shall not be less than the following:
  (1) Thirty-five thousand square feet when the percolation rate is one inch in 30 minutes or less;
  (2) Forty-three thousand five hundred sixty square feet when the percolation rate is one inch in 31 to 60 minutes; or
  (3) Twenty-two thousand five hundred square feet when the percolation rate is one inch in 30 minutes or less and the lot has an adequate approved public water system. Regardless of the minimum lot size, all lots shall be shaped such that they will accommodate a properly designed sewage system with adequate protection of the water supply, including adjacent lots and the public health of the area.
    a. A subdivider shall conduct a percolation test on each proposed lot in a subdivision and indicate the location and result of each test on the preliminary plat; the dimensions and area of each lot may be established at the levels necessary to conform to the specified requirements.
    b. In no instance, however, shall the size of a lot, where a septic tank or other type of individual sewage disposal device is to be installed, be less than

22,500 square feet.

(f) Every residential lot not served by an approved public water system shall be no smaller than 22,500 square feet.

(g) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement. At the discretion of the planning commission, the developer may substitute for an easement and a planting screen a permanent ornamental fence of a height and architectural design which will appropriately screen and be harmonious with residential or other neighborhood elements.

(Code 1988, § 12-434)

Sec. 54-386. Building lines.

(a) Building lines shall be provided for all residential subdivisions as follows:

(1) A front yard building line shall be located not less than 25 feet back of the street right-of-way line.

(2) A side yard building line on the side of a corner lot abutting the street shall be located not less than 15 feet back of the street right-of-way when such lot is back-to-back with another corner lot and not less than 20 feet back of the street right-of-way line in every other case.

(3) A side yard building line on an interior lot shall be located not less than ten feet back of the side yard property line.

(4) A side yard building line shall be provided not less than ten feet back of a crosswalk right-of-way line on the side of a lot abutting a midblock crosswalk.

(5) 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.

(b) Building lines for commercial and industrial lots shall be at least 40 feet from each street property line or as required by the planning commission.

(Code 1988, § 12-435)

Secs. 54-387--54-410. Reserved.

DIVISION 5. IMPROVEMENTS

Sec. 54-411. Compliance provisions.

All improvements shall be designed and installed to comply with the minimum standards established by the ordinances and regulations relating thereto.

(Code 1988, § 12-440)

Sec. 54-412. Plans required.

Plans for the improvements required by this division shall be prepared by the city engineering department or by a qualified engineer, registered in the state. Two sets of prints of the proposed plans and specifications for all improvements shall be filed with the clerk-treasurer. One set of as-built plans and specifications, certified and signed by an engineer registered in the state, shall be filed with the clerk-treasurer prior to the acceptance by the city council of any improvement installed by the subdivider.

(Code 1988, § 12-441)

Sec. 54-413. Continuity of improvements.

All improvements shall be designed and installed to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties.

(Code 1988, § 12-442)

Sec. 54-414. Surety bond.

In lieu of completion of the improvements required in this division, the city council may require the subdivider to file a surety bond with the clerk-treasurer to ensure the actual construction of such improvements according to the plans and specifications approved by the planning commission within a period of time not to exceed two years from the date of approval of the final plat. Such bond shall be in the amount of 100 percent of the estimated cost of the improvement as determined by the planning commission and with surety and conditions satisfactory to the city council and as described in chapter 26 of this Code. No building construction shall be permitted on any lot that does not comply with the provisions of these regulations and other applicable elements of the general plan, and no municipal utility service shall be furnished to such lot. In any case where the council does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside the subdivision unless a bond, in the amount of 100 percent of the estimated cost, is posted for the portion of the drainage or utility improvements that will protect the affected area.

(Code 1988, § 12-443)

Sec. 54-415. Permanent markers.

Each block and subdivision corner shall be marked with iron pipes or pins not less than one-half inch in diameter and 24 inches long at least one inch below finished grade.

(Code 1988, § 12-444)

Sec. 54-416. Street improvements.

The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the city and in accordance with the following provisions:

(1) The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the state highway department, but in no case shall the standard be less than the applicable city specifications.

(2) Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivision, as determined by the city council.

(3) All driveways which connect with public streets shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways," revised September 1956, and subsequent amendments thereto, as prepared by the state highway department.

(4) Streets shall be designed in accordance with the requirements specified in tables IV-1, IV-2, IV-3, and IV-4 following section 54-418.

(Code 1988, § 12-445)

Sec. 54-417. Sidewalks.

(a) A plan for a system of sidewalks shall be prepared that will provide every lot within a residential or commercial subdivision, or portion thereof, with a direct sidewalk connection with all of the community facilities, and commercial enterprises located within or adjacent to the subdivision, and in a manner that will provide convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located. The planning commission may require the construction of sidewalks to connect with existing or future

proposed sidewalks in areas adjacent to the subdivision where such sidewalks are needed for pedestrian circulation.

(b) Sidewalks shall have a width of four feet and shall be installed on both sides of all streets for a distance of at least 2,000 feet on those streets which would provide direct access to a school site.

(c) Sidewalks shall be constructed on both sides of collector streets and major thoroughfares. The planning commission may exempt industrial subdivisions from sidewalk requirements.

(d) Sidewalks in residential areas shall abut property lines.

(Code 1988, § 12-446)

Sec. 54-418. Installation of waterlines; fire hydrants.

(a) The subdivider shall install waterlines and fire hydrants when an existing city water line is located within reasonable distance as determined by the planning commission.

(b) Installation shall be in accordance with the specifications governing waterline construction, as provided for in this section.

(c) Work included under these specifications shall include the furnishing and installation of all pipes, valves, fittings, specials, fire hydrants and other incidental work and materials in connection with conveying water from the source of supply to the water mains and to each fire hydrant, including furnishing and installation of all the water mains and appurtenances in accordance with the plans and these specifications. All work shall be performed in accordance with the regulations of this article and with recommendations and regulations of the state health department.

(Code 1988, § 12-447)

TABLE IV-1

DESIGN STANDARDS FOR TISHOMINGO CITY STREETS

TABLE INSET:

Design Element	*Freeway*	*Primary Arterial*	*Secondary Arterial*	*Collector*	*Local*
Design Speed					
Outlying areas	*70 mph*	*50 mph*	*45 mph*	*30 mph*	*25 mph*
Urbanized areas	*60 mph*	*40 mph*	*40 mph*	*30 mph*	*25 mph*
Maximum Curvature					
Outlying areas	*4 degree*				
Urbanized areas	*4 degree*				
Maximum Grade					
Outlying areas	*4 percent*	*7 percent*	*7 percent*	*10 percent*	*15 percent*
Urbanized areas	*6 percent*	*7 percent*	*7 percent*	*10 percent*	*15 percent*
Minimum Grade		*0.5 percent*	*0.5 percent*	*0.5 percent*	*0.5 percent*
Stopping Sight Distance	*600'/475'*	*350'*	*200'*	*200'*	*200'*
Number of Traffic Lanes	*4 min.*	*4 min.*	*4*	*2*	*2*
Traffic Lane Effective Width	*12'*	*12'*	*12'*	*12'*	

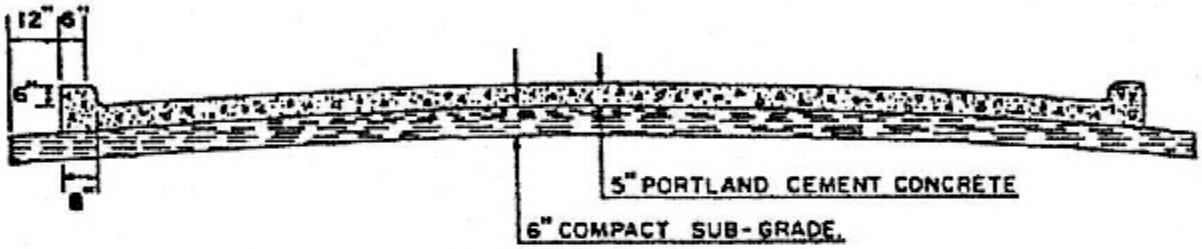
Number of Parking Lanes	*Not allowed*	*Not allowed*	*Not allowed*	*1 side*	*1 side*
Total Minimum Street Width (face-to-face of curbs)		*50' min.*	*50' min.*	*32'*	*26'*
Minimum Paving Thickness	*Structurally designed*				
Asphalt section	*Structurally designed*	*8 1/2"*	*8 1/2"*	*3"*	*3"*
Concrete section	*Structurally designed*	*6"*	*6"*	*6"*	*5"*
Width of Shoulder/Parking Lane	*10'*	*10'*	*10'*	*8'*	*8'*
Right-of-way Width	*300'*	*120' min.*	*100' min.*	*60' min.*	*50' min.*
Access Control	*Full*	*Planned*	*Planned*		
Structure Design Load	*HS-20*	*HS-20*	*HS-20*	*H-15*	*H-15*
Vertical Clearance	*16.5'*	*15.5'*	*15.5'*	*15.5'*	*15.5'*
Surface Type	*High*	*High*	*High*	*High*	*High*

GRAPHIC LINK: Typical Street Section for Concrete

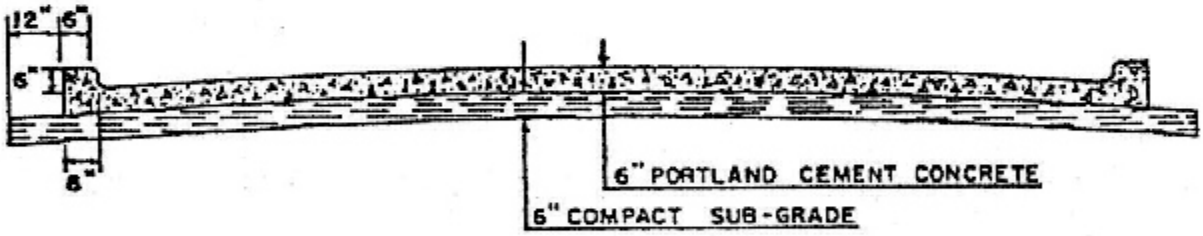
TABLE IV-II

TYPICAL STREET SECTION FOR CONCRETE

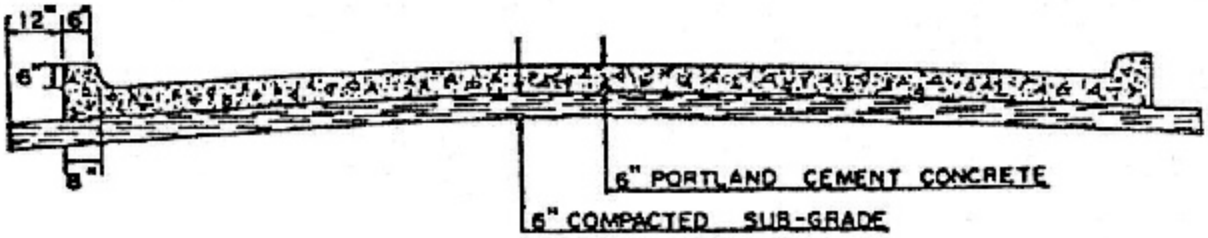
LOCAL RESIDENTIAL STREET



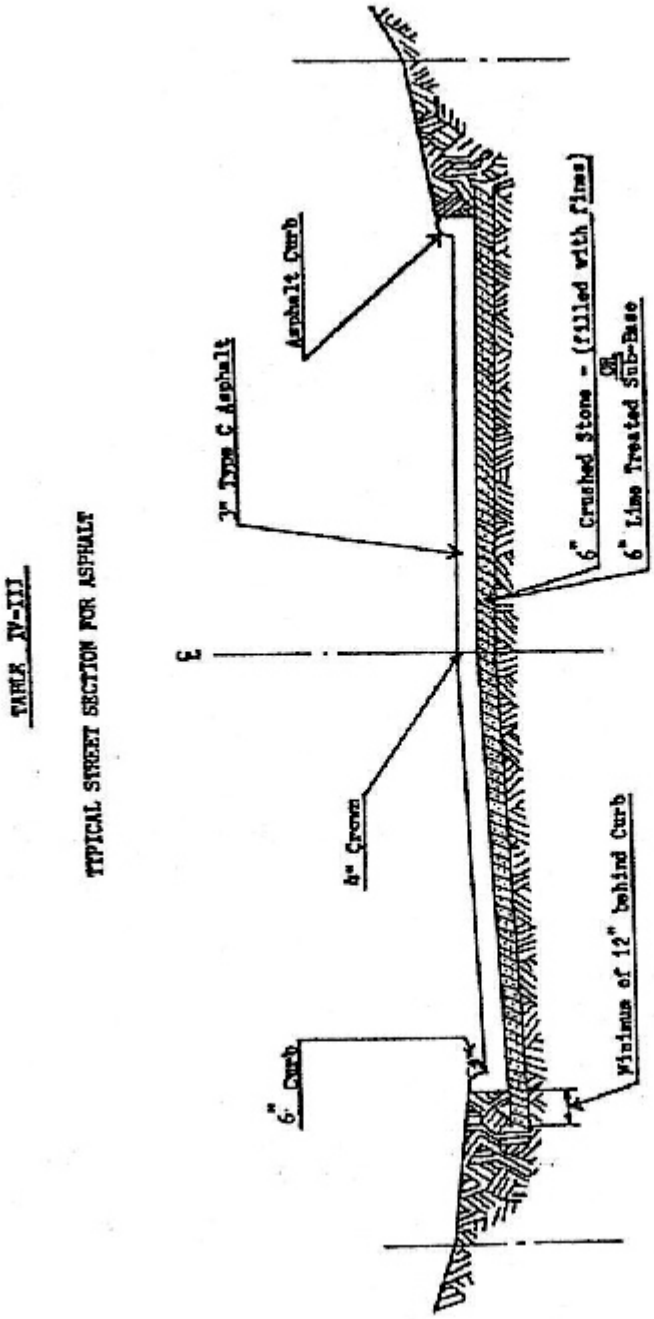
LOCAL COMMERCIAL AND COLLECTOR STREET



PRIMARY ARTERIAL STREET & SECONDARY ARTERIAL STREET



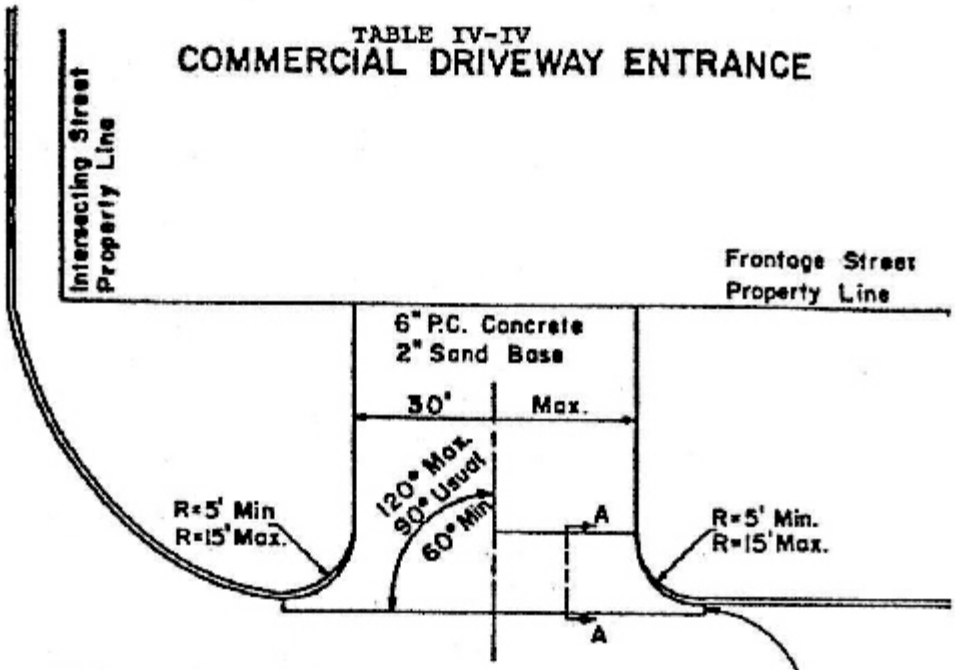
GRAPHIC LINK: Typical Street Section for Asphalt



GRAPHIC LINK: Commercial Driveway Entrance

TABLE IV-IV

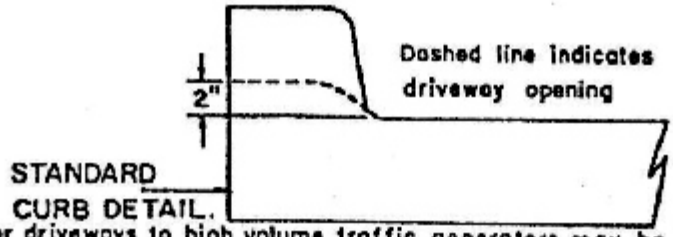
COMMERCIAL DRIVEWAY ENTRANCE



Distance from intersecting street property line to curb cut equals 20' Min.	Saw Cut Line to be cut with Approved Saw. Maximum Curb Cut = 60'. Curb cut shall not extend beyond side property line, nor extend beyond an intersecting street's radius return.	For asphalt street, Saw Cut width = width of curb & gutter. For P.C. Concrete Street, saw cut width = 2 inches

℄ Drive elevation shall be such that drainage water will not enter drive

SECTION "A–A"



STANDARD CURB DETAIL.

Variances for driveways to high volume traffic generators may be approved by the City Engineer. Driveways for service stations may be designed using "Standard Design for Driveway Entrances," Oklahoma Highway Department, subject to approval of the City Engineer.

Sec. 54-419. Trenching generally.

(a) The location of the water mains, hydrants, valves, etc., are shown on the plans. Trenches shall be of sufficient width to provide ample room for workmen and making joints. In no case shall the trench inside of sheeting and bracing lines be less than 12 inches greater than the external diameter of the pipe bell. Trenches shall be cut to depths which shall provide a minimum cover of 30 inches. The cover shall be measured from the top of the barrel of the pipe to the finished surface of the ground or street. The grade of the invert of all waterlines shall, in general, be parallel to the street grade, except that the engineer may require a greater depth, not to exceed two feet at the point where there is a sharp break in the street grade, or, where necessary, to provide clearance for existing or proposed pipelines or drainage structures. The bottoms of the trenches shall be accurately graded to provide uniform bearing and support for the pipe.

(b) Ledge rock, boulders and large stones shall be removed to provide a clearance of at least six inches on each side of all pipes and appurtenances. Adequate clearance for properly jointing pipe laid in rock trenches shall be provided at bell holes.

(Code 1988, § 12-448)

Sec. 54-420. Protection of excavation.

The contractor shall adequately protect all excavations from caving in by providing suitable sheeting, shoring and bracing.

(Code 1988, § 12-449)

Sec. 54-421. Backfilling trenches.

(a) After water mains have been tested and approved, the trenches shall be backfilled.

(b) Where water mains are laid in rock, shale or clay, four to six inches of sand shall be placed in the trench between bell holes to provide a uniform and continuous bearing and support for the pipe. When the water main is in place and the joint has been completed, the trench shall be backfilled with sand to the top of the pipe. Where mains are constructed in the parking area or parallel to a road where there would normally be no traffic, the remainder of the trench may be filled with a mormon board or other such device, allowing six inches for top dressing, after which the entire trench shall be settled with water. After settlement, the top dressing shall be applied, but in no case shall the top dressing be applied where pools of water are standing. Where the trench is excavated in front of developed property, the top dressing must be, in general, of as good soil as the original ground, and if there is a lawn, trees or decorative shrubbery, the growth shall be protected and restored to its original condition.

(c) (1) Where the water main crosses any unpaved roadway, gravel or oil surfaced road, driveway of any kind, or railroad tracks, four to six inches of sand shall be placed in the trench below the grade of the pipe invert. After the pipe is laid to grade, sand shall be used for backfill to the top of the pipe, the sand to be flooded with water to prevent settlement. Then the backfill from the top of the sand to the top of the trench shall be compacted in six-inch layers to a density of at least equal to that of the top six to 12 inches of the surrounding earth, using water if required to get proper compaction.

(2) In case the excavator fails to furnish suitable material for the bottom of the trench or backfill, the contractor shall supply such material as will be suitable and satisfactory to the engineer, moving same from another locality or part of work as necessary.

(3) Where the water mains are constructed under proposed paving or paving which has been cut in or across roads and highways, driveways, sidewalks, under fences,

foundations or other such structures, four to six inches of sand shall be placed in the trench below the grade of the pipe invert, and after the pipe is laid to grade, the entire trench shall be backfilled with sand from the bottom to the top of the trench, and then thoroughly settled with water by flooding or jetting, being certain that the sand around and under the pipe is sufficiently wetted to attain maximum compaction.

(Code 1988, § 12-450)

Sec. 54-422. Cutting and replacing paving.

(a) Where concrete, asphaltic concrete or asphaltic concrete base paving has been cut, the contractor shall dispose of the broken materials, and, after the sand backfill has been completed, shall apply a temporary patch of asphaltic surface course (hot mixed-cold laid). The contractor shall maintain these patches for a period of 60 days or to the time the permanent repair has been made. A permit fee and repair fee shall be paid to the city before any paving cut is made, and evidence of payment of these fees shall be shown to the city inspector for the job on which the cut occurs. Street cuts will not be allowed for the purpose of laying waterlines where boring is feasible as determined by the city council.

(b) Where water mains are to be installed across an existing paved street by boring, a sleeve jacket of a next larger size in diameter of PVC pipe will be installed in the bore hole to protect the main line.

(Code 1988, § 12-451)

Sec. 54-423. Pipe and fittings.

All pipe and fittings used for the construction of the water mains and distribution system shall conform to the following requirements:

(1) All water lines will be of a quality equal to or better than that for PVCSDR 21 pipe as determined by the American Water Works Association (AWWA).

(2) All pipe shall be straight, accurately circular in section, with all inner and outer surfaces concentric. Except where shorter lengths are required for connections with valves, fittings or changes in design requirements where such connections must be made at specific locations, all pipe shall be furnished in laying lengths of not less than 20 feet, plus or minus two inches, and the lengths to be furnished shall be stipulated in the proposal.

(3) All pipes shall be delivered, in all respects, sound and conformable to these specifications. Inspection by the city or its representative shall not relieve the contractor of any of his obligations in this respect, and any defective pipe which may be passed by the city or its representative at the works or elsewhere shall, at all times, be liable to rejection when discovered until the final completion and adjustment of the contract. Care shall be taken in handling the pipe not to injure the coating or lining, and pipe damaged during transportation or at any time after it has received the coating or lining shall not be used.

(Code 1988, § 12-452)

Sec. 54-424. Hydrants.

(a) *Specifications.*

(1) All fire hydrants shall have a six-inch mechanical connection and shall have two 2 1/2-inch and one 4 1/2-inch streamer connection designed for 150 pounds working pressure or 300 pounds hydrostatic pressure, and shall conform to the latest specifications of the American Water Works Association for a traffic model hydrant with breakable coupling at ground level, with a 5 1/4-inch valve opening. All working parts shall be bronze. All hose threads shall conform to the standard threads of the city. Design, materials and workmanship shall be similar and equal

to the latest stock pattern ordinarily produced by the manufacturer.

(2) All fire hydrants will have a maximum separation not to exceed 600 feet, and will be located in order to provide the greatest and most effective firefighting capacity for the area.

(b) *Setting hydrants and valves. Hydrants and valves installed in trenches shall be placed where shown on the drawings unless otherwise directed by the engineer. Hydrants, valves and valve boxes shall all be plumb, with valve boxes placed directly over the valves. After being correctly positioned, earthen fill shall be carefully tamped around the valve box for a distance of four feet on all sides of the box. Hydrants shall be set at such elevations that the connection pipe and distributing mains shall have the same depth of cover. Each hydrant shall be placed upon a slab of stone or concrete not less than four inches thick and 15 inches square. The backside of the hydrant, opposite the pipe connections, shall be firmly wedged between the hydrant and the vertical face of the trench to prevent the hydrant from flowing off the line. Around the base of each hydrant shall be placed not less than seven cubic feet of three-fourths-inch crushed rock to ensure the complete drainage of the hydrant when closed. All backfill around hydrants shall be thoroughly compacted to the surface of the ground. Before installing any hydrant or valve, care shall be taken to see that all foreign material is removed from the interior of the barrel. Stuffing boxes shall be tightened and the hydrant or valve opened or closed to see that all parts are in working condition.*

(Code 1988, §§ 12-453, 12-454)

Sec. 54-425. Pipes.

(a) *Bracing bends. All fittings at bends in the pipe shall be firmly braced by means of a concrete brace block. Additional blocks may be ordered by the engineer.*

(b) *Tests. After the pipe has been laid and jointed, and before any joints are covered, the pipeline shall be subjected to a hydrostatic pressure of 150 pounds per square inch for a period of two hours. If there is any perceptible leakage during the test, the necessary repairs shall be made and the test repeated.*

(Code 1988, §§ 12-455, 12-456)

Sec. 54-426. Mains.

(a) *Installation.*

(1) Distribution lines shall not be less than six inches in nominal diameter.

(2) All pipe and accessories, unless otherwise specifically stipulated in the proposal, shall be new materials which have at no time previously been used for any purpose whatsoever.

(3) The interior of all pipe shall be thoroughly cleaned of all foreign matter before being lowered into the trench and shall be kept clean during laying operations by means of plugs or other approved methods. No trench water shall be allowed to enter the pipe or fittings. At all times when work is not in progress, all open ends of pipes and fittings shall be securely closed to the satisfaction of the engineer.

(4) Before lowering, and while suspended, the pipe shall be inspected for defects. Any defective, damaged or unsound pipe shall be rejected.

(5) Pipelines or runs intended to be straight shall be so laid. Deflections from a straight line or grade, made necessary by vertical curves or horizontal curves of offsets, shall not exceed six ID inches per linear foot of pipe (where D represents the nominal internal diameter of the pipe expressed in inches) between the centerlines, extended, of any two connecting pipes. If the specified or required alignment requires deflections in excess of those stipulated in this subsection (5), the

contractor shall either provide, at his own expense, special bends as approved by the engineer, or pipes in shorter lengths and number that the angular deflection at any joint, as represented by the specified maximum deflections, is not exceeded.

(6) After placing a length of pipe in the trench, the jute packing material for the joint shall be held around the bottom of the spigot so that it will enter as the pipe is pushed into position. The spigot shall be centered in the bell, the pipe pushed into position and brought into true and specified alignment. Except where necessary in making connections with other lines and as authorized by the city engineer, pipe shall be laid with the bells facing in the direction of laying, and for lines on an appreciable slope, bells shall, at the discretion of the city engineer, face upgrade. Not less than two lengths of pipe shall be in a position, with jute packing installed and earth fill tamped alongside the pipe, ahead of each joint before it is poured, except where necessary for closures. Under no circumstances will pipe be laid in water, and no pipe shall be laid when trench conditions or the weather is unsuitable for such work, except by permission of the city engineer.

(7) The work, or any portion of the work, under construction shall be suspended immediately on written order of the city engineer or the city council for any good causes, among others of which special reference is made to the following:

a. Failure of the contractor to provide sufficient and proper equipment and properly executing the work;

b. Deliberate failure on the part of the contractor to observe any requirements of these specifications or to comply with any orders given by the city engineer as provided in these specifications; or

c. Failure of the contractor promptly to make good any defects in materials or workmanship or any defects of any other nature, the correction of which has been directed in writing by the city engineer.

(b) *Sterilization. The contractor shall, upon completion of the waterlines, arrange for their sterilization in a manner satisfactory to the city. As a minimum, the contractor shall provide the material and do the work necessary to sterilize all the pipes, valves, hydrants and other surfaces, which water provided by the system will come in contact with, in the following manner: A solution containing not less than 50 parts per million of chlorine shall be prepared by the addition of either liquid chlorine or dry calcium hypochlorite to water introduced into all parts of the system. This solution shall remain in the parts for at least five hours and the sterilization shall be done before any part of the system is put in operation. The contractor shall have laboratory tests made and shall resterilize lines as necessary before they are placed in service. Payment for this item shall be included in the price bid for the construction of the items to be sterilized.*

(Code 1988, §§ 12-457, 12-458)

Sec. 54-427. Sewage disposal systems.

(a) The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible as determined by the planning commission. Sanitary sewers shall be installed in accordance with the specifications governing sanitary sewer construction, as specified in this section.

(b) Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disposal systems may be used in accordance with the following provisions:

(1) A lot on which a unit disposal system is located shall not be less than 22,500 square feet in area.

(2) No portion of any unit disposal system shall be located closer than 20 feet to the

lot line of the lot on which the system is located.

(3) All unit disposal systems shall comply with the recommendations and requirements of the state and county health departments.

(c) When subdivisions contain ten acres or more, the planning commission may require the subdivider to install sanitary sewers and a disposal system that is adequate to serve all of the lots within the subdivision and as set forth in the state department of health's engineering bulletin number 600 entitled, "Septic Tank and Subsurface Tile Systems," and subsequent amendments thereto.

(d) The work under this section includes the furnishing of all material, equipment, tools, labor and supervision necessary to the construction of sanitary sewers complete, together with all necessary trenching, excavating, sheeting and bracing, pumping, bailing, pipe laying and backfilling, and the furnishing of all the materials and appurtenances necessary to the proper functioning of the complete sewer system.

(Code 1988, § 12-459)

Sec. 54-428. Sewer pipe.

All sewer lines shall have a nominal diameter of eight inches or greater and shall meet or surpass the specifications for schedule 40 plastic PVC pipe.

(Code 1988, § 12-460)

Sec. 54-429. Trench excavation.

(a) Excavations of every description and of whatever substance encountered shall be made to the depth shown on the drawings.

(b) All excavated material not required for backfilling or not suitable for use as backfilling material shall be disposed of within the site areas as directed by the engineer.

(c) In general, excavations shall be made in open cuts to the line and grade shown on the drawings. Sides of trenches shall be kept as nearly vertical as possible and shall be sheeted and braced as required.

(d) The trench width shall be such as to provide ample working space at the sides of the pipe but in no case shall it exceed the diameter of the barrel of the pipe, plus 16 inches. The trench width shall be measured at the top of the pipe. Where cuts exceed ten feet, the trench width shall be limited to the outside diameter of the pipe plus six inches at the top of the pipe.

(e) Wherever wet, unstable soil is encountered, the engineer may, if he deems it necessary, order the trench bottom to be excavated below the grade and the material so excavated to be replaced with sand, gravel or other suitable material, well-tamped in place. Where, through error or neglect, the contractor shall carry the excavation below trench grade, he shall backfill to trench grade with sand, gravel or other suitable material well-tamped in place, and the costs of such backfill shall be borne by the contractor.

(f) Bell holes shall be cut in the bottom of the trench of sufficient size to allow for proper jointing of the pipe, but in no case shall they leave more than one-third of the pipe unsupported.

(g) Excavated material which is to be used in backfilling shall be neatly piled along the trench in such manner to provide a minimum of inconvenience to other contractors and the traveling public. In no case shall waterways be obstructed without other provisions being made for the removal of water.

(h) When utilities such as water mains, sewers, pipelines, gas mains and electric conduits are encountered in the excavation, the contractor shall notify the owner of such utility and shall take such steps as the owner and the engineer deem necessary to protect such utility from damage. Should damage occur, the contractor shall repair the damage at his own expense and shall pay the owner for any loss suffered on account of such damage.

(Code 1988, § 12-461)

Sec. 54-430. Pipe laying.

(a) In general, the bottom of the trench shall be shaped to support the pipe throughout its lower quarter. If the trench is in rock or other hard material, it shall be excavated at least four inches below pipe grade, and the material so excavated shall be replaced with well-tamped sand, gravel or other suitable material.

(b) If the foundation is of such material, or if conditions are such that the pipe cannot be properly supported, or if the load is such that the engineer deems extra support necessary, he may order in writing that a concrete cradle or concrete encasement be provided. Extra compensation will be paid for concrete cradling.

(c) All pipes shall be inspected for defects before they are lowered into the trench and shall be carefully cleaned of any dirt or grease, either in the barrel or on the jointing surfaces. Pipe shall be laid with the bells upgrade, and pipe laying shall progress upgrade.

(d) Care shall be taken to lay each pipe to exact line and grade, and to have the spigot end of each pipe concentric with the bell of the pipe into which it is laid. Any defective pipe, or any pipe which has its joints disturbed after laying, shall be taken up and replaced. All branches or other openings along the line of the pipe shall be securely closed against dirt or other debris, and at the suspension of work at any time, a suitable stopper shall be placed at the end of the pipe to prevent the entrance of earth or debris into the pipe. All Y branches shall be encased in concrete.

(e) The work or any portion of the work under construction shall be suspended immediately on written order of the city engineer or the city council for any good cause, among others of which special reference is made to the following:

(1) Failure of the contractor to provide sufficient and proper equipment for properly executing the work;

(2) Deliberate failure on the part of the contractor to observe any requirements of these specifications or to comply with any orders given by the city engineer, as provided for in these specifications; and

(3) Failure of the contractor promptly to make good any defects in materials or workmanship or any defect of any other nature, the correction of which has been directed in writing by the city engineer.

(f) All developers who are constructing sewer mains with sewer service wyes must tie a one-inch wide plastic tape to the wye and bring the tape to the surface of the ground before backfilling the sewer main.

(Code 1988, § 12-462)

Sec. 54-431. Backfilling.

(a) In general, backfilling shall be done with the material excavated from the trench. However, should the excavated material contain large pieces of rock or other material which, in the opinion of the engineer, might injure the sewer, he may reject it as backfill material or restrict its use to the upper part of the fill. Selected topsoil, free of weeds, brush, roots and other deleterious matter, shall be used as backfill for embedment of sewer pipe from the bottom of the trench to a depth of six inches above the top of the bell. Special care shall be used in placing and thoroughly compacting this selected topsoil to provide good bearing for the pipe.

(b) Backfilling shall be carried on in the following manner:

(1) Where sewer lines are laid in rock, shale or clay, four to six inches of sand shall be placed in the trench between bell holes to provide a uniform and continuous bearing and support for the pipe. When the pipe is in place and the joint has been completed, the trench shall be backfilled with sand to the top of the pipe. Where

mains are constructed in the parking or parallel to a road where there should normally be no traffic, the remainder of the trench may be filled with a mormon board or other such device, allowing six inches for top dressing, after which the entire trench shall be settled with water. After settlement, the top dressing shall be applied, but in no case shall the top dressing be applied where pools of water are standing. Where the trench is excavated in front of developed property, the top dressing must be, in general, of as good soil as the original ground, and if there is a lawn, trees or decorative shrubbery, the growth shall be protected and restored to its original condition.

(2) Where the sewer main crosses any unpaved roadway, gravel or oil surfaced roads, driveways of any kind or railroad tracks, four to six inches of sand shall be placed in the trench below the grade of the pipe invert. After the pipe is laid to grade, sand shall be used for backfill to the top of the pipe, the sand to be flooded with water to prevent settlement. Then the backfill from the top of the sand to the top of the trench shall be compacted in six-inch layers to a density of at least equal to that of the top six to 12 inches of the surrounding earth, using water if required, to get proper compaction. In case the excavator fails to furnish suitable material for the bottom of the trench or backfill, the contractor shall supply such material as will be suitable and satisfactory to the engineer, moving the same from another locality or part of work if necessary. Where compaction is required or ordered, it shall be compacted to a density equal to that of the adjacent soil.

(3) Where sewer mains are constructed under driveways, sidewalks, under fences, foundations or other such structures, four to six inches of sand shall be placed in the trench below the grade of the pipe invert, and after the pipe is laid to grade, the entire trench shall be backfilled with sand from the bottom to the top of the trench, and then thoroughly settled with water by flooding or jetting, being certain that the sand around and under the pipe is sufficiently wetted to attain maximum compaction.

(Code 1988, § 12-463)

Sec. 54-432. Manholes.

Manholes shall be constructed where shown on the plans. They shall be built of vitrified brick or other suitable material as approved by the city council and shall be in accordance with the dimensions shown on the detailed drawings:

(1) Vitrified brick for the manholes shall be grade A, common, sound, hard-turned, and shall meet the requirements of the ASTM standard specifications C62-30 with subsequent revisions.

(2) Mortar for brickwork shall be composed of one part cement and two parts sand, to which not more than ten pounds of hydrated lime per sack of cement may be added.

(3) Brick manhole walls shall be eight inches thick if not over 18 feet deep, and shall be 13 inches thick for depths of over 18 feet. The eight-inch walls shall be laid with all headers, and the 13-inch walls shall be laid with headers and stretchers alternately on the inside and the outside of the wall. All joint spacers must be completely filled with mortar and the outside of the manhole plastered with one-half inch of mortar.

(4) The invert of the manhole shall be built of split sewer pipe on straight lines. The curves and the bench above the centerline of the pipe may be formed in concrete or built-up brick and plastered with one-half inch of cement mortar.

(5) Manhole frames and covers as shown on the detailed drawings shall be provided

for each manhole. The frame shall be thoroughly grouted to the top of the brick or at such an elevation that the manhole cover will be flush with the finished grade. The castings shall conform to the standard specifications of the ASTM for gray iron castings, serial designation A48-18, with subsequent revisions, and shall be free from pouring faults, cracks, sponginess, blowholes and other defects that would impair their value for the service intended. Covers shall sit in their frames without rocking or rattling, and the engineer shall reject any frames and covers which, in his opinion, will be noisy under traffic.

(6) Manholes will be located at distances not to exceed 400 feet, and where a bend in the sewer line of more than 60 degrees from the normal occurs, a manhole will be constructed.

(7) Manhole steps shall be of cast iron of high grade and shall provide a step at least four inches by eight inches from the face of the manhole. Steps shall have a 16-inch spacing. Smaller steps may be used if staggered spacing is used. They shall be resistant to rust and corrosion and free from burrs, pins, sharp edges and excessive roughness. The engineer shall reject any steps which, in his opinion, would cut or scratch the hands of the person using them. After being set, they shall be given one coat of an approved protective asphalt paint.

(8) Any time a line enters into a manhole over two feet above the flow line of the manhole, the manhole shall be made into a drop manhole.

(Code 1988, § 12-464)

Sec. 54-433. Connections to existing sewers and appurtenances.

All connections between new and existing sewers or appurtenances shall be made in accordance with the detailed drawings or as directed by the engineer, and the cost of such connections shall be included in the price bid for sewers complete. The contractor shall use every precaution to keep earth and other foreign matter out of the existing sewer or appurtenances and shall, if so ordered by the engineer, clean the sewer or appurtenances in the immediate vicinity of the connection. If for any reason it becomes necessary for the contractor to obstruct the existing sewer, he shall, at his own expense, provide a method suitable to the engineer of diverting the sewage.

(Code 1988, § 12-465)

Sec. 54-434. Storm sewers and drainage; major drainage channels.

All major drainage channels lying within or immediately adjacent to the subdivision shall meet the following conditions:

(1) All land having an elevation below the 100-year maximum flood elevation and not protected by levees or dikes shall be dedicated to the city for the purpose of providing drainage and for public park and utility easement use.

(2) The existing channel lying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened and improved to the extent required to prevent overflow beyond the limits of the dedicated drainage area.

(3) Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas and streets will not be subject to overflow, and in a manner that will provide for the rapid runoff of all rainfall.

(4) Whenever channel improvement is carried out, sodding, backsloping, cribbing and other bank protection shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved.

(5) A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer.

(6) Culverts, bridges and other drainage structures shall be constructed in accordance with the specifications of the city at all locations where drainage channels intersect with continuous streets or alleys.

(Code 1988, § 12-466)

Sec. 54-435. Requirements relating to drainage improvements.

Bridges and culverts have the following requirements:

(1) All flow of water across continuous streets or alleys shall be through culverts or bridges.

(2) Bridges and culverts shall be sized to accommodate a 50-year frequency rain based on the drainage area involved.

(3) Design of bridges and culverts shall conform to construction specifications of the city.

(Code 1988, § 12-467)

Sec. 54-436. Channels and storm sewers outside subdivision boundaries.

(a) The city reserves the right to require improvements, provision of drainage easements and provision of agreements beyond the boundaries of the subdivision to facilitate flow of water through the subdivision, to avoid probability of lawsuits based on damage from changed runoff in the subdivision, and also to provide continuous improvement of the overall storm sewer system.

(b) Requirements outside the subdivision may be:

(1) Location: In channels or storm sewers flowing to or from the subdivision, or in channels or storm sewers located in adjacent areas that are affected by the flow of water to the subdivision; and

(2) Improvements:

a. Enlargement or replacement of undersized drainage to provide free flow;

b. Removal of obstructions;

c. Straightening of channel;

d. Widening or deepening of channel;

e. Construction of erosion control structures;

f. Backsloping, sodding or riprapping of the bank; and

g. Construction of closed or open paved storm sewers for closing the gap or continuation of the overall storm sewer system.

(Code 1988, § 12-468)

Sec. 54-437. Location of utility lines.

All utilities to be installed in a subdivision shall be located underground in the grass plot outside of the curblines but within street rights-of-way or in easements dedicated therefor.

(Code 1988, § 12-469)

Sec. 54-438. Street lighting.

Installation of street lighting in all new subdivisions may be required by the planning commission and, if required, shall conform to specifications adopted by the city council.

(Code 1988, § 12-470)

Sec. 54-439. Maintenance and supervision.

Where the subdivision contains sewers, sewage treatment plants, water supply systems or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit, which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the city council for the proper and continuous operation, maintenance and supervision of such facilities.

(Code 1988, § 12-471)

Secs. 54-440--54-470. Reserved.

ARTICLE V. FLOOD DAMAGE PREVENTION*

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***Cross references: Building regulations and codes, ch. 14; streets, sidewalks and public works, ch. 62; utilities, ch. 74.**

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DIVISION 1. GENERALLY

Sec. 54-471. Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) 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 hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Code 1988, § 12-501)

Sec. 54-472. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is in a flood area.

(Code 1988, § 12-502)

Sec. 54-473. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1988, § 12-509)

Sec. 54-474. Interpretation.

In the interpretation and application of this article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the city; and

(3) Deemed neither to limit nor repeal any other powers granted under statute.

(Code 1988, § 12-510)

Sec. 54-475. Warning and disclaimer or liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article 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 article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.
(Code 1988, § 12-511)

Sec. 54-476. Lands to which special flood hazard applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the city.
(Code 1988, § 12-505)

Sec. 54-477. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
(4) Control filling, grading, dredging and other development which may increase flood damage; or
(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1988, § 12-503)

Sec. 54-478. 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:

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, VI-30, VE or V.

Base flood means the flood having a one percent chance of being equalled or exceeded in any given year.

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 manmade 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.

Elevated building means a nonbasement building:

(1) Built, in the case of a building in zones A1-30, AE, A, A99, AO, AHY B, C, X, and D, to have the top of the elevated floor, or, in the case of a building in zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the

elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and

(2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of zones A1-30, AE, A, A99, AO AH, B, C, X, and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zone VI-30, VE, or V, the term "elevated building" also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means, for the purpose 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. The term "existing construction" may also be referred to as "existing structures."

Flood and flooding mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means the 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 city.

Floodplain and floodprone area mean any land area susceptible to being inundated by water from any source. (See Flooding.)

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.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include longterm storage or related manufacturing facilities.

Habitable floor means any floor usable for the following purposes, which include: working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protection from temporary flooding.

Levee system means a flood protection system which consists of 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 the basement. An

unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, however, that such enclosure is not built to render the structure in violation of the applicable nonelevation 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. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

Start of construction means, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), substantial improvement and the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, 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 or walkways; nor does it include excavation of 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.

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 improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Variance means a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. For full requirements

see section 60.6 of the National Flood Insurance Program regulations.

Violation means the failure of a structure of other development to be fully compliant with the 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), (d)(3), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, specified in this article), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 1988, § 12-504)

Cross references: Definitions generally, § 1-2.

Sec. 54-479. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency on its flood insurance study for the city, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM), and any revisions thereto, are adopted by reference in this section and declared to be a part of this article.

(Code 1988, § 12-506)

Secs. 54-480--54-500. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 54-501. Floodplain administrator.

(a) *Designation. The city's floodplain administrator is appointed to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.*

(b) *Duties and responsibilities. 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 this article;

(2) Review permit applications to determine whether a proposed building site will be reasonably safe from flooding;

(3) Review, approve or deny all applications for development permits required by adoption of this article;

(4) Review permits for proposed development to ensure 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 USC 1334) from which prior approval is 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), make the necessary interpretation;

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the state 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) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) When base flood elevation data has not been provided in accordance with section 54-479, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer

the provisions of sections 54-531, 54-532 and 54-533; and

(9) When a regulatory floodway has not been designated, must require that no new construction, substantial improvements, or other development, including fill, shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Code 1988, §§ 12-512, 12-513)

Sec. 54-502. Establishment of development permit.

A development permit shall be required to ensure conformance with the provisions of this article and is further described in chapter 26 of this Code.

(Code 1988, § 12-507)

Sec. 54-503. Compliance with article provisions.

No structure or land shall after the effective date of the ordinance from which this article is derived be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Code 1988, § 12-508)

Sec. 54-504. Permit procedures.

(a) Applications for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans, in duplicate, drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of such alterations and structures in relation to areas of special flood hazard. Development permits are further described in chapter 26 of this Code. Additionally, the following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor, including the basement, of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 54-532(2);

(4) Description of the extent of which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

(5) Maintain a record of all such information in accordance with section 54-501(b).

(b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article 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, 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 floodwaters 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 proposed use; and
(10) The relationship of the proposed use to the comprehensive plan for that area.

(Code 1988, § 12-514)

Sec. 54-505. Variance procedures.

(a) The appeal board of the city shall hear and render judgment on requests for variances from the requirements of this article.
(b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
(c) Any person aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
(d) 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.
(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
(g) Upon consideration of the factors noted in this section and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article as set out in section 54-472.
(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(i) Prerequisites for granting variances are as follows:
    (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
    (2) Variances shall only be issued upon:
        a. A showing of good and sufficient cause;
        b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
        c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
    (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the costs of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(j) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
    (1) The criteria outlined in subsections (a)--(i) of this section are met; and
    (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Code 1988, § 12-515)

Secs. 54-506--54-530. Reserved.

DIVISION 3. FLOOD HAZARD REDUCTION

Sec. 54-531. 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, air conditioning equipment and other service facilities that are designed or located 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 floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwater.

(7) On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Code 1988, § 12-516)

Sec. 54-532. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 54-479, 54-501(b) or 54-533(d), the following provisions are required:

(1) *Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to 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 section 54-504(a) is satisfied.*

(2) *Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation, in relation to mean sea level, to which such structures are floodproofed shall be maintained by the floodplain administrator.*

(3) *Enclosures. New construction and substantial improvements, with fully enclosed*

areas below the lowest floor that are subject to the 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. All manufactured homes to be placed within zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this subsection, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with subsection (1) of this section.

c. All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of this subsection (4).

(Code 1988, § 12-517)

Sec. 54-533. Standards for subdivision proposals.

(a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with sections 54-471, 54-472 and 54-477.

(b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet the permit requirements of sections 54-502, 54-504, 54-531 and 54-532.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which are greater than 50 lots or five acres, whichever is less, if not otherwise provided pursuant to section 54-479 or 54-501(b)(8).

(d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Code 1988, § 12-518)

Sec. 54-534. Standards for areas of shallow flooding (AO/AH zones).

Located within areas of special flood hazard established in section 54-479 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the

path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor, including the basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures have the following:

a. The lowest floor, including the basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection (1) of this section and section 54-504(a), are satisfied; and

(4) Require within zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Code 1988, § 12-519)

Secs. 54-535--54-570. Reserved.

ARTICLE VI. MOBILE HOMES*

***Cross references: Mobile homes, § 42-81 et seq.**

DIVISION 1. GENERALLY

Sec. 54-571. 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:

Dependent mobile home means a mobile home which does not have a flush toilet and a bath or shower. For purposes of regulation under this article, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.

Freestanding mobile home and travel trailer mean any mobile home or travel trailer not located in a mobile home park or travel trailer park or in an approved mobile home subdivision.

Health officer means the legally designated health authority of the city or his authorized representative.

Independent mobile home means a mobile home which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this article, the term "mobile home" shall mean an independent mobile home.

Inspection officer means the building inspector of the city or his authorized agent.

Licensee means any person licensed to operate and maintain a mobile home park under the provisions of this article.

Mobile home means as set out in section 54-171.

Mobile home park means any plot of ground upon which two or more mobile homes,

occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Mobile home space means a plot of ground within a mobile home park designed for the accommodation of one mobile home, and not located on a mobile home sales lot.

Mobile home subdivision means a subdivision designed and intended for residential use where residence is in mobile homes exclusively, and where mobile home lots are sold for occupancy.

Nonresidential mobile trailer means any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale as indicated by a clearly displayed sign on or near the trailer.

Park means a mobile home park or travel trailer park.

Permittee means any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this article.

Person means natural individual, firm, trust, partnership, association or corporation.

Public water system and public sewer system mean any such system built and owned by, or dedicated to and accepted by the city; all other systems are private.

Rural means any area shown on the city area general plan for suburban or rural development and which is zoned agriculturally.

Service building means a building housing toilet and bathing facilities for men or women, and may also include buildings containing laundry facilities and other facilities.

Subdivision means mobile home subdivision, unless otherwise indicated.

Trailer park and travel trailer park mean any plot of ground upon which two or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Travel trailer and trailer mean all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use not included in the definition of independent mobile homes. For purposes of regulation under this article, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.

Travel trailer space means a plot of ground within a travel trailer park designed for accommodation of one travel trailer.

(Code 1988, § 12-601)

Cross references: Definitions generally, § 1-2.

Sec. 54-572. Freestanding mobile homes; location.

(a) No freestanding mobile home or travel trailer shall be permitted in the city limits unless it is being actively offered for sale, or, in the case of a freestanding travel trailer, unless it is parked for storage. Those freestanding mobile homes which are nonconforming uses under the provisions of this article may continue as nonconforming uses. No mobile home or travel trailer may be stored or parked in front yards or on side yards abutting a street on corner lots, or on streets. No water, plumbing or permanent electrical connections are permitted on travel trailers.

(b) Except for mobile homes or travel trailers within regular commercial mobile or travel trailer sales lots, each such freestanding mobile home or travel trailer offered for sale must be clearly marked as such, and shall not be occupied for either living or sleeping purposes. Freestanding mobile homes or travel trailers located within regular commercial mobile home or travel trailer sales lots need be neither individually marked for sale nor removed within 120 days if not sold. A property owner shall not store, nor permit to be stored, more than one mobile home or travel trailer on a residential lot. The property owner shall not

actively offer for sale more than one mobile home in any 12-month period. The mobile home shall not be stored in any required front yard or side yard or public utility easement, nor shall such mobile home or travel trailer project beyond the front of any building.

(c) Freestanding mobile homes are permitted in the city's rural area, but only as permitted in agricultural zoning districts. Permits for freestanding mobile homes shall be issued by the inspection officer, but only when the applicant agrees, in writing, to remove the mobile home within 120 days after either the mobile home site is rezoned to a district other than agricultural or is abutted within 660 feet by districts other than agricultural. Such freestanding mobile homes must comply with all city regulations and the mobile home standards in the city's housing code.

(Code 1988, § 12-606)

Sec. 54-573. Nonresidential mobile trailers.

(a) No nonresidential mobile trailer shall be permitted in the city unless a license for its operation is issued by the inspection officer or health officer. Such license shall specify the permitted use of the nonresidential mobile trailer, the location of such operation and the termination date of the license. No license shall be issued for a use which would violate any ordinance or state or federal law or regulation.

(b) An annual fee as set by the city council shall be charged for each nonresidential mobile trailer license, which shall expire on June 30 of each year, and be renewable on July 1 each succeeding year thereafter.

(c) Operation of nonresidential trailers by contractors on construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project without issuance of a permit.

(d) This section is not to be construed as permitting or authorizing the permanent location of any nonresidential mobile trailer in the city.

(Code 1988, § 12-607)

Sec. 54-574. Mobile home subdivisions.

(a) The minimum size of a mobile home subdivision shall be ten acres.

(b) No residences, except mobile homes, shall be permitted in a mobile home subdivision.

(c) The minimum effective lot width in a mobile home subdivision shall be 40 feet, measured at the front building line, and minimum lot areas shall be 3,200 square feet, provided that at least a five-foot side yard shall be provided on each lot beyond any mobile home and additions thereto, and further provided that in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the health officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home subdivision shall be determined, for interior lots, by measuring at right angles across the lot from one diagonal side line to the other, and for corner lots, the measurements shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.

(d) Side lines of lots in mobile home subdivisions need not be at right angles to straight street lines or radial to curved street lines.

(e) Regardless of the effective lot width, mobile home subdivision lots must abut a public street for at least 25 feet.

(f) All mobile home subdivisions shall provide suitable screening where abutting single-family residential areas.

(g) Mobile home subdivisions shall comply with the subdivision and zoning ordinances of the city, except as otherwise provided.

(Code 1988, § 12-621)

Secs. 54-575--54-600. Reserved.

DIVISION 2. MOBILE HOME AND TRAVEL TRAILER PARKS

Subdivision I. In General

Sec. 54-601. Inspection.

(a) The inspection officer or health officer is authorized and directed to make inspections to determine the condition of mobile home and travel trailer parks located within the city in order to perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

(b) The inspection officer and the health officer shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions in relation to the enforcement of this article or of regulations promulgated under this article.

(c) The inspection officer and the health officer shall have the power to inspect any register containing a record of all mobile homes and occupants using the park.

(d) It is the duty of every occupant of a park to give the owner thereof or his agent or employee access to any part of the mobile home park or travel trailer park or their premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this article or with any lawful regulations adopted under this article, or with any lawful order issued pursuant to the provisions of this article.

(Code 1988, § 12-604)

Sec. 54-602. Notice, hearings and orders.

(a) Whenever the inspection officer or health officer determines violations of this article or pertinent laws or ordinances exist, he shall notify the owner or his agent of the alleged violation. The notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this article and other pertinent regulations;

(4) Allow a reasonable time, not to exceed 90 days, for the performance of any act it requires; and

(5) Be served upon the owner or his agent as the case may require. The notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

(b) Any person affected by any notice issued under this article or resulting regulation may request and shall be granted a hearing on the matter before the mayor and city council. Such person shall file with the inspection officer or health officer a written request for such hearing, setting forth briefly the grounds for such request within ten days after the notice was served. When no request for such hearing shall have been filed within ten days following the day on which notice was served, a violation shall be deemed to have been automatically in existence at the expiration of the ten-day period. The filing of the request shall not stay the notice in cases of orders issued under this section. The hearing shall be held by the mayor and city council at the earliest possible time.

(c) After the hearing, the inspection officer or health officer shall compile the findings of the mayor and city council as to compliance with this article and pursuant regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice which shall be served as provided in this section. Appeals from decisions of the mayor and city council shall be to the district court.

(d) Whenever the inspection officer or health officer finds that an emergency exists which requires immediate action to protect the public health, the inspection officer or health

officer may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this article, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but, upon petition to the city council, shall be afforded a hearing at the next regular meeting even if the agenda has been completed.

(Code 1988, § 12-605)

Sec. 54-603. Location, space and general layout.

(a) Parks shall be of the following three types:

(1) Mobile home parks;

(2) Travel trailer parks; and

(3) Mixed mobile home and travel trailer parks.

No dependent travel trailer shall be located in a mobile home park and used for occupancy. In a mixed park, separate areas shall be reserved for mobile homes and for travel trailers; no mobile home shall be permitted in the travel trailer sector; and no travel trailer shall be permitted in the mobile home sector.

(b) All mobile home parks shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

(c) The minimum area of any park shall be 2 1/2 acres. However, parks in existence on the initial effective date of the ordinance from which this article is derived may continue to operate with less than 2 1/2 acres.

(d) Intensity of development shall be limited to no more than ten mobile homes per gross acre for a mobile home park and no more than 15 travel trailers per gross acre for a travel trailer park. The area used for sewerage treatment facilities shall not be included in density computations. Mobile home spaces shall be at least 30 feet wide where pads are closest to driveways. Travel trailer spaces shall be at least 25 feet wide where travel trailers are located closest to the driveway.

(e) Every mobile home space and travel trailer space shall be clearly defined. Mobile homes and travel trailers shall be parked in such spaces that at the nearest point they shall be ten feet from any other mobile home or travel trailer.

(f) It is unlawful to locate a mobile home or travel trailer less than 25 feet from any public street or highway right-of-way or so that any part of such mobile home or travel trailer will obstruct any roadway or walkway of such park.

(g) It is unlawful to permit a mobile home to occupy a travel trailer space, a travel trailer to occupy a mobile home space, and for any mobile home or travel trailer to be located in a park unless in a designated mobile home space or travel trailer space.

(h) All mobile home spaces shall abut upon a sealed-surface driveway of not less than 20 feet in width if on-street parking is prohibited, and 26 feet in width if on-street parking is permitted on one side of the street only. Driveways must have unobstructed access to a public street or highway.

(i) In mobile home parks or travel trailer parks existing at the effective date of the ordinance from which this article is derived, parking on or adjacent to the street within the park is permissible so long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the mayor and city council. If the city council determines that a safety hazard does in fact exist, the mobile home park or travel trailer park concerned will be required to comply with subsection (j) of this section.

(j) In new mobile home parks, at least two clearly defined parking spaces will be provided for each mobile home space either on or adjacent to the mobile home space. In new travel

trailer parks, at least one parking space shall be provided for each space either on or adjacent to the space.

(k) No outside drying spaces or other clothes drying facilities shall be provided in mobile home parks or travel trailer parks. Mobile home parks shall have at least 100 linear feet of clothes drying line or one mechanical clothes drying unit in good condition; mechanical units shall be located in a service building. Travel trailer parks and mixed parks shall have at least 25 linear feet of outdoor clothes drying line for each travel trailer space or one mechanical clothes drying unit for the first ten travel trailer spaces or any fraction thereof and an additional unit for each ten additional trailer spaces or fraction thereof.

(l) All driveways and walkways within a part shall be at least asphalt-oil-rock sealed surface.

(m) In the city limits area, new mobile home parks should abut, and have their major means of ingress and egress on at least a secondary thoroughfare. Travel trailer parks and mixed parks in the city limits area should abut and have their major means of ingress and egress on at least a primary thoroughfare.

(n) All mobile home parks shall provide a suitable screening where abutting existing single-family residential areas.

(Code 1988, § 12-608)

Sec. 54-604. Service building for travel trailer parks.

(a) Each travel trailer park shall be provided with at least one service building adequately equipped with flush-type toilet fixtures and other sanitary facilities as required in this article. No service building shall contain less than one toilet for females, one toilet for males, one lavatory and shower or bathtub for each sex, and one laundry tray.

(b) Each park accommodating travel trailers shall provide the following:

(1) Toilet facilities for males shall consist of not less than two flush toilets and one urinal for the first six travel trailers or fraction thereof, and for travel trailers in excess of six, not less than one additional flush toilet and one additional urinal for every ten additional travel trailers or fractional number thereof;

(2) Toilet facilities for females shall consist of not less than two flush toilets for the first six travel trailer spaces or any less number thereof, and for travel trailer spaces in excess of six, not less than one additional flush toilet for every ten additional travel trailer spaces or fractional number thereof;

(3) Each sex shall be provided with not less than two lavatories and two showers or bathtubs with individual dressing accommodations for the first six travel trailer spaces or any less number thereof, and for travel trailer spaces in excess of six, not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten additional travel trailer spaces or fractional number thereof;

(4) Each toilet for females and each shower or bathtub with individual dressing accommodations for females shall be in a private compartment or stall;

(5) The toilet and other sanitation facilities for males and females shall either be in separate buildings or shall be separated, if in the same building, by a soundproof wall; and

(6) There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans and other containers of human excreta or a slop sink with at least a three-inch trap and an adequate supply of hot running water for cleansing such bed pans or containers.

(c) Travel trailer spaces shall not be more than 200 feet from a service building.

(d) Service buildings shall:

(1) Be located 25 feet or more from any travel trailer space;

(2) Be of permanent construction and adequately lighted;
(3) Be of moisture-resistant material to permit frequent washing and cleansing;
(4) Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit during cold weather, and to supply adequate hot water during time of peak demands; and
(5) Have all rooms well-ventilated, with all openings effectively screened.

(e) Laundry facilities shall be provided in the ratio of one laundry unit to every 30 travel trailer spaces and shall be in a separate soundproof room of a service building or in a separate building. A laundry shall consist of not less than one clothes washing machine and one clothes drying machine.

(f) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace.

(Code 1988, § 12-609)

Sec. 54-605. Sewage disposal for mobile home parks.

(a) Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system of such construction and in such manner as approved by the state health department and in accordance with all applicable ordinances of the city.

(b) Each mobile home space shall be provided with at least a four-inch sewer connection at least two inches above the surface of the ground. The sewer connection should be protected by a concrete collar of at least four inches thick and have a minimum outside diameter of 24 inches. The sewer connection shall be fitted with a standard ferrule and close nipple and provided with a screw cap. Connection between the mobile home drain and the sewer must be watertight and self-draining. Mobile homes with fixtures from which backsiphonage may occur shall not be connected to the park's water system until the defect has been corrected.

(c) If a public sewer system is or becomes available within 300 feet of a mobile home park or travel trailer park, connection must be made to the public system within 180 days.

(d) The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into any watershed. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The state health department must approve the type of treatment proposed and the design of any disposal facilities and sewer systems prior to construction.

(e) Every mobile home occupying a mobile home park space shall tie into the park sewer system and shall dump any accumulated waste into the system. Every dependent trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the state health department. Any other dump of accumulated waste within the city is prohibited.

(f) The monthly sewerage charge shall be based on the maximum mobile home or travel trailer capacity of the park. The park operator shall, by the tenth of each month, notify the clerk-treasurer of the city's utility office of the maximum number of mobile home spaces in use at any one time during the previous month. The clerk-treasurer shall then adjust the sewerage fee to the actual use of the park. Should the park operator fail to notify the clerk-treasurer of the prior month's actual usage of trailer or mobile home spaces, the sewerage fee shall be levied on the maximum capacity of the park.

(g) Sewer connections shall be watertight. Park licensees shall maintain trailer and mobile

home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on the park premises.

(Code 1988, § 12-610)

Sec. 54-606. Water supply for mobile home parks.

(a) An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of 250 gallons per day per mobile home space. Where a public supply of water of such quality is available within 300 feet or becomes available within 300 feet, connection shall be made thereto within 180 days, and its supply shall be used exclusively. Where private water supplies must be developed, the health officer must approve the location, construction, and development of both the water well and pipe system and connections.

(b) The water system of the mobile home park shall be connected by pipes to all buildings and mobile home spaces. Each mobile home shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.

(c) All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage. All water connections shall be weathertight.

(d) Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health officer.

(e) Individual water service connections which are provided for direct use by mobile homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers. The park system shall be adequate to provide 20 pounds per square inch of pressure at all mobile home or travel trailer connections.

(f) Provisions shall be made within 150 feet of each travel trailer space to supply water for travel trailer reservoirs.

(g) No well casing, pumps, pumping machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two feet from the well in all directions. The pedestal shall not be less than 12 inches above the floor. This shall not be construed as prohibiting submersible pumps.

(h) All water storage reservoirs shall be watertight and constructed of impervious material; all overflow and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

(i) All water piping within the park shall be designed to deliver the minimum state requirements at each water tap.

(Code 1988, § 12-611)

Sec. 54-607. Refuse disposal for mobile home parks.

(a) The storage, collection and disposal of refuse in the park shall be managed to create no health hazards, rodent harborage, insect breeding areas, accident, fire hazard or air pollution.

(b) All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located within 150 feet of any mobile home space or travel trailer space. Containers shall

be provided in sufficient numbers and capacity to properly store all refuse.

(c) Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be designed to prevent the containers from being tipped to minimize spillage and container deterioration and facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.

(d) All refuse shall be collected at least twice weekly and as otherwise required by the health officer. Where municipal garbage collection is not available, the mobile home park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(e) Where municipal or other private disposal service is not available, the mobile home park operator shall dispose of the refuse by burial, or transporting it to an approved disposal site, as directed by the health officer. Refuse shall be buried only at locations and by methods approved by the inspection officer and in accordance with ordinance.

(f) When municipal refuse disposal service is available, it must be used.

(Code 1988, § 12-612)

Sec. 54-608. Insect and rodent control.

(a) Insect and rodent control measures to safeguard public health as required by the inspection officer or health officer shall be applied in the mobile home park or travel trailer park.

(b) Effective larvicidal solutions may be required by the inspection officer or health officer for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.

(c) The inspection officer or health officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.

(d) Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.

(e) When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the inspection officer or health officer to exterminate them.

(Code 1988, § 12-613)

Sec. 54-609. Electricity; exterior lighting.

(a) An electrical outlet supplying state minimum amperes shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than 18 feet above the ground, unless otherwise approved by the inspection officer. All trailer houses shall be grounded to the approval of the inspection officer.

(b) Streets and driveways within mobile home parks and travel trailer parks shall be lighted with streetlights meeting the current standards of the Illuminating Engineering Society or one-half candlepower, whichever is higher.

(Code 1988, § 12-614)

Sec. 54-610. Piping.

All piping from outside fuel storage tanks or cylinders to mobile homes shall be of acceptable material, as determined by the inspection officer, and shall be permanently installed and securely fastened in place, and shall not be located inside or beneath the mobile home or less than five feet from any mobile home exit.

(Code 1988, § 12-615)

Sec. 54-611. Park areas; water; fires.

(a) Park areas shall be kept free of litter, rubbish and other flammable materials.

(b) All parks shall conspicuously post fire and safety rules and regulations as follows:

(1) Name of park.

(2) Fire safety rules and regulations.

(3) Emergency facilities:

a. The telephone number of the fire department is _____;

b. The telephone number of the police department is _____;

c. The telephone number of the mobile home park office is _____;

d. The nearest public telephone is _____.

(4) Services: The connection and disconnection of water, fuel and electrical services will be made only by park personnel and other authorized persons as determined by court management. Should these services be interrupted, telephone or notify the park office or other; for water _____; for fuel _____; for electrical _____.

(5) Firefighting equipment: It is recommended that each coach owner have UL-approved portable hand fire extinguishers mounted in easily accessible locations.

(6) Procedure in case of fire: In case of fire in your trailer, tenants should do these things in the following order:

a. Get the occupants out of the trailer; and

b. Call the fire department and call the park management.

The important thing to do is to get the professional firefighters at the fire. In case of fire in the area, tenants should call the fire department, use portable extinguishers on the fire, and call the park management.

(7) Fire conditions: Tenants can aid mobile home park management in keeping the area free from unsafe conditions by notifying trailer park management when they recognize unsafe conditions. Constant vigilance is necessary to maintain the premises free from fire at all times. Fire safety is everyone's job.

(8) Rubbish: Tenants shall keep the area under and around their units free from an accumulation of rubbish, paper, leaves and brush.

(9) Empty fuel containers: Tenants shall not place empty fuel containers under their units. These containers shall be left in place.

(10) Home inspections: Through the facilities of your local fire department, your home can be inspected by members of this department at designated times. If you would like to have a voluntary inspection of your unit, please notify the park office.

(11) Traffic regulations: Operators of vehicular equipment shall observe the posted traffic signs or signals. Keep fire lanes open.

(Code 1988, § 12-616)

Sec. 54-612. Alterations and additions.

(a) All plumbing and electrical alterations or repairs in the park shall be made in accordance with the applicable regulations of the city.

(b) Skirting of mobile homes is permissible, but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

(c) A permit issued by the inspection officer shall be required before any construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home takes place. No construction or addition or alteration to the exterior of a mobile home located in a mobile home park shall be permitted unless of the same type of construction or materials as the mobile home affected. All such construction, additions or alterations

shall be in compliance with applicable local and state laws. No permit shall be required for the addition of steps, canopies, awning or antennas.

(Code 1988, § 12-617)

Sec. 54-613. Registration of owners and occupants.

(a) Each licensee or permittee shall keep a register containing a record of all mobile home and travel trailer owners and occupants located within the park. The register shall contain the following information:

(1) The name and address of the owner or occupant of each mobile home and motor vehicle by which it is towed;

(2) The make, model, year and license of each mobile home and motor vehicle;

(3) The state, territory or county issuing such license;

(4) The date of arrival and of departure of each mobile home;

(5) Whether or not each mobile home is a dependent or independent mobile home;

(6) Each mobile home or travel trailer shall be identified while in a park space by some clear, legible and orderly external method of identification or numbering system.

(b) The park shall keep the register available for inspection at all times by authorized city personnel whose duties necessitate acquisition of the information contained in the register. The register record of each occupant registered shall not be destroyed for a period of one year following the date of departure of the registrant from the park.

(Code 1988, § 12-618)

Sec. 54-614. Wrecked or damaged mobile homes and travel trailers.

Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The health officer shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes the mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises.

(Code 1988, § 12-619)

Sec. 54-615. Application of division regulations to existing and new parks.

(a) All new mobile home parks and travel trailer parks planned and for development after the date of passage of the ordinance from which this article is derived shall conform to the regulations and standards established in this article.

(b) Those mobile home parks and travel trailer parks already developed before the initial effective date of the ordinance from which this article is derived shall not be governed by the regulations and standards established in section 54-603, 54-604, or 54-606 unless specifically stated therein. No existing mobile home or travel trailer park shall be permitted to expand or have placed a greater number of mobile homes or travel trailers within its existing boundaries unless these additional units conform to all of the regulations and standards of this article. An existing mobile home park or travel trailer park shall not be expanded beyond its existing boundaries unless the new area developed conforms to all the regulations and standards of this article.

(Code 1988, § 12-620)

Sec. 54-616. Supervision.

The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this article to which the licensee or permittee is subject.

(Code 1988, § 12-622)

Secs. 54-617--54-640. Reserved.

Subdivision II. Licenses and Permits

Sec. 54-641. Licenses and temporary permits.

(a) It is unlawful for any person to construct, maintain or operate any mobile home park or travel trailer park within the city limits unless he holds a valid license issued annually by the city. Such license is further described in chapter 26 of this Code. Any mobile home park or travel trailer park in existence on the effective date of the ordinance from which this article is derived may be continued under a temporary permit for such period of time and under such conditions as are described in this section.

(b) Application shall be made to the clerk-treasurer, who shall issue a license upon compliance by the applicant with all pertinent provisions of this subdivision and other ordinances and regulations of the city. Every person holding such a license shall notify the clerk-treasurer, in writing, within 30 days after having sold, transferred, given away or otherwise disposed of, interest in or control to the person succeeding to the ownership or control of such mobile home park or travel trailer park.

(c) Application for original licenses shall be in writing signed by the applicant and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:
   (1) The name and address of the applicant;
   (2) The interest of the applicant in and the location and legal description of the park;
   (3) A complete plan of the park showing compliance with all applicable provisions of this article and regulations promulgated thereunder; and
   (4) Such further information as may be requested by the inspection officer and/or health officer.

(d) Applications for renewals of licenses shall be made in writing by the holder of the license and shall contain the following:
   (1) Any change in the information submitted since the time the original license was issued or the latest renewal granted; and
   (2) Other information requested by the inspection officer or health officer.

(e) A complete plan, as required by subsection (c)(3) of this section for the purpose of obtaining a license to be issued, shall show the following:
   (1) The area and dimensions of the tract of land;
   (2) The number, locations, and size of all mobile home spaces or travel trailer spaces;
   (3) The location and width of roadways, walkways, buffer strips and recreational areas;
   (4) The locations of service buildings and other proposed structures;
   (5) The location and size of utility and treatment facilities; and
   (6) Plans and specifications of all buildings and other improvements constructed or to be constructed within the park.

(f) Whenever the health officer or inspection officer finds conditions existing in violation of this article, or of any regulation adopted pursuant thereto, he shall give notice in writing to the person to whom the license was issued that, unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, not to exceed 90 days, the inspection officer or health officer shall reinspect such park, and if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as provided in section 54-602(e).

(g) Any person whose permit has been denied, suspended, or who has received notice from the inspection officer or health officer that his permit will be suspended, unless certain conditions or practices at the park are corrected, may request and shall be granted a

hearing on the matter before the city council, provided that when no petition for such hearing shall have been filed within ten days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten-day period.

(Code 1988, § 12-602)

Sec. 54-642. License fees and temporary permits; posting.

(a) The clerk-treasurer shall charge and collect for each mobile home park or travel trailer park an initial license or temporary permit fee as set by the city council and described in chapter 26 of this Code. The initial license or temporary permit shall expire one year from the date of issue, unless renewed upon such conditions as the city council may by ordinance direct.

(b) The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the mobile home park or the travel trailer park at all times.

(Code 1988, § 12-603)

Secs. 54-643--54-670. Reserved.

ARTICLE VII. VACATING STREETS AND ALLEYS*

***Cross references: Streets, sidewalks and public works, ch. 62.**

Sec. 54-671. 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:

Public way means a street, avenue, boulevard, alley, lane or thoroughfare established and open for public use.

Vacate means a legislative act of the city council discontinuing the public use of a public way without affecting the title to such real property.

(Code 1988, § 12-701)

Cross references: Defdinitions generally, § 1-2.

Sec. 54-672. Procedure.

Any person desiring that any street or alley should be vacated, and deeming that the vacation of such street or alley will be to the public interest, shall use the procedure in this article to place such matters before the council and shall furnish information meeting the following minimum requirements:

(1) A plot plan or other representative sketch or drawing showing the location and area of the public way;

(2) The legal description of the public way to be vacated;

(3) If the public way was established by statutory dedication pursuant to a recorded subdivision plat, the name of the subdivision and plat number shall be furnished;

(4) If the public way was established by any instrument, other than a subdivision plat, filed in the office of the county clerk, a copy of such instrument which has been duly certified by the court clerk shall be furnished; and

(5) The applicant shall state whether or not such public way has ever been open for public use within the five-year period immediately preceding the date of the filing of such application; if such public way has been open for public use within such period of time, the applicant shall furnish a list certified by the certificate of a bonded abstractor containing the names and addresses of all owners of record, as shown by the current year's tax rolls in the office of the county treasurer, of property abutting the public way and such other owners of record whose property

is within 300 feet in any direction from the public way sought to be closed.
(Code 1988, § 12-702)

Sec. 54-673. Application and fee.

An application, signed by the parties desiring such street or alley to be vacated and describing in detail the portion of such street or alley desired to be vacated, shall be presented to the council. Such application shall also state that it is in the public interest to vacate such portion of such street or alley. A nonrefundable filing fee of an amount listed in chapter 26 of this Code shall accompany each application to vacate a public way. In addition to such filing fee, if the application seeks to close a public way which has been open to public use within the five years preceding the date of the application, the applicant at the time of filing shall pay an additional mailing and processing fee of an amount listed in chapter 26 of this Code for each property owner who is entitled to receive notice of the proceeding. If the application is withdrawn prior to the mailing of notices, the fee for notices shall be refunded to the applicant. The fee shall be collected by the clerk-treasurer, and no application shall be considered until the fees have been paid.
(Code 1988, § 12-703)

Sec. 54-674. Processing applications.

Upon receipt of a properly completed application and the payment of all required fees:

(1) The city council may, without giving further notice to any third party, approve or deny, either in whole or in part, any application seeking to vacate a public way which has not been open for public use for more than five years immediately preceding the date of the filing of such application. If the application seeks to close a public way which has been open within the five-year period immediately preceding the date of the filing of such application, the city council shall set a date for public hearing thereon at its next regularly scheduled council meeting and direct the clerk-treasurer to give notice by certified mail to all property owners shown on the list furnished by the applicant. Such notice shall be given at least ten calendar days prior to the scheduled council meeting; it shall identify the nature of the pending application; and direct that any person having an objection to the pending application must appear at the city council meeting to advise the city council of the nature of such objection. On the date of the scheduled city council meeting, the councilmembers shall inquire into the merits of the application and, upon determination of all issues, shall approve or deny, either in whole or in part, the proposed vacating of the public way; and

(2) Upon approval of any application, the city attorney shall be directed to prepare a proper ordinance vacating the public way; upon its adoption, the clerk-treasurer shall determine the costs for publication of such ordinance and, upon the payment of such sum to the city by the applicant, the clerk-treasurer shall have the ordinance published.

(Code 1988, § 12-704)

Sec. 54-675. Reservation of rights upon closing.

The city shall retain the absolute right to reopen any closed public way or easement without expense to the city. The closing of any public way shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities existing therein, nor shall such closing affect private ways existing by operation of law.
(Code 1988, § 12-705)

Chapters 55--57 RESERVED

Chapter 58 PUBLIC SAFETY*

***Cross references: Building regulations and codes, ch. 14; court, ch. 22; streets, sidewalks**

and public works, ch. 62; traffic and vehicles, ch. 66.

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Sec. 58-1. Penalty for violation of chapter.
Secs. 58-2--58-30. Reserved.
Article II. Fire Prevention
Sec. 58-31. Adoption of fire prevention code.
Sec. 58-32. Enforcement of fire prevention code.
Sec. 58-33. Definitions.
Sec. 58-34. Limits for storage of flammable liquids, bulk storage of liquefied petroleum gases, explosives and blasting agents.
Sec. 58-35. Modifications.
Sec. 58-36. Appeals.
Sec. 58-37. New materials, processes or occupancies which may require permits.
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ARTICLE I. IN GENERAL

Sec. 58-1. Penalty for violation of chapter.

Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon

conviction, shall be punished as provided in section 1-12 of this Code.
(Code 1988, § 13-108)
Secs. 58-2--58-30. Reserved.

ARTICLE II. FIRE PREVENTION*

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***Cross references: Fire prevention and protection, ch. 34.**

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Sec. 58-31. Adoption of fire prevention code.

There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the National Fire Protection Association, being particularly the 2000 edition, including appendices, and the whole thereof, save and except such portions as are deleted, modified or amended. Not less than one copy of the code has been filed in the office of the clerk-treasurer, and such code is adopted and incorporated as fully as if set out at length in this section. The provisions of the fire prevention code is controlling within the limits of the city.
(Code 1988, § 13-101)

Sec. 58-32. Enforcement of fire prevention code.

The fire prevention code adopted in section 58-31 is enforced by the fire department.
(Code 1988, § 13-102)

Sec. 58-33. Definitions.

The following words, terms and phrases, when used in the fire prevention code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipality means the city.

(Code 1988, § 13-103)

Cross references: Definitions generally, § 1-2.

Sec. 58-34. Limits for storage of flammable liquids, bulk storage of liquefied petroleum gases, explosives and blasting agents.

The limits referred to in the fire prevention code, in which storage of flammable liquids in outside aboveground tanks is prohibited, are the city's limits. The limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited, are the city's limits. However, this section shall not prohibit installations in existence at the time of the initial adoption of the ordinance from which this section is derived.
(Code 1988, § 13-104)

Sec. 58-35. Modifications.

The chief of the fire department shall have the power to modify any of the provisions of the fire prevention code adopted in his own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and for applications requesting a change, a signed copy shall be furnished to the applicant.
(Code 1988, § 13-105)

Sec. 58-36. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to

grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within 30 days from the date of the decision appealed.
(Code 1988, § 13-106)

Sec. 58-37. New materials, processes or occupancies which may require permits.

The chief of the fire department and the other inspectors shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the fire prevention code. The chief of the fire department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.
(Code 1988, § 13-107)

Sec. 58-38. Burning; permit.

(a) The city council deems it necessary to establish and set rules and regulations regarding burning inside the city limits.

(b) No burning within the city limits shall occur without first obtaining a burn permit and agreeing to comply with all the terms and conditions of such burn permit, a copy of which follows:

CITY OF TISHOMINGO

BURN PERMIT
TABLE INSET:

DATE: _____/_____/_____	PERMIT NO. _____
ADDRESS OF PROPOSED BURN: _____	
PERMITTEE NAME: _____	
ADDRESS: _____	
TELEPHONE: _____	
PERMIT EXPIRES: _____/_____/_____	TIME: _____
SPECIAL PRECAUTIONS:	_____ _____ _____
( ) Fire will not be closer than 50 feet to any structure.	
( ) Fire must be constantly attended by a competent person.	
( ) Garden hose with water supply or other fire extinguishing available.	
( ) Wind speed is not more than 10 mph.	

The above location has been inspected by the Tishomingo Fire Department for a controlled burn. Safety precautions have been met at the time of the inspection and this permit is hereby issued. Issuance of this permit does not relieve the permittee from any liability arising from such controlled burn in any way.

"I understand this permit does not relieve me from any liability whatsoever arising from this controlled burn. I further understand this permit may be revoked at any time, causing the immediate extinguishment of the fire. Furthermore, I agree to abide by the terms of this permit on the reverse and failure to do so will subject me to a fine of $75.00 and the immediate extinguishment of the fire.

TABLE INSET:

Permittee Signature: _____	Date: _____/_____/_____
Permit Issued by: _____	Date: _____/_____/_____

NOTE: This permit may be revoked at any time by any fire department official.
(Ord. No. 95-4, §§ I, II, 4-4-1995)
Secs. 58-39--58-70. Reserved.

ARTICLE III. FIRE DEPARTMENT AND SERVICE*

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***Cross references: Fire prevention and protection, ch. 34.**
State law references: Fire departments generally, 11 O.S. § 29-101 et seq.

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Sec. 58-71. Established; duties generally; volunteers.

(a) There is a fire department, the head of which is the chief of the fire department, appointed by the mayor with the consent of the council.

(b) It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings.

(c) The term "volunteer firefighter" means one who is enrolled as a member of the volunteer fire department of the city and who serves in that capacity without receiving a regular salary. The size of the volunteer fire department of the city is composed of not less than 12 nor more than 20 members.

(Code 1988, § 13-201)

State law references: Volunteer fire departments generally, 11 O.S. § 29-201 et seq.

Sec. 58-72. Duties of the fire chief.

The chief is the administrative head of the department, subject to the laws of the state, ordinances of the city, and the rules and regulations adopted in this article. The chief shall have the following powers and duties, and he may assign duties to other members of the department:

(1) The chief is responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the city council.

(2) The chief may inspect, or cause to be inspected by members of the department, the fire hydrants, cistern and other sources of water supply at least twice each year.

(3) The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.

(4) The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.

(5) The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.

(6) The chief shall see that each fire is carefully investigated to determine its cause, and, in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure and preserve all possible evidence for future use in the

case.

(7) The chief is authorized to enter any building or premises in the city at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found.

(8) The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the city council as it may require. The chief shall keep the city council informed regarding the fire department and its needs.

(Code 1988, § 13-202)

State law references: Similar provisions, 11 O.S. § 29-204.

Sec. 58-73. Duties of the assistant chief.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief.

(Code 1988, § 13-203)

Sec. 58-74. Company officers.

Company officers of the volunteer department are selected by the chief, based upon the following criteria:

(1) Knowledge of firefighting;

(2) Leadership ability; and

(3) Knowledge of firefighting equipment.

(Code 1988, § 13-204)

Sec. 58-75. The secretary-treasurer.

One member elected by the members of the volunteer fire department is a secretary-treasurer. His duties shall consist of the following:

(1) Calling the roll at the opening of each meeting;

(2) Keeping the minutes of each meeting; and

(3) Collecting any money due the department by the members.

(Code 1988, § 13-205)

Sec. 58-76. New members.

New members of the volunteer department are on probation for one year after their appointment. Upon completion of their probation period, new volunteer members must be approved by the majority of the other members of the fire department and the mayor and city council.

(Code 1988, § 13-206)

Sec. 58-77. Bylaws.

The bylaws of the volunteer department shall include the following:

(1) All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies.

(2) A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters.

(3) At least one regular business meeting of the members is held each month.

(4) Any member having two unexcused absences in succession or three unexcused absences in a period of three months will be dropped from the fire department rolls.

(5) Any member leaving the city for an extended period of time is required to notify the chief.

(6) Any member refusing to attend training classes provided for members of the department will be dropped.

(7) Any member of the fire department may be dropped from the rolls for the following offenses:

a. Conduct unbecoming a firefighter;
b. Any act of insubordination;
c. Neglect of duty;
d. Any violation of rules and regulations governing the fire department;
e. Conviction of a felony; or
f. By majority vote of the members of the company and the city council.

(Code 1988, § 13-207)

Sec. 58-78. Rules and regulations.

The city council by motion or resolution may adopt and change regulations relating to the fire department, its organization, operation and compensation.

(Code 1988, § 13-208)

Sec. 58-79. Use of fire equipment; inventory and repair.

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

(Code 1988, § 13-209)

Sec. 58-80. Contracts authorized outside city limits.

The city is authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

(Code 1988, § 13-210)

State law references: Fire calls outside city limits generally, 11 O.S. § 29-108.

Sec. 58-81. Contract terms; fees for service.

Any contract entered into by the city with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the city for such fire apparatus and personnel at the rate per call as set by the city council and listed in chapter 26 of this Code. All moneys received from the calls shall go into the general fund.

(Code 1988, § 13-211)

Sec. 58-82. Authority to answer calls.

The fire department is authorized and directed to answer all outside calls outside the corporate city limits in the discretion of the fire chief. The fire department may not answer such outside calls if, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions.

(Code 1988, § 13-212)

Sec. 58-83. Firefighters serving in regular line of duty.

All volunteer firefighters of the fire department of the city attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as provided in this article, are considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters are entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the city. Compensation of firefighters is as provided by the city.

(Code 1988, § 13-213)

Sec. 58-84. Department considered agent of state.

The fire department of the city answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the city is considered as an agent of the state,

and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of sections 58-80--58-83 and this section.
(Code 1988, § 13-214)
Secs. 58-85--58-120. Reserved.

ARTICLE IV. POLICE DEPARTMENT*

***State law references: Police departments generally, 11 O.S. § 34-101 et seq.**

DIVISION 1. GENERALLY

Sec. 58-121. Created; chief.

There is a police department, the head of which is the chief of police, appointed by the mayor and city council and removable by the mayor and council. The chief of police is an officer of the city, and has supervision and control of the police department. All police officers are officers of the city.
(Code 1988, § 13-301)

Sec. 58-122. Duties.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to the department's knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to the department; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.
(Code 1988, § 13-302)

Sec. 58-123. Police officers.

Police officers are appointed subject to approval of the city council who shall perform such duties as are required of them by the chief of police, city ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace.
(Code 1988, § 13-303)

Sec. 58-124. Emergency duties in other cities.

(a) Approval is given for service by members of the regular police department of this city as police officers of any other city or town, in an emergency situation in the state, not more than 100 miles distant from this city, when such service is requested by the mayor or chief of police of the city or town.

(b) Requests for service under this section are made by writing or by telephone, or other means of communications, to the mayor who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this city, and after consultation with the chief, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

(c) Any municipality requesting and receiving service by members of the police department of this city shall reimburse this city for the cost of the transportation to and from such municipality of the officers so serving and the pro rata cost of their salaries, insurance and other benefits attributable to their service in such municipality.

(d) Except in cases of extreme public emergency, no services shall be rendered under this

section to any municipality unless such municipality has entered into a contract with this city, providing for such service in accordance with the terms of this article. See chapter 26 of this Code for further description. The mayor is authorized to negotiate and execute contracts with the proper contracting officers of such municipalities, which shall be on a reciprocal basis, securing to this city the service of members of the police departments of such municipalities should an emergency arise necessitating such service here. All such contracts shall be submitted to the city council for approval before becoming effective.

(Code 1988, § 13-304)

Secs. 58-125--58-150. Reserved.

DIVISION 2. POLICE BOARD OF REVIEW

Sec. 58-151. Established.

There is established a board of review to hear appeals concerning the discharge of police officers.

(Code 1988, § 13-320)

Sec. 58-152. Membership.

(a) The police board of review shall consist of the following members:
  (1) The mayor, ex officio, who shall be a voting member of the board;
  (2) Two active duty or retired police officers of the city; and
  (3) One attorney and one licensed physician residing in the city.

(b) Members of the board of review, with the exception of the mayor, shall be appointed by the council, except as provided in subsection (c) of this section.

(c) Whenever persons meeting the qualifications of subsections (a)(2) and (a)(3) of this section are unavailable for appointment, the mayor shall in lieu thereof make the appointments from the city council.

(d) Neither the chief of police nor any person having direct appointive authority for police personnel shall be eligible for appointment to the board of review.

(e) Appointive members of the board of review shall serve at the pleasure of the appointing authority.

(Code 1988, § 13-321)

Sec. 58-153. Hearings; procedures.

(a) Any police officer who is discharged may appeal to the board of review. The board of review will promptly schedule a hearing of such appeal, shall hear the evidence presented supporting the discharge, the evidence presented opposing the discharge, and shall render its decision, in writing, either affirming or reversing the discharge.

(b) Proceedings before the board of review shall be recorded by electronic or other means, and such recordings shall be safely kept during such time as the aggrieved party to such proceedings may appeal the decision of the board of review.

(c) Proceedings before the board of review shall be informal in nature, and strict rules of evidence shall not apply. Any party shall have the right to be represented by counsel, provided that such counsel shall be an attorney licensed to practice law within the state. Such attorney shall have the right to examine and cross examine persons testifying before the board, as shall the party if not represented by counsel.

(Code 1988, § 13-322)

Secs. 58-154--58-180. Reserved.

ARTICLE V. CIVIL DEFENSE*

***State law references: Local civil defense organizations generally, 63 O.S. § 683.11.**

Sec. 58-181. Purpose of organization.

A civil defense organization is created for the city to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the city. The duties of the civil defense organization are the protection of the lives and health of the citizens and of property and property rights, both private and public, and performance of all functions necessary and incident thereto.

(Code 1988, § 13-401)

Sec. 58-182. Department established.

There is established under the executive branch of the government a department of civil defense which shall consist of:

(1) A director of civil defense who is appointed by the mayor; and

(2) A civil defense advisory committee. This committee shall consist of the mayor as chair and five members appointed by the council and serving at its pleasure. The committee shall select from its members a vice-chair and secretary. It shall hold such meetings as are directed by the mayor, and its function is to act in an advisory capacity as needed or requested by the mayor or the director of civil defense.

(Code 1988, § 13-402)

Sec. 58-183. Director.

(a) *Duties. The director of civil defense is the executive head of the department of the civil defense and is responsible for carrying out the civil defense program of the city. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It is the duty of the director of civil defense as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this article and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chair or chief officer of such bodies as may be necessary to perfect such organization. He shall have further duty and responsibility to cooperate with all civil defense agencies of other governmental units, including the state and the federal government. The director of civil defense is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the civil defense organization.*

(b) *Powers.*

(1) If there's an enemy-caused emergency or emergency resulting from natural causes, the director of civil defense, after due authorization from the mayor, shall have the power and authority to enforce all rules and regulations relating to civil defense 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. He shall cooperate in every way with the activities of other governmental agencies of civil defense organizations. If required by the mayor, the director shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.

(2) The director of civil defense and other members of the civil defense organization created by him shall have the power and authority to enforce the laws of the state and ordinances of the city during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances.

(Code 1988, §§ 13-403, 13-404)

Sec. 58-184. Compensation of members.

All members of the civil defense organization created in this article shall serve without

compensation. The city shall not be liable for any personal or bodily injury received by any member of such organization while acting in the line of duty.
(Code 1988, § 13-405(B))
Secs. 58-185--58-210. Reserved.

ARTICLE VI. UNCLAIMED PROPERTY*

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***State law references: Disposition of personal property by chief of police, procedures, 11 O.S. § 34-104; relating to finders of lost goods, 15 O.S. § 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. § 1321 et seq.; disposal of liquor and gambling equipment seized by police, officers, 22 O.S. § 1261 et seq.**

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Sec. 58-211. Complete record required.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.
(Code 1988, § 13-501)

Sec. 58-212. Disposition.

Any unclaimed personal property, other than animals, which remains in the possession of the chief of police, unclaimed, or the ownership of which is not to him satisfactorily established, for a period of more than 30 days, is to be sold or disposed of in the manner required by law, except such personal property as in the opinion of the mayor can be more advantageously used by some department or office of the city government.
(Code 1988, § 13-502)

Sec. 58-213. Property found by a private person.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within 30 days, shall, within ten additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten days, then the chief of police shall sell the property in the manner required by law as if it had been found by a public official or employee, or on instruction by the mayor deliver it to some department or office of the city government for its use.
(Code 1988, § 13-503)

Sec. 58-214. Recovery by owner.

If any property is sold as provided in this article, and the owner thereof takes and recovers possession of property from the purchaser, the amount paid for such property is to be returned to the purchaser, upon verified claim being submitted and approved by the city council.
(Code 1988, § 13-504)

Chapters 59--61 RESERVED

Chapter 62 STREETS, SIDEWALKS AND PUBLIC WORKS*

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***Cross references: Any ordinance relating to specific paving and sewer districts and**

special assessments saved from repeal, § 1-7(a)(9); consumption of intoxicating liquor and intoxication in a public place, § 6-14; building regulations and codes, ch. 14; auctions on streets and sidewalks, § 18-4; visibility from street or sidewalk, § 18-83; public streets and trees, § 46-12; injurious substances on streets, § 46-16; parks, recreation and cemetery, ch. 50; planning, zoning and development, ch. 54; subdivision regulations, § 54-301 et seq.; flood damage prevention, § 54-471 et seq.; vacating streets and alleys, § 54-671 et seq.; public safety, ch. 58; to improve streets and alleys, § 70-31.

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ARTICLE I. IN GENERAL

Sec. 62-1. Penalty for violation of chapter.

Any person who violates any provision of this chapter shall be guilty of an offense and, upon conviction, shall be punished as provided in section 1-12 of this Code.

(Code 1988, § 14-116)

Sec. 62-2. Trees and shrubbery.

(a) *To be trimmed.*

(1) The owner of any premises abutting on any street of this city shall trim all trees and shrubbery growing in the parking areas, between the sidewalks and the roadway, of any street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks of any street or alley, in such manner that the boughs or

limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet above the roadway of a street or alley, nor lower than eight feet above the sidewalk.

(2) Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in subsection (a) of this section, after receiving five days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the city. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five days' notice, shall be a separate offense.

(b) *Unlawful to injure. It is unlawful for any person to injure any tree or shrubbery on a street or alley in the city, provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.*

(Code 1988, §§ 14-101, 14-102)

Sec. 62-3. Obstructing sidewalks, parkways, streets and alleys with merchandise.

It is unlawful for any person to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the city any goods, wares, articles of merchandise or any other obstruction, and leave such articles of merchandise thereon; or to use sidewalks, parkways, streets, or alleys as a place to carry on a business or trade.

(Code 1988, § 14-103)

Sec. 62-4. Obstructing unduly sidewalks and streets.

It is unlawful for any person to use or obstruct the sidewalks of the city in any manner to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the city in any manner so as to interfere unduly with lawful traffic and parking thereon.

(Code 1988, § 14-104)

Sec. 62-5. Deposit of trash upon streets or sidewalks.

It is unlawful for any person to deposit, throw, or sweep into or upon a street, alley, parking lot or sidewalk of the city any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes, or other refuse of any kind.

(Code 1988, § 14-105)

Cross references: Refuse, § 74-201 et seq.

Sec. 62-6. Playing on streets.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the city, except as may be authorized by ordinance.

(Code 1988, § 14-106)

Sec. 62-7. Vehicles not to be washed on street.

The washing of an automobile or other vehicle in any street of the city is prohibited.

(Code 1988, § 14-107)

Cross references: Traffic and vehicles, ch. 66.

Sec. 62-8. Water or mud from vehicle not to drain into street.

No automobile or other vehicle shall be washed at any place within the city where the water, dirt, mud or other substances removed therefrom by or during the washing thereof, or other work thereon, shall drain into or upon any street or sidewalk of the city.

(Code 1988, § 14-108)

Sec. 62-9. Water from service stations and other businesses.

It is unlawful for any owner or operator of a service station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking space, street, alley or other public way.
(Code 1988, § 14-109)

Sec. 62-10. Owner or occupant not to permit sidewalk or sidewalk area to become a hazard.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.
(Code 1988, § 14-110)

Sec. 62-11. Notice; penalty.

If any property owner, occupant or agent of such property shall fail or refuse to repair or clean off the sidewalk abutting or adjacent to the property owned or occupied by him within 72 hours after notice served on him by any police officer, health officer, or any other agent of the city, the property owner or occupant or agent so failing or refusing, after notice so to do, to repair or clean off such sidewalk shall be deemed guilty of an offense.
(Code 1988, § 14-111)

Sec. 62-12. No obstructions to interfere with drainage.

It is unlawful for any person to obstruct any street, sidewalk, or alley by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water into the storm sewers or drains, or dam the sewers or drains so as to back up any water upon the streets, alleys, sidewalks, or gutter.
(Code 1988, § 14-112)

Sec. 62-13. Owner of vehicle responsible for damage to street.

The owner, driver, operator or mover of any vehicle over any street or alley of the city and specifically vehicles of a load weight in excess of passenger automobiles and light delivery trucks shall be responsible for all damages which streets or alleys may sustain as a result of the use thereof by such vehicles. This shall not be applicable to deterioration caused by normal vehicular use of such streets and alleys. The amount of such damage may be recovered in an action in the court of proper jurisdiction in the name of the city.
(Code 1988, § 14-113)

Sec. 62-14. When sidewalks may be obstructed.

It is lawful for an owner or occupant of the premises abutting on a sidewalk in the city to store on the sidewalk goods, wares and merchandise if a space, at least six feet in width, is left clear for passage of traffic or pedestrians. Such goods, wares and merchandise may not be stored or displayed on the sidewalk in such a manner that vehicles parking at the curb could be damaged thereby. Such goods, wares and merchandise must be removed by the owner or occupant of the premises at least once during each 24-hour period.
(Code 1988, § 14-114)

Sec. 62-15. Removing sidewalk and street materials.

It shall be unlawful and an offense for any person to injure, remove or displace any earth, stone, gravel, sand or other material forming a part of any public highway, street or alley, sidewalk, road or crosswalk within the corporate limits, without permission from the mayor and city council to do so.
(Code 1988, § 14-115)
Secs. 62-16--62-50. Reserved.

ARTICLE II. EXCAVATIONS

DIVISION 1. GENERALLY

Sec. 62-51. Manner of excavating.

(a) It is unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground.

(b) No injury shall be done to any pipes, cables, or conduits in the making of such excavations or tunnels. Notice shall be given to the persons maintaining any such pipes, cables, or conduits or to the city department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables, or conduits shall be disturbed.

(c) No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

(Code 1988, § 14-206)

Sec. 62-52. Temporary sidewalks.

If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users.

(Code 1988, § 14-207)

Sec. 62-53. Restoring surface.

(a) Any person making any excavation or tunnel in or under any public street, alley, or other public place in the city shall restore the surface to its original condition. Refills shall be properly tamped down, and any bracing of such tunnel or excavation shall be left in the ground.

(b) Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinances of the city and under the supervision of the city.

(Code 1988, § 14-208)

Sec. 62-54. Supervision of work.

City personnel shall from time to time inspect, or cause to be inspected, all excavations and tunnels being made in or under any public street, alley, or other public place in the city to see to the enforcement of the provisions of this article. Notice shall be given to such city personnel at least ten hours before the work of refilling any such tunnel or excavation commences.

(Code 1988, § 14-209)

Sec. 62-55. Tunneling.

(a) *When required. Tunneling will be required when it is feasible to tunnel underneath any portion of any street or sidewalk in the city which is paved with concrete or asphalt paving. Streets or sidewalks in the city which are paved with concrete and asphalt paving may be excavated as otherwise provided in this article, if tunneling is not feasible. After taking into consideration the location, costs, and time involved and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that, upon completion of the work involved, the backfill shall be compacted with sand.*

(b) *Under streets; utility crossings. Unless specifically authorized in writing by the city, all utility crossings across streets or other public ways under paved surfaces shall be made by boring or tunneling under the street or public way in such a manner that the strength of the paved surface is not affected. Such written authority will only be given when streets are unpaved, in very poor condition, or when it is shown that the underlying strata will not allow boring or tunneling.*

(Code 1988, §§ 14-210, 14-211)

Sec. 62-56. Guarding of excavations.

All excavations upon the front or side of any lot, adjoining the street or avenue or alley or under any sidewalk in the city, shall be securely and properly guarded and protected by the person

having charge of the excavation to prevent the excavation being or becoming dangerous to life or limb. Failure to do so shall be an offense.
(Code 1988, § 14-212)

Sec. 62-57. Emergencies.

Nothing in this article shall be construed to prevent any person opening any pipelines, conduits or any public utility in any street, alley, sidewalk or other public ground, by virtue of laws, ordinances or permits, as may be necessary for the preservation of life or property when necessity may arise, during such hours as the offices of this city are closed. However, the person making such excavation shall make application and receive from the city a permit therefor within four hours after the offices of this city are first opened subsequent to the making of such excavations.
(Code 1988, § 14-213)

Sec. 62-58. Warning lights for building material in streets.

Every person who shall use or occupy any part of a street or avenue of the city for building material shall cause one or more warning devices to be kept on from sunset to sunrise on the front and at each side in such manner as to give notice of danger to all possible means of approach, so long as such material remains. Those who fail to comply with any of the provisions of this section shall be guilty of an offense.
(Code 1988, § 14-214)

Cross references: Building regulations and codes, ch. 14.

Secs. 62-59--62-80. Reserved.

DIVISION 2. PERMIT

Sec. 62-81. Required.

It is unlawful for any person to tunnel under or to make any excavation in any street, alley or other public place in the city without having obtained a permit as is required in this section, and as further described in chapter 26 of this Code, or without complying with the provisions of this article or in violation of or variance from the terms of any such permit.
(Code 1988, § 14-201)

Sec. 62-82. Applications.

Applications for such permits shall be made to the clerk-treasurer, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, the person doing the actual excavating work, and the name of the person for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.
(Code 1988, § 14-202)

Sec. 62-83. Fees.

The fee for such permits shall be as set by the city council, payable to the clerk-treasurer and listed in chapter 26 of this Code.
(Code 1988, § 14-203)

Sec. 62-84. Bond.

No such permit shall be issued unless and until the applicant therefor has filed with the clerk-treasurer a bond in an amount to be determined by the city council, conditioned to indemnify the city for any loss, liability, or damage that may result or accrue from or because of the making, existence, or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state as a surety company and is further described in chapter 26 of this Code.
(Code 1988, § 14-204)

Sec. 62-85. Cash deposit.

No such permit shall be issued unless and until the applicant therefor has deposited with

the clerk-treasurer a cash deposit in the sum established in chapter 26 of this Code if no pavement is involved, and an amount listed in chapter 26 of this Code if the excavation is in a paved area, to ensure the proper restoration of the ground and relaying of the pavement, if any. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement and of making the refill if this is done by the city or at its expense, and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface of the pavement is restored.
(Code 1988, § 14-205)

Chapters 63--65 RESERVED

Chapter 66 TRAFFIC AND VEHICLES*

***Cross references: Junked, wrecked motor vehicles, § 38-41 et seq.; offenses and crimes, ch. 46; off-street automobile and vehicle parking and loading, § 54-211 et seq.; public safety, ch. 58; vehicles not to be washed on street, § 62-7; transportation, ch. 70.**

State law references: State traffic code generally, 47 O.S. § 1-101 et seq.

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ARTICLE I. IN GENERAL

Sec. 66-1. Adoption of state traffic code.

The provisions of the state motor vehicle code, 47 O.S. § 1-101 et seq., and the Rules of the Road, 47 O.S. § 10-101 et seq., and all other misdemeanor provisions of O.S. tit. 47 are adopted and incorporated in this chapter by reference, and are enforceable by the city within the city limits as fully as if set out at length in this section.
(Code 1988, § 15-104)

Sec. 66-2. Chapter provisions controlling.

Except as specifically provided by law as set forth in this chapter, this chapter shall be controlling and apply to the use of city streets, alleys, thoroughfares, parks, parkways, public parking lots, school driveways, streets, parking lots, or any other public rights-of-way or city-owned land, including streets and other ways that form the boundary line of the city, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest.
(Code 1988, § 15-102)

Sec. 66-3. Obedience to chapter provisions.

(a) It is an offense against the city for any person to do any act forbidden or to fail to perform any act required by this chapter.
(b) It is an offense against the city for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
(c) It is an offense for any person to authorize or knowingly to permit any vehicle registered in his name to be driven or to stand or to be parked in violation of any of the provisions of this chapter.

(Code 1988, § 15-1401)

Sec. 66-4. Penalties for violation of chapter; specific and general.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter containing the traffic laws of the city, or who performs any unlawful act as defined in this chapter, or who fails to perform any act required by this chapter, shall be guilty of an offense and, upon conviction, shall be fined or punished as provided in section 1-12 of this Code.

(Code 1988, § 15-1402)

Sec. 66-5. Enforcement of traffic laws; establishment of traffic control division.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this city and all the state vehicle laws applicable to street traffic in this city. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this chapter and any other traffic ordinances of this city. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of this chapter in connection with the accident.

(Code 1988, § 15-201)

Sec. 66-6. Direction of traffic by hand or voice.

(a) Officers of the police department or any officers designated by the chief of police are authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.
(b) Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity.

(Code 1988, § 15-202)

Sec. 66-7. Obedience to police and fire officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

(Code 1988, § 15-204)

Sec. 66-8. Citations.

(a) *Issuance of tags.*
    (1) Police officers are authorized to give notice to persons violating provisions of this chapter by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

(2) Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

(3) The chief of police may require that the police officers use citation tags furnished by the city and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

(b) *Disposition and records; complaints.*

(1) Every police officer upon issuing a traffic citation to an alleged violator of any provision of this chapter shall deposit the original and a duplicate copy of the citation to an immediate superior officer who shall cause the original to be delivered to the municipal court and the duplicate copy to the central records section of the police department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the clerk-treasurer together with such book when all traffic citations therein have been issued.

(2) Upon the filing of such original citation in the municipal court, the citation may be disposed of by the city attorney, by trial in the court, or by other official action by a judge of the court, including the settlement of bail or the payment of a fine, or may be dismissed by the judge if, in his opinion, the actions complained of do not constitute a violation of traffic ordinances.

(3) The chief of police shall require the return to him of each traffic citation and all copies thereof except that copy required to be retained in the book as provided in subsection (b)(1) of this section, which has been spoiled or upon which an entry has been made, and has not been issued to an alleged violator.

(4) The chief of police shall also maintain or cause to be maintained, in connection with every traffic citation issued by a member of the police department, a record of the disposition of the charge by the municipal court.

(5) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the municipal court, all the traffic fines which are delivered to the police department for service and of the final disposition of the warrant.

(6) It is unlawful and official misconduct for any member of the police department or other officer of public employ to dispose of, alter, or deface any traffic citation or any copy thereof or the record of issuance of any traffic citation, complaint or warrant in any manner other than is required in this subsection (b).

(c) *Copies shall be deemed a lawful complaint. If the form of citation provided in this section includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.*

(d) *Failure to comply with when attached to parked vehicle. If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that if such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this subsection (d).*

(e) *Illegal cancellation. It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.*

(Code 1988, §§ 15-222--15-227)

Sec. 66-9. Presumption in reference to illegal parking.

(a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(b) The presumption in subsection (a) of this section shall apply only when the procedure as prescribed in this chapter has been followed.

(Code 1988, § 15-226)

Sec. 66-10. Court records; abstract to be sent to state department of public safety.

(a) The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

(b) Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the state department of public safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

(c) The abstract must be made upon a form furnished by the state department of public safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture.

(Code 1988, § 15-228)

Sec. 66-11. Operation of vehicle on invalid license.

No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this section shall be punished as provided in section 1-12 of this Code. Each act of driving on the streets or highways as prohibited by this section shall constitute a separate offense.

(Code 1988, § 15-216)

Sec. 66-12. Insurance or certificate.

(a) *Required. The owner of a motor vehicle registered in this state and operating the vehicle within the city's boundaries shall carry in such vehicle, at all times, a current owner's security verification form listing the vehicle, or an equivalent form which has been issued by the state department of public safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.*

(b) *Exemptions. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department of public safety during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:*

(1) Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

(2) Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law (47 O.S. § 7-600 et seq.) according to records of the department of public safety and which reflect a deposit, bond, self-insurance, or fleet policy;

(3) Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the state corporation commission;

(4) Any licensed taxicab; and

(5) Any vehicle owned by a licensed motor vehicle dealer.

(c) *Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:*

Compulsory Insurance Law means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in 47 O.S. § 7-606.

Operator's policy means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

Owner's policy means an owner's policy of liability insurance which:

(1) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is to be granted;

(2) Shall insure the person named therein and insure any other person, except as provided in subsection (3) of this definition, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

(3) May provide for exclusions from coverage in accordance with existing law; and

(4) Shall be issued by an authorized carrier providing coverage in accordance with 47 O.S. § 7-204.

Security means:

(1) A policy or bond meeting the requirements of 47 O.S. § 7-204;

(2) A deposit of cash or securities having the equivalency of limits required under 47 O.S. § 7-204 as acceptable limits for a policy or bond; or

(3) Self-insurance, pursuant to the provisions of 47 O.S. § 7-503, having the equivalency of limits required under 47 O.S. § 7-204 as acceptable limits for a policy or bond.

Security verification form means a form, approved by the state board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the state.

(d) *Carrying required. 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) *Failure to produce for inspection. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in section 1-12 of*

this Code.

(f) *Dismissal of charges for alleged offense. 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. Court costs may be assessed by the city.*

(g) *Convictions; bond forfeitures. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the state department of public safety within ten days reflecting the action taken by the court.*

(Code 1988, § 15-229)

State law references: Similar provisions, 47 O.S. § 7-601 et seq.

Sec. 66-13. Direction of traffic by unauthorized persons.

No unauthorized person shall direct or attempt to direct traffic, except in case of an emergency where no officer is present.

(Code 1988, § 15-203)

Sec. 66-14. Emergency and experimental regulations.

(a) The mayor, subject to any directions which the council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(b) The mayor may have traffic control devices tested under actual conditions of traffic.

(Code 1988, § 15-205)

Sec. 66-15. Pushcarts, riding animals, or driving animal-drawn vehicles to comply with chapter provisions.

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.

(Code 1988, § 15-206)

State law references: Similar provisions; 47 O.S. § 11-104.

Sec. 66-16. Applicability of chapter provisions to persons working on streets; exceptions.

Unless specifically made applicable, the provisions of this chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flagpersons. The provisions of this chapter shall apply to any of the persons and vehicles exempted by this section when traveling to and from such work.

(Code 1988, § 15-209)

Sec. 66-17. Loads on vehicles.

(a) No vehicle shall be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

(b) No person shall operate on any highway any vehicle with any load unless the load and any

covering thereon is securely fastened to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened to prevent the blowing or escaping of the load from the vehicle.

(Code 1988, § 15-537)

Secs. 66-18--66-50. Reserved.

ARTICLE II. TRAFFIC DEVICES, SIGNALS AND MARKINGS

Sec. 66-51. Traffic control devices.

(a) *Authority to install. City personnel, subject to direction of the council by motion or resolution, shall place and maintain traffic control signs, signals, and devices when and as required under ordinance to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices deemed necessary to regulate traffic of this city or under state law or to guide or warn traffic.*

(b) *Uniform requirements.*

(1) All traffic control signs, signals, and devices shall conform to the Manual of Uniform Traffic Control Devices approved by the state department of public safety.

(2) All signs, signals, and devices required under this chapter for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the city. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

(c) *Obedience to official devices. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this chapter.*

(d) *Enforcement. No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. If a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.*

(Code 1988, §§ 15-601--15-604)

State law references: Traffic control devices generally, 47 O.S. § 11-201 et seq.; drivers to obey traffic devices, 47 O.S. § 11-201.

Sec. 66-52. Maintenance and construction zones.

(a) City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are authorized as necessary, subject to control by the mayor, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

(b) When any street has been closed to traffic under the provisions of subsection (a) of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such traffic control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property.

Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

(c) Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the city personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

(Code 1988, § 15-210)

Sec. 66-53. Pedestrians; signal indicators; regulations.

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

(1) *Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and*

(2) *Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.*

(Code 1988, § 15-606)

Sec. 66-54. Flashing signals.

(a) Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

(1) *Flashing red. When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.*

(2) *Flashing yellow. When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.*

(b) This section shall not apply at railroad grade crossings.

(Code 1988, § 15-607)

State law references: Similar provisions, 47 O.S. § 11-204.

Sec. 66-55. Pedestrian-activated school crossing signals.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

(1) *Flashing yellow.*

a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution.

b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal.

(2) *Steady yellow alone.*

a. Vehicular traffic facing the signal is warned that the red or "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited.

b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown.

(3) *Steady red.*

a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone.

b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles.

(4) *Steady red and steady yellow combined.*

a. Vehicular traffic facing the signal is warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone.

b. Pedestrians are warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles.

(Code 1988, § 15-608)

Sec. 66-56. Unauthorized traffic control devices.

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(b) No person shall place or maintain, nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

(c) This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

(d) Every prohibited sign, signal, marking or device may be removed without notice.

(Code 1988, § 15-609)

State law references: Similar provisions, 47 O.S. § 11-206.

Sec. 66-57. Defacement of traffic control devices.

(a) No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injure, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or an inscription, shield or insignia thereon, or any part thereof.

(b) This section shall not apply to any of the following persons when acting within the scope and duty of their employment:

(1) Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

(2) Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

(Code 1988, § 15-610)

State law references: Similar provisions, 47 O.S. § 11-207.

Sec. 66-58. Play streets.

(a) *Authority to establish. City personnel, subject to any directions given by the council, shall have authority to declare any street or part thereof a play street and to have placed*

appropriate signs or devices in the roadway indicating and helping to protect the play street.

(b) *Restriction on use. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area. Any driver shall exercise the greatest care in driving upon any such street or its portion.*

(Code 1988, §§ 15-611, 15-612)

Sec. 66-59. Designation of crosswalks and safety zones.

Authorized city personnel, subject to any directions given by the council, may:

(1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and

(2) Establish safety zones or islands of such kind and character and at such places as deemed necessary for the protection of pedestrians.

(Code 1988, § 15-613)

Sec. 66-60. Traffic lanes.

(a) City personnel, subject to any directions given by the council, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

(b) Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

(Code 1988, § 15-614)

State law references: Similar provisions, 47 O.S. § 11-309.

Sec. 66-61. Truck driving and route restrictions; certain trucks and parking prohibited.

State highways and number routes through the city are for the use of trucks in general, trucks of a particular kind or other vehicles which are not ordinary private passenger vehicles passing through the city, which are dual axle trucks. Appropriate and adequate highway markers along such routes are designated to establish such routes through the city. The driver of the truck or the vehicle for which a route has been described, as provided in this subsection, while passing through the city, shall keep on such route and shall not deviate therefrom except in case of an emergency. Drivers of such vehicles shall follow such routes so as far as practical also when driving within the city and not merely through the city. General city streets and highways that are not maintained by the state within the city are hereby prohibited from being used by such traffic except in case of an emergency.

(Code 1988, § 15-536; Ord. No. 2002-03, § 1, 1-7-2002)

Secs. 66-62--66-90. Reserved.

ARTICLE III. RULES OF THE ROAD

Sec. 66-91. Operation of vehicles on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of law, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the righthand 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.

(Code 1988, § 15-212)

State law references: Similar provisions, 47 O.S. § 11-405.

Sec. 66-92. Following emergency vehicles.

The driver of any vehicle, other than one on official business, shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call closer than 500 feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

(Code 1988, § 15-213)

State law references: Similar provisions, 47 O.S. § 11-1108(a).

Sec. 66-93. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command.

(Code 1988, § 15-214)

Cross references: Fire prevention and protection, ch. 34.

State law references: Similar provisions, 47 O.S. § 11-1109.

Sec. 66-94. Processions.

(a) *Funeral processions to be identified. A funeral composed of a procession of vehicles shall be identified by headlights or as may be determined and designated by the police department.*

(b) *Drivers in a procession. Each driver in a funeral or other procession shall drive as near to the righthand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.*

(c) *Driving through funeral or other procession prohibited; exceptions. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This subsection shall not apply at intersections where traffic is controlled by traffic control signals or police officers.*

(Code 1988, §§ 15-510--15-512)

State law references: Authority to regulate processions generally, 47 O.S. § 15-102.

Secs. 66-95--66-130. Reserved.

ARTICLE IV. IMPOUNDMENT OF VEHICLES*

***State law references: Grounds for removal of vehicles on highways generally, 47 O.S. § 955; removal of abandoned vehicles on private property, 47 O.S. § 954A.**

Sec. 66-131. Purpose and effect of article provisions.

The impoundment of vehicles under authority of the provisions of this article shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

(Code 1988, § 15-1301)

Sec. 66-132. Place of impoundment.

Every vehicle that is impounded under the provisions of this article shall be removed to the nearest garage or place of safekeeping designated by the city and to no other place.

(Code 1988, § 15-1302)

Sec. 66-133. Police granted authority.

Members of the police department are authorized within the limits set forth in this article to impound vehicles under the circumstances enumerated in this article. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this article.

(Code 1988, § 15-1304)

Sec. 66-134. Duration.

(a) Except as otherwise provided, any vehicle impounded under the authority of this article shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

(b) The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

(Code 1988, § 15-1303)

Sec. 66-135. Costs and charges.

The city designates a charge as set by the council for the storage of any vehicle impounded and stored on facilities owned or provided by the city. The release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued, pursuant to section 66-134, of all impoundment costs and accrued storage charges assessed against the vehicle.

(Ord. No. 92-7, § I, 12-15-1992)

Sec. 66-136. Disabled vehicles; accidents.

(a) A disabled vehicle upon a street or highway may be impounded under the following circumstances:

  (1) If left unattended and improperly parked on a street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

  (2) If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

(b) A vehicle may be impounded 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.

(Code 1988, § 15-1305)

Sec. 66-137. Vehicles on bridge.

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

(Code 1988, § 15-1306)

Sec. 66-138. Arrest and detention of driver of vehicle.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded, unless the driver or person in charge can provide immediately for the vehicle's custody or removal.

(Code 1988, § 15-1307)

Sec. 66-139. Unattended vehicle constitutes traffic hazard.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as

to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.
(Code 1988, § 15-1308)

Sec. 66-140. Illegal trespass by vehicle.

(a) An unattended vehicle found to be in violation of this chapter may be impounded when the required complaint has been properly made and filed as provided in this section.

(b) If a violation of the provisions of this chapter occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or, if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

(c) Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this chapter have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

(Code 1988, § 15-1309)

Sec. 66-141. Vehicles parked overtime or illegally.

(a) Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this chapter, regarding more than 48 hours, shall be impounded.

(b) Any vehicle parked on Main Street between the intersections of Main Street and Byrd Avenue and Main Street and Ward Street between the hours of 2:00 a.m. and 6:00 a.m. Sundays shall be impounded.

(Code 1988, § 15-1310)

Sec. 66-142. Vehicles blocking fire exits or hydrants.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.
(Code 1988, § 15-1311)

Sec. 66-143. Vehicles parked in intersection.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.
(Code 1988, § 15-1312)

Sec. 66-144. Stolen vehicles; recovery by police.

(a) Whenever a stolen vehicle, or one taken without the consent of its owner, is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place 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 the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified, the vehicle may be impounded.

(Code 1988, § 15-1313)

Sec. 66-145. Vehicles with outstanding traffic citations.

Any vehicle for which two or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this chapter.
(Code 1988, § 15-1314)
Secs. 66-146--66-180. Reserved.

ARTICLE V. TRAFFIC SCHEDULES

DIVISION 1. GENERALLY

Secs. 66-181--66-200. Reserved.

DIVISION 2. SPEED*

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***State law references: Basic and minimum speed rules, 47 O.S. §§ 11-801, 11-804; city powers, 47 O.S. § 15-102.**

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Sec. 66-201. Limits generally; exceptions.

(a) No vehicle shall be driven at a greater speed than 25 miles per hour in the city except as follows:
  (1) Fifteen miles per hour on Main Street;
  (2) On designated and numbered state and federal highways, the maximum is as posted;
  (3) Emergency vehicles being lawfully driven as provided in this chapter;
  (4) When a different speed limit is otherwise designated and posted; or
  (5) When a different speed limit is established in this chapter.

(b) City personnel, subject to such direction as the mayor and council may give by motion or resolution, may reduce or increase the speed limits, and appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

(Code 1988, § 15-401)

Sec. 66-202. School zones.

No vehicle shall be driven at a greater speed than the posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.
(Code 1988, § 15-402)

State law references: Local authority to set speed limits, 47 O.S. §§ 15-102, 11-803.

Sec. 66-203. Minimum requirements; exception.

No vehicle shall be driven at such an unreasonably slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable.
(Code 1988, § 15-404)

Sec. 66-204. Obedience to maximum and minimum limits.

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs.
(Code 1988, § 15-405)
Secs. 66-205--66-230. Reserved.

DIVISION 3. STOPPING, STANDING AND PARKING

Sec. 66-231. Parking more than 48 hours; disabled vehicles.

(a) No one shall park any vehicle on any street for a period of time longer than 48 hours. This

section shall not affect parking limits established for shorter periods.

(b) The parking of a disabled vehicle for more than 48 hours shall constitute prima facie evidence of abandonment of the vehicle.

(Code 1988, § 15-704)

Sec. 66-232. Permits for loading or unloading at an angle to the curb.

(a) The mayor is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized in this section. The mayor may revoke such permits at any time.

(b) It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Code 1988, § 15-709)

Sec. 66-233. Parallel parking required in certain areas.

Parking shall be parallel on North Fisher Street between 9th Street and Main Street, and vehicles shall park on the side closest to the courthouse: the west side of the street.

(Ord. No. 94-5, § 2, 7-5-1994)

Sec. 66-234. Double parking.

(a) No vehicle shall be double parked on any street within the city limits, except in compliance with the directions of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.

(b) Delivery vehicles, either loading or unloading, may double park in the righthand lane while in the process of loading or unloading and making delivery to local business establishments; provided, however, that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved and further providing that the double parking shall be permitted only so long as both traffic lanes are not blocked.

(Code 1988, § 15-720)

Sec. 66-235. Parking prohibited for trucks transporting hazardous materials.

It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the Fire Prevention Code, adopted in article II of chapter 58, and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the city. However, the trucks and vehicles restricted in this section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquefied petroleum gas for a period not to exceed 1 1/2 hours during any 24-hour period.

(Code 1988, § 15-721)

Sec. 66-236. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the purpose of:

(1) Displaying the vehicle for sale;

(2) Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or

(3) Washing, cleaning, or repairing the vehicle, except for repairs necessitated by an emergency.

(Code 1988, § 15-722)

Sec. 66-237. Handicapped parking; enforcement on public or private property.

(a) It is unlawful for any person to place or park a motor vehicle in any parking space on

private property accessible to the public and where the public is invited, or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia under the provisions of 47 O.S. § 15-112, and such insignias are displayed as provided in 47 O.S. § 15-112 or regulations adopted pursuant thereto.

(b) Any person who shall violate any of the provisions of this section shall be guilty of an offense and, upon conviction, shall be punishable by a fine as provided in section 1-12 of this Code.

(Code 1988, § 15-726)

State law references: Physical disability insignia generally, 47 O.S. § 15-112.

Secs. 66-238--66-260. Reserved.

DIVISION 4. ONE-WAY TRAFFIC

Sec. 66-261. Required in certain area.

All traffic shall flow from a northerly direction beginning from the intersection of North Fisher Street and 9th Street southerly to Main Street.

(Ord. No. 94-5, § 1, 7-5-1994)

Secs. 66-262--66-290. Reserved.

ARTICLE VI. FINES

Sec. 66-291. Enumerated.

The fines for the following traffic violations shall be as follows:

All taxes due state . . . $100.00
Attempting to elude . . . 200.00
Careless driving . . . 150.00
Driving left of center of roadway . . . 100.00
Driving or A.P.C. of MV while impaired . . . 200.00
Driving with an alcohol concentration of 0.10 or greater . . . 200.00
Failure to remain at personal injury accident . . . 200.00
Failure to remain at property damage accident . . . 200.00
Failure to maintain or possess valid security insuranceverification, driver . . . 100.00
Failure to maintain or possess valid security insuranceverification, owner . . . 100.00
Failure to signal, improper turn . . . 75.00
Failure to signal, improper lane change . . . 75.00
Failure to stop at control device, sign/signal . . . 100.00
Failure to submit vehicle for inspection . . . 75.00
Failure to yield . . . 100.00
Following too closely . . . 100.00
Headlight or taillight violation . . . 75.00
Improper backing . . . 75.00
Improper passing in a marked zone . . . 75.00
Operating an MV in a manner not reasonable and proper . . . 100.00
Operating an MV while under suspension . . . 150.00
Operating an MV without valid driver's license . . . 75.00
Permitting an unauthorized person to operate a motor vehicle . . . 150.00
Reckless driving . . . 150.00
Speeding 1--20 mph over posted speed limit . . . 100.00
Speeding 21 mph and over . . . 150.00
Transporting a loaded firearm in MV . . . 200.00
Transporting open container of alcoholic beverage . . . 150.00
All other violations . . . 100.00

(Ord. No. 99-9, § 1, 11-15-1999)

Sec. 66-292. Vehicles traveling or parking in violation of chapter provisions.

All vehicles found to be traveling or parked in a manner inconsistent with this chapter shall be liable for a fine not to exceed $55.00 if found guilty by the municipal judge in the municipal court.

(Ord. No. 94-5, § 3, 7-5-1994)

Sec. 66-293. Serving of warrants.

A fine of $20.00 shall be imposed for the serving of warrants.

(Ord. No. 99-9, § 2, 11-15-1999)

Sec. 66-294. Imposition or dismissal of fines.

After a violation has been filed with the municipal court clerk, the municipal judge shall have the authority to impose or dismiss any and all fines at his discretion.

(Ord. No. 99-9, § 3, 11-15-1999)

Chapters 67--69 RESERVED

Chapter 70 TRANSPORTATION*

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***Cross references: Transporting alcoholic beverages, § 6-8; transporting open container, § 6-89; traffic and vehicles, ch. 66.**

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ARTICLE I. IN GENERAL

Secs. 70-1--70-30. Reserved.

ARTICLE II. RAILROADS

Sec. 70-31. To improve streets and alleys.

When a railway occupies any portion of a street with its tracks running in the general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the council by motion or resolution may approve. In case any railway company shall occupy an alley with its track, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other

satisfactory material as the council by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its tracks and two feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the council by motion or resolution may approve. When more than one track crosses a street within a distance of 100 feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the city is to use, or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.
(Code 1988, § 16-101)

Cross references: Streets, sidewalks and public works, ch. 62.

Sec. 70-32. Sidewalks to be constructed by.

Railway companies shall construct sidewalks crossing their rights-of-way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.
(Code 1988, § 16-102)

Sec. 70-33. Climbing on trains.

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to any railway train, locomotive, or railway car, while such is in motion within the city, unless such person is acting in the line of duty; or to board any train or railroad car, including a passenger, freight, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in the line of duty.
(Code 1988, § 16-103)

Sec. 70-34. Speed limit for trains.

(a) The maximum speed of railroad locomotives, engines, motorcars or trains of cars or any other rolling stock of a railroad within the corporate limits of the city is 25 miles per hour.

(b) No engineer, conductor or other person in charge of a railway locomotive, railway engine, railway motorcar or train of cars shall operate and run the same, or permit or suffer the same to be operated and run along any track within the corporate limits of the city at a greater rate of speed than is prescribed and set forth in this section.

(Code 1988, § 16-104)

Sec. 70-35. Trains blocking streets.

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the train in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes. This section shall not apply to railroad trains or cars in motion, other than those engaged in switching.
(Code 1988, § 16-105)

Secs. 70-36--70-70. Reserved.

ARTICLE III. TAXICABS*

***Cross references: Businesses, ch. 18.**

DIVISION 1. GENERALLY

Sec. 70-71. Penalty for violation of article.

Any breach of this article by failing to obtain the permits, operating without permits or failing to prominently and visibly display the permits shall constitute a breach of the ordinances of this

city and shall be punished by a fine in the municipal court as provided in section 1-12 of this Code. Each day of such operation without a permit, insurance or operator's license, or failure to display the permit shall constitute a separate breach and offense.
(Code 1988, § 16-206)
Secs. 70-72–70-90. Reserved.

DIVISION 2. LICENSE

Sec. 70-91. Required.

No person shall engage in the business of operating a motorcar, automobile, autobus or other vehicle for the purpose of transporting passengers for hire upon, over and through the

streets, avenues, thoroughfares or other public places within the city limits without having first obtained a license to engage in such business from the clerk-treasurer.
(Code 1988, § 16-201)

Sec. 70-92. Requirements.

(a) A permit to operate a taxi, motorcar, automobile, or motorbus business within the city, or upon the streets and public ways shall be issued by the clerk-treasurer to any person of good character attested to by the affidavit of two residents of the city, who shall:
  (1) Tender a license fee set by the council for the first vehicle and for each additional vehicle per year, the license to terminate on June 30 each year;
  (2) Posting of a certificate from an insurance company licensed to do business within the state not cancellable without ten days' notice to the city, indemnifying the city or any person to whom the applicant may become liable in the following amounts of:
    a. Five thousand dollars for property damage;
    b. One hundred thousand dollars for personal injuries arising from each accident; and
    c. Five thousand dollars for each person;
  (3) A list of the motor vehicles to be used in the business, showing that each vehicle is covered by the insurance mentioned in subsection (a)(2) of this section and a list of operators of the vehicles who are to operate the motor vehicles.

The license shall be revoked immediately upon termination of the insurance, failing to keep the list of automotive equipment and drivers up to date in the office of the clerk-treasurer or for good cause shown. The permit shall be prominently displayed in the principal office of the business.

(b) Permits for the driving and operating of such motor vehicles for hire within the city shall be issued to any person of good character attested to by the affidavit of two residents of the city who have not had their motor vehicle operator's license or commercial chauffeur's license revoked by the state department of public safety or its counterpart in any other state within three years immediately prior to the date of the application and who have not been convicted of a felony, which information shall be attested to by the chief of police according to his best knowledge, who shall:
  (1) Exhibit to the clerk-treasurer proof of being the holder of a valid commercial chauffeur's license by the state; and
  (2) Submit to the clerk-treasurer a recent photograph not less than one inch by one inch and not larger than two inches by four inches in size for attachment to a permit for such driver. The permit shall be permanently and visibly displayed at all times in the taxi or motor vehicle operated by the driver for hire.

(Code 1988, § 16-202)

Sec. 70-93. Appeal from denial.

Issuance or revocation of, or refusal to issue the licenses or permits of this division, and

each of them, by the clerk-treasurer may be appealed to the city council, by any citizen of the city or person aggrieved.
(Code 1988, § 16-203)

Sec. 70-94. Notice.

Notice shall be given by the applicant for the license as set forth in this division, by posting notice in five public places in the city at least 72 hours before such license may be issued. The notice shall be in substantially the following form:

NOTICE

The City of Tishomingo to all interested parties:
Take notice that on the _____ day of _____ 20_____, an application for taxi license was presented to the city clerk-treasurer by _____ and that the application will be heard by the undersigned clerk-treasurer on the _____ day of _____ 20_____.
Take notice hereof and govern yourselves accordingly.
City Clerk-Treasurer
(Code 1988, § 16-204)

Sec. 70-95. Inspection.

Every person obtaining a license under this division shall, at least once in each calendar quarter, have each vehicle so used inspected for operational safety and furnish the clerk-treasurer proof of the safe condition of each vehicle. The chief of police or any highway patrol officer of this state shall be deemed qualified to conduct the inspection.
(Code 1988, § 16-205)
Secs. 70-96--70-130. Reserved.

ARTICLE IV. AIRPORT ZONING*

(Reserved)

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***Cross references: Planning, zoning and development, ch. 54.**
State law references: Municipal airports generally, 3 O.S. § 61 et seq.

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Chapters 71--73 RESERVED

Chapter 74 UTILITIES*

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***Cross references: Any standard specifications for construction of water distribution mains or public sanitary sewer lines, or plans for extension of water and sewer boundary mains saved from repeal, § 1-7(a)(10); building regulations and codes, ch. 14; electrical, § 14-101 et seq.; businesses, ch. 18; health and sanitation, ch. 38; tampering with or damaging public utilities, § 46-7; planning, zoning and development, ch. 54; subdivision regulations, § 54-301 et seq.; flood damage prevention, § 54-471 et seq.**

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ARTICLE I. IN GENERAL

Sec. 74-1. Grinding or chipping wood for mulch.

The city shall provide services to the public or other entities upon verbal or written request made in advance for the purposes of grinding or chipping wood. The city may, at its option, remove the mulch or give the mulch to the person or entity requesting such services. The fee for these services shall be a minimum of an amount listed in chapter 26 of this Code. Any chipping or grinding services in excess of 15 minutes shall be billed at the rate per hour listed in chapter 26 of this Code. This fee may be amended by resolution as approved by the city council.
(Ord. No. 95-10, § I, 12-5-1995)

Sec. 74-2. Funding of labor, costs, repair and maintenance of water and sewer systems.

(a) The city council deems it necessary and advisable for the Tishomingo Municipal Authority to maintain sufficient funds generated by water and sewer collections to pay for all labor, costs, repair and maintenance of the water and sewer systems of the Tishomingo Municipal Authority prior to transfer of any excess funds to the general fund of the city and directs the city manager of the city to establish all necessary policies and procedures to accomplish this result.

(b) The city manager is directed to establish such policies and procedures to ensure that all moneys received from the sale of water and sewer services shall be deposited in a separate account under the name of the Tishomingo Municipal Authority and shall be used to pay for all labor, costs, repair and maintenance of the water and sewer systems of the Tishomingo Municipal Authority.

(c) Any excess funds from such sales shall then be deposited into the general fund of the city.

(Ord. No. 97-10, §§ I--III, 8-15-1997)

Sec. 74-3. Contract for connection of services; application; fee; deposit.

(a) In order to have utility services connected, it shall be necessary for the customer to personally appear and complete a contract for services and comply with the requirements set out in this chapter.

(b) The customer at the time of applying for connection of utility services must provide proper identification, social security number, location of the property to be served, mailing address, employer's name and address, name of any and all co-occupants and a personal reference. Commercial customers requesting connection of utility services may be required to provide additional information regarding, inter alia, the nature of the business and estimated utility requirements.

(c) All requests for utility connections received prior to 1:00 p.m. will be processed on the date of request. All other requests for utility connections will be placed for processing the next regular business day.

(d) There shall be provided a fee listed in chapter 26 of this Code for transferring utility services from one address to another address. The fee for two-week temporary accounts shall be as provided in chapter 26 of this Code.

(e) A deposit shall be required from all customers, residential and commercial, to guarantee payment for services used. The current deposit requirements for new utility customers will be as follows:When a customer has had a water and sewer deposit on file for in excess of one year and during such time no late fee charges have been assessed or cutoff action instituted for late payment or other reasons, then the cost deposit for water and sewer shall be refunded to the customer upon written application by the customer to the city.

(f) The current deposit requirements for new utility customers will be as provided in chapter 26 of this Code.

(g) The city will require that the bill for utility services shall include at least the following information:

(1) Name of customer;
(2) Account number;
(3) Service address;
(4) Billing cycle;
(5) Period covered by the bill;
(6) Meter readings for the water;
(7) Charges for service, taxes and late payment charges;
(8) Any previous balance due;
(9) All services provided and charges;
(10) Net amount of bill;
(11) Due date of bill;
(12) Amount due after the due date;
(13) Address, telephone number and office hours of the city hall.

It is the responsibility of the utility customer to ensure that the water meter is accessible to city employees for reading and service. If a reading cannot be obtained, a notice will be left on the door notifying the utility customer of the fact of inaccessibility. It is the obligation of the utility customer to phone in or personally state the meter reading no later than 10:00 a.m. the following day. If this reading is not received by the time set forth in this subsection (g), the bill will reflect a computer estimated reading.All utility fees shall be due on or before the 15th day of each month. All accounts are considered delinquent after the due date printed on the bill and service may be discontinued on the seventh working day following the due date. Suspension of services may be delayed when the delayed payment agreement has been entered into with the city as more fully set out in this section. Any unpaid account as of the due date will be mailed a cutoff notice. This notice will allow seven working days to pay the delinquent account prior to termination of the service. Payments mailed after receipt of the cutoff notice may not reach the utility office and be credited to the account in time to avoid interruption of service. It is therefore necessary that payments should be taken to city hall or be placed in the night depository prior to the expiration of the deadline. If service has been cut off, the city will reconnect service as soon as the reason

for the discontinuance of service has been resolved. If the reason for the termination of the service was the unlawful or fraudulent use of the service, the city may discontinue service without notice. If service has been discontinued for nonpayment of the utility charge, a reconnect charge as listed in chapter 26 of this Code will be required, in addition to the increased cost deposit as set out in this section, before service will be restored.

(h) If the utility customer is unable to pay the full utility charge on the due date, the city will not discontinue service if:

(1) An arrangement is made with the utility clerk prior to the cutoff date;

(2) The utility customer pays a reasonable portion of the bill which shall be at least one-half of the bill;

(3) The utility customer agrees in writing to pay the balance of the bill in a reasonable length of time not to exceed 30 days;

(4) The utility customer agrees in writing to pay in full by the due date all future bills during the period of this agreement;

(5) Requests for payment extensions made by mail or received in the night depository will not be considered valid and will not be accepted by the city as a delayed payment agreement.

Delayed payment agreements shall not be considered by the city after it has been necessary to send an employee to the location to terminate service. In arranging a delayed payment agreement, the city will consider the customer's ability to pay, the amount of the unpaid account, the customer's payment history, and the length of time and the reason the account is not paid in full. Failure to honor the terms of the delayed payment agreement may result in denial of future requests by customers for delayed payment agreements.

(i) It is the customer's responsibility to keep the account current. If the customer will be absent during billing periods when the bill is due and wishes to avoid discontinuance of service, please contact the city hall between 8:00 a.m. and 5:00 p.m. to arrange for prepayment of the account or a delayed payment agreement.

(j) A customer may verify the accuracy of a bill by contacting city hall. Please contact city hall regarding any questions the customer may have on the account. If the customer has a suggestion for resolving a problem, please state it. Write down the name of the person to whom the customer talked with. If the customer's problem is not handled to the customer's satisfaction, the customer may appeal to the city manager. All decisions of the city manager are final. All notices, etc., shall be given during the times and locations as set out as follows:

TABLE INSET:

Office hours:	8:00 a.m. to 5:00 p.m., Monday--Friday	
Location:	City Hall/Inca Building 201 S. Capital, Tishomingo, OK	
Phone Number:	405/371-2369; 405/371-2360 Fax: 405/371-2105	
Other Department:	Animal control	220-7044
	Sewer plant	371-3295
	Water plant	371-2515
	Nonemergency police	371-2319
	Emergency police	371-3133

	City barn	371-3567

(Ord. No. 97-5, §§ II--IX, 3-4-1997; Ord. No. 99-5, 9-7-1999)

Sec. 74-4. Authorized inspections.

The personnel in the service of any municipal utility may enter any private premises served by the utility system at any reasonable times, and inspect the pipes and fixtures on the premises. The consumer must answer fully, to the extent of his knowledge, all reasonable questions relating to the service on his premises.

(Code 1988, § 17-101)

Sec. 74-5. Utility fees and billings in general.

All fees and charges in connection with any customer's use of the city's sanitary sewer system, the city's water system or the operation of the city's collection and disposal of refuse and garbage are billed in accordance with applicable rates set by the city council or the Tishomingo Municipal Authority. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. The utility bills submitted under the terms of this section shall be payable on the due date printed on the bill and are further described in chapter 26 of this Code.

(Code 1988, § 17-102)

Sec. 74-6. Utility taps and connections.

The city or authority shall approve any request for a water tap and connection, a sewer tap on an existing line, or a sewer tap on a new line made into the city sewage or water systems. Prior to the approval by the city or authority, the customer shall have paid the charge as applicable for the tap or connection according to the latest schedule or rates set by the city council or public works authority. Sewer and water tap fees shall be as listed in chapter 26 of this Code.

(Code 1988, § 17-104(A))

Sec. 74-7. Other utility fees or charges.

The city council or public works authority from time to time by ordinance or resolution shall have the power to establish rates and charges governing all aspects of the utility services, including monthly service fees, connection fees and charges, and deposits which are further described in chapter 26 of this Code.

(Code 1988, § 17-105)

Sec. 74-8. Temporary water service for cleaning rental homes; permit; fees.

(a) The city authorizes landlords to obtain temporary water service for the purpose of cleaning rental homes vacated by tenants for a period not to exceed ten days.

(b) The landlord must obtain a temporary water permit and deposit the sum specified in chapter 26 of this Code. If the landlord notifies the city within the ten-day period, the landlord shall be charged a rate specified in chapter 26 of this Code or actual water usage, whichever is greater. If the water usage exceeds such rate, but is less than $20.00, then the landlord shall be entitled to a refund of the difference. If the actual water usage is greater than $20.00, the landlord will not be entitled to any refund and shall pay the sum due for actual water usage at the rate then existing for water service as prescribed by the city council.

(c) If the landlord fails to notify the city that temporary water service is no longer needed within the ten-day period, the landlord shall forfeit the full deposit, and the city shall have the right to cut off the water on the 11th day.

(Ord. No. 98-5, §§ 2--4, 1-4-1999)

Sec. 74-9. Late fee.

A late fee charge of the total fees due associated with water, sewer and/or garbage shall

be charged when such fees are not paid within ten days of their due date and is specified in chapter 26 of this Code.
(Ord. No. 99-7, 11-15-1999)

Sec. 74-10. Wastewater treatment fees.

Wastewater treatment fees shall be as set forth in chapter 26 of this Code.
(Ord. No. 2000-5, § 1, 4-3-2000)

Sec. 74-11. Meter reading; testing.

(a) *Fees. The fee for a meter reread shall be as set forth in chapter 26 of this Code.*
(b) *One per year without charge. Each customer shall be afforded one reread per year without charge.*
(c) *Testing. Should a customer request that his meter be tested for accuracy, he shall be responsible for all costs incurred for the test.*
(d) *Waiver of fees. Fees for rereading and testing may be waived under the following circumstances:*
    (1) If the meter was read incorrectly;
    (2) If the meter is tested and proves to be faulty; and
    (3) At the discretion of the city manager.

(Ord. No. 93-5A, §§ 1--4, 11-3-1993)
Secs. 74-12–74-40. Reserved.

ARTICLE II. WATER DEPARTMENT AND SERVICES

DIVISION 1. GENERALLY

Sec. 74-41. Water system a public utility.

The city water system is a public utility and a proper source of city revenues and expenditures for the upkeep and maintenance of the water system.
(Code 1988, § 17-201)

Sec. 74-42. Water rates.

The city council or public works authority shall from time to time by ordinance or resolution set or amend the fees and charges for water use by customers of the water system. A copy of the current fees or charges shall be kept on file in the clerk-treasurer's office and are described in chapter 26 of this Code.
(Code 1988, § 17-202)

Sec. 74-43. Application for water service.

Any person desiring to secure water from the water system shall make an application therefor to the city on an application form to be provided by the city or authority. The applicant shall give such reasonable information as the city may request. He shall state in the application that he will abide by all ordinances, rules, and regulations governing the water system of the city.
(Code 1988, § 17-203)

Sec. 74-44. One premises to a tap; subsidiary connection and cross connection.

Not more than one premises may be connected to any one tap. No customer shall make or permit to be made any subsidiary connection of another's premises with his water service. A cross connection with another water supply shall not be permitted.
(Code 1988, § 17-204)

Sec. 74-45. Turning on water.

It is unlawful for any person to turn the water on to any premises from the municipal water system, except by permission of the superintendent. Water shall not be turned on until the plumbing has been installed and is in operation as provided by ordinance and until any and all deposits and charges have been paid. The city or authority will see that the water is turned on when all requirements for service have been complied with.

(Code 1988, § 17-205)

Sec. 74-46. Cutoff.

Water may be cut off and service discontinued for any user of water from the municipal water system for any of the following reasons:

(1) Violation of any ordinance provision relating to the water system, or violation of any ordinance provision or any provision of any code adopted by reference relating to water and sanitary plumbing;

(2) Any act or omission in regard to the water system or sanitary sewer system, the use of water, or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others; or

(3) Failure to pay a water bill or other proper charge in connection with the water system when the bill becomes delinquent.

(Code 1988, § 17-206)

Sec. 74-47. Turned back on only by city authority.

When the water of any customer has been turned off by city or authority personnel, it shall not again be turned on except by permission of the city.

(Code 1988, § 17-207)

Sec. 74-48. Customers to keep service pipes in good repair; wasting of water.

All customers using municipal water shall keep their service pipes, stopcocks, and other water apparatus in good repair and in proper operation, and shall not unnecessarily waste water.

(Code 1988, § 17-208)

Sec. 74-49. Fluoride.

In order to protect the health and welfare of the citizens of the city, the quantity of fluoride in the public water supply shall be controlled in such a manner that the amount present in the water served to the public shall be in conformity with the policy, and subsequent changes thereto, established by the state board of health.

(Code 1988, § 17-209)

Sec. 74-50. Water shortages.

(a) *Declaration of emergency.*

(1) Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the mayor is authorized to restrict or prohibit the use of water from the city's water system.

(2) An emergency exists whenever the mayor reasonably determines that the city's water system is unable or will, within 60 days, become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

(b) *Restriction on water use in emergency.*

(1) Upon the determination that such an emergency exists, the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the city system. The order may:

a. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and

b. Prohibit usages not essential to public health and safety.

The order may be revised from time to time as the mayor deems necessary.

(2) A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for 30 days or until such time as the mayor shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the council by resolution approved by a majority of all its members votes to

terminate the emergency and proclamation upon a different date.

(3) Unless otherwise determined by the mayor, users located outside city limits shall be subject to water use restrictions before users located in city limits.

(c) *Proclamation and notice of emergency.*

(1) The proclamation required by subsection (b) of this section shall be published in a newspaper of general circulation in the city or, if there is no such newspaper in which the proclamation may be published within 24 hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten prominent places in the city. The emergency shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the emergency.

(2) Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. However, if any means other than that required in subsection (c)(1) of this section is used, the proclamation shall be republished in accordance with subsection (c)(1) of this section within 24 hours of the first notice.

(d) *Grievances with water restrictions. Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the city council or to any emergency session called to discuss the water emergency. The council may exempt such aggrieved person, wholly or partly, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the council by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the council, all water users shall be bound by the proclamation.*

(e) *Penalties. Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation or any provision of this article shall be guilty of a misdemeanor. Any violation of the provisions of the mayor's proclamation or action of the council shall be punishable by a fine or imprisonment as provided in section 1-12 of this Code.*

(Code 1988, §§ 17-210--17-214)

Secs. 74-51--74-70. Reserved.

DIVISION 2. WATER DISTRICT

Sec. 74-71. 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:

Linear distance of a structure or object from the reservoir or from a watercourse means the shortest horizontal distance from the nearest point of the structure or object to the high water line of the river, lake or watercourse.

Watercourse means every spring, pond, stream, ditch, water-bearing sand, or other channel or course of every kind, the waters of which, when running, either continuously or occasionally, eventually flow or may flow into Pennington Creek.

(Code 1988, § 17-505)

Cross references: Definitions generally, § 1-2.

Sec. 74-72. Penalty for violation of division.

(a) Any person, either as principal or agent, who violates any of the provisions of this division, or any person who shall aid, abet or assist in the violation of any of the provisions of this division, shall be guilty of an offense and, upon conviction, shall be punished as provided in section 1-12 of this Code. Each day's continuance of any violation of this division shall constitute a separate offense.

(b) Any violation of any of the provisions of this division, or any of the rules and regulations now in force, or that may hereafter be promulgated by the state board of health, the state commissioner of health, the county or city department of health, in accordance with law, shall constitute a misdemeanor and be punishable in the manner and to the extent provided for by law.

(Code 1988, §§ 17-523, 17-524)

Sec. 74-73. Established.

Pursuant to an act of the state legislature authorizing any city or town, securing its water supply from a stream or reservoir, to establish a water district for the protection thereof, there is created, established and designated a water district for the sanitary protection of the water supply of the city, which district shall be known as the Tishomingo Water District and shall embrace all of the lands in the county within the following descriptions:All land located within the city which lies within 600 feet of either the bank of Pennington Creek or within 600 feet of any watercourse.

(Code 1988, § 17-501)

Sec. 74-74. Police power of the city.

Under and by virtue of the laws of the state, the police power of the city is extended over all lands embraced within the water district described in section 74-73, and the jurisdiction of the various city officials shall extend to and apply over the entire water district for the protection of the health of the inhabitants of the city and the purity of the water supply of the city.

(Code 1988, § 17-502)

Sec. 74-75. Appointment of inspectors; enforcement duties.

The city manager shall have the power to appoint such inspectors as may be necessary, who shall be empowered with police authority to oversee and inspect the water district and enforce the rules, regulations and laws applicable thereto.

(Code 1988, § 17-504)

Sec. 74-76. Rules and regulations.

(a) *Applicability. All rules and regulations of the state, county and city, or any proper department or official thereof, now in force, are extended over to and shall apply and have full force and effect within the water district, and all such rules and regulations that may lawfully be made in the future, either by the state, county or city, shall extend over and have the same effect within the water district as within the city limits.*

(b) *Additional. The mayor and council may from time to time adopt additional ordinances, or promulgate such additional rules and regulations, as may be advisable, to modify or change the area included within the water district, or the regulations for the protection hereof.*

(Code 1988, §§ 17-503, 17-506)

Sec. 74-77. Wastes, excrement, and polluted water not to be discharged; location of cesspools and privies.

(a) No human excrement shall be deposited or discharged into Pennington Creek or into any watercourse. No cesspool, privy, or other receptacle for the deposit of human excrement shall be located, constructed or maintained within the water district, unless such cesspool, privy, or other receptacle is constructed under and with the approval of the water department of the city, the state department of health, and constructed so that no portion of its contents can escape or be washed into such water and shall not be located closer

than 600 feet to the bank of Pennington Creek.

(b) No human excrement or composite containing human excrement, or contents of any privy, cesspool, sewer, or other receptacle for the reception or storage of human excrement, shall be deposited or discharged within the water district, or upon or into the ground at a place from which the excrement or composite thereof may flow or be washed or carried into any watercourse.

(c) No house slops, sink wastes, water which has been used for washing or cooking, or any other polluted water shall be discharged into Pennington Creek or into any watercourse within the water district, or discharged into or upon the ground of the water district within 600 feet of the higher water line of either Pennington Creek or any of its watercourses.

(Code 1988, § 17-507)

Sec. 74-78. Garbage and putrescible wastes not to be discharged.

It is unlawful for any person to place, throw, drop, deposit or discard any garbage, trash, waste, rubbish, refuse, debris or other deleterious or putrescible substance on any public property of the city including, but not limited to, Pennington Creek and its shores located within the city, or any watercourse emptying into the creek, or the ground in the water district within 660 feet of the bank of the creek, or any watercourse therein.

(Code 1988, § 17-508)

Sec. 74-79. Location of places for keeping animals.

No stable, pigsty, henhouse, barnyard, hogyard, or hitching or standing place for horses, cattle or animals, or other place where animal manure is deposited or accumulated, shall be located, constructed or maintained in the water district, any part of which is within 600 feet of the bank of Pennington Creek or any watercourse emptying into Pennington Creek.

(Code 1988, § 17-509)

Sec. 74-80. Refuse and waste products not to be discharged.

No refuse, industrial waste or other waste products or polluting liquids, or other substance of a poisonous or injurious nature, either to human beings or animals, or of such nature as would impart an objectionable taste or odor to any water into which it might be discharged, shall be discharged directly into, or any place from which it may flow or be washed or carried into Pennington Creek, or into any watercourse emptying into the creek.

(Code 1988, § 17-510)

Sec. 74-81. Location of sewer works.

No system of sewers or other works for the collection, conveyance, disposal or purification of domestic or manufacturing sewage, wastes, or drainage of any other putrescible matters whatsoever shall, except in accordance with the plans first approved in writing by the state health department, the city water department, and the city council, be constructed, placed, or maintained at any place within the water district. No private or separate sewers shall be constructed or maintained in the water district having an outlet upon or in the ground within 600 feet of the bank of Pennington Creek or any of the high water line of any watercourse emptying into Pennington Creek.

(Code 1988, § 17-511)

Sec. 74-82. Location of hospitals.

No public or private hospital, or other place intended for the reception or treatment of persons afflicted with contagious or infectious disease shall, until the location and construction thereof have been approved in writing by the state health department, the city water department, and the city council, be located or constructed at any place within the water district.

(Code 1988, § 17-512)

Sec. 74-83. Swimming and bathing in Pennington Creek or its watercourses.

No person shall bathe in, wade or send, drive or put any animal into either Pennington

Creek or into any of its watercourses.
(Code 1988, § 17-513)

Sec. 74-84. Houses and campsites.

No human habitation, cottage, tent, campsite, or residence of any kind, either temporary or permanent, shall, after the effective date of the ordinance from which this division is derived, be built, set up, or constructed upon any lands within 600 feet of Pennington Creek or any watercourse emptying into Pennington Creek. However, the city may construct and maintain such structures within such prohibited territory as may be necessary in the furtherance of the protection of the reservoirs from contamination and pollution or for the development of any of the facilities thereof.
(Code 1988, § 17-514)

Sec. 74-85. Manufacturing establishments.

No manufacturing establishment at which more than five persons are employed, and no slaughterhouse or rendering establishment shall be located within the water district, unless the construction and manner of operation thereof is first approved in writing by the state board of health, the city water department and the city council.
(Code 1988, § 17-515)

Sec. 74-86. Diseases and sickness; reporting.

If a case of sickness of any kind is encountered by an inspector, or any city official, or employee, or by any person residing on or adjacent to the water district, or occurs within the district, it shall be immediately reported to the county health department, which shall promptly take such action as may be required.
(Code 1988, § 17-516)

Sec. 74-87. Gasoline, oil pumps, and drips.

No gasoline drips, pumps, or waste oil drips, or drainpipe drips, shall be allowed to be placed or used within the city water district.
(Code 1988, § 17-517)

Sec. 74-88. Dead animals and burials.

No owner or occupant of land or premises within the water district shall permit the carcass, or any part of any dead animal to remain on land under his control within such district. From and after May 9, 1984, no more burials or interments shall be made within the boundaries of the district.
(Code 1988, § 17-518)

Cross references: Animals, ch. 10.

Sec. 74-89. Oil and saltwater wastes.

No person, association, firm or corporation shall permit or cause any waste matter from oil or oil wells, or any saltwater or other substance of any nature whatsoever that would pollute the water of Pennington Creek to flow across, over or under any land in the water district in such a manner that the waste matter, saltwater or other substance will flow directly or ultimately into Pennington Creek, or into any watercourse or drain that empties into Pennington Creek.
(Code 1988, § 17-519)

Sec. 74-90. Oil and gas drilling restricted; approval.

No well for the exploration, testing or production of oil or gas shall be drilled within the water district until an application shall first be made to the state corporation commission; due notice of the hearing thereof shall be given to the city, the state water resources board, and the state board of health; and after a hearing thereon and proper rules and regulations for the drilling and operation of the wells shall be promulgated by the proper authorities for the protection of the public health and safety of the waters and streams of the state and the purity of the waters of Pennington Creek. After the allowance thereof, such wells, in addition to such rules and

regulations as may be promulgated by the state corporation commission, shall be drilled, operated and maintained in accord with state law.
(Code 1988, § 17-520)

Sec. 74-91. Jurisdiction of city water department.

The operation, maintenance and control of Pennington Creek, and all city property adjoining or adjacent thereto, shall be under the jurisdiction of the city water department. Any other city department desiring to make any use whatsoever of any such space or ground in the area shall first present its plan of construction and operation to the water department and obtain its approval thereof and then obtain approval from the city council.
(Code 1988, § 17-521)

Sec. 74-92. Zoning density set as R-1.

All areas within the water district shall have the same density requirements as apply to areas zoned R-1.
(Code 1988, § 17-522)

Secs. 74-93--74-120. Reserved.

ARTICLE III. SEWER SYSTEM AND USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 74-121. 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:

Approving authority means the mayor or his duly authorized representative.

BOD (biochemical oxygen demand) means the quantity of oxygen by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

COD (chemical oxygen demand) means a measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in milligrams per liter as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Garbage means animal and vegetable wastes and residue from the preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

Industrial waste means waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city sewer system.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per 1,000,000 gallons of water.

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

Normal domestic wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 200 milligrams per liter and BOD is not more than 200 milligrams per liter.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

Person means corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes, or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

Slug means any discharge of water, wastewater, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Standard Methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Storm sewer means a public sewer which carries stormwater and surface water and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other form of precipitation.

Superintendent means the water and wastewater superintendent of the city or his duly authorized deputy, agent, or representative.

Suspended solids means solids measured in milligrams per liter that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

To discharge means to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or emissions.

Trap means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater means water containing:

(1) No free or emulsified grease or oil;
(2) No acids or alkalies;
(3) No phenols or other substances producing taste or odor in receiving waters;
(4) No toxic or poisonous substances in suspension, colloidal state or solution;
(5) No noxious or otherwise obnoxious or odorous gases;
(6) Not more than an insignificant amount in milligrams per liter, each of suspended solids and BOD, as determined by the state health department; and
(7) Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments together with any groundwater, surface water, and stormwater that may be present.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Wastewater treatment plant means any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Code 1988, § 17-301)

Cross references: Definitions generally, § 1-2.

Sec. 74-122. Penalty for violation of article.

(a) A person who continues prohibited discharges may be subject to termination of water and sewer services.

(b) In addition to proceeding under authority of subsection (a) of this section, the city is entitled to pursue all other legal remedies to which it is entitled, including punishment as provided in section 1-12 of this Code.

(Code 1988, § 17-323)

Sec. 74-123. Failure to pay.

In addition to sanctions provided by this article, the city is entitled to exercise sanctions provided by other ordinances for failure to pay the bill for water and sanitary sewer service when due.

(Code 1988, § 17-324)

Sec. 74-124. Compliance with existing authority on use.

(a) Unless an exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging the following:
  (1) Wastewater;
  (2) Industrial waste; and
  (3) Polluted liquids.

(b) No person may deposit or discharge any wastes included in subsection (a) of this section on public or private property into or adjacent to any:
  (1) Natural outlet;
  (2) Watercourse;
  (3) Storm sewer; and
  (4) Other area within the jurisdiction of the city.

(c) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Code 1988, § 17-311)

Sec. 74-125. Approving authority.

(a) *Requirements.*
  (1) If discharges or proposed discharges to public sewers may:
    a. Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
    b. Create a hazard to life or health; or
    c. Create a public nuisance, in which case the approving authority shall

require:

1. Pretreatment to an acceptable condition for discharge to the public sewers;
2. Control over the quantities and rates of discharge; and
3. Payment to cover the costs of handling and treating the wastes.

(2) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a)(1) of this section.

(3) The approving authority shall reject wastes when:

a. It determines that discharge or proposed discharge is included under subsection (a)(1) of this section; or

b. The discharge does not meet the requirements of subsection (a)(1) of this section.

(b) *Review and approval.*

(1) If pretreatment or control is required, the approving authority shall review and approve the design and installation of equipment and processes.

(2) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(3) Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

(Code 1988, §§ 17-312, 17-313)

Sec. 74-126. Requirements for building sewers.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

(1) Install an accessible and safely located control manhole;

(2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and

(3) Maintain the equipment and facilities.

(Code 1988, § 17-315)

Sec. 74-127. Sampling and testing.

(a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property.

(b) Examination and analyses of the characteristics of waters and wastes required by this article shall be:

(1) Conducted in accordance with Standard Methods; and

(2) Determined from a suitable sample taken at the control manhole provided or other control point authorized by the approving authority.

(c) BOD and suspended solids shall be determined from composite sampling except to detect unauthorized discharges.

(d) The city may select an independent firm or laboratory to determine flow, BOD, and suspended solids.

(e) The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

(Code 1988, § 17-316)

Sec. 74-128. Savings clause.

A person discharging industrial wastes into public sewers prior to the effective date of the ordinance from which this article is derived may continue without penalty so long as he:

(1) Does not increase the quantity or quality of discharge, without permission of the

approving authority;

(2) Has discharged the industrial waste at least 30 days prior to the effective date of the ordinance from which this article is derived; and

(3) Applies for and is granted a permit no later than 30 days after the effective date of the ordinance from which this article is derived.

(Code 1988, § 17-317)

Sec. 74-129. Conditions for permits.

(a) The city may grant a permit to discharge as described in chapter 26 of this Code to persons meeting all requirements of the savings clause, provided that the person:

(1) Submits an application within 30 days after the effective date of the ordinance from which this article is derived on forms supplied by the approving authority;

(2) Secures approval by the approving authority of plans and specifications for pretreatment facilities when required;

(3) Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for the following:

a. Payment of charges;

b. Installation and operation of pretreatment facilities; and

c. Sampling and analysis to determine quantity and strength; and

(4) Provides a sampling point subject to the provisions of this article and approval of the approving authority.

(b) A person applying for a new discharge shall:

(1) Meet all conditions of subsection (a) of this section; and

(2) Secure a permit prior to discharging any waste.

(Code 1988, § 17-318)

Sec. 74-130. Power to enter property.

(a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.

(c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

(d) The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:

(1) Inspection, observation, measurement, sampling or repair;

(2) Maintenance of any portion of the sewer system lying within the easements; and

(3) Conducting any other authorized activity.

(e) All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(f) No persons acting under authority of this section may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Code 1988, § 17-319)

Sec. 74-131. Authority to disconnect service.

(a) The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:

(1) Acids or chemicals which cause damage to sewer lines or the treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
(3) The industrial customer:
a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
c. Fails to pay monthly bills for water and sanitary sewer services when due; or
d. Repeats a discharge of prohibited wastes to public sewers.

(b) If the service is discontinued pursuant to subsection (a)(2) of this section, the city shall:
(1) Disconnect the customer;
(2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
(3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes or complies with the city's payment procedures.

(Code 1988, § 17-320)

Sec. 74-132. Notice.

The city shall serve persons discharging in violation of this article with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Code 1988, § 17-321)

Sec. 74-133. Backflow prevention.

All businesses and residences connected to the city sewer collection system are required to install and maintain backflow prevention devices in such a manner as to prevent wastewater from being able to back up into the premises.

(Ord. No. 93-2, § 1, 2-2-1993)

Sec. 74-134. Traps.

(a) Discharges requiring a trap include:
(1) Grease or waste containing grease in excessive amounts;
(2) Oil;
(3) Sand;
(4) Flammable wastes; and
(5) Other harmful ingredients.

(b) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:
(1) Provide equipment and facilities of a type and capacity approved by the approving authority;
(2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
(3) Maintain the trap in effective operating condition.

(Code 1988, § 17-314)

Sec. 74-135. Grease, oil, and sand interceptors required.

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense, in continuously efficient operation at all times. Materials removed from these facilities shall be disposed of at designated approved locations.

(c) Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities or flow equalization facilities shall be submitted for the approval of the superintendent prior to the start of their construction, if the effluent from such facilities is to be discharged into the public sanitary sewers. All such plans shall be prepared by a registered professional engineer and bear his signature and seal.

(Code 1988, § 17-310)

Sec. 74-136. Grease, cooking oil, fatty acids and other cooking products; harmful effects; interceptors and traps required.

(a) The city council has determined that some nonresidential sewer and water connections discharge cooking oil, grease, fatty acids and other cooking products which harm, stop or impede the flow of water and sewage through the city's water and sewer system and which increase the possibility of the backup of water and sewer into residential and nonresidential homes and businesses and which further cause damage and loss of revenue to the city.

(b) The city has determined that it is in the best interest of the city and its citizens (corporate and individual) to identify those nonresidential water and sewer customers that cause the introduction of grease, cooking oil, fatty acids and other products into the city's water and sewer system.

(c) All nonresidential water and sewer customers of the city that perform any manner of cooking with grease or any type of cooking oil (vegetable or animal) including, but not limited to, restaurants, motels and nursing homes must install a grease interceptor which complies with section 1003 et seq. of the 2000 International Plumbing Code.

(d) These approved grease traps must be approved by the city inspector or city manager while being installed.

(e) All nonresidential customers who are required to install grease traps must dispose of the grease, cooking oil, fatty acids and chemicals in an approved manner and must make available to the city a record of the date, time and personnel and/or business collecting and properly disposing of such grease, cooking oil, fatty acids and other cooking products.

(f) All nonresidential customers who are required to install grease traps will make available to the city the ability to collect effluent discharge between the grease trap and the city water and sewer system to ensure that no grease, cooking oil, fatty acids or other cooking products are being discharged into the city's water and sewer system.

(g) The city council establishes a $200.00 fine for each violation for those customers which are governed by this section but who do not comply with this section.

(Ord. No. 99-6, §§ I--VII, 9-7-1999)

Sec. 74-137. Hookups and repairs.

(a) Whenever there is a need for hookup or repair of private sewer lines and the city's sewer line is under or near a city street or alleyway, the private landowner must contact the city manager or the head of public works and schedule any hookup or repair. Such hookup or repair shall not be started by the private owner without first contacting the city manager or head of public works and obtaining consent to begin such hookup or repair.

(b) The city, in its sole discretion, may perform the work necessary to accomplish the hookup or repair and receive as compensation from the private landowner usual and customary fees for such work or may allow the private landowner, with city supervision if desired, to perform such work with the agreement by the private landowner that the site must be returned to the same condition prior to work being performed as determined by the city manager or the public works director.

(Ord. No. 99-3, 3-16-1999)

Secs. 74-138--74-160. Reserved.

DIVISION 2. PROHIBITED DISCHARGES

Sec. 74-161. Generally.

(a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:

  (1) Injure or interfere with wastewater treatment processes or facilities; and

  (2) Constitute a hazard to humans or animals.

(b) All discharges shall conform to requirements of this article.

(Code 1988, § 17-302)

Sec. 74-162. Continuing discharges.

No person may continue discharging in violation of this article beyond the time limit provided in the notice described in section 74-132.

(Code 1988, § 17-322)

Sec. 74-163. Chemical discharges.

(a) No discharge to public sewers may contain the following:

  (1) Cyanide greater than 1.0 milligrams per liter;

  (2) Fluoride other than that contained in the public water supply;

  (3) Chlorides in concentrations greater than 250 milligrams per liter;

  (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or

  (5) Substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged to public waters may contain the following:

  (1) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;

  (2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius);

  (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment work exceeds the limits established by the approving authority for such materials; or

  (4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of this article.

(c) No waste, wastewater, or other substances may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.

(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-producing and odor-producing substances shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

(Code 1988, § 17-303)

Sec. 74-164. Heavy metals and toxic materials.

(a) No discharge may contain concentration of heavy metals greater than the amounts specified in subsection (b) of this section.

(b) The maximum allowable concentration of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with Standard Methods, are as follows:

TABLE INSET:

		Allowable Concentration (mg/l)
1.	Arsenic	0.05
2.	Barium	5.0
3.	Boron	1.0
4.	Cadmium	0.02
5.	Chromium (total)	5.0
6.	Copper	1.0
7.	Lead	0.1
8.	Manganese	1.0
9.	Mercury	0.005
10.	Nickel	1.0
11.	Selenium	0.02
12.	Silver	0.1
13.	Zinc	5.0

(c) No other heavy metals or toxic material may be discharged into public sewers without a permit from the approving authority specifying the conditions of pretreatment, concentrations, volumes, and other applicable provisions.

(d) Prohibited heavy metals and toxic materials include, but are not limited to, the following:

(1) Antimony;
(2) Beryllium;
(3) Bismuth;
(4) Cobalt;
(5) Molybdenum;
(6) Uranylion;
(7) Rhenium;
(8) Strontium;

(9) Tellurium;
(10) Herbicides;
(11) Fungicides; and
(12) Pesticides.

(Code 1988, § 17-304)

Sec. 74-165. Garbage.

(a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in the public sewers. Particles greater than one-half inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater.

(Code 1988, § 17-305)

Sec. 74-166. Stormwater and unpolluted drainage.

No person may discharge to public sanitary sewers:

(1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
(2) Unpolluted cooling water;
(3) Unpolluted industrial process waters; and
(4) Other unpolluted drainage.

(Code 1988, § 17-306)

Sec. 74-167. Temperature.

No person may discharge liquid or vapor having a temperature of 150 degrees Fahrenheit or higher, or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit.

(Code 1988, § 17-307)

Sec. 74-168. Radioactive wastes.

No person may discharge radioactive wastes or isotopes into the public sewers without the permission of the approving authority, and all other regulatory agencies, either state or federal, which have jurisdiction over the use of such radioactive wastes and isotopes.

(Code 1988, § 17-308)

Sec. 74-169. Impairment of facilities.

(a) No person may discharge into public sewers any substances capable of causing:
  (1) Obstruction of the flow in sewers;
  (2) Interference with the operation of treatment plant processes or facilities; and
  (3) Excessive loading of treatment facilities.

(b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentration of:
  (1) Inert suspended materials greater than 200 milligrams per liter including, but not limited to:
    a. Fuller's earth or other mineral clays;
    b. Lime slurries; and
    c. Lime residues.
  (2) Dissolved solids greater than 200 milligrams per liter including, but not limited to:
    a. Sodium;
    b. Sodium sulfate; and
    c. BOD, COD, or chlorine demand in excess of normal plant capacity.

(c) No person may discharge into public sewers any substances that may deposit grease or oil in the sewer lines in such a manner as to clog or partially clog the sewers, or that will deleteriously affect the proper operation of the treatment facility.

(d) No person may discharge into public sewers any substance which is not amenable to treatment by the processes and facilities employed.

(e) The approving authority shall regulate the flow and concentration of slugs when they may:
  (1) Impair the treatment process;
  (2) Cause damage to the collection facilities; and
  (3) Incur treatment costs exceeding those for normal wastewater.

(f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size including, but not limited to:
  (1) Ashes;
  (2) Cinders;
  (3) Sand;
  (4) Mud;
  (5) Straw;
  (6) Shavings;
  (7) Metal;
  (8) Glass;
  (9) Rags;
  (10) Feathers;
  (11) Tar;
  (12) Plastics;
  (13) Wood;
  (14) Unground garbage;
  (15) Whole blood;
  (16) Paunch manure;
  (17) Hair and fleshings;
  (18) Entrails;
  (19) Paper products, either whole or ground by garbage grinders;
  (20) Slops;
  (21) Chemical residues;
  (22) Paint residues; and
  (23) Bulk solids.

(Code 1988, § 17-309)

Sec. 74-170. Dumping of solid and septic waste.

(a) *Illegal dumping. The city has experienced problems with illegal dumping of solid and septic waste into the city's water and sewer treatment system which causes expense and damage to the city.*

(b) *License required. Any person desirous of dumping solid and septic waste into the city's water and sewer treatment systems must first make application with and procure a license from the city. The annual license fee shall be as provided in chapter 26 of this Code. It shall be a requirement to obtain such license that all laws, including licensing requirements of the state, are fully complied with prior to issuance of a city license.*

(c) *Dumping to be site specific. The wastewater treatment plant in the city shall be the only site where dumping of solid and septic waste may occur.*

(d) *Inspection. All solid and septic waste shall be inspected by the wastewater treatment plant supervisor or his designee prior to any dumping.*

(e) *Fees. The fee for the dumping of solid and septic waste shall be as provided in chapter 26 of this Code per gallon of solid and/or septic waste discharged into the city's wastewater*

treatment plant.

(f) *Rejection of unsafe loads. The wastewater treatment plant superintendent or his designee shall have the absolute right to reject any loads to be dumped if, in his judgment, the treatment plant cannot safely or economically dispose of the solid or septic waste.*

(g) *Penalty for violation of section. Any violation of this section shall subject the violator to a fine of $200.00 for each occurrence plus restitution, if any, for actual damages suffered by the city as a result of illegal dumping.*

(Ord. No. 2000-4, §§ II--IX, 4-3-2000)

Secs. 74-171--74-200. Reserved.

ARTICLE IV. REFUSE*

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***Cross references: Deposit of trash upon streets and sidewalks, § 62-5.**

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Sec. 74-201. 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:

City health officer means the city council or its authorized agent.

Garbage means all putrescible wastes, except sewage and body wastes, including all meats, vegetable and fruit refuse, and carcasses of small animals and fowls from any premises within the corporate limits.

Person means any institution, public or private corporation, individual partnership, or other entity.

Premises means land, buildings or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored.

Private contractor means any institution, public or private, or corporation, individual, partnership or other entity that has a valid existing contract with the city to furnish garbage and refuse collection services.

Refuse means all solid wastes, including garbage and rubbish.

Rubbish means tin cans, bottles, papers, and tree limbs, which shall be cut into lengths not exceeding 3 1/2 feet, including leaves and branches, from any premises within the corporate limits.

Rubble means brushwood, cardboard boxes and other bulky earthen, wooden or metal refuse-like materials, longer, larger and/or heavier than refuse.

(Code 1988, § 17-401)

Cross references: Definitions generally, § 1-2.

Sec. 74-202. Penalty for violation of article.

Any person found violating any provision of this article shall, upon conviction, be fined as provided in section 1-12 of this Code.

(Code 1988, § 17-410)

Sec. 74-203. Accumulations of garbage and refuse.

It is the duty of every person owning, managing, operating, leasing or renting any premises or any place where refuse or garbage accumulates to provide, and at all times maintain in good order and repair, on any of the premises, a portable container for refuse, which container is rodentproof and flyproof, with a tight-fitting lid which shall not be removed except when depositing or removing the contents of the container, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the refuse that may

accumulate between collections except where approved type bulk containers are in use. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes or any other insects. All containers and grounds immediately around the containers shall be kept in a safe and sanitary condition at all times. Each container shall be not less than 20 gallons nor more than 32 gallons, except where approved type bulk containers are in use.
(Code 1988, § 17-402)

Sec. 74-204. Collection.

(a) The city or its authorized representative shall collect garbage and rubbish from the residential areas of the city, from the designated business routes and all food establishments in the city on such schedule as the council may adopt or in accordance with the schedule of any private contractor. It is the duty of any person in possession or control of any premises to place all refuse, garbage or rubbish in a location easily accessible to the collector as directed by the health officer, and where collectors can obtain such garbage or rubbish without going into buildings, garages, locked gates or fenced yards with dogs.

(b) Places having rubble and excessive accumulations of garbage and rubbish, such as, but not limited to, killing and dressing plants for fowl, shall be included for minimum or nominal service, the option resting with the private contractors, and such accumulations shall then be removed and disposed of at the expense of the owner or person having charge of such places.

(c) Carcasses of animals such as cows, horses and mules shall be removed and disposed of at the expense of the owner or person having such animals in charge and by the method directed by the city health officer.

(d) Heavy accumulations such as brush, broken concrete, ashes, sand or gravel, automobile frames, dead trees and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling the accumulation under the direction of the city health officer.

(e) Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animal or fowl pens, and waste oils from garages or filling stations or materials considered hazardous or dangerous, shall be removed and disposed of at the expense of the person controlling the waste and materials in the manner and by the method directed by the city health officer.

(f) The placing of garbage or rubbish or any refuse material in any street or alley within the city limits or the disposal of such refuse at any place within the city limits, except at the city disposal site, or at such other place as may be directed by the city health officer, is prohibited.

(g) The meddling with refuse containers or in any way pilfering, scattering the contents, or junking in any alley or street within the city limits is prohibited.

(h) All ordinary accumulations of rubbish such as tree limbs, paper boxes and scrap lumber which cannot be conveniently placed in the containers required under this article shall be gathered together and baled, tied or sacked in compact bundles, weighing no more than 50 pounds, and placed in a location easily accessible to the collector.

(Code 1988, § 17-403)

Sec. 74-205. Disposal.

The disposal of garbage and rubbish shall be by method of incineration (not open burning) or by landfill.
(Code 1988, § 17-404)

Sec. 74-206. Unauthorized use of refuse containers; presumption.

It is unlawful to deposit refuse or garbage in any refuse container or dump belonging to any

other person, organization or the city without the express permission of such other person, organization or the city. A presumption of violation of this section will be made upon proof of three or more items belonging to the person allegedly violating this section, including three or more items bearing the name of such person.
(Code 1988, § 17-405)

Sec. 74-207. Fees.

There shall be charged, assessed and collected from each residential unit within the city limits a monthly amount as set by the city council by ordinance or resolution as described in chapter 26 of this Code. A copy of the current fees in effect shall be kept in the clerk-treasurer's office. The charge for commercial establishments shall be as agreed between the commercial establishment and the private contractor. Persons aggrieved pursuant to this section may appeal to the city council.
(Code 1988, § 17-406)

Sec. 74-208. Duty to request garbage service.

To assist in maintaining the general sanitation of the city, it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the city garbage department at the beginning of such occupancy and request, accept and use the garbage pickup and collection service. The failure of any owner, rental agent or occupant of such premises to make such request, however, shall not prevent nor in any way impair or impede the city from adding that person's name to the garbage collection records and providing such service and otherwise enforcing by appropriate action the regulatory measures prescribed in this article and causing the fees or charges therefor to be paid.
(Code 1988, § 17-407)

Sec. 74-209. Charges to be on water bill.

All bills for garbage or sanitation service charges shall be included on water bills and no payment shall be accepted by the water department, except for the full amount billed for all services, and delinquent refuse bills shall carry the same due dates, grace periods and penalties as water bills. These charges are described in chapter 26 of this Code.
(Code 1988, § 17-408)

Sec. 74-210. Inspections.

It is the duty of the city health officer or his authorized agent to make all necessary inspections and investigations of any and all premises to see that the terms of this article are complied with.
(Code 1988, § 17-409)

CODE COMPARATIVE TABLE 1988 CODE

This table gives the location within this Code of those sections of the 1988 Code, as updated through Octboer 14, 2000, which are included herein. Sections of the 1988 Code, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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some ordinances which precede October 14, 2000, but which were never included in the 1988 Code, as supplemented, for various reasons. Ordinances adopted since October 14, 2000, and not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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