CITY OF COWETA

Code of Ordinances

Containing all of the ordinances of the

City of Coweta, Oklahoma

of a general and permanent nature passed prior to

August 1, 2012, and still in effect on that date

ORDAINED AND PUBLISHED

BY AUTHORITY OF THE

CITY COUNCIL

CITY OF COWETA

City of Coweta

P.O. Box 850

Coweta, Oklahoma 74429

(918) 486-2189

Compiled and codified by:

City of Coweta

CITY OF COWETA

City Council

Robert Morton, Mayor

Billy Embrey, Vice-Mayor

Roy Dale, Council member

Timothy Kelley, Council member

Steve Garman, Council member

City Staff

Steven C Whitlock, City Manager

Joyce Terry, Assistant City Manager/City Clerk/Treasurer

Tom Tillotson, Management Assistant

Robert Werley, Public Works Director

Derrick Palmer, Police Chief

Hal Bumgarner, Fire Chief

Wayne Steeley, Vehicle Maintenance

Paula Emmons, Library Director

Kathleen Easley, Community Development Director

David Weatherford, City Attorney

Dennis Sagely, Municipal Judge

Terry Craig, City Prosecutor

ORDINANCE NO. 740

AN ORDINANCE ADOPTING AND ENACTING A CODE OF ORDINANCES OF THE CITY OF COWETA, OKLAHOMA, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREAFTER PROVIDED, PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE, PROVIDING FOR SALE AND COPIES IN THE COWETA CITY CLERK'S OFFICE, PROVIDING FOR SUPPLEMENTS OR CHANGES TO CODE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA:

SECTION 1. CODE ADOPTED AND ENACTED

A code and revision of the ordinances of the City of Coweta is hereby adopted as the "Code of Ordinances, City of Coweta, Oklahoma," or by any other properly identifying designation, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the City adopted on or before August 1, 2012.

SECTION 2. ORDINANCE PROVISIONS ADOPTED

All of the ordinance provisions included in the Code are hereby adopted and enacted, and shall be in full effect, whether such provisions are included in the form as originally adopted; are included in amended form; or are composed wholly or partially of new material as authorized by law.

SECTION 3. EFFECTIVE DATE OF CODE, REPEAL

All provisions of this Code shall be in full force and effect from the date this ordinance becomes law. All ordinances of a general and permanent nature of the City of Coweta in effect on or before August 1, 2012, and not in the Code or recognized and continued in force by reference herein and which are in conflict herewith, are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4. ORDINANCES NOT REPEALED

The repeal provided for in Section 3 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall the repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City or authorizing the issuance of any bonds of the City or any evidence of the city's indebtedness, or any contract or obligation assumed by the City; nor shall the repeal affect the administrative regulations or resolution of the City Council not in conflict or inconsistent with the provisions of the Code; nor shall the repeal affect any right or franchise granted by any ordinance or resolution of the City Council to any person, firm or corporation; nor shall the repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, vacating, etc., any street or public way in the City; nor shall the repeal affect any annual budget or salary ordinance; nor shall the repeal affect any ordinance levying or imposing taxes; nor shall the

repeal affect any ordinance establishing and prescribing the street grades of any street in the City; nor shall the repeal affect any ordinance providing for local improvements and assessing charges therefore; nor shall the repeal affect any ordinance extending the limits of the City; nor shall the repeal be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance; nor shall the repeal affect any ordinance establishing rates, fees or charges, except those specifically reestablished in this Code, until the council re-establishes such rates, fees or charges by ordinance, motion or resolution. The continuance in effect of temporary or special ordinances and parts of ordinances, although omitted from the Code, shall not be affected by such omission there from; and the adoption of the Code shall not repeal or amend any such ordinance or part of any such ordinance.

SECTION 5. CODE NOT NEW ENACTMENT

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

SECTION 6. ORDINANCES ADOPTED AFTER EFFECTIVE DATE OF CODE

Ordinances and parts of ordinances of a permanent and general nature passed or adopted on and after the effective date of this Code may be passed or adopted either:

In the form of amendments to the Code of Ordinances adopted by this ordinance, or without specific reference to the Code.

In either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code. All of the substantive permanent and general parts of such ordinances and changes made thereby in the Code, shall be inserted and made in the Code whenever authorized or directed by motion, resolution or ordinance of the City Council, as provided hereinafter.

SECTION 7. SUPPLEMENTS TO CODE

By contract or by city personnel, a change, or supplement, to the Code of Ordinances adopted by this ordinance shall be prepared and printed whenever authorized or directed by the City Council. A change to the Code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum during the period covered by the change and all changes made thereby in the Code. The pages of a change shall be so numbered that they will fit properly into the Code and, where necessary, replace pages which have become obsolete or partially obsolete, and new pages shall be so prepared that, when they have been inserted, the Code will be up to date to the date to which the Code is being brought up to date. Each change shall include a new title page for the Code, and the title page, shall include a notation below the title indicating that the Code contains all permanent and general ordinances and parts of ordinances passed prior to the date to which the Code is brought up to date and still in effect. The words "as

amended" and the date may be added to the title after the year. After every change has been prepared and printed, a number of copies of the change equal at least to the number of copies of the Code still in existence shall be deposited in the office of the City Clerk. The City Clerk, if possible, shall notify each holder of a copy of the original Code about the availability of the change or supplement.

SECTION 8. SALE OF COPIES OF THE CODE

The City Clerk is hereby authorized and directed to sell copies of the Code of Ordinances to the public at a price determined from time to time by motion or resolution of the City Council.

SECTION 9. COPY OF CODE IN CLERK'S OFFICE

A copy of the current Code as amended or supplemented from time to time shall be kept on file in the office of the City Clerk This copy of the Code shall be available for all persons desiring to examine it; it shall be certified by the City Clerk as may be required.

SECTION 10. REPARATION OF CODE

The Code of Ordinances hereby adopted consists of Seventeen (17) Parts, all of which have been examined, considered and approved by the City Council of the City of Coweta, Oklahoma, and adopted by compliance with Sections 14-109 et seq. of Title 11 of the Oklahoma Statutes.

SECTION 11. EMERGENCY

Reference being made to Section 3 hereinbefore set out, it is immediately necessary for the preservation of the peace, health and safety of the City and the inhabitants thereof, that the provisions of this Code not heretofore enacted be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law. Passed and approved this 3rd day of December, 2012, with the emergency clause separately voted upon.

Robert Morton, Mayor

ATTEST:

Joyce Terry, City Clerk

CITY OF COWETA SEAL WAGONER COUNTY OKLAHOMA

APPROVED AS TO FORM:

David Weatherford, City Attorney

RESOLUTION NO. 2012-13

A RESOLUTION DIRECTING FILING AND NOTIFICATION OF THE PUBLICATION OF THE COWETA CITY CODE OF ORDINANCES

WHEREAS, the City of Coweta, Oklahoma, updated its ordinances to include all ordinances approved as of August 1, 2012; and,

WHEREAS, the City is required to publish its Code of compiled penal ordinances and to deposit a copy of the Code with the Wagoner County law library pursuant to Sections 14-109 and 14-110 of Title 11 of the Oklahoma Statutes; and,

WHEREAS, the City is required to adopt a resolution notifying the public of the publication of its Code pursuant to Section 14-110 of Title 11 of the Oklahoma Statutes and to file a copy of the resolution in the office of the Wagoner County Clerk; and,

WHEREAS, the City is required, pursuant to Sections 14-107 (A) and 14-108 of Title 11 of the Oklahoma Statutes, to make legal publication by publishing the titles and a condensed list or summary thereof the Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COWETA:

The public is hereby notified of the publication of the Coweta Code of Ordinances and that copies of the Code are available for review in the Office of the Coweta City Clerk; and,

THAT the Code consists of (17) seventeen titles, listed hereinafter:

1. General Provisions;
2. Administration and Government;
3. Alcoholic Beverages;
4. Animals;
5. Building Regulations and Codes;
6. Court;
7. Finance and Taxation;
8. Health and Sanitation;
9. Licensing and Business Regulations;
10. Offenses and Crimes;
11. Parks. Recreation and Cemetery;
12. Planning Zoning and Development;
13. Public Safety;
14. Streets and Public Works;
15. Traffic and Vehicles;
16. Transportation; and
17. Utilities.

THAT the Coweta City Clerk shall cause to be filed one copy of this resolution with the Office of the County Clerk of Wagoner County; and,

THAT the Coweta City Clerk shall cause one copy of this resolution and one copy of the Code to be filed with the Law Library of Wagoner County; and,

THAT the Coweta City Clerk shall keep at least one copy of the Coweta Code of Ordinances in the office of the City Clerk for public use, inspection and examination.

ADOPTED this 3rd day of December, 2012, by the City Council of the City of Coweta.

Robert Morton, Mayor

ATTEST:

Joyce Terry, City Clerk

CITY OF COWETA SEAL WAGONER COUNTY OKLAHOMA

APPROVED AS TO FORM:

David Weatherford, City Attorney

ADDENDUM NO. 1

The following Ordinances are not repealed and are to be considered a part of the Coweta Code of Ordinances:

1. All annexation, zoning, and special ordinances in effect on the date of this re-codification and shall remain in effect and are not repealed.

TABLE OF CONTENTS

PART CHAPTER TITLE

Foreword

Adopting Ordinance

Resolution

1. GENERAL PROVISIONS

    1. Use and Construction of the Code
    2. Corporate and Ward Limits

2. ADMINISTRATION AND GOVERNMENT

    1. Government Organization
    2. City Council
    3. City Manager
    4. Finance Department
    5. Other Departments and Personnel
    6. City Records
    7. Social Security
    8. Retirement and Pensions
        A. Firefighters Retirement System
        B. Employee Retirement System
    9. Drug & Alcohol Testing

3. ALCOHOLIC BEVERAGES

    1. Alcoholic Beverages
    2. Low-Point Beer

4. ANIMALS

    1. Animal Regulations
        A. General Provisions
        B. Dog and Cat Vaccination, License Tags and Tax
        C. Animal Shelter
        D. Cruelty to Animals
        E. Exotic Animals
        F. Zoning Ordinance to Prevail
        G. Rabies Procedures
        H. Penalties

    2. (Reserved)

5. BUILDING REGULATIONS AND CODES

1. Building Code and Regulations
2. Plumbing Code
3. Electrical Code
4. Liquefied Petroleum Gas
5. Gas Piping Code
6. Moving Buildings
7. Housing Code
8. Mechanical Code
9. Oil and Gas Drilling
10. Penalty

6. COURT

1. Municipal Court
2. (Reserved)

7. FINANCE AND TAXATION

1. Finance and Budget Administration
2. Sales Tax
3. Telephone Taxes and Fees
   A. Telephone Exchange Fee
   B. Emergency Telephone Service Tax
4. Utilities Tax
5. Use Tax
6. Tax Incentive District
7. Pipeline Capacity Lease Permit
8. Hotel/Motel Tax
9. Purchasing

8. HEALTH AND SANITATION

1. Weeds and Trash
2. Food and Restaurants
3. Junked, Wrecked Motor Vehicles
4. Nuisances
5. Ambulance Services
6. Enforcement and Penalty

9. LICENSING AND BUSINESS REGULATIONS

1. Occupational Licenses Generally
2. Itinerant Vendors
3. Amusement Devices
4. Taxicabs
5. Vehicle Sales
6. Pool Halls and Family Recreation Centers

10. OFFENSES AND CRIMES

1. Offenses in General
2. Offenses Against Property
3. Offenses Against the Public
4. Offenses Against the Health, Welfare and Morals
5. Offenses Against Persons
6. Offenses Against Public Authority
7. Penalties

11. PARKS, RECREATION AND CEMETERY

1. General Provisions
   A. Regulations and Fees
   B. Park and Recreation Board
2. Library Services
3. Cemetery
4. Mission Bell Museum Board

12. PLANNING, ZONING AND DEVELOPMENT

1. Planning Commission
2, 3 Zoning Regulations
4. Subdivision Regulations
5. Flood Hazard Prevention
6. Public Hearing Process for Various State or Federal Programs
7. Downtown Advisory Board
8. Specific Use Permits
9. Fair Housing Ordinance

13. PUBLIC SAFETY

1. Fire Prevention
2. Fire Department and Service
   A. Fire Department
   B. Volunteer Department (Reserved)
3. Calls Outside Limits
4. Police Department and Services
5. Civil Defense
6. Unclaimed Property

14. STREETS AND PUBLIC WORKS

1. Use and obstruction of Streets
2. Cutting Streets and Sidewalks
3. Street and Highway Plan

15. TRAFFIC AND VEHICLES

1. General Provisions
2. Enforcement and General Provisions
3. Vehicle Equipment, Inspection
4. Speed Regulations
5. Driving, Overtaking, Passing
6. Traffic Control Devices
7. Stopping, Standing and Parking Generally
8. Loading
9. Turning Movements
10. Pedestrians
11. Bicycles
12. Limited Access Facilities
13. Impoundment of Vehicles
14. Penalties

16. TRANSPORTATION

(Reserved)

17. UTILITIES

1. General Provisions
2. Water System Construction and Repair Standards
3. Discharge to sanitary sewer
4. Garbage

APPENDICES

1 SCHEDULE OF FEES AND CHARGES
2 ELECTRIC FRANCHISES (Reserved)
3 GAS FRANCHISE (Reserved)
4 CABLE TELEVISION
5 COWETA PUBLIC WORKS AUTHORITY (Reserved)
6 SELECTED PROVISIONS OF STATE LAW APPLICABLE TO CITY

GENERAL PROVISIONS

CHAPTER 1

USE AND CONSTRUCTION OF THE CODE

Section 1-101 How code designated and cited

Section 1-102 Rules of construction

Section 1-103 Catch lines of sections; citations

Section 1-104 Effect of repeal of ordinances

Section 1-105 Severability of parts of code

Section 1-106 Amendment to code; effect of new ordinances; amendatory language

Section 1-107 Altering code

Section 1-108 General penalty

Section 1-109 Fines recoverable by civil action

Section 1-110 Ordinances in effect in outlying territory of city

CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201 Map of city designated as official map
Section 1-202 Ward number and boundaries

CHAPTER 1

USE AND CONSTRUCTION OF THE CODE

Section 1-101 How code designated and cited

Section 1-102 Rules of construction

Section 1-103 Catchlines of sections; citations

Section 1-104 Effect of repeal of ordinances

Section 1-105 Severability of parts of code

Section 1-106 Amendment to code; effect of new ordinances; amendatory language

Section 1-107 Altering code

Section 1-108 General penalty

Section 1-109 Fines recoverable by civil action

Section 1-110 Ordinances in effect in outlying territory of city

Section 1-101 How code designated and cited

The provisions embraced in the following chapters and sections shall constitute and be designated the “Code of Ordinances, City of Coweta, Oklahoma,” and may be so cited.

SECTION 1-102 RULES OF CONSTRUCTION

In the construction of this code and of all ordinances, the following rules are observed unless the construction would be inconsistent with the manifest intent of the council:

1. "City" or "this city" shall be construed as if the words "of Coweta, Oklahoma," followed them;

2. "Council" or "city council" means the city council of Coweta;

3. "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;

4. "County" or "this county" means the County of Wagoner, Oklahoma;

5. "Gender." A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;

6. "Joint authority." All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers

7. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances of the city, and, when appropriate, any and all rules and regulations promulgated there under;

8. "Manager" or "city manager" means the city manager of the city;

9. "Mayor", means the mayor of the city;

10. "Month" means a calendar month;

11. "Non-technical 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;

12. "Number" A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears;

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

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

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

16. "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;

17. "Preceding, following" means next before and next after, respectively;

18. "Property" shall include real and personal property;

19. "Signature or subscription" includes a mark when a person cannot write;

20. "State" or "this state" shall be construed to mean the State of Oklahoma; 21. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

22. "Street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the city which are dedicated and open to public use;

23. "Tense." Words used in the past or present tense include the future as well as the past and present;

24. "Week" means seven (7) days; and

25. "Year" means a calendar year.

SECTION 1-103 CATCHLINES OF SECTIONS, CITATIONS

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

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES

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

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

SECTION 1-105 SEVERABILITY OF PARTS OF CODE

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

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

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

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

C. When the council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the council 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 Coweta, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the City of Coweta, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention.”

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

SECTION 1-107 ALTERING CODE

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

SECTION 1-108 GENERAL PENALTY

A Except as 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 therefore, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding the following:

1. The maximum fine for parking or traffic related offenses shall not exceed Two Hundred Dollars ($200.00) and court costs as set by the city;

2. The maximum fine for all other offenses shall not exceed Five Hundred Dollars ($500.00) and court costs as set by the city.

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.

C Upon conviction of any provision of the city code of ordinance, or any ordinance, the municipal judge shall have the authority to order restitution in an amount not to exceed the loss sustained by the victim of the offense.

D. Any fines and costs properly assessed against any child and which remain unpaid after three (3) months may be assessed by the municipal judge against the child's parent, parents, legal guardian or legal custodian and collected and paid as provided for in Articles XXVII and XXVIII of Title 11 of the Oklahoma Statutes. Provided however, prior to such latter assessment, the court clerk shall give such child's parent, parents, legal guardian or legal custodian notice by certified mail to their place of residence or personal service of such action proposed to be taken.

SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION

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

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

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

CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201 Map of city designated as official map
Section 1-202 Ward number and boundaries

SECTION 1-201 MAP OF CITY DESIGNATED AS OFFICIAL MAP

The map of the city showing its territorial limits is hereby designated as the official map of the city, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the city, including all annexations made to the city through and including the date of January 1, 2012.

SECTION 1-202 WARD NUMBER AND BOUNDARIES

The city shall be divided into four (4) wards with boundaries as designated on the most recently approved map on file in the City Clerk's office, in compliance with 11 O.S. § 20-102 et.al.

PART 2

ADMINISTRATION AND GOVERNMENT

CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101 Council-Manager form of government.

CHAPTER 2

CITY COUNCIL

Section 2-201 Elections to be held; four-year overlapping terms
Section 2-202 Time of regular meetings of the council
Section 2-203 Meetings of the council
Section 2-204 Qualifications of Council members
Section 2-205 Election of mayor and vice-mayor, duties
Section 2-206 Powers vested in council, designated powers
Section 2-207 Compensation
Section 2-208 Rules of procedure
Section 2-209 Conflicts of interest and disclosure

CHAPTER 3

CITY MANAGER

Section 2-301 City manager appointment
Section 2-302 Duties

CHAPTER 4

FINANCE DEPARTMENT

Section 2-401 City clerk
Section 2-402 Duties of city clerk
Section 2-403 Same person may hold both offices
Section 2-404 City treasurer
Section 2-405 Duties of city treasurer

CHAPTER 5

OTHER DEPARTMENTS AND PERSONNEL

Section 2-501 City attorney
Section 2-502 City-county health department; director
Section 2-503 Officers and employees; number and classes; compensation
Section 2-504 Certain personnel to be bonded
Section 2-505 Oath
Section 2-506 Energy officer and committee

CHAPTER 6

CITY RECORDS

Section 2-601 Appointment of official custodians
Section 2-602 Designation of additional record custodians.
Section 2-603 Duties of custodians
Section 2-604 Requests to be directed to custodians
Section 2-605 Procedures regarding both inspection and copying of open public records
Section 2-606 Procedures regarding inspection of open public records
Section 2-607 Procedures regarding copies of open public records
Section 2-608 No fee for inspection
Section 2-609 Copying fee
Section 2-610 Fee for mechanical reproduction
Section 2-611 Search fee
Section 2-612 Prepayment of fees

CHAPTER 7

SOCIAL SECURITY

Section 2-701 Declaration of policy to come under coverage
Section 2-702 Execution of agreement with state agency
Section 2-703 Withholdings
Section 2-704 Contributions
Section 2-705 Records and reports
Section 2-706 Exclusions

CHAPTER 8

RETIREMENT AND PENSIONS

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

Section 2-801 Fire pension and retirement system

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

Section 2-810 Employee retirement system created
Section 2-811 Administration
Section 2-812 Fund
Section 2-813 Appropriations
Section 2-814 Execution
Section 2-815 Conflicting laws

CHAPTER 9

DRUG & ALCOHOL TESTING PROCEDURES

Section 2-901 Substance Abuse Testing
Section 2-902 Job Applicant Testing
Section 2-903 Current Employee Testing
Section 2-904 Supervisor Training
Section 2-905 Prior Notice of Testing Training
Section 2-906 Consent
Section 2-907 Refusal to Consent – Applicants
Section 2-908 Refusal to Consent – Employees
Section 2-909 Confirmation of Test Results
Section 2-910 Consequences of a Confirmed Positive Test Result
Section 2-911 Right to Hearing
Section 2-912 Confidentiality of Test Results
Section 2-913 Privacy in Drug Testing
Section 2-914 Laboratory Testing Requirements
Section 2-915 Notification of Federal Agencies
Section 2-916 Civil Rights
Section 2-917 Effect on Other Personnel Policies

CHAPTER 1

GOVERNMENT ORGANIZATION

SECTION 2-101 COUNCIL-MANAGER FORM OF GOVERNMENT

The city is governed by the statutory council-manager form of government. The powers of the city are vested in the city council.

CHAPTER 2

CITY COUNCIL

Section 2-201 Elections to be held; four-year overlapping terms
Section 2-202 Time of regular meetings of the council
Section 2-203 Meetings of the council
Section 2-204 Qualifications of Council members
Section 2-205 Election of mayor and vice-mayor, duties
Section 2-206 Powers vested in council, designated powers
Section 2-207 Compensation
Section 2-208 Rules of procedure
Section 2-209 Conflicts of interest and disclosure

SECTION 2-201 ELECTIONS TO BE HELD: FOUR-YEAR OVERLAPPING TERMS

In this statutory council-manager city, the terms of the elected officers shall be staggered so that at any one general municipal election, the following officers are to be elected for four-year terms:

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

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

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

SECTION 2-202 TIME OF REGULAR MEETINGS OF THE COUNCIL

The council of the city shall hold a regular meeting on the first Monday of every month at 7:00 P.M. If a meeting day falls on a holiday, as designated by the city council, the regular meeting shall be held on the next day which is not a holiday

SECTION 2-203 MEETINGS OF THE COUNCIL

Every meeting of the council shall be held in the council chamber unless, in case of an emergency, the Mayor or the Councilmembers calling a special meeting designate another place in the city for the holding of the special meeting. The Mayor or any three (3) Council members may call a special meeting. Any adjourned meeting may be held at any other place designated by the council. Administration and Government

SECTION 2-204 QUALIFICATIONS OF COUNCIL MEMBERS

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

SECTION 2-205 ELECTION OF MAYOR AND VICE-MAYOR: DUTIES

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

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

SECTION 2-206 POWERS VESTED IN COUNCIL DESIGNATED POWERS

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

1. Appoint and remove the city manager as provided by law;
2. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
4. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them;
5. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this chapter; and

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

SECTION 2-207 CITY COUNCIL COMPENSATION

1. All City Council Members of the City Council of the City of Coweta shall be paid compensation at the monthly rate of $250.00 per month, except the Mayor shall be paid compensation at the monthly rate of $350.00 per month;

2. This Ordinance shall become effective May 1, 2001, and shall apply to the May and City Council Members holding office as of that date.

SECTION 2-208 RULES OF PROCEDURE

1 The council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the council may prescribe.

2. The order of business for each meeting of the council shall be as posted on the agenda for the meeting.

3. The following rules of procedure shall apply to any regular or special meeting of the council unless three (3) members agree to waive the rule or rules:
   - A. At the request of the mayor or any Council member, all motions shall be reduced to writing;
   - B A motion to reconsider any of the proceedings of the council shall not be entertained unless it is made by a member who previously voted in the majority;
   - C. No motion shall be debated or put until it be seconded and stated by the mayor. It is then and not until then in possession of the council and cannot be withdrawn but by leave of the council;

4. A motion to adjourn shall be in order at any time, except as follows:
   a. When repeated without intervening business or discussion;
   b. When made as an interruption of a member while speaking;
   c. When the previous question has been ordered; or
   d. While a vote is being taken.
   e. A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

5. When a question is under debate, no motion shall be received but:
   a. To adjourn;
   b. To lay on the table;
   c. For the previous question;
   d. To postpone to a day certain;
   e. To commit;
   f. To amend; or
   g. To postpone indefinitely

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

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

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

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

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

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

11. Robert's Rules of Order shall govern matters not included or covered in this code or in rules adopted by the city council.

SECTION 2-209 CONFLICTS OF INTEREST AND DISCLOSURE

Section 2-209 (A) Eligibility and Requirements Prior to Holding Office

State law regulates both the eligibility for candidacy and the eligibility to hold office. Although the state and/or county election boards must determine eligibility for candidacy, the City is responsible for ensuring compliance with state law as it concerns eligibility to hold office. Oklahoma Statutes provide the following concerning eligibility to hold office:

Title 11, Section 8-101

> A municipal elected official shall be a resident and a registered voter of the municipality in which he serves, and all council members or trustees from wards shall be actual residents of their respective wards. If an elected official ceases to be a resident of the municipality, he shall thereupon cease to be an elected official of that municipality.

In order to ensure compliance with the above provisions, the following procedures are adopted by the City of Coweta to apply to ALL elected officials of the City of Coweta:

Upon the conclusion of the filing period for office, or prior to the appointment of any individual to fill an unexpired term, the City Clerk shall provide to the individual an affidavit wherein the individual shall state:

a. The location of their residence;
b. The dates in which they have resided at the stated location;
c. The address used for their voter registration;
d. The location of any other residency claimed during the preceding three (3) year
e. The location of any homestead exemption claimed during the preceding three (3) years

Upon receipt of the above affidavit, the City Clerk shall either:

f. Certify to the current city officials that the individual is eligible to hold office;
g. Request such other information from the individual as may be needed to make a determination of residency; or
h. Refer the matter to the City Attorney for additional investigation or action.

In those instances in which the information above does not satisfy the City Clerk and City Attorney that the residency requirements of state law are met, the City Attorney is authorized and directed to proceed as follows:

a. Immediately request such additional information as necessary to resolve the residency issue;
b. Bring an action in Wagoner County District Court requesting the Court to resolve the eligibility to hold office issue;

The City Council by approval of this ordinance directs that the City Clerk, and all other officials of the City, are precluded from administering the oath of office to any individual in which the eligibility to hold office issue has not been fully resolved, as set forth above, by certification of the City Clerk or by order of the District Court.

Section 2-209(B) CONFLICTS OF INTEREST AND DISCLOSURE

A. Any council member to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning any matter presented to the city council of the city should not participate in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare his interest and abstain from voting on the matter.

B. The disclosure requirements of this section shall also apply to city employees and officers and to all other boards or agencies of the city and the city's public works authority.

C. The city manager shall prepare and provide to council members a written form which shall be completed prior to any council meeting, provided to all members upon completion, fully disclosing in writing any and all conflicts of interest that may exist on an agenda item.

Section 2-209(C) MEETING ATTENDANCE AND CONTINUING RESIDENCY

The statutes of the State of Oklahoma provide as follows concerning the attendance of city council meetings by members:

> Whenever a member of the municipal governing body is absent from more than one-half of all meetings of the governing body, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Further, state law requires any council member in office to maintain residency within the City of Coweta throughout their term of office.

The primary responsibility to ensure compliance with the above provision shall be upon the office holder involved. Further, upon knowledge of a failure to comply, <u>all</u> other elected officials, the city manager, the city clerk, and the city attorney shall have the obligation to advise the other city officials of the failure to comply. All city officials acknowledge no city official has the authority to grant exceptions to the above statutory requirement, to overlook a noncompliance, or to allow any elected official to continue to discharge the duties of office after such a forfeiture, absent action by the elected officials to fill the vacancy that exists as they see fit, pursuant to state law.

Section 2-209(D) CODE OF CONDUCT

The following Code of Conduct is adopted to regulate the conduct and activities of the Elected Officials of the City of Coweta:

CITY OF COWETACODE OF CONDUCT FOR ELECTED OFFICIALS

The Three R's of Coweta Government Leadership: Roles, Responsibilities and Respect

Oklahoma State Statutes and City Ordinances provide detailed information on the roles and responsibilities of Council members, the Vice Mayor, and the Mayor. However, until now, what has not been clearly written down is a Code of Conduct for Coweta's elected officials.

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others that they may come into contact while representing the City of Coweta. The policy defines more clearly the behavior, manners and courtesies that are suitable for various occasions. The policy also considers a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual, through words and actions, is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.

In order to control modifications to the Council Code of Conduct, 4/5th majority approval must be obtained from the Coweta City Council before modifications can be enacted.

Overview of Roles & Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Oklahoma State Statues, Coweta Code of Ordinances and the Municipal Handbook from the Oklahoma Municipal League.

MAYOR

Elected by the Coweta City Council on each odd-numbered year.
Acts as the official head of the City for all ceremonial purposes and military law.
Chairs Council meetings.
Calls for special meetings.
Recognized as spokesperson for the City
Selects substitute for City representation when Mayor cannot attend
Makes judgment calls on proclamations.
Recommends subcommittees, as appropriate, for Council approval.
Leads the Council into an effective, cohesive working team.
Signs documents on behalf of the City.

VICE MAYOR

Elected by the Coweta City Council on each odd-numbered year.
Performs the duties of the Mayor if the Mayor is absent or disabled.
Chairs Council meetings at the request of the Mayor.
Represents the City at ceremonial functions at the request of the Mayor.
Moves or Makes routine motion on consent items on the City Council.

COUNCIL MEMBERS

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes.

No Council member has more power than any other Council member, and all should be treated with equal respect.

All Council members should:

Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
Prepare in advance of Council meetings and be familiar with issues on the agenda.
Represent the City at ceremonial functions at the request of the Mayor.
Be respectful of other people's time.
Stay focused and act efficiently during public meetings.
Serve as a model of leadership and civility to the community.
Inspire public confidence in our government.
Provide contact information with the City Manager in case an emergency or urgent situation arises.
Demonstrate honesty and integrity in every action and statement.
Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Council member is designated as Chair of a specific meeting.

The Chair shall:

> Maintain order, decorum, and the fair and equitable treatment of all speakers.
> Keeps discussion and questions focused on specific agenda items under consideration. Makes parliamentary rulings with advice, if requested, from the City Manager who shall act as an advisory parliamentarian.

FORMER COUNCIL MEMBERS

Past members of the City Council who speak to the current City Council about a pending issue should disclose whom they are speaking on behalf of (individual or organization).

Policies & Protocol Related to Conduct

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Council members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council member(s) or City staff.

If correspondence is addressed only to one Council member, that Council member should check with staff on the best way to respond to the sender.

Endorsement of Candidates

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

General City Council Comments

Council members are able to speak during the General City Council Comments portion of the Council meeting. However, the City Council shall make no decision or action except as to request the City Manager to schedule the matter for Council discussion at a later date.

Public Meeting Hearing Protocol

The applicant or appellant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine how much time will be allowed for each speaker, with three to five minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Councilmembers will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Council members are not appropriate until after the close of the public hearing. Council members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Travel Expenses

All Council travel, in which the Council member expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council.

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of our community. In all cases, this common goal should be acknowledged even as the Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions will be tolerated.

Honor the role of the Chair in maintaining order

It is the responsibility of the Chair to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other Council members.

If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches.

Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

Continue respectful behavior in private.

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voice mail messages, and e-mail**.**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voice mail message was played on a speaker phone in a full office?

What would happen if this e-mail message was forwarded to others? Written notes, voice mail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence.

Elected officials are always on display — their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable

Limit contact to specific City staff.

Questions of City staff and/or requests for additional background information should be directed only to the City Manager. The City Manager should be copied on any request, except those to the City Attorney. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manger for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.

Never publicly criticize an individual employee.

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's Department Head. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

Do not get involved in administrative functions.

Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Check with City staff on correspondence before taking action**.**

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

Do not attend meetings with City staff unless requested by staff. Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

Limit requests for staff support.

Routine secretarial support will be provided to all Council members. All mail for Council members

Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items. Requests for additional staff support — even in high priority or emergency situations -- should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Council Conduct with the Public

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness.

"I give many public presentations so standing up in front of a group is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

Be fair and equitable in allocating public hearing time to individual speakers

"The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me." No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

Give the appearance of active listening.

It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information.

It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance.

Council members should be aware that their body language and tone of voice, as well as, the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings.

The City Manger serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair.

IN UNOFFICIAL SETTINGS

Make no promises on behalf of the Council.

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers, etc.).

Make no personal comments about other Council members.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.

Remember that despite its impressive population figures, Coweta is a small town at heart.

Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Coweta. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

Be clear about representing the City or personal interests.

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: (1) if his or her statement reflects personal opinion or is the official stance of the City; (2) whether this is the majority or minority opinion of the Council. If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.

If the Council member is representing another organization whose position is different from the City, the Council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation.

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Manager for filing as part of the permanent public record.

It is best that City letterhead not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. However, should Council members use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the minor viewpoint of the Council member.

Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a Board or Commission meeting, be careful to only express personal opinions.

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation -- especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Remember that Boards and Commissions serve the community, not individual Council members.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums.

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council member.

Inappropriate behavior can lead to removal.

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.

Council Conduct with the Media

Council members are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record."

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the City's position.

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

Public Disruption.

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

Inappropriate Staff Behavior.

Council members should refer to the City Manager any City staff that does not follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

Council members Behavior and Conduct.

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (either within the City of Coweta or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council members should point out to the offending Council member infractions of the Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Council member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The City Council should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the City Council. It is the City Council's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as, to recommend sanction options for

Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

Principles of Proper Conduct

Proper conduct IS ……

Keeping promises.
Being dependable.
Building a solid reputation.
Participating and being available.
Demonstrating patience.
Showing empathy.

Holding onto ethical principles under stress.
Listening attentively.
Studying thoroughly.
Keeping integrity intact.
Overcoming discouragement.
Going above and beyond, time and time again.
Modeling a professional manner.

Proper conduct IS NOT ……

Showing antagonism or hostility.
Deliberately lying or misleading.
Speaking recklessly.
Spreading rumors.
Stirring up bad feelings, divisiveness.
Acting in a self-righteous manner.

It all comes down to respect

Respect for one another as individuals. Respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct

Will my decision/statement/action violate the trust, rights or good will of others?
What are my interior motives and the spirit behind my actions?
If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
How would my conduct be evaluated by people whose integrity and character I respect?
Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
Is my conduct fair? Just? Morally right?
If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
Does my conduct give others reason to trust or distrust me?
Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
Do I exhibit the same conduct in my private life as I do in my public life?
Can I take legitimate pride in the way I conduct myself and the example I set?
Do I listen and understand the views of others?
Do I question and confront different points of view in a constructive manner?
Do I work to resolve differences and come to mutual agreement?
Do I support others and show respect for their ideas?
Will my conduct cause public embarrassment to someone else?

CHAPTER 3

CITY MANAGER

Section 2-301 City Manager appointment
Section 2-302 Duties

SECTION 2-301 CITY MANAGER APPOINTMENT

The council shall appoint a city manager for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside within the city. No Council member may be appointed city manager during the term for which he shall have been elected or within two (2) years after the expiration of his term.

SECTION 2-302 DUTIES

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

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

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

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

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

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

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

CHAPTER 4

FINANCE DEPARTMENT

Section 2-401 City Clerk
Section 2-402 Duties of City Clerk
Section 2-403 Same person may hold both offices
Section 2-404 City Treasurer
Section 2-405 Duties of City Treasurer

SECTION 2-401 CITY CLERK

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term, and removable by the manager. The city clerk shall have supervision and control of the finance department. There shall be such employees in the finance department as the council may authorize.

SECTION 2-402 DUTIES OF CITY CLERK

The city clerk shall collect or receive revenue and other money for the city and shall deposit the same daily as required by law. The clerk shall attend all council meetings and shall keep the journal of the proceedings of the council. He shall enroll in a book kept for the purpose, all ordinances and resolutions passed by the council. He shall keep the seal of the city and attest the signature of the mayor or vice mayor. He shall maintain a general accounting system for the city. He shall perform such other duties as may be required by law or ordinance for the city clerk.

SECTION 2-403 SAME PERSON MAY HOLD BOTH OFFICES

The same person may hold the office of city clerk and office of city treasurer at the same time. The council may appoint as city treasurer the same person who the manager has appointed as city clerk and vice versa.

SECTION 2-404 CITY TREASURER

There shall be a treasurer for the city, appointed as the city treasurer as provided herein. The treasurer is an officer of the city and shall be appointed by the city pursuant to state law.

SECTION 2-405 DUTIES OF CITY TREASURER

The treasurer shall deposit daily all funds coming into his hands in such depositories as the council may designate; and shall disburse such funds in the manner provided by applicable law or ordinance. He shall have such other powers, duties, and functions as may be prescribed by applicable law or by ordinance.

CHAPTER 5

OTHER DEPARTMENTS AND PERSONNEL

Section 2-501 City Attorney
Section 2-502 City-county Health Department; Director
Section 2-503 Officers and employees; number and classes; compensation
Section 2-504 Certain personnel to be bonded
Section 2-5O5 Oath
Section 2-506 Energy officer and committee
Section 2-507 Drug testing procedure adopted

SECTION 2-501 CITY ATTORNEY

The city attorney is appointed by the city manager for an indefinite term, and is removable by the manager. The city attorney is an officer of the city. The city attorney is the chief legal adviser of the council and all other officers, departments, and agencies of the city government in matters relating to their official powers and duties. He represents the city in proceedings in the courts, and performs all services incident to his position which may be required by law or ordinance. He may attend regular meetings of the council and prepare ordinances for the council. He may receive a regular salary as set by the council and, in addition thereto, receive reasonable fees for representing the city in lawsuits or controversies to which the city is a party, whether tried, settled or otherwise. He may provide other special services as requested by the council or manager. When duly authorized by the council or manager, he shall receive a reasonable fee for such special services.

SECTION 2-502 CITY-COUNTY HEALTH DEPARTMENT; DIRECTOR

If so designated by the city manager, the cooperative health department of the county and its director shall have the powers of a city health department and city health officer respectively for the city. References to health department and health officer or director of the health department in this code and in other ordinances of the city mean the cooperative health department and its director, unless the context clearly indicates another meaning.

SECTION 2-503 OFFICERS AND EMPLOYEES; NUMBER AND CLASSES; COMPENSATION

The council, by motion, resolution, or ordinance, may regulate the number of classes of officers and positions of employment in the various departments, offices, and agencies of the city government, and may determine or regulate the compensation to be paid to officers and employees.

SECTION 2-504 CERTAIN PERSONNEL TO BE BONDED

1. Before entering upon their official duties, the following personnel of the city government shall provide bonds for the faithful performance of their official duties, payable to the city, with a surety company authorized to operate within the state, in such amounts as set or approved by the council:

   a. City clerk; and
   b. City treasurer.

2. The council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.

3. The city shall pay the premiums on the bonds.

SECTION 2-505 OATH

Every officer of the city as required by law, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution.

SECTION 2-506 ENERGY OFFICER AND COMMITTEE

1 There is hereby designated an employee within existing city staff who shall be known as the local energy officer (LEO). This person shall be chosen from the staff and shall be someone with either technical knowledge of the city's utility and energy services or someone with knowledge concerning the city's overall operations. This person shall be recommended by the city manager and appointed by majority vote of the city council.

2. There is hereby created a committee which shall be known as the energy management committee.

3. The energy management committee shall consist of five (5) members to be appointed by a majority of the city council.

4. The term of office of a member of the energy management committee shall be two (2) years and shall end on the first Monday of November. Of the original appointed members, one shall serve for one year, two (2) shall serve for three (3) years, and two (2) shall serve for two (2) years. The individual term of office of an original appointed member shall be determined by the mayor in such manner as he shall select.

5. Any vacancy which occurs in the energy management committee shall be filled for the unexpired term in the same manner as the original appointment.

6. A member of the energy management committee who shall miss three (3) consecutive regular scheduled meetings of the committee shall cease to be a member. The vacancy created shall be filled by an appointment of a new member to serve the remainder of the unexpired term by a majority vote of the city council.

7. The term of office for the LEO shall be established by the city manager and approved by a majority vote of the city council

8. The energy management committee and LEO shall hold regular monthly meetings. The members of the committee shall determine the time and place of such meetings. The local energy officer, the city manager, the mayor or any three (3) members of the energy management committee may call a special meeting.

9. Except for instances wherein executive sessions are authorized by state law, all meetings shall be open to the public with proper notice given as required by the Oklahoma Open Meetings Act.

10. The members of the energy management committee shall serve without compensation, but shall be reimbursed for such reasonable expense incurred in the performance of their duties as allowed by the city council. The LEO shall be compensated through his salary.

11. The energy management committee shall select from its membership a vice-chairman and a secretary to serve for terms of one year. The LEO shall serve as the chairman of the committee. The secretary shall keep minutes of all meetings of the board and certify to the chairman that proper notice has been given to the city clerk and the public of all meetings

12. The duties and powers of the energy management committee are as follows:
    1. The energy management committee shall serve as an advisory committee to the city council and city manager;
    2. Copies of city utility bills, contracts, franchise agreements and records pertaining to expenditures shall be made available to the committee upon request;
    3. The committee shall develop an ongoing energy management program (EMP) to be citywide as a method of:

    a. Reducing energy costs by identifying energy management opportunities for which effective solutions are commercially available;

b. Developing and maintaining a regularly scheduled maintenance program of all facilities;
c. Identifying and implementing "low cost/no cost measures" for proper energy management;
d. Developing strategies for future energy management measures;
e. Conducting technology seminars with manufacturers to keep abreast of current technology and future trends;

4. The committee shall monitor the EMP on an ongoing basis to ensure the program is obtaining the desired objectives, forecast savings, and policies of the program's current direction;

5. The committee shall prepare quarterly reports involving the status, current objectives, goals and accomplishments of the energy management program;

6. The committee shall hold two (2) public meetings annually to obtain citizen input, and to inform the citizens of the current status, objectives, goals and accomplishments of the EMP;

7. The committee chairman shall present the quarterly reports to the city council with recommendations for consideration of implementation; and

8. The committee's secretary shall provide copies of the minutes to the office of the city clerk within ten (10) days from the date of their approval.

SECTION 2-507 DRUG TESTING PROCEDURE ADOPTED

The city's "Substance Abuse Testing" procedure, as adopted by Ordinance No.468, 6/5/95, and any amendments thereto, is hereby adopted and incorporated herein by reference, applicable fully as if set out at length herein. The procedure covers employees and applicants of the city and public works authority, training, testing, notices, consequences, hearing and other matters.

CHAPTER 6

CITY RECORDS

Section 2-601 Appointment of official custodians
Section 2-602 Designation of additional record custodians
Section 2-603 Duties of custodians
Section 2-604 Requests to be directed to custodians
Section 2-605 Procedures regarding both inspection and copying of open public records
Section 2-606 Procedures regarding inspection of open public records
Section 2-607 Procedures regarding copies of open public records
Section 2-608 No fee for inspection
Section 2-609 Copying fee
Section 2-610 Fee for mechanical reproduction
Section 2-611 Search fee
Section 2-612 Repayment of fees

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS

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

1. City Clerk. All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this chapter;
2. City Treasurer. All public records not on file in the office of the clerk and kept and maintained in the city treasurer's office;
3. Chief of Police. All public records not on file in the office of the city clerk and kept and maintained in the city police department;
4. Fire Chief. All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
5. City Attorney. All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office;
6. Court Clerk. All public records not on file in the office of the city clerk and kept and maintained in the municipal court; and
7. City Librarian. All public records not on file in the office of the city clerk and kept and maintained in the city library.

SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS

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

2. Whenever an official custodian shall appoint another person as a record custodian he or she shall notice the city clerk of such designation and the city clerk shall maintain a register of all such designations.

SECTION 2-603 DUTIES OF CUSTODIANS

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

SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2-606 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS

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

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

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

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

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

SECTION 2-607 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS

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

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

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

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

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

SECTION 2-608 NO FEE FOR INSPECTION

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

SECTION 2-609 COPYING FEE

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

SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION

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

SECTION 2-611 SEARCH FEE

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

SECTION 2-612 PREPAYMENT OF FEES

A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars ($20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

CHAPTER 7

SOCIAL SECURITY

Section 2-701 Declaration of policy to come under coverage
Section 2-702 Execution of agreement with state agency
Section 2-703 Withholdings
Section 2-704 Contributions
Section 2-705 Records and reports
Section 2-706 Exclusions

SECTION 2-701 DECLARATION OF POLICY TO COME UNDER COVERAGE

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

SECTION 2-702 EXECUTION OF AGREEMENT WITH STATE AGENCY

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-701 of this code.

SECTION 2-703 WITHHOLDINGS

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-701 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations.

SECTION 2-704 CONTRIBUTIONS

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

SECTION 2-705 RECORDS AND REPORTS

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

SECTION 2-706 EXCLUSIONS

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

1. Any authority to make any agreement with respect to any position, employee or official covered or authorized to be covered as of the initial effective date of this chapter by any other ordinance creating any retirement system for any employee or official of the city; or

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

CHAPTER 8

RETIREMENT AND PENSIONS

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

Section 2-801 Fire pension and retirement system.

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

Section 2-810 Employee retirement system created
Section 2-811 Administration
Section 2-812 Fund
Section 2-813 Appropriations
Section 2-814 Execution
Section 2-815 Conflicting laws

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

SECTION 2-801 FIRE PENSION AND RETIREMENT SYSTEM

There is hereby created a local firefighter's pension and retirement board composed of the mayor, the clerk and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions and the fund shall operate as prescribed by Sections 49-103 et seq. of Title 11 of the Oklahoma Statutes. The system shall operate in accordance with applicable state law.

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

SECTION 2-810 EMPLOYEE RETIREMENT SYSTEM CREATED

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promote public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of September 1, 1985, the funded pension plan designated "Employee Retirement System of Coweta, Oklahoma" (hereinafter called "system"), and as amended from time to time, an executed counterpart of which is marked "Exhibit A" to ordinance adopting and amending the system.

Ed. Note: Exhibit A is on file in the city clerk's office and is subject to public inspection. See Ordinance Table for amendments to the retirement plan.

SECTION 2-811 ADMINISTRATION

For the purpose of administration of the system there is hereby established a board of trustees, which shall be the members of the city council of the city as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the board of trustees shall be set forth in the system instrument marked "Exhibit A" as mentioned in Section 2-810.

SECTION 2-812 FUND

A fund is hereby provided for the exclusive use and benefit of the person entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the city clerk, who shall be the treasurer of the system. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities and towns in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose which contract shall be executed by the city council as soon as feasible. The city clerk shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the board of trustees. The fund shall be non-fiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. The fund and system shall be evaluated each year for actuarial soundness by a qualified actuarial firm.

SECTION 2-813 APPROPRIATIONS

The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions, to maintain its amended retirement system and the fund on a sound actuarial basis in accordance with the respective biannual actuarial valuation.

SECTION 2-814 EXECUTION

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

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

SECTION 2-815 CONFLICTING LAWS

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

CHAPTER 9

DRUG & ALCOHOL TESTING PROCEDURES

Section 2-901 Substance Abuse Testing
Section 2-902 Job Applicant Testing
Section 2-903 Current Employee Testing
Section 2-904 Supervisor Training
Section 2-905 Prior Notice of Testing Training
Section 2-906 Consent
Section 2-907 Refusal to Consent – Applicants
Section 2-908 Refusal to Consent – Employees
Section 2-909 Confirmation of Test Results
Section 2-910 Consequences of a Confirmed Positive Test Result
Section 2-911 Right to Hearing
Section 2-912 Confidentiality of Test Results
Section 2-913 Privacy in Drug Testing
Section 2-914 Laboratory Testing Requirements
Section 2-915 Notification of Federal Agencies
Section 2-916 Civil Rights
Section 2-917 Effect on Other Personnel Policies

SECTION 2-901 SUBSTANCE ABUSE TESTING

A. Definitions:

"Employee" as used in this Article means any person who supplies a service for remuneration or pursuant to any contract for hire with the City of Coweta or the Coweta Public Works Authority (CPWA)

"Job Applicant" means a person who applies to become an employee of the City of Coweta or CPWA.

"City" means the incorporated City of Coweta, Oklahoma, and its public trust, the Coweta Public Works Authority (CPWA)

B. All prospective full-time employees of the City, part-time employees and volunteers and independent contractors which in the discretion of the City Manager need to undergo pre-employment screening due to the nature of services to be rendered, and those current employees under the circumstances enumerated in this Ordinance shall be subject to testing for use of drugs by testing of bodily tissue, fluids, or products, including possible use of urinalysis, and alcohol by breath analysis as provided herein:

Drugs which may be tested for include:

Alcohol (ethyl)
Amphetamine / Methamphetamine (e.g., speed, crystal, crank)
Barbiturates (e.g., Amobarbital, Butabarbital, Phenobarbital, Secobarbital)
Cocaine and its derivatives (e.g., coke, crack, speedballs)
Methaqualone (e.g., Quaalude)
Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone, Dilaudid, Tylenol #3, or #4, Loritabs)
Phencyclidine (PCP)
Cannabinoids (e.g., Marijuana, THC, Hashish)
Benzodiazepines (e.g., Valium, Librium, Loripam, Diazepam, Xanax, Oxazepam, Serax, Dalamane, Ativan)
Hallucinogens (e.g., LSD, Peyote, Mescaline)
synthetic narcotics (e.g. Methadone)
Designer drugs (e.g., Angel Dust)
A metabolite of any of the substances listed above.

Any identifiable traces in excess of laboratory cut-off levels of such substances, as set forth by the State Board of Health, shall be a violation of this Ordinance. Employees may be tested for the presence of alcohol by breath analysis upon "reasonable suspicion" that one is under the influence of alcohol on the job.

SECTION 2-902 JOB APPLICANT TESTING

General Standard: All applicants for employment with the City of Coweta or CPWA will be required to undergo a drug screening test upon a conditional offer of employment and prior to their final appointment without regard to whether reasonable suspicion of drug use exits. All employees, concerning whom there exists a "reasonable suspicion" of drug use, as defined in 3(a) of this ordinance, shall be subject to such testing.

SECTION 2-903 CURRENT EMPLOYEE TESTING

A. Reasonable suspicion. Any current City Employee will be required to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours or is using alcohol or drugs which do or may affect his behavior during employment. "Reasonable suspicion" means an articulable belief based on specific objective and articulable facts and reasonable inference drawn from those facts in light of experience that an employee is under the influence of drugs or alcohol or suffering similar effects from prior use of the same. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

1. A pattern of abnormal or erratic behavior or an incident which creates a reasonable suspicion or drug or alcohol abuse.

2. Information provided by a reliable and creditable source and which has been independently corroborated;

3. Direct observation of drug possession or alcohol or dug use while at work or on duty;

4. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination or reflexes, unusual hyperactivity or drowsiness);

5. Evidence that an individual has tampered with an alcohol or drug test during his employment with the City;

6. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on the employer's premises or operating the employer's vehicle, machinery or equipment.

B. Supervisor Reports: Supervisors are required to report to the City Manager all incidents or information creating a reasonable suspicion of which they have knowledge and detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the City Manager. After evaluation of the report by the City Manager, the City Manager shall request the employee submit to drug testing if, in the discretion of the City Manager, sufficient facts warrant the suspicion of drug use. The facts underlying the determination of reasonable suspicion shall be disclosed to the employees at the time the demand is made.

C. The City Manager may require testing of an employee if he observes conduct which creates a reasonable suspicion of prohibited drug or alcohol usage or if it is brought to his attention, although not by a supervisor.

D. The City Manager may request or require an employee to undergo drug or alcohol testing on a random basis of selection or as part of a routinely scheduled exam for all members of any employment classification if such employee:

Is a police officer;
Is authorized to carry a firearm;
Is engaged in activities which directly affect the safety of others, such as firefighters, lifeguards, or heavy equipment operators.

E. The City Manager or a Department Supervisor may require an employee to undergo drug or alcohol testing if they have a reasonable suspicion that the employee or another person has sustained a work related injury or the employer's property has been damaged as a direct result of the employee's use of drugs or alcohol.

F. The City Council shall follow the procedures set forth herein for requiring testing for its direct appointees who receive compensation from the City.

SECTION 2-904 SUPERVISOR TRAINING

The City shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct and behavior that give rise to a reasonable suspicion of drug or alcohol use.

SECTION 2-905 PRIOR NOTICE OF TESTING POLICY

The City shall provide written notice of its drug and alcohol testing policy to all employees and job applicants by initial posting in a conspicuous place in the Coweta City Hall and by informing all employees. The notice shall contain the following information:

1. The consequences of refusing to undergo a drug and alcohol test;
2. The right of an applicant or employee, in confidence, to explain a positive test result and the appeal procedures available;
3. The right of an applicant or employee to obtain all information and records related to that individual's testing
4. That the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the work place and will subject an employee to discipline including termination.

SECTION 2-906 CONSENT

Before a test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City Officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug testing policy and to indicate a current or recent use of prescription or over-the-counter medication.

The consent form shall set forth the following information:

The procedure for confirming an initial positive result;
The consequences of a confirmed positive result;
The right to explain a confirmed positive test result and the appeal procedures available;
The consequences of refusing to undergo a drug and alcohol test;
Whether the employee has used any of the substances enumerated in 1(b) within four weeks prior to the test.

SECTION 2-907 REFUSAL TO CONSENT - APPLICANTS

A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the City.

SECTION 2-908 REFUSAL TO CONSENT - EMPLOYEES

Refusal to consent to testing by an employee for whom reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action, including termination.

SECTION 2-909 CONFIRMATION OF TEST RESULTS

A. An employee or applicant whose drug test yields a positive result shall be given a second test, if requested, using gas chromatography or gas chromatography mass spectrometry (GC/MS) test or an equivalent method approved by State Board of Health rule. The second test shall use a portion of the same sample for use in the first test. A job applicant or employee may request a second test, but the cost of the same shall be advanced and paid by the applicant or employee prior to such second test.

B. If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the City Manager or his designee. The letter of notification shall identify the particular substance found and its concentration level.

C. If the retest reverses the findings of the challenged positive test, the City shall reimburse an employee of the costs of a retest, but shall not be required to reimburse a job applicant.

SECTION 2-910 CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT

A. All applicants for positions with the City of Coweta and current employees are hereby notified that the use of drugs will not be tolerated, except by the direction of practitioner licensed to dispense such substances and in compliance with the provisions of this Ordinance; and discharge from or denial of employment will normally result from the use of substances described in 1(b) of this Ordinance.

B. Applicants: Job applicants will be denied employment with the City if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

C. Employees: If an employee's positive test result has been confirmed the employee is subject to disciplinary action, including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, seriousness of the manner and variety of drug use and its effects upon job performance, candor, ability and willingness of the employee to refrain from use of drugs or alcohol and the existence of past disciplinary actions. No disciplinary actions may be taken against employees who, prior to demand for testing, voluntarily identify themselves as drug users, and if deemed appropriate, request leave of absence to obtain counseling and rehabilitation. Without cost to the City and thereafter refrain from violating the City's policy on drug and alcohol abuse and through periodic testing for up to two (2) years after returning to work demonstrate freedom from drug use. Such periodic testing to be at the sole discretion of the City Manager.

D. Positive Results: An employee whose bodily tissue, fluids or products yields a positive test results is subject to discharge even though the substance detected was taken pursuant to a prescription written by a licensed practitioner of the healing arts unless the employee promptly notified his supervisor of his intended consumption of such drugs as is provided in the following subsection.

E. Prescription medications: An employee will inform his supervisor any time prescribed medication enumerated in 1(b) of this ordinance is being taken. Failure to inform one's supervisor of consumption of prescribed medications specified in 1(b) may be grounds for discharge. When an employee gives such notice, the supervisor will require the employee to provide a doctor's written acknowledgment that the employee's use of such drug will or will not adversely affect his employment duties. If it will impair his performance, the supervisor may schedule other appropriate duty or require the employee to take available leave, including leave without pay until the medication usage ceases. An employee who is medically required to take such a drug on a continuing basis, may be reassigned if an appropriate position exists or, if not, is subject to discharge.

SECTION 2-911 RIGHT TO A HEARING

A. If an employee positive test result has been confirmed, the employee is entitled to a hearing before any final disciplinary action may be taken by the City. The employee must make a written request for a hearing to the City Manager or other hearing officer designated by the City Manager within 5 days of receipt by the employee of the confirmation test results. A trial as known by the judicial system of the State is not contemplated, but employees may be represented by legal counsel, present evidence and witnesses on their behalf, and confront the evidence against them.

B. No adverse personnel action may be taken against an employee based on a confirmed positive drug test result unless the hearing officer finds that:

1. The employee drug test results are accurate; and,
2. There is a reasonable suspicion to believe that the employee was affected by or under the influence of one or more of the substances enumerated in 1 (b) of this ordinance.

C. Within 10 days following the close of the hearing, the City Manager or other designated hearing officer shall prepare a written report and a brief summary of the facts, and inform the employee of the results and any action to be taken by the City.

D. An employee found to be in possession of any drugs as set forth in 1(b) in the workplace, except a Coweta Police Officer when said drugs have been confiscated and / or held for evidence in the course of their official duties, shall be subject to immediate suspension without pay pending a hearing, if a hearing is requested by the employee.

SECTION 2-912 CONFIDENTIALITY OF TEST RESULTS

All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant or the same is to be used in a civil or administrative action involving the individual tested and the City, or pursuant to Court Order. The results of a positive drug test shall not be released until the results are confirmed.

SECTION 2-913 PRIVACY IN DRUG TESTING

Urine samples shall be provided in a private rest room stall or similar enclosure so that employees may not be viewed while providing the sample. To preserve decency a view of the subject nude shall not be necessary; but street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The testing facility may provide other controls to protect the integrity of the sample.

SECTION 2-914 LABORATORY TESTING REQUIREMENTS

A. All drug and alcohol testing of employees shall be conducted at medical facilities or laboratories selected by the City Manager and which are licensed by the State Department of Health to perform such tests. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a testing facility include:

1. Testing procedure which ensure privacy to employees and applicants consistent with the prevention of tampering;
2. Methods of analysis which ensure reliable test results, including the use of gas chromatography / mass spectrometry to confirm positive test results;
3. Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
4. Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

B. If there is not substantial compliance with the testing procedures mandated by this ordinance; the results of testing on such occasion may not be utilized. Such a deviation from the testing procedures shall not, however, prohibit retesting the affected employees.

SECTION 2-915 NOTIFICATION OF FEDERAL AGENCIES

The City Manager shall notify in writing any Federal agency from which the City is receiving any grants or contracts within ten (10) days of the criminal drug conviction of an employee or within ten (10) day of actual notice of said conviction. As a condition of continued employment an employee must notify the City Manager within five (5) days of a criminal drug conviction in the workplace.

SECTION 2-916 CIVIL RIGHTS

The civil rights of all City employees will be scrupulously observed; and this ordinance has been drafted and will be interpreted with a design to honor those rights and protect the safety and welfare of others who may suffer serious harm by the use of drugs by those subject to the provisions of this ordinance. Should this or any portion of this ordinance be declared unenforceable or unconstitutional by any court or competent jurisdiction, those portions unaffected by such declaration shall remain in full force.

SECTION 2-917 EFFECT ON OTHER PERSONNEL POLICIES

The provisions of this ordinance shall supplement and govern over any other provisions in the Coweta City Code relating to personnel. In the event of an inconsistency between this ordinance and any other provision of the Coweta City Code, the terms and provisions of this ordnance shall govern.

PART 3

ALCOHOLIC BEVERAGES

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101 Purposes of chapter
Section 3-102 Terms and phrases
Section 3-103 Occupation tax
Section 3-104 When due and posting
Section 3-105 Tax required
Section 3-106 Civil Penalty
Section 3-107 Application for certificate, investigations
Section 3-108 Issuance of certificate of zoning and certificate of compliance
Section 3-109 Condition of sale
Section 3-110 Consumption prohibited, where
Section 3-111 Compliance required
Section 3-112 Compliance with zoning regulations required
Section 3-113 Prohibited locations
Section 3-114 Prohibited sales
Section 3-115 Transporting beverages
Section 3-116 Prohibited employment, minors on premises
Section 3-117 Dates, hours on which sale prohibited
Section 3-118 Drinking and intoxication in public place prohibited
Section 3-119 Not to permit intoxicated person in café, club
Section 3-120 Solicitation, nudity prohibited
Section 3-121 Penalty

CHAPTER 2

LOW-POINT BEER

Section 3-201 Definitions
Section 3-202 Hours of sale
Section 3-203 License fees
Section 3-204 License required
Section 3-205 Not to sell to minors
Section 3-206 Possession by minors
Section 3-207 Persons under eighteen (18) not to be employed
Section 3-208 Not to permit minors on premises, exceptions
Section 3-209 Unlawful transportation of low-point beer
Section 3-210 Prohibited location
Section 3-211 Penalty

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101 Purposes of chapter
Section 3-102 Terms and phrases
Section 3-103 Occupation tax
Section 3-104 When due and posting
Section 3-105 Tax required
Section 3-106 Civil Penalty
Section 3-107 Application for certificate, investigations
Section 3-108 Issuance of certificate of zoning and certificate of compliance
Section 3-109 Condition of sale
Section 3-110 Consumption prohibited, where
Section 3-111 Compliance required
Section 3-112 Compliance with zoning regulations required
Section 3-113 Prohibited locations
Section 3-114 Prohibited sales
Section 3-115 Transporting beverages
Section 3-116 Prohibited employment, minors on premises
Section 3-117 Dates, hours on which sale prohibited
Section 3-118 Drinking and intoxication in public place prohibited
Section 3-119 Not to permit intoxicated person in café, club
Section 3-120 Solicitation, nudity prohibited
Section 3-121 Penalty

SECTION 3-101 PURPOSES OF CHAPTER

This chapter is enacted as an exercise of the police power of the city to preserve the public peace, safety, health and good order thereof, and to aid the enforcement of the policy of the state as established by the Oklahoma Alcoholic Beverage Control Act, Sections 501 et seq. of Title 37 of the Oklahoma Statutes, and to establish annual occupation taxes upon all persons engaged in the manufacture, sale or distribution of alcoholic beverages.

SECTION 3-102 TERMS AND PHRASES

For the purpose of this chapter, all of the terms and phrases used in this chapter shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Control Act. "Minor" shall mean a person who, in accordance with state law, has not yet attained the age at which consumption of alcoholic beverages is permitted. "State licensee" means any person who holds a license issued under authority of the Oklahoma Alcoholic Beverage Control Act.

SECTION 3-103 OCCUPATION TAX

A. There is hereby levied an annual tax not to exceed the amounts adopted by the city council by motion or resolution.

B. The occupation taxes prescribed herein shall be reduced or prorated to the extent necessary to conform to applicable laws respecting the applicants or holders of state licenses.

C. The license fee for those service organizations which are exempt under Section 501 (c) (19) of the Internal Revenue Code for mixed beverage or bottle club licenses shall be Five Hundred Dollars ($500.00) per year.

SECTION 3-104 WHEN DUE AND POSTING

A. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the city clerk of the city 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. All occupation taxes shall expire on March 31 of each year. The occupation tax shall be prorated monthly for a year in which an occupation begins operations.

B. Any state licensee carrying on his occupation in more than one location within the city limits of the city shall be subject to the tax set out for each such location.

C. Upon payment of the occupation tax as set out, the city clerk shall issue a receipt to the state licensee which licensee shall post in a conspicuous place on the premises wherein he carries on his occupation. The city clerk shall also record the name of such licensee and the address where he engages in his occupation and such records shall be duly filed and kept in the permanent files of that office for at least three (3) years. Thereafter, upon approval of the governing body of the city, the records may be destroyed.

D. The city clerk shall make and transmit to the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission an annual report covering the final year showing the number and class of businesses upon which occupation taxes were levied, and the amount of money collected from such taxes.

SECTION 3-105 TAX REQUIRED

Any person who engages in any of the occupations taxed by this chapter without first paying the occupation tax imposed therefor in advance of such operation is guilty of an offense against the city, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. A penalty in the form of increased tax may he levied upon any person not paying the tax within fifteen (15) days after it is due.

SECTION 3-106 CIVIL PENALTY

All sums due from any person, firm or corporation by reason of occupation taxes imposed by this chapter shall be recoverable at the suit of the city brought against such person in any court of competent jurisdiction. In such suit, in addition to the tax, the city shall be allowed to recover interest at the maximum allowable rate permitted by state law upon all sums due by way of tax, from the date of accrual thereof, any penalty, and all costs of collection, judicial or otherwise including reasonable attorney's fees.

Prosecution for an offense against the city arising out of the failure to pay a tax levied by this chapter, regardless of the outcome or its continued pendency, shall not constitute a defense or a bar in any manner to the collection of any tax and penalties, if any are due, as herein provided

SECTION 3-107 APPLICATION FOR CERTIFICATE, INVESTIGATIONS

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

1. Filing a written application on forms prescribed by that office; and

2. Paying a verification and certification fee in the amount set by the council at the time of filing.

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

C. The city shall act on all such applications within twenty (20) days of receipt thereof.

SECTION 3-108 ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE

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

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

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

D. A conditional certificate may be granted if construction, modification or alteration of the premises proposed for licensed operations is not completed. The conditional certificate shall indicate that the proposed premises will comply with city zoning, fire, safety and health codes. A certificate in accordance with Subsections A and B of this section shall be issued within ten (10) days after all final inspections are complete.

SECTION 3-109 CONDITION OF SALE

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

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

SECTION 3-110 CONSUMPTION PROHIBITED, WHERE

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

SECTION 3-111 COMPLIANCE REQUIRED

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

SECTION 3-112 COMPLIANCE WITH ZONING REGULATIONS REQUIRED

No retail alcoholic beverage package store, no bottle club, and no wholesale alcoholic beverage store, warehouse, brewery, distillery, winery or any other place, however described, and for the manufacture or production or bottling of alcoholic beverages of any kind, shall be located, maintained, or operated by any person, at any place within the boundaries of the city except at a location at which such an establishment is permitted or authorized by the zoning ordinances of the city. No person shall own, operate, maintain or be interested in any retail alcoholic beverage store which is located at a place within the city limits of the city which is in violation of or forbidden as a location by the city or under the laws of the state.

SECTION 3-113 PROHIBITED LOCATION

The location of a retail package store, mixed beverage establishment or bottle club is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church, or school, shall be established within three hundred (300) feet of any licensed premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, mixed beverage establishment or bottle club along the street right-of- way line providing the nearest direct route usually traveled by pedestrians between such points.

For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school.

SECTION 3-114 PROHIBITED SALES

A. No person shall knowingly sell, deliver or furnish alcoholic beverages, at any place within the city limits of the city to any person who is a minor. Neither shall any minor misrepresent his age verbally or in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him alcoholic beverages.

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

SECTION 3-115 TRANSPORTING BEVERAGES

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

1. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or
2. In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of a vehicle.

SECTION 3-116 PROHIBITED EMPLOYMENT, MINORS ON PREMISES

A. 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. However, this section shall not prohibit a mixed beverage, caterer, or special event licensee who may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas.

B No minor shall be permitted to remain within or to loiter about the premises of a retail alcoholic beverage store.

C. Violation of this provision shall subject the owner or proprietor, as well as the underage person, to prosecution.

SECTION 3-117 DATES, HOURS ON WHICH SALE PROHIBITED

A. No person shall open for business or keep open for business or sell or deliver alcoholic beverages, as defined herein, to any person at a retail alcoholic beverage store in the city on any Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day, or while the polls are open on the day of any general, primary, run-off 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 alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed drink beverage licensee or bottle club between the hours of 2:00 AM and 10:00 AM. No licensee shall permit any person, who has in his possession an open container, having as its contents an intoxicating alcoholic beverage, to remain in mixed beverage establishment between the hours of 2:15 AM to 10:00 AM. No person, having in his possession an open container, having as its contents an intoxicating alcoholic beverage, shall remain in mixed beverage establishment between the hours of 2:15 AM to 10:00 AM. For the purpose of this section, an open container shall mean any receptacle containing low-point beer or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

C. 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, run-off primary, or special election, whether national, state, county or city.

SECTION 3-118 DRINKING AND INTOXICATION IN PUBLIC PLACE PROHIBITED

No person within this city shall drink intoxicating liquor in any public place, nor shall any person be intoxicated in a public place within this city

SECTION 3-119 NOT TO PERMIT INTOXICATED PERSON IN CAFÉ CLUB

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

SECTION 2-120 SOLICITATION. NUDITY PROHIBITED

A. No licensee shall:

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

2. Advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of alcoholic beverages including:
   a. Deliver more than two (2) drinks to one person at one time;
   b. Sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
   c. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
   d. Sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
   e. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or
   f. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

B. No licensee shall:

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

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

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

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

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

SECTION 3-121 PENALTY

Any and each violation of any of the provisions of this chapter is an offense against the city and, upon conviction of such an offense; the violator shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

LOW-POINT BEER

Section 3-201 Definitions
Section 3-202 Hours of sale
Section 3-203 License fees
Section 3-204 License required
Section 3-205 Not to sell to minors
Section 3-206 Possession by minors
Section 3-207 Persons under eighteen (18) not to be employed
Section 3-208 Not to permit minors on premises, exceptions
Section 3-209 Unlawful transportation of low-point beer
Section 3-210 Prohibited location
Section 3-211 Penalty

SECTION 3-201 DEFINITIONS

In the administration of this chapter, the following words and phrases are given the meanings respectively indicated:

1. "Minor" means a person who, according to state law, has not yet attained the age at which consumption of low-point beer is permitted under state law;

2. "Low-point beer" means beverage containing more than one-half of one percent (.5%) alcohol by volume and less than three and two-tenths percent (3.2%) alcohol by weight;

3. "Place of business" means each separate location or service unit in which or from which low-point beer is sold, delivered or otherwise furnished; and

4. "Retail dealer" means and includes any person who sells any non- intoxicating alcoholic beverage as defined herein for consumption or use and not for resale.

SECTION 3-202 HOURS OF SALE

It is unlawful for any owner, firm, person, operator, corporation, proprietor, or manager of any beer tavern, beer garden, beer hall, tap room or any other premises or place in which the principal business is that of selling low-point beer for consumption on the premises to barter, sell, dispense or otherwise furnish low-point beer for consumption on the premises of his place of business between the hours of 2:00 AM and 7:00 AM on any day.

SECTION 3-203 LICENSE FEES

There is hereby levied on each retail dealer in low-point beer within the city selling such beverages for consumption on or off the premises of the dealer's place of business, and for a retail dealer selling such beverages not for consumption on his premises, a license fee per annum as set by the council by motion or resolution. A separate license fee shall be paid for each place of business, as herein defined, operated and conducted by the retail dealer.

SECTION 3-204 LICENSE REQUIRED

A. It is unlawful and an offense for any person to sell, distribute or dispense within the city any low-point beer to the public for consumption or use without first having obtained a license therefor from the city clerk. Every person desiring to engage in business as a retail dealer in low-point beer or to continue in the business within the city shall make application to the city clerk on forms to be provided, setting forth the locations of the business, together with the applicant's address, and if a corporation, the name of the president and managing officer. The application shall show the date and permit number of the permits issued by the district court judge and the Oklahoma Tax Commission as required by law.

B. Upon a showing that the applicant has obtained his permits from the district court judge and the Oklahoma Tax Commission and after payment of the license fee to the city, such license shall be issued forthwith. All licenses shall expire on June 30 of each year. Licenses issued hereunder shall not be assignable or transferable, and the fee shall not be prorated for part of the year. The city license shall be displayed in the licensee's place of business. The license may be cancelled for any violation of the laws of the state for which the licensee's county or state license may be cancelled, and in a similar manner.

SECTION 3-205 NOT TO SELL TO MINORS

It is unlawful for any person to sell, offer, give away, procure for, barter or otherwise dispense to any minor any low-point beer or for any minor to purchase, receive, or procure any low-point beer.

SECTION 3-206 POSSESSION BY MINORS

A. "Possession" under the terms of this chapter shall consist of actual physical possession and shall further include any low-point beer accessible or within the range of reach of hands of any such person.

B. It is unlawful for a minor to be in possession of any low-point beers upon any public street, avenue, alley, road, highway or public building or place.

SECTION 3-207 PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED

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

B. It 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 low-point beer. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of the beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell low-point beer for consumption on the premises from the provisions of this subsection.

C. A parent as regards the employment of his own child or children is exempted from the provisions of this section, provided that such employment shall in no capacity whatsoever is related to the selling or dispensing of such beverages.

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

SECTION 3-208 NOT TO PERMIT MINORS ON PREMISES, EXCEPTIONS

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

B. If the premise of a holder of a license to sell low-point beer contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer for consumption on the premises, no minor shall enter, attempt to enter, or remain in the area. The provisions of this subsection shall not prohibit minors from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the main purpose, if the minors are not sold or served or do not consume low-point beer anywhere on the premises; however, the incidental service of food in the bar area shall not exempt minors from the provisions of this subsection.

C. A showing by competent testimony that a minor was found upon premises of a retail dealer shall be prima facie evidence of a violation of Subsection B of this section.

SECTION 3-209 UNLAWFUL TRANSPORTATION OF LOW-POINT BEER

It is unlawful for any person knowingly to transport in any moving vehicle upon a public street or alley, or any public way within this city any low-point beer unless it is:

1. In the original container which shall not have been opened and from which the original cap or seal shall not have been removed; or
2. If it is in an opened container, the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or to any other person in the vehicle while it is in motion.

SECTION 3-210 PROHIBITED LOCATION

It is unlawful for any place licensed to sell low-point beer for on-premise consumption to be located within three hundred (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 three hundred (300) feet of any place which sells low-point beer for on-premise 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 sixty (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 sell such low-point beer for on-premise 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 above restrictions shall not affect premises already licensed as of the initial effective date of this section to sell low-point beer for on-premise consumption or premises which may presently or in the future be licensed to sell low-point beer for on-premise consumption even though a school or church is subsequently established within three hundred (300) feet of such licensed premises.

SECTION 3-211 PENALTY

Any and each violation of any of the provisions of this chapter is an offense against the city and, upon conviction of such an offense; the violator shall be punished as provided in Section 1-108 of this code.

PART 4

ANIMALS

CHAPTER 1

ANIMAL REGULATIONS

ARTICLE A

GENERAL PROVISIONS

Section 4-101 Definitions
Section 4-102 Animals not to be at large
Section 4-103 Turning animals at large unlawful
Section 4-104 Pasturing in public areas illegal
Section 4-105 Certain animals not to be kept within city, exceptions
Section 4-106 Animals which disturb prohibited
Section 4-107 Buildings for animals; construction and conditions
Section 4-108 Animal control officer to inspect
Section 4-109 Animal a nuisance
Section 4-110 Vicious, dangerous animals unlawful; permit and insurance for dangerous or vicious dogs; confinement
Section 4-111 Females in season to be confined
Section 4-112 Kennels, permits
Section 4-113 Dog and cat sterilization

ARTICLE B

DOG AND CAT VACCINATION, LICENSE TAGS AND TAX

Section 4-120 Dogs and cats to be vaccinated
Section 4-121 Dog and cat license; registration; tag
Section 4-122 Tag to be placed on collar; lost tags
Section 4-123 Tags; counterfeiting; placing on other dogs or cats

ARTICLE C

Section 4-130 Shelter established
Section 4-131 Animals to be impounded
Section 4-132 Breaking shelter
Section 4-133 Fees for impounding
Section 4-134 Owner may redeem
Section 4-135 Disposition, sale of impounded animals
Section 4-136 Owner may claim excess money

ARTICLE D

CRUELTY TO ANIMALS

Section 4-140 Cruelty to animals
Section 4-141 Poisoning animals
Section 4-142 Encouraging animals to fight
Section 4-143 Animal protection, other acts prohibited

ARTICLE E

EXOTIC ANIMALS

Section 4-150 Keeping of wild, exotic or dangerous animals, application

ARTICLE F

ZONING ORDINANCE TO PREVAIL

Section 4-160 Zoning ordinance to prevail

ARTICLE G

RABIES PROCEDURES

Section 4-170 Dogs and cats confined; when
Section 4-171 Confinement required
Section 4-172 Report of changes by veterinarian
Section 4-173 Fees paid by owner
Section 4-174 Confinement by city or county
Section 4-175 Enforcement

Section 4-176 Destruction or observation
Section 4-177 Report of bites, action and notice by city
Section 4-178 Animals considered exposed
Section 4-179 Re-immunization of vaccinated, exposed animals

ARTICLE H

PENALTIES

Section 4-180 Penalty

CHAPTER 2

(RESERVED)

CHAPTER 3

(RESERVED)

CHAPTER 4

Section 4-414 Nuisance, Potentially Dangerous and Dangerous Dogs

ARTICLE A

GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Animal" means all vertebrate and invertebrate animals such as, but not limited to, any dog, cat, bovine, cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals, reptiles, fish or birds that have been tamed, domesticated or captivated;

2 "Animal control officer" means the person or persons designated by the city manager as an enforcement officer for this chapter;

3. "Animal shelter" means any premises officially designated by the city for the purpose of impounding and caring for all animals found in violation of this chapter;

4 ."At large" means any dog or cat when he is not under restraint;

5. "Cat " means and includes any cat and every other animal of feline species at the age of two (2) months or older which is situated within the city limits for a period of fifteen (15) consecutive days or more;

6. "Cattery" means any premise operated for profit where there is being maintained or harbored a total of four (4) or more cats, except veterinary hospitals;

7. "Confined on the premises" means that condition in which a dog or cat is securely and physically confined and retained on and within the premises of the owner or keeper by means of walls or fences;

8. "Contracted veterinarian" means a licensed veterinarian who has entered into a contract with the city to provide services pertaining to animal control;

9. "Dangerous animal" means any animal that when unprovoked:

a. Approaches a person in a menacing fashion or apparent attitude of attack on public property;

b. Has a known propensity, tendency or disposition to attack, cause injury, or otherwise to threaten the safety of humans or domestic animals;

c. Has been on three (3) or more occasions at large; or

d. Is un-licensed;

10. "Dog" means any dog or other animal of the canine species at the age of two (2) months or more which is situated within the city limits for a period of fifteen (15) days or more;

11. "Harboring" means any person who allows any animal to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any other premises in which such person resides or controls, shall be considered as harboring such animal;

12. "Kennel" means any premise operated for profit where there is being maintained or harbored a total of three (3) or more dogs, over three (3) months of age, except veterinary hospitals;

13. "Owner" means any person or group of persons possessing, keeping, harboring, having an interest in or having custody or control of an animal or animals;

14. "Restraint" means a dog or cat is under restraint within the meaning of this chapter if he is controlled by a leash not more than eight (8) feet in length or at "heel" beside a competent person and obedient to that person's commands, or confined on the premises of his owner or keeper;

15. "Stray" means any animal which does not appear, upon reasonable inquiry, to have an owner;

16. "Unconfined dangerous animal" means a dangerous animal that is not:

a. Securely confined indoors on the premises of the owner;

b. Confined in a securely closed and locked pen or structure upon the premises of the owner;

c. Chained by a chain which will not allow it to come within six (6) feet of a fence which prevents the entry of young children on the premises of the owner; or

d. On the owner's premises, unless such animal is securely chained or leashed and muzzled and under the owner's physical control.

17. "Unconfined vicious animal" means a vicious animal that is not:

a. Securely confined indoors while on the owner's premises; or

b. In a securely enclosed and locked pen or structure suitable to prevent entry or injury of young children and preventing the animal from escaping. Such pen or structure shall have secure sides and top and enclosed within a fence to prevent young children from approaching the pen or structure;

18. "Vicious animal" means:

a. Any animal which has on two (2) or more occasions attacked or bitten either a human or a domestic animal; or

b. An animal that has been adjudicated to be vicious and is either un-licensed or unconfined; and

19. "Vicious dog" means any dog that when unprovoked has attacked or bitten either a human or a domestic animal on public or private property.

SECTION 4-102 ANIMALS NOT TO BE AT LARGE

No owner shall permit any animal (including a dog, cat or fowl) owned, harbored, or kept by him to be at large within the city. It is unlawful for any animal to be at large at any time within the city.

SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

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

SECTION 4-104 PASTURING IN PUBLIC AREAS ILLEGAL

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.

SECTION 4-105 CERTAIN ANIMALS NOT TO BE KEPT WITHIN CITY, EXCEPTIONS

A. It is unlawful for any person to keep swine, cattle, horse, mule, goat, sheep, livestock, fowl or exotic animal, as provided in Section 4-150 of this code, within the city, except in the following circumstances:

1. Those instances in which animals are kept in an enclosure awaiting an immediate transportation;

2. Those instances in which animals do not remain in the city for a period longer than seventy-two (72) hours; or

3. Those instances in which animals are kept on properties properly zoned agricultural by the city.

4. No more than two (2) chickens/hens are permitted in a single family dwelling only, no roosters are allowed, no outside slaughtering of birds, all fowl must be kept in a secure enclosure. Enclosure must be at least twenty-five (25) feet from the nearest neighbor's residence and enclosures are to be kept neat and sanitary at all times and cleaned on a regular basis so as to prevent offensive odors. The location of the cage/coop must be in the back yard of the house enclosed by chain link or privacy fence and must meet the requirements of an accessory structure in the city zoning ordinance for the zoning district in which it is located. The enclosure must protect the poultry from the elements. No chickens/hens are allowed within the city unless a valid permit has been issued by the City of Coweta.

   This section is not intended to apply to indoor birds kept as pets such as parrots or parakeets, nor does it apply to poultry kept in agriculturally zoned areas (AG). Fowl currently existing in the city shall not be "grand-fathered" or permitted to remain after the effective date of this Ordinance; however, owners of the poultry will have ninety (90) days from the effective date to come into compliance with is ordinance.

B. The keeping or maintaining, or permitting to be kept or maintained, any of the animals listed in Subsection A hereof within the city in violation of this section is hereby declared to be a public nuisance.

SECTION 4-106 ANIMALS WHICH DISTURB PROHIBITED

It is unlawful for any person to keep or harbor within the city any dog or other animal which, by barking, howling, crowing or otherwise, disturbs the peace and quiet of any person.

SECTION 4-107 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDTIONS

A. Every stable or building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times and not be offensive or dangerous to the public health.

B. Every such building, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure or droppings, of such size as to hold all accumulations of manure or droppings. 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 or droppings shall be allowed to accumulate on such premises except in the receptacle.

C. No building, structure, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement, business or residence other than that occupied by the owner or occupant of the premises upon which such animal(s) are kept. Such premises shall be maintained in clean and sanitary condition free from objectionable odors.

SECTION 4-108 ANIMAL CONTROL OFFICER TO INSPECT

The animal control 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 right of others to make such complaint.

SECTION 4-109 ANIMAL A NUISANCE

A. An animal is a nuisance which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits. Any animal which scratches or digs into any flower bed, garden, tilled soil, shrubbery, and in so doing injures the same, or which habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises, or which overturns any garbage can or vessel for waste products, or scatters the contents of same, or an animal which chases or kills any fowl or animal owned by another is also declared a nuisance. A female dog in season at large is a nuisance.

B. It is unlawful to own or harbor an animal which is determined to be a nuisance.

SECTION 4-110 VICIOUS DANGEROUS ANIMALS UNLAWFUL; PERMIT AND INSURANCE FOR DANGEROUS OR VICIOUS ANIMALS; CONFINEMENT

A. It is unlawful for the owner of a dangerous animal to permit the animal to be unconfined.

B. It is unlawful for the owner of a vicious animal to permit the dog to be unconfined.

C. No person shall transport a dangerous animal or a vicious animal in an open vehicle unless the animal is confined by leash or chain and muzzled or within a closed container.

D. It is unlawful to harbor or own a vicious animal. Such an animal shall be destroyed upon orders of the animal control officer or confined in an appropriate manner.

E. Owners of animals that have been adjudicated to be dangerous animals must purchase a permit in such sum as set by the city council from the city clerk and provide proof of liability insurance issued in the amount of at least Twenty Thousand Dollars ($20,000.00), insuring the owner for any personal injuries or property damage inflicted by the dangerous animal.

F. Owners of dogs that have been adjudicated to be vicious animals must purchase a permit from the city clerk and provide proof of liability insurance issued in the amount of at least Fifty Thousand Dollars ($50,000.00), insuring the owner for any personal injuries or property damage inflicted by the vicious animal.

SECTION 4-111 FEMALES IN SEASON TO BE CONFINED

It is unlawful for the owner to fail to keep any female dog or cat which is in season under restraint.

SECTION 4-112 KENNELS PERMITS

A. It is unlawful for any person to keep more than three (3) dogs over three (3) months of age within the limits of the city, unless the area on which the dogs are kept is being used as a kennel and the area is properly zoned for a kennel.

B. Any person who is not in compliance with Subsection A set forth herein shall be permitted a reasonable amount of time needed to procure a zoning permit for kennels and thereafter shall be subject to the provisions of Subsection A as set forth herein.

C. Any person who violates Subsection A set forth herein shall upon conviction thereof, be punished as provided in Section 1-108 of this code. Every day's violation of any provision of this chapter constitutes a separate offense.

D. For purpose of this section, a person is defined as any natural person or sum total of individuals who occupy in common a dwelling located at one residential address.

SECTION 4-113 DOG AND CAT STERILIZATION

The city hereby adopts in its entirety Sections 499 through 499.10 of Title 4 of the Oklahoma Statutes, the Dog and Cat Sterilization Act, which became effective November 1, 1986, and all amendments thereto, with the exception that deposits, fees and penalties in reference of that act shall be set and approved by motion or resolution of the city council of this city.

ARTICLE B

DOG AND CAT VACCINATION, LICENSE TAGS AND TAX

SECTION 4-120 DOGS AND CATS TO BE VACCINATED

The owner of a dog or cat over six (6) months of age shall have the dog or cat vaccinated against rabies by a veterinarian or other authorized person every calendar year before the thirty-first day of December thereof, or, in the case of a pup or kitten, before it is six (6) months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination.

SECTION 4-121 DOG AND CAT LICENSE; REGISTRATION; TAG

A. A charge as set by the council per year for every male or female dog or cat more than three (3) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the city.

B. The tax levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city for a period less than fifteen (15) days, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

C. The owner shall pay the tax levied to the city clerk or contracted veterinarian for every calendar year at the following times:

1. Before the first day of January of each calendar year; or

2. If the dog or cat is acquired or brought in the city after the first day of January, or becomes six (6) months of age after the first day of January, within fifteen (15) days after acquiring or bringing the dog or cat into the city or its becoming six (6) months of age. The fee for part of the year may be prorated based on the number of days left in the year, but in no instance shall the fee be less than one-half of the annual rate.

D. Before the city or contracted veterinarian accepts any money offered in payment of the tax for a dog or cat or issues a license for it, the person offering the tax shall present to the city clerk the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, that is, since the thirty-first day of the preceding December.

E. The owner of the dog or cat shall, at the time of paying the tax, 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 clerk or contracted veterinarian may request.

F. The city clerk or contracted veterinarian thereupon shall deliver an original receipt to the taxpayer and also an appropriate tag to him for the dog or cat. Such tag shall constitute a license for the dog or cat.

SECTION 4-122 TAG TO BE PLACED ON COLLAR; LOST TAGS

A. The owner shall cause the tag received from the city clerk or contracted veterinarian to be affixed to the collar of the dog or cat upon which the tax has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog 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 by applying to the city clerk or contracted veterinarian, presenting to him the original receipt, and paying to him a fee as set by the council.

SECTION 4-123 TAGS. COUNTERFEITING; PLACING ON OTHER DOGS OR CATS

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.

ARTICLE C

ANIMAL SHELTER

SECTION 4-130 SHELTER ESTABLISHED

A city animal shelter is hereby established under the jurisdiction of the police department. It shall be under the immediate control of an animal control officer or of such other person as may be officially designated. The person in charge of the shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a shelter maintained by the agency.

SECTION 4-131 ANIMALS TO BE IMPOUNDED

A. The animal control officer, a police officer, or such other officer or employee of the city as may be authorized by the city manager shall take into custody and impound any animal running at large or in violation of any provision of the ordinances of the city and may enter upon the premises of the owner or other private premises to take such animal into custody.

B. Animals taken into custody as provided in this chapter, shall be destroyed in a humane manner by the officer or employee of the city in charge of such animal, or by the animal control officer or contracted veterinarian, after seventy-two (72) hours have elapsed after taking the animal into custody, provided the animal is not redeemed or claimed as provided in this article. A description of the animal, the date impounded and the place of impoundment shall be kept by the pound officer or other officer in charge. If the owner can be identified by tag or otherwise, the animal control officer shall send notice to the owner orally by telephone or in writing at the address on the city's registration records that unless claimed by the owner, the animal will be disposed of as provided herein.

SECTION 4-132 BREAKING SHELTER

No unauthorized person shall:

A. Break or attempt to break open the shelter, or take or let out any animal therefrom;

B. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter; or

C. 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 chapter.

SECTION 4-133 FEES FOR IMPOUNDING

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 clerk and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

C. Any person redeeming a dog or cat not licensed as required by Sections 4-120 through 4-127 of this code shall pay the required license tax to the city clerk and secure a tag and present the receipt therefor and the tag to the person in charge of the pound 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 pound shall require adequate evidence of the proper licensing of the dog or cat before releasing it.

SECTION 4-134 OWNER MAY REDEEM

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

SECTION 4-135 DISPOSITION. SALE OF IMPOUNDED ANIMALS

A. As soon as practicable after any animal of apparent value has been impounded, the animal control officer or other employee or officer impounding the animal, shall inform the chief of police; and the chief of police shall thereupon post a notice thereof at the police office of the city. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed.

B. Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the chief of police. If an impounded animal cannot be sold, he shall destroy the animal, or have it destroyed, in a humane manner, or otherwise dispose of it in a legal manner.

C. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

D. The police department shall pay to the city clerk all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of the city clerk is open for business.

SECTION 4-136 OWNER MAY CLAIM EXCESS MONEY

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

ARTICLE D

CRUELTY TO ANIMALS

SECTION 4-140 CRUELTY TO ANIMALS

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.

SECTION 4-141 POISONING ANIMALS

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

SECTION 4-142 ENCOURAGING ANIMALS TO FIGHT

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

SECTION 4-143 ANIMAL PROTECTION OTHER ACTS PROHIBITED

A. It is unlawful for any person to deposit within the limits of this city any animal or animals with the intention of abandoning same.

B. It is unlawful to carry out inhumane treatment against any animal. Inhumane treatment is hereby defined to include, but is not limited to, the following:

1. Any physical punishment inconsistent with the health of such animal;
2. Lack of food or water for more than a twenty-four (24) hour period;
3. Knowingly permitting obvious nutritional deficiencies or other evident health problems involving any animal;
4. Improper use o£ any collar or harness or a fixed leash for the purpose of confining any animal which results in flesh laceration, obvious pain or to cause choking to such animal;

5. Depriving animal of adequate shelter; and

6. Inhumane killing or attempting to kill any animal.

C. It is unlawful for any person to set out, dispose of, cause or permit any animal, to be exposed to any drug, chemical or other substance whatever, in any open place, whether public or private property; when such substances poisonous or capable of causing the death or dangerous sickness of any domestic or household animal.

D. Upon conviction of a violation of this chapter for inhumane treatment to any animal, it is unlawful for the owner or keeper of such animal to not release such animal kept in inhumane conditions to an animal control officer for disposition in accord with the provisions of this chapter.

ARTICLE E

EXOTIC ANIMALS

SECTION 4-150 KEEPING OF WILD. EXOTIC OR DANGEROUS ANIMALS APPLICATION.

A. For the purpose of this section, a 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 snakes, 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 or for display or for exhibition purposes, whether gratuitously or for a fee, except Subsection C of this section.

C. This section shall not apply to such animals kept for temporary periods of time for exhibition purposes only, by circuses, zoos, and educational institutions. The term "temporary periods of time" as used in this article shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant. Cross Reference: See also Section 4-110 on dangerous animals and vicious animals.

ARTICLE F

SECTION 4-160 ZONING ORDINANCE TO PREVAIL

In case of conflict between this chapter and the present or any future zoning ordinance, the provision of the zoning ordinance shall prevail and supersede the provision of this chapter.

ARTICLE G

RABIES PROCEDURES

SECTION 4-170 DOGS AND CATS CONFINED, WHEN

A. When the health officer or animal control officer determines and certifies that a dog, a cat, or other animal in the city or within five (5) 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 to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the council and within such radius of the city as 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. The city manager, when he deems it necessary due to health, safety and welfare conditions, may order emergency confinement of animals in the city or a one- mile radius thereof. Such order shall not be effective for a period of more than ten (10) days. Notice of the order shall be by posting a copy thereof in at least three (3) places in the city, one of such places shall be the city hall.

C. While any such resolution or order 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 order.

D. The resolution or order may be enforced by the animal control officer, the health officer or any police officer of the city.

SECTION 4-171 CONFINEMENT REQUIRED

Any person owning, harboring, or keeping an animal, including a dog, cat, or other domestic pet which in the preceding ten (10) days has bitten any person shall, upon receipt of written or oral notice by the health officer or his designated representative, or the city animal control officer, place such animal in confinement under the supervision of a licensed veterinarian for a period of ten (10) days from the date the person was bitten.

SECTION 4-172 REPORT OF CHANGES BY VETERINARIAN

It is the duty of the veterinarian in whose supervision the animal is placed to keep the animal isolated in a separate pen or kennel and under observation for any symptoms of rabies. The veterinarian shall report immediately to the health officer or the animal control officer any changes occurring in the condition of the animal. In the event the animal dies or develops rabies-like symptoms within the specified period of confinement, the animal head shall be removed immediately and packed in a shipping container in accordance with instructions published by the State Commissioner of Health and sent to the State Department of Health for examination.

SECTION 4-173 FEES PAID BY OWNER

Payment of any fees incurred and cost of boarding the animal shall be the responsibility of the person owning, keeping, or harboring the animal.

SECTION 4-174 CONFINEMENT BY CITY OR COUNTY

In the event there is not a licensed veterinarian to provide supervision for isolation and observation of the suspect animal within the county or where, in the opinion of the health officer or animal control officer, the person owning, keeping or harboring the suspect animal will pay for expenses, such person shall, in accordance with instructions received from the health officer, his designated representative, or animal control officer, keep the suspect animal securely penned and shall immediately advise the health officer or animal control officer of any changes occurring in the condition of the animal. In the event of the animal's death, or illness, the person so designated as responsible for the animal shall immediately notify the health officer or animal control officer and make arrangements for removal of the animal's head, properly packing it in a shipping container and shipping it to the State Department of Health.

SECTION 4-175 ENFORCEMENT

It is the duty of the animal control officer to enforce these regulations, and in instances where responsibility for the suspect animal cannot be determined or established, he shall make arrangements for the isolation and observation of the animal.

SECTION 4-176 DESTRUCTION OR OBSERVATION

Any domestic dog or cat which is not effectively immunized against rabies virus encephalitis and is exposed to rabies through a rabid animal shall be destroyed immediately either by the veterinarian in charge or by the local animal control officer or his agent; or such non-immunized, rabies-exposed dog or cat shall be strictly quarantined and observed for a period of six (6) months by either a veterinarian or by the local animal control officer or his agent. Such animal shall be immunized against rabies at least thirty (30) days prior to release. Expenses of quarantine and immunization shall be borne by the owner or other person responsible for the animal.

SECTION 4-177 REPORT OF BITES. ACTION AND NOTICE BY CITY

A. Any domestic animal other than a dog or cat which is not immunized against rabies and is exposed to a rabid animal shall be immediately reported to the rabies control division of the State Department of Health for consultation and concerning disposition of that animal.

B. Any person who owns an animal which bites or attacks any person, shall be liable to the city for any reasonable and necessary medical or veterinarian expenses incurred by the city.

C. The chief of police shall be empowered to order the destruction of any animal upon notice to its owner if necessary for the health and safety of the public. Notice may be made by posting an order of destruction at the residence of the owner.

SECTION 4-178 ANIMALS CONSIDERED EXPOSED

Any un-immunized domestic animal which is exposed to a wild skunk, bat or carnivore and the biting animal has escaped or is not available for laboratory study, shall be considered exposed to rabies and shall be dealt with according to Sections 4-174 and 4-175 of this code.

SECTION 4-179 RE-IMMUNIZATION OF VACCINATED EXPOSED ANIMALS

Any effectively immunized domestic animal which is exposed to a rabid animal shall be immediately re-immunized and restrained, by leashing and confinement for a period of at least ninety (90) days.

ARTICLE H

PENALTIES

SECTION 4-180 PENALTY

A. Any person, firm or corporation 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 thereof, be fined or imprisoned as provided in Section 1-108 of this code.

B. Additionally, the animal control officer of the city shall have the authority to issue citations for offenses and in its discretion may issue a citation with preset fines for first offense, second offense and third offence. The fines shall be established and approved by City Council:

The animal control officer shall have the discretion, in lieu of issuing a citation with a preset fine, of filing an offense report with the city prosecutor whereupon a determination can be made as to whether summons shall be issued, in which case the preset fines set forth above shall not be applicable.

C. The penalties provided for herein shall be in addition to other remedies available to the city and aggrieved persons and shall not be construed as exclusive.

Animals

CHAPTER 2

(RESERVED)

Animals

CHAPTER 3

(RESERVED)

CHAPTER 4

DANGEROUS DOGS

SECTION 4-414 NUISANCE, POTENTIALLY DANGEROUS AND DANGEROUS DOGS

It shall be unlawful for any person to own, keep or harbor within the city any dog, licensed or unlicensed, which shall constitute a "nuisance" or "potentially dangerous" or "dangerous" dog.

1. "Nuisance dog" means any dog that:

a. engages in any behavior that requires a defensive action by any person to prevent bodily injury; or

b. when unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack; or

c. is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or

d. is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.

e. Engages in loud, frequent or habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the city limits.

A. "potentially dangerous dog" means any dog that:

a. when unprovoked inflicts bites on a human either on public or private property, or

b. when unprovoked kills or severely injures a domestic animal either on public or private property;

B. “dangerous dog” means any dog that:

a. has inflicted severe injury on a human being without provocation on public or private property,

b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or

c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter kills or severely injures a domestic animal;

A police officer or animal control officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "nuisance," "potentially dangerous" or a "dangerous" dog by filing a complaint with municipal court clerk. Upon the issuance of summons and notice to the owner, and upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a "nuisance," "dangerous" or "potentially dangerous," may order:

a. The payment of court costs and fines in the maximum amount allowed by law;
b. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented;

c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dog;

d. The removal of the dog from the city limits;

Animals

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PART 5

BUILDING REGULATIONS AND CODES

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101 International Building code adopted
Section 5-102 Penalty
Section 5-103 Building official
Section 5-104 Fire limits defined
Section 5-105 Building permit required, fee
Section 5-106 Numbering and addresses required, plan

CHAPTER 2

Section 5-201 Adoption of International Plumbing Code
Section 5-202 Plumbers; registration, permits and fees, bond
Section 5-203 Plumbing; permits and inspections
Section 5-204 Plumbing inspector, office created, duties

CHAPTER 3

Section 5-301 "Electrical equipment" defined
Section 5-302 Adoption of International Electrical Code
Section 5-303 Underwriters Laboratories, Inc
Section 5-304 City council may make special rulings
Section 5-305 Permit required for electrical installations; issuance
Section 5-306 Inspection, fee
Section 5-307 Installation not to be concealed until approved
Section 5-308 Work "roughed in"
Section 5-309 Premises not be connected until installation is approved
Section 5-310 Electrician's registration required, bond
Section 5-311 Electrical inspector
Section 5-312 Failure to comply
Section 5-313 Penalties

CHAPTER 4

LIQUEFIED PETROLEUM GAS

Section 5-401 Code adopted

CHAPTER 5

GAS PIPING CODE

Section 5-501 Adoption of International Fuel Gas Coded

CHAPTER 6

MOVING BUILDINGS

Section 5-601 Permit required; fee
Section 5-602 Application for permit
Section 5-603 Bond required for permit
Section 5-604 Caution signs
Section 5-605 Protection of trees and overhead structures
Section 5-606 Guards against danger
Section 5-607 Limit to size of building, other restrictions, police approval
Section 5-608 Time limit
Section 5-609 No permit issued when
Section 5-610 Notice to fire, police departments
Section 6-611 Liability

CHAPTER 7

HOUSING CODE

Section 5-701 Adoption of International Residential Code for One and Two-Family Dwellings

CHAPTER 8

MECHANICAL CODE

Section 5-801 Adoption of International Mechanical Code
Section 5-802 Mechanical contractors; registration, permits and fees
Section 5-803 Mechanical contracting; permits and inspections
Section 5-804 Mechanical inspector, office created, duties

CHAPTER 9

OIL AND GAS DRILLING

Section 5-901 Purpose
Section 5-902 Definitions
Section 5-903 Permit requirements
Section 5-904 Permit fees
Section 5-905 Set back requirements
Section 5-906 Environmental impact
Section 5-907 Security devices

CHAPTER 10

PENALTY

Section 5-1001 Penalty
Section 5-1002 Relief in courts

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101 Building code adopted
Section 5-102 Penalty
Section 5-103 Building official
Section 5-104 Fire limits defined
Section 5-105 Building permit required, fee
Section 5-106 Numbering and addresses required, plan

SECTION 5-101 INTERNATIONAL BUILDING CODES ADOPTED

(A) The International Building code, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the building code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Building Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

(B) The International Existing Building Code, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the existing building code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Existing Building Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions, and changes if any prescribed in this chapter.

SECTION 5-102 PENALTY

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

SECTION 5-103 BUILDING OFFICIAL

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

SECTION 5-104 FIRE LIMITS DEFINED

The fire limits are that part of the city as may be designated by the city council.

SECTION 5-105 BUILDING PERMIT REQUIRED. FEE

A. No building or other structure, including a mobile home, shall be built, enlarged, altered, repaired, demolished, moved or placed without a building permit issued by the city as required by the city's building code and as follows:

1. Whenever changes to a building or other structure alter the outside appearance; alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code.

2. Whenever changes will amount to more than One Thousand Dollars ($1,000.00) in cost; and

3. Whenever a building or structure is to be moved from without the city to a location within the city or from one location in the city to another location within the city.

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

C. If the application is in accordance with the requirements of the ordinances and laws, the permit may be issued upon the payment by the applicant of a building permit fee which fee shall be set by motion or resolution of the city council. A current copy of the fee schedule shall be kept in the office of the city clerk.

D. All monies received by the City of Coweta as a result of the sale of building permits shall be paid to the City Treasurer, who shall deposit the same into the general fund of the municipal treasury of the City of Coweta.

SECTION 5-106 NUMBERING AND ADDRESSES REQUIRED, PLAN

A. The Metropolitan Area Addressing System is hereby adopted as the official addressing system of the city within the areas described in Exhibit A, attached to Ord. No.428, 5/3/93, and all amendments thereto.

B. The original city addressing system shall be preserved and continued in effect for those areas so identified in Exhibit A, attached to Ord. 428, 5/3/93, and any amendments thereto.

C. The owners and occupants of all buildings within the city limits shall install and maintain the numbers of the street address of that building upon the outside of the building These numbers shall be displayed in a manner and have sufficient size as to be easily seen from the public roadways by police, fire and other emergency personnel. However areas of a development operated as a unit having private but common roadway areas, shall have such a display which can be easily seen from the common roadway area.

D. The identifying numbers shall be not less than three (3) inches in height and may be made of a reflective material, or may be lighted, or have a contrasting color, so that they can easily be seen during the day and night.

E. Owners and general contractors of new construction, or structures being substantially altered and requiring building permits, shall provide and maintain the above numbering system commencing at the start of construction. The structures shall be deemed to have failed to pass any inspection by the city which may be being conducted, unless the numbers exist and are properly maintained at the time of each inspection. Further, the Community Development Department is authorized to refuse to conduct any further inspections or to grant any further permits until such time as the structure comes into compliance with these provisions.

F. The Community Development Department is authorized to require proof that these numbers are being maintained as to any building concerning which an application for zoning changes, variance, special exception or any other request is made under the jurisdiction and authority of the planning department, planning commission, or board of adjustment. Proof of compliance is an absolute precondition for proceeding with these applications.

G. Failure of the owner or occupant to install or to maintain the numbering systems required herein shall be an offense, punishable as provided in Section 1-108 of this code.

CHAPTER 2

PLUMBING CODE

Section 5-201 Adoption of International Plumbing Code
Section 5-202 Plumbers; registration, permits and fees, bond
Section 5-203 Plumbing; permits and inspections
Section 5-204 Plumbing inspector, office created, duties

SECTION 5-201 ADOPTION OF INTERNATIONAL PLUMBING CODE

The International Plumbing Code, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the plumbing code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Plumbing Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

SECTION 5-202 PLUMBERS, REGISTRATION, PERMITS AND FEES, BOND

A. The phrases and words "journeyman plumber," "plumber's apprentice," "plumbing contractor," and "plumbing," when used in the ordinances, regulations and other official acts and communications of this city, shall have the meanings respectively prescribed for them by Sections 1001 et seq. of Title 59 of the Oklahoma Statutes, the state plumbing license law, 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 or as apprentice plumbers issued by the Oklahoma Construction Industries Board 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 Oklahoma Construction Industries Board, as provided by the law, may register as such with the city.

D. Upon application to the city, the city shall register such applicants and issue to them certificates of registration. An applicant for registration as a plumbing contractor shall also furnish a bond as required by the city. Such city certificates shall not be valid after the termination or expiration of the state licenses or certificates. Registration certificates of plumbing contractors and journeyman plumbers issued as provided herein shall expire each year. The city certificates of plumber's apprentices shall expire when their state certificates expire.

E. An applicant for a plumbing contractor's certificate of registration, after complying with the laws of the state and with the established city code, and after payment of the fee hereinafter specified, and showing proof of bonds shall be registered by the city. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the bond is required as set forth by city code.

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

G. The fee for registration and renewal shall be as set by the city council by motion or resolution.

H. In addition to the registration fee and before the registration certificate for a plumbing contractor is issued, each plumbing contractor shall possess a current and valid surety bond as required by state law.

I. The city council, upon at least ten (10) 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.

SECTION 5-203 PLUMBING: PERMITS AND INSPECTIONS

A. No plumbing work shall be undertaken without a permit from the Community Development Department.

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 city council. Such payment will be made upon application.

D. Inspection of such work must conform to the guidelines set forth in the city code.

SECTION 5-204 PLUMBING INSPECTOR, OFFICE CREATED, DUTIES

The office of inspector of plumbing shall be filled and the duties of the office performed by some person appointed by the city manager. Such inspector shall make inspection and testing of all plumbing and sewer connections done within the city and shall have the right to deputize any person equally qualified to make the actual inspections and report. He may and shall carry out the performance of this chapter.

CHAPTER 3

ELECTRICAL CODE

Section 5-301 "Electrical equipment" defined
Section 5-302 Adoption of International Electrical Code
Section 5-303 Underwriters Laboratories, Inc.
Section 5-304 City council may make special rulings
Section 5-305 Permit required for electrical installations; issuance
Section 5-306 Inspection, fee
Section 5-307 Installation not to be concealed until approved
Section 5-308 Work "roughed in"
Section 5-309 Premises not be connected until installation is approved
Section 5-310 Electrician's registration required, bond
Section 5-311 Electrical inspector
Section 5-312 Failure to comply
Section 5-313 Penalties

SECTION 5-301 "ELECTRICAL EQUIPMENT" DEFINED

The term "electrical equipment" used in this chapter refers to 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.

SECTION 5-302 INTERNATIONAL ELECTRICAL CODE

The International Electrical Code, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the electrical code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provision, penalties, conditions and terms of the International Electrical Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions, and changes if any prescribed in this chapter.

SECTION 5-303 UNDERWRITERS LABORATORIES, INC

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

SECTION 5-304 CITY COUNCIL MAY MAKE SPECIAL RULINGS

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

SECTION 5-305 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS, ISSUANCE

A It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of this city 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. 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 of the city council.

SECTION 5-306 INSPECTION FEE

The city council by motion or resolution shall prescribe an inspection fee to be paid to the city when electrical installations are inspected by the electrical inspector.

SECTION 5-307 INSTALLATION NOT TO BE CONCEALED UNTIL APPROVED

It is unlawful for any person, firm, partnership, corporation or individual to conceal or cause to be concealed, any electrical equipment, used for electrical light, heat or power, until they know the installation has been approved by the electrical inspector; and a tag in the switch cabinet, or attached to the service equipment properly signed and dated, will be sufficient notice.

SECTION 5-308 WORK "ROUGHED IN"

After making inspection of new work "roughed in", the electrical inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the electrical inspector.

SECTION 5-309 PREMISES NOT TO BE CONNECTED UNTIL INSTALLATION IS APPROVED

It is unlawful for any person, firm or corporation to connect, or cause to be connected any service or building, for the supply of electrical current for light, heat or power, until he or it has been notified by the electrical inspector that electric work has been inspected and approved and is ready for electric service.

SECTION 5-310 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 electrical inspector. The initial fee for a registration certificate, and any renewal, to be paid to the city, shall be as set by the City Council. A registration certificate must be renewed within Ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. All such certificates shall expire each year. This certificate is not transferable to any other individual or company.

B. Every person receiving a certificate as an electrical contractor shall possess valid and current bond as required by state law. No certificate shall be issued to any such person until the bond shall have been obtained. Any such certificate issued shall be valid only while the bond is in effect.

C. No person may be registered by the city unless he possesses the appropriate current and valid state license issued by the Oklahoma Construction Industries Board.

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

E. After adequate opportunity for a hearing and for just cause, the city council may revoke the certificate of an electrical contractor an apprentice electrician, or a journeyman electrician.

SECTION 5-311 ELECTRICAL INSPECTOR

The office of electrical inspector is appointed and removed by the city manager. Deputy or assistant inspectors may also be appointed and removed by the city manager to assist the electrical inspector with inspections or enforcement and administration of this chapter.

SECTION 5-312 FAILURE TO COMPLY

A. Any person, firm, or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the electrical inspector within a reasonable time, shall be refused any other permit until such defect or defects have been corrected, and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this chapter.

B. Upon failure to comply with this chapter, the electrical inspector shall have authority, after due notice, to cut out electric current in the locality concerned.

SECTION 5-313 PENALTIES

Any person, firm, or corporation found guilty of violating any of the provisions of this chapter shall be subject to punishment as provided in Section 1-108 of this code.

LIQUIFIED PETROLEUM

SECTION 5-401 CODE ADOPTED

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gases, as contained in Pamphlet No.58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, and shall have full force and effect within this city. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the city and shall be punished accordingly.

CHAPTER 5

GAS PIPING CODE

SECTION 5-501 ADOPTION OF INTERNATIONAL

The International Fuel Gas Code, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the fuel gas code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Fuel Gas Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

CHAPTER 6

MOVING BUILDINGS

Section 5-601 Permit required; fee
Section 5-602 Application for permit
Section 5-603 Bond required for permit
Section 5-604 Caution signs
Section 5-605 Protection of trees and overhead structures
Section 5-606 Guards against danger
Section 5-607 Limit to size of building, other restrictions, police approval
Section 5-608 Time limit
Section 5-609 No permit issued when
Section 5-610 Notice to fire, police departments
Section 5-611 Liability

SECTION 5-601 PERMIT REQUIRED; FEE

A. It is unlawful for any person, firm, corporation, partnership or individual to move or cause to be moved on the streets or alleys of the city any house or building, or part thereof, or any similar structure, without having first obtained from the building official a permit therefor. The applicant for a permit shall pay the city clerk a sum as set by the city council for each such permit, and shall deposit with the city clerk of the city a good and sufficient bond as required in this chapter.

B. It is unlawful for any person, firm, corporation, partnership or individual to move or cause to be moved any house or building, or part thereof, or any similar structure, on the streets or alleys of the city without having first obtained such permit, paid such permit fee, and deposited such bond with the city, and without first obtaining the appropriate state license as required by law.

SECTION 5-602 APPLICATION FOR PERMIT

The permit shall be obtained by making application therefor in writing. The written application shall recite the character of the thing or object to be moved and transported along or through and upon the streets and avenues, the proposed route of such transportation, proposed escorts and warning signs or lights, and the place where any equipment used in effecting such transportation shall be placed and secured.

SECTION 5-603 BOND REQUIRED FOR PERMIT

No permit shall be issued as by the terms of this chapter until such time as the applicant shall have deposited with the officer issuing such permit a cash bond in such sum as may be reasonably necessary to protect the city and cover all loss from damage accruing to it or its citizens by reason of any negligence or improper occupancy of the streets, sidewalks and any and all property therein. Any negligence or improper occupancy of the streets, sidewalks or other public places shall be provided against in the bond and such bond shall be deposited upon the understanding that it is to cover all of the conditions as set forth in this section of this chapter. All such persons as described herein, engaged as principals in the business herein described, shall file a surety bond to be approved by the city in the sum of Ten Thousand Dollars ($10,000.00) conditioned, that such person shall save, indemnify, and keep harmless the city against any and all liabilities, judgments, damages, costs and expenses which may in any way accrue against the city, in consequence of the granting of such permit or while acting under the same, and will under all circumstances strictly comply with the terms of such license and permit. Any such surety bond shall not be in any manner affected by the fact of the cash deposit and bond required hereunder. Any such person as referred to herein or his laborer, servant or agent or employee, shall cause a sufficient passageway to be kept open for vehicles to pass on one side or both sides of any building, structure, edifice, object or thing, while the same is being moved upon any street, avenue or alley, and when possible, the same shall be kept moving each day unless the actual elements render this impossible.

SECTION 5-604 CAUTION SIGNS

It is the duty of the permittee to place warning lights plainly visible for not less than two hundred (200) feet on each and every side of the building or structure which is being moved at the close of day and to keep same on throughout the entire night and until one hour after sunrise on the morning following. Such lights shall be so placed and maintained that the view of same will not be in any sense obstructed. If necessary, as many additional lights as may be necessary shall be placed at such other points on the building or structure as will enable any person of reasonable and ordinary prudence to take notice of the obstruction.

SECTION 5-605 PROTECTION OF TREES AND OVERHEAD STRUCTURES

The person who may have a permit to move a building or structure over any street within the city shall by virtue of such permit derive no right to injure or impair the condition or usefulness of any shade tree, electric light, telephone or telegraph poles or lines. No tree of any kind shall be cut, bruised, scarred under any circumstances, without the expressed permission in writing of the owner of the same and with the permission of the building official or public works director. In all

cases where necessary to remove any electric light, telephone or telegraph construction, it shall be the duty of the person moving such building or structure to give not less than twenty- four (24) hours notice to the public utility company or person owning or operating the same, which notice shall state the place, the construction which it is necessary to be removed, or temporarily changed or altered and the day on which it is desired to have such clearance made as well as the amount of time it will be necessary to keep such space clear. It is the duty of the person moving the building or structure to deposit an amount of money estimated necessary to cover the cost of the changing or moving of public utility overhead construction and replacing the same in its former condition in a sum as set by the city with the city clerk. Upon such deposit being made with the city clerk and such notice being delivered to the owner or operator of the telephone or telegraph and line construction, it is the duty of the person owning or operating the overhead construction to make such temporary changes as are reasonably necessary to comply with the representations set forth in the notice made and delivered to him.

SECTION 5-606 GUARDS AGAINST DANGER

It is the duty of the house mover to station sufficient persons on guard and to establish such notices by placards or boards or other means in the immediate vicinity of the moving activities as will be necessary to apprise any reasonable person of any potential danger that might be incurred by coming closer to the moving operations or buildings being moved or the instruments or agencies used in the moving of the same.

SECTION 5-607 LIMIT TO SIZE OF BUILDING OTHER RESTRICTIONS. POLICE APPROVAL

A. No permit shall be issued to move any building which in the judgment of the building official might by any chance result in an injury to the pavements, bridges, conduits or other street improvements within the city.

B. No permit may be issued by the building official without advance approval of the police chief, particularly with reference to the moving times, proposed route, escorts and traffic coordination with all of the above.

SECTION 5-608 TIME LIMIT

At the time of application for a permit it is the duty of the mover of any building or structure to estimate the reasonable time required for the moving of the building from its present location to its proposed location and shall state in his application for permit what he deems to be such reasonable time. The mover shall bind himself to pay a sum as set by the city per day for each and every day, all or any part of which the building or structure remains on the street in excess of the number of days allowed in the permit, and his cash deposit in addition to his bond shall be made liable for the payment of the amount. Nothing but the Act of God shall be a defense against the payment of the sums.

SECTION 5-609 NO PERMIT ISSUED WHEN

The city shall not issue any permit on any day, which according to the estimated number of days required to move the building or structure, shall when counted from the date of the permit include a Sunday or legal holiday, provided that this shall apply where the permit includes and provides that the persons moving such house shall begin on the day of the permit. When a day is set on which the person moving the building shall begin to move the same and the day is different from the date of issuing the permit, then no permit shall be issued in such a way to include a Sunday or holiday within the time allowed for moving the building. Where the number of days shall exceed five (5) the provisions of this section shall not apply.

SECTION 5-610 NOTICE TO FIRE, POLICE DEPARTMENTS

Any person desiring to move any building shall show his permit to the chiefs of the fire and police departments. If for any reason any delay is occasioned by any unforeseen contingency, it is his duty to inform the fire and police chiefs, of such facts, to the end that the fire and police chiefs may keep accurate and recent information on the true conditions of the streets and alleys for fire prevention purposes.

SECTION 5-611 LIABILITY

No provision or condition of this chapter shall be construed so as to limit the liability civilly of any person moving any house on or over the city streets, avenues and alleys from any and all damages which may result as the proximate cause of such acts to any person or his property or to the city.

CHAPTER 7

HOUSING CODE

SECTION 5-701 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLING

The International Residential Code for One and Two-Family Dwellings, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the residential code for one and two-family dwellings of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the international Residential Code for One and Two-Family Dwellings Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

CHAPTER 8

MECHANICAL CODE

Section 5-801 Adoption of International Mechanical Code
Section 5-802 Mechanical contractors; registration, permits and fees
Section 5-803 Mechanical contracting; permits and inspections
Section 5-804 Mechanical inspector, office created, duties

SECTION 5-801 ADOPTION OF MECHANICAL CODE

The International Mechanical Code, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the mechanical code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Mechanical Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

SECTION 5-802 MECHANICAL CONTRACTORS; REGISTRATION, PERMITS AND FEES

A. It is unlawful for any persons who engage in the business, trade, or occupation of a mechanical contractor in the City of Coweta unless that person is registered with the City and has a current and valid certificate of registration issued by the City.

B. Upon application to the City, the City shall register such applicants and issue to them certificates of registration. An applicant for registration as a mechanical contractor will also furnish a bond as required by the City. Such City certificate shall not be valid after the termination or expiration of any required state licenses or certificates. Registration certificates of mechanical contractors' issues as provided herein shall expire each year.

C. An applicant for a mechanical contractor's certificate of registration, after complying with the laws of the State and when the established City Code, and after payment of the fee established by the City and showing proof of bonds, shall be registered by the City. Mechanical contractors desiring to renew their registration shall furnish the same evidence of compliance with State licensing laws and the bond as set forth by the City Code.

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

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

F. The City Council, upon at least 10 days notice and adequate opportunity for a hearing, may revoke the City registration of any mechanical contractor for violating any provisions of the ordinances or regulations of the City relating to the installation of mechanical devises or any other cause specified by state law.

SECTION 5-803 MECHANICAL CONTRACTING; PERMITS AND INSPECTIONS

A. No mechanical contracting work shall be undertaken without a permit from the Community Development Department.

B. The application for such work must follow the adopted City Code.

C. The schedule of permit fees shall be as set forth by resolution or motion of the City Council. Such payment will be made upon application.

D. Inspection of such work must conform to the guidelines set forth in the City Code.

SECTION 5-804 MECHANICAL INSPECTOR, OFFICE CREATED, DUTIES

A. The office of inspector of mechanical contractors shall be filled and the duties of the office performed by some person appointed by the City Manager. Such inspector shall make inspections and testing of all mechanical devices within the City and shall have the right to deputize any person equally qualified to make the actual inspections and report.

CHAPTER 9

OIL AND GAS DRILLING

Section 5-901 Purpose
Section 5-902 Definitions
Section 5-903 Permit requirements
Section 5-904 Permit fees
Section 5-905 Set back requirements
Section 5-906 Environmental impact
Section 5-907 Security devices

SECTION 5-901 PURPOSE

The purpose of this chapter is to establish the minimum requirements for the drilling of wells on properties located within the corporate city limits.

SECTION 5-902 DEFINITIONS

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

1. "City limits" means all areas legally annexed by the city specifically not to include those areas surrounded by a narrow strip of land commonly known as a fence line;

2. "Drilling equipment" means all such items that may be necessary and proper to facilitate the access to mineral reserves or the exploration for these resources, but specifically exempting those operations whose intent is to secure potable water supplies;

3. "Production equipment" means those devices necessary and proper to extract mineral resources after access has been attained; and

4. "Security device" means any physical barrier to human or domestic animals.

SECTION 5-903 PERMIT REQUIREMENTS

At least ten (10) days prior to any activity by drilling equipment, the owner of mineral rights or his agent shall apply with the building official of the city on such forms as the building official shall provide for a permit to drill. Forms shall include the following information:

1. Plot plan containing distances from proposed well head to:

   a. Adjoining surface property lines;

   b. Streets, alleys or other public/private roadways;

   c. All known structures habitable or otherwise; and

   d. Unknown utility lines;

2. Proof of liability insurance either specific or general in nature in the minimum amount of One Hundred Thousand Dollars ($100,000.00) for drilling purposes;

3. Proposed security device; and

4. A twenty-four (24) hour phone number to be used for notification in case of emergency.

SECTION 5-904 PERMIT FEES

A fee as set by the council by motion of resolution shall be charged to process a drilling application in addition to a fee for each of the following applicable inspections. All fees are payable at the time application is made. The following inspections are to be made when applicable:

1. Temporary electrical service;

2. Permanent electrical service;

3. Security device installation; and

4. Special inspections where necessary and appropriate.

SECTION 5-905 SET BACK REQUIREMENTS

A minimum of one hundred (100) feet set back shall be required from all public and private roadways or alleys, and surface property lines including rights of way except those designated as easements, and all structures a minimum of twenty-five (25) feet shall be maintained from all public or private utility lines located underground. Variances may be granted only by the city council.

SECTION 5-906 ENVIRONMENTAL IMPACT

No uncontrolled discharge of any liquid or noxious/flammable gasses shall be allowed. Noise may be regulated by resolution of the city council under provisions contained in Sections 8-401 et seq. of the city code on public nuisances.

SECTION 5-907 SECURITY DEVICES

Upon completion of drilling and placement of production equipment, an approved security device shall be placed around all mechanical and electrical devices. Security devices shall be designed to restrict the accidental electrocution or entanglement in moving devices by humans or domestic animals. The recommended security device shall be a chain link fence six (6) feet minimum height with positive locks at all access points.

CHAPTER 10

PENALTY

Section 5-1001 Penalty
Section 5-1002 Relief in courts

SECTION 5-1001 PENALTY

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

SECTION 5-1002 RELIEF IN COURTS

No penalty imposed by and pursuant to this part 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, firm or corporation.

PART 6

COURT

CHAPTER 1

MUNICIPAL COURT

Section 6-101 Organization of municipal court
Section 6-102 Definitions
Section 6-103 Jurisdiction of court
Section 6-104 Judge; qualifications
Section 6-105 Term of judge
Section 6-106 Alternate judge
Section 6-107 Acting judge
Section 6-108 Appointment of judge and alternate judge
Section 6-109 Salary and payments to judges
Section 6-110 Removal of judge
Section 6-111 Vacancy in office of judge
Section 6-112 Disqualification of judge
Section 6-113 Chief of police
Section 6-114 Clerk of the court; duties
Section 6-115 Prosecuting attorney; duties; conflict of interest
Section 6-116 Bond of court clerk
Section 6-117 Rules of court
Section 6-118 Enforcement of rules
Section 6-119 Written complaints to prosecute ordinance violations
Section 6-120 Traffic ordinance violations; procedures for issuing citation; custody, arrest
Section 6-121 Traffic bail bond procedures
Section 6-122 Creation of traffic violations bureau
Section 6-123 Summons for arrest
Section 6-124 Form of arrest warrant
Section 6-125 Procedures for bail or bond
Section 6-126 Bond forfeiture, district court
Section 6-127 Arraignment and pleadings by defendant
Section 6-128 Trails and judgments
Section 6-129 Trial by jury and waiver

Section 6-130 Juror and jury trail procedures
Section 6-131 Witness fees
Section 6-132 Compensation of jurors
Section 6-133 Sentencing
Section 6-134 Suspension of sentence
Section 6-135 Imprisonment
Section 6-136 Fines and costs
Section 6-137 Failure to appear, court costs, penalty
Section 6-138 Penalty assessments

Court

CHAPTER 2

JURISDICTION OF JUVENILE

Section 6-201	Original Jurisdiction of Municipal Court in Certain Juvenile Cases
Section 6-202	Curfew for Minors
Section 6-203	Allowing or Encouraging a Minor to Commit Offenses
Section 6-204	Parental Responsibilities; Failure to Control
Section 6-205	Commission of a Crime in the Presence of Minors
Section 6-206	Permitting Crimes or Disorderliness on Premises
Section 6-207	Truancy
Section 6-208	Furnishing Tobacco products to Minors; Minors in Possession of Tobacco Products

CHAPTER 1

MUNICIPAL COURT

Section 6-101 Organization of municipal court
Section 6-102 Definitions
Section 6-103 Jurisdiction of court
Section 6-104 Judge; qualifications
Section 6-105 Term of judge
Section 6-106 Alternate judge
Section 6-107 Acting judge
Section 6-108 Appointment of judge and alternate judge
Section 6-109 Salary and payments to judges
Section 6-110 Removal of judge
Section 6-111 Vacancy in office of judge
Section 6-112 Disqualification of judge
Section 6-113 Chief of police
Section 6-114 Clerk of the court; duties
Section 6-115 Prosecuting attorney; duties; conflict of interest
Section 6-116 Bond of court clerk
Section 6-117 Rules of court
Section 6-118 Enforcement of rules
Section 6-119 Written complaints to prosecute ordinance violations
Section 6-120 Traffic ordinance violations; procedures for issuing citation; custody, arrest
Section 6-121 Traffic bail bond procedures
Section 6-122 Creation of traffic violations bureau
Section 6-123 Summons for arrest
Section 6-124 Form of arrest warrant
Section 6-125 Procedures for bail or bond
Section 6-126 Bond forfeiture, district court
Section 6-127 Arraignment and pleadings by defendant
Section 6-128 Trials and judgments
Section 6-129 Trial by jury and waiver
Section 6-130 Juror and jury trial procedures
Section 6-131 Witness fees
Section 6-132 Compensation of jurors
Section 6-133 Sentencing

Section 6-134 Suspension of sentence
Section 6-135 Imprisonment
Section 6-136 Fines and costs
Section 6-137 Failure to appear, court costs, penalty
Section 6-138 Penalty assessments

SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT

This chapter shall govern the organization and operation of the municipal criminal court of the City of Coweta as put into operation by resolution duly passed on September 25, 1979, and filed in accordance with law as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this city the provisions of this chapter shall control.

SECTION 6-102 DEFINITIONS

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

1. "Court" means the municipal criminal court of the City of Coweta;

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

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

4. "Chief of Police" means the peace officer in charge of the police force of the city; and

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

SECTION 6-103 JURISDICTION OF COURT

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

SECTION 6-104 JUDGE QUALIFICATIONS

There shall be one judge of the court. The judge shall be an attorney licensed to practice law in the state who resides in the county in which the city is located or in an adjacent county. 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.

SECTION 6-105 TERM OF JUDGE

The official term of the judge shall be two (2) years expiring on the 1st day of February, in each odd numbered year. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified, provided that the judge of the municipal court existing in this municipality at the effective date of this chapter shall act as judge of the court herein provided until a judge is appointed and qualified under the terms of this chapter.

SECTION 6-106 ALTERNATE JUDGE

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

SECTION 6-107 ACTING JUDGE

If at any time there is no 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 shall be available.

SECTION 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE

Judges shall be appointed by the mayor with the consent of the city council. A proposed appointment shall be submitted in writing to the city council at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The city council may decide upon the proposed appointment by a majority vote of 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 city council unless the mayor, in writing, withdraws the proposed appointment.

SECTION 6-109 SALARY AND PAYMENTS TO JUDGES

A judge, other than an acting judge, shall receive a salary as set by the city council from time to time paid in the manner as set by the city council. An acting judge shall be paid in such sum as set by the council; however their payments for any month shall not exceed the salary of the judge in whose stead the acting judge sits.

SECTION 6-110 REMOVAL OF JUDGE

Judges shall be subject to removal from office by the city council 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 (25) or more qualified electors of this city. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.

The city council 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 (10) days before the hearing. At the hearing, the judge shall be entitled to:

1. Representation by counsel;

2. To present testimony and to cross-examine the witnesses against him; and

3. Have all evidence against him presented in open hearing.

So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings (Sections 309 to 317 of Title 75 of the Oklahoma Statutes as amended) shall govern removal proceedings hereunder. 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.

SECTION 6-111 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.

SECTION 6-112 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 procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate or acting judge appointed as provided in this chapter.

SECTION 6-113 CHIEF OF POLICE

All writs or processes 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.

SECTION 6-114 CLERK OF THE COURT: DUTIES

The clerk, or a deputy designated by the clerk, shall be ex officio clerk of the court. The clerk shall:

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

2. Administer oaths required in proceedings before the court;

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

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

5. Receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court; and

6. Pay to the clerk of this municipality all money so received by the clerk, except such special deposits or fees as shall be received to be disbursed by the clerk for special purposes.

All money paid to the clerk 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.

SECTION 6-115 PROSECUTING ATTORNEY; DUTIES. CONFLICT OF INTEREST

The attorney for this municipality, or his duly designated assistant, may be prosecuting officer of the court. He may also prosecute all alleged violations of the ordinances of the city. He shall 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.

SECTION 6-116 BOND OF COURT CLERK

The court clerk of the court shall give bond, in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes, in a sum to be determined by the city council. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this city and retained in the city archives.

SECTION 6-117 RULES OF COURT

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

SECTION 6-118 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 direct or indirect contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state.

SECTION 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS

All prosecutions for violations of ordinances of this city shall be styled "The City of Coweta, Oklahoma vs. (naming defendant or defendants)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, and subscribed and verified by the person making charged, and setting forth concisely the offense charged.

SECTION 6-120 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 6-121 of this code, 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 law 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, as specified in the citation;

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 be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be 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 Subsections 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 Subsections A or B of this section.

SECTION 6-121 TRAFFIC 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;

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

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

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances:

d. Eluding or attempting to elude a law enforcement officer;

e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

f. An arrest based upon an outstanding warrant;

g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;

h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or

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

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:

1. Designate the traffic charge;

2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;

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

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

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

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

C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of driver's license, shall be required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statute.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be 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 one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;

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

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

The citation has not been satisfied as provided by law.

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

Court

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

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

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

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

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

G. This section shall become effective July 1, 1987.

SECTION 6-122 CREATION OF TRAFFIC VIOLATIONS BUREAU

A. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this municipality may elect to pay a fine in the traffic violations bureau according to the schedule of fines to be determined by the city council by motion or resolution.

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

SECTION 6-123 SUMMONS FOR ARREST

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

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

SECTION 6-124 FORM OF ARREST WARRANT

A. Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by the endorsement of the attorney of this city or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The City of Coweta, Oklahoma to the Chief of Police of the Municipal Court of Coweta, Oklahoma.

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

Witness my hand this _____ day of _____ 19___.

Judge of the Municipal Court
Coweta, Oklahoma.

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

SECTION 6-125 PROCEDURES FOR BAIL OR BOND

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars ($10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

SECTION 6-126 BOND FORFEITURE DISTRICT COURT

A If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge may then cause the forfeiture to be certified to the district court of the county where situs of government is situated, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330, 1332, 1333 and 1335 of Title 59 of the Oklahoma Statutes and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes. Court costs shall be collectable from the proceeds of the bond.

A prosecution in a court provided for herein shall be a bar to prosecution in another court for the same or a lesser included offense.

SECTION 6-127 ARRAIGNMENT AND PLEADINGS BY DEFENDANT

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the city, 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, continuing the matter for subsequent disposition or defer sentence upon whatever terms or conditions the court may impose. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date.

SECTION 6-128 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.

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

Court

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

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Five Dollars ($5.00) of fine.

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

SECTION 6-129 TRIAL BY JURY AND WAIVER

A. In all prosecutions for violations of ordinances by fine of more than Five Hundred Dollars ($500.00), or by imprisonment, or by both fine and imprisonment, trial shall be by jury, unless waived by the Defendant. If trial by jury is waived, trial shall be to the Court.

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

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

SECTION 6-130 JUROR AND JURY TRIAL PROCEDURES

A Whenever a calendar has been made up for the trial of cases by jury, the judge shall request, in writing, the presiding judge of the district court for this judicial district to cause the names of a stated number of jurors, deemed sufficient to dispose of the cases on the calendar, to be drawn from the jury wheel in accordance with the governing statutes of the state, and to be certified by the clerk of the district court to the judge of the municipal court. The request shall be made in time for the list to be certified and the jurors to be summoned legally before the trial of the calendar begins. If it is anticipated that the completion of the calendar will require more than two (2) weeks, the request for jurors shall specify the number required for each two-week period, as provided by law for the drawing of jurors for the district court. Additional drawing of other names also may be requested by the judge, when necessary, in accordance with the law for such additional drawings in the district court. If, in the future, provisions of the law respecting the drawing of jury lists for the district court are changed, the judge shall take such steps, in requesting jury lists for the court, as are necessary to comply with the state law.

B. Upon receipt of the jury list, the clerk of the court shall cause a summons substantially in the following form to be issued and served upon each person on the list:

STATE OF OKLAHOMA)
) SS
COUNTY OF WAGONER)

TO _____ GREETINGS: you hereby are summoned to appear in the Municipal Court for the City of Coweta, Oklahoma, to be held at _____ _____ on the _____ day of _____ 20__ , at the hour of _____ o'clock____ .M., to serve as a juror in said court.

Hereof fail not, under penalty of law.

Issued under the authority of said court, this _____ day of _____20 __.

_____
Clerk of the Municipal Court of the City of Coweta

C. Service shall be made, as the judge may prescribe by rule or direct by order, either in person upon the juror by the marshal of the court or by any member of the police force of this city, or by the clerk of the court, through certified mail, directed to the juror at his address as given in the jury list with request for a personally signed return receipt. In any proceeding wherein service of summons by mail is in issue, evidence of the due mailing of the summons by the clerk or a member of his staff and the presentation of an official postal return receipt purportedly signed by the addressee shall be prima facie evidence that the summons was duly received by the addressee and therefore, that he was properly served therewith.

D. A jury in the court shall consist of six (6) jurors, good and lawful men or women, citizens of the County of Wagoner possessing the qualifications of jurors in district court.

E. After the jurors are sworn, they must sit together and hear the proofs and oral arguments of the parties, which must be delivered in public and in the presence of the defendant.

F. A verdict of the jury may be rendered by the vote of five (5) jurors.

G. In all actions tried before a jury, the judge shall determine all questions of law, including questions as to the introduction of evidence, arising during the trial. He also shall instruct the jury as to the law.

H. The verdict of the jury, in all cases, must be general. When the jury has arrived at its verdict, it must deliver the verdict publicly to the court. The judge must enter the verdict in the docket or cause it to be so entered.

I. The jury must not be discharged after the case is submitted to it until a verdict is rendered, unless the judge, for good cause, discharges it sooner, in which event the court may proceed again to trial, and so on, until a verdict is rendered.

SECTION 6-131 WITNESS FEES

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a fee as set by the city 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:

A. The name of no more than three (3) witnesses;

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

C. That the testimony of the witnesses is material; and

D. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

SECTION 6-132 COMPENSATION OF JURORS

Jurors shall receive for their services a fee in an amount equal to that amount provided by state law for jury service in proceedings brought in the District Courts of the State of Oklahoma.

SECTION 6-133 SENTENCING

A. The judge may suspend, modify, defer or reduce a sentence in accordance with Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes.

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

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

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

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

F. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of the sentence. At the expiration of such period, the judge may allow the city attorney to amend the charge to a lesser offense.

G. If a deferred sentence is imposed, an administrative fee of not more than the fine and costs assessable had the deferral not been granted may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.

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

SECTION 6-134 SUSPENSION OF SENTENCE

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes.

SECTION 6-135 IMPRISONMENT

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

B. All prisoners confined to jail on conviction or on plea of guilty, upon request of the prisoner and if approved by the city manager, may be allowed to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the

C. The chief of police, subject to the direction of the city manager, 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 some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

D. 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.

SECTION 6-136 FINES AND COSTS

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, which shall be the maximum allowed by state law, plus the fees and mileage of jurors and witnesses, but the total amount of fine may not exceed the amount set out in Section 1-108 of this code.

SECTION 6-137 FAILURE TO APPEAR, COURT COSTS, PENALTY

Any person who files a complaint in the municipal court against another person or persons and fails to appear to prosecute or testify on the complaint so filed, or moves to dismiss the same without court approval, is liable for, and shall be assessed and pay all court costs incurred in the filing of the complaint. Any defendant failing to appear as required shall constitute a separate offense, punishable as provided in Section 1-108 of this code.

SECTION 6-138 PENALTY ASSESSMENTS

A. Any person:

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

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

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

C. At the end of every quarter the city shall deposit such assessments with the state for law enforcement training and the AF.I.S. (Automated Fingerprint Identification) as required by law. The court clerk shall also furnish to the state reports required on the funds collected and penalty assessments imposed each quarter.

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

E The provisions of this section shall be applicable only so long as mandated by state law.

CHAPTER 2

JURISDICTION OF JUVENILE CASES

Section 6-201 Original Jurisdiction of Municipal Court in Certain Juvenile Cases
Section 6-202 Curfew for Minors
Section 6-203 Allowing or Encouraging a Minor to Commit Offenses
Section 6-204 Parental Responsibilities; Failure to Control
Section 6-205 Commission of a Crime in the Presence of Minors
Section 6-206 Permitting Crimes or Disorderliness on Premises
Section 6-207 Truancy
Section 6-208 Furnishing Tobacco products to Minors; Minors in Possession of Tobacco Products

SECTION 6-201 ORIGINAL JURISDICTION OF MUNICIPAL COURT IN CERTAIN JUVENILE CASES

A. The municipal court of the municipality does elect to have and possess original jurisdiction to hear and adjudicate any offenses committed by persons under the age of eighteen (18) years of age and penalize juveniles found guilty as allowed Title 10 of the Oklahoma Statutes, Section 7303-1.2, effective November 1, 1998.

SECTION 6-202 CURFEW FOR MINORS

A. It shall be unlawful for:

1. Any person under eighteen (18) years of age to be or remain in or upon the streets or any public place within the City of Coweta t night, during curfew hours;

2. Any parent of a minor to knowingly permit or, by insufficient control, allow a minor to remain in any public place or street within the City of Coweta during curfew hours; or

3. Any owner, operator, or employee of a public place to knowingly all a minor to remain upon the premises of any public place during curfew hours.

B. For purposes of the Section, curfew hours shall be defined as those hours during the period ending at 6:00 a.m. all days of the week and beginning at 12:00 a.m. midnight on Sunday through Thursday and 1:00 a.m. on Friday and Saturday night. Further, for purposes of this Section, parents shall be any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, or a person to whom legal custody has

been given by order of the court. Public place shall mean 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 minor shall be any person under the age of eighteen (18) years, unless otherwise emancipated. Further, the term minor shall be synonymous with the term juvenile.

C. It shall be a defense to Section (A) (1) above if the minor is:

1. Accompanied by a parent of such minor, or when accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;

2. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;

3 On an errand at a specific direction of the minor's parent, without any detour or stop;

4. Involved in an emergency;

5. On a sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not object to a police officer;

6. In a motor vehicle involved in interstate travel;

7. Engaged in an employment activity, or going home from an employment activity, without any detour or stop;

8 Attending or traveling between home and an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization or other similar entity that takes responsibility for the minor; or

9. Married or had been married or had disabilities of minority removed in accordance with state law.

D. It is a defense to Section (A) (2) above for the parent of a minor if a minor would qualify for any defense listed above.

E. It is a defense to Section (A)(3) above if the owner, operator, or employee of public place promptly notifies the police department that a minor was present on the premises of the public place during curfew hours and remained after being asked to leave.

SECTION 6-203 ALLOWING OR ENCOURAGING A MINOR TO COMMIT OFFENSES

It shall be unlawful for any purpose to knowingly or willfully aid, abet, allow, encourage or, by omission of a duty, encourage or assist a minor to commit any municipal, state or federal offense.

SECTION 6-204 PARENTAL RESPONSIBILITIES; FAILURE TO CONTROL

It shall be unlawful for any parent to fail or control a minor that is under the parent's supervision, by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one other offense within one (1) year of the date the minor committed the first offense.

SECTION 6-205 COMMISSION OF A CRIME IN THE PRESENCE OF MINORS

It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under the age of eighteen (18) years.

SECTION 6-206 PERMITTING CRIMES OR DISORDERLINESS ON PREMISES

No owner, operator, proprietor, manager or employee of any place shall permit minors who have congregated on the premises to commit any offense, or to carouse, make unnecessary noises, disturb disrupt or annoy the people residing or carrying on business in the immediate neighborhood or so as to disturb the peace. Furthermore, no owner, operator, proprietor, manager or employee of any place shall permit any minor to loiter, litter or cause any disturbance on the property of a neighboring resident or business.

SECTION 6-207 TRUANCY

A. It shall be unlawful for a parent of a minor who is over the age of six (6) years and under the age of eighteen (18) years to neglect or refuse to cause or compel such minor to attend and comply with the rules of a public, private or other school of the parent's choosing in which the minor is enrolled.

B. It shall be unlawful for any minor who is over the age of six (6) years to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term of the schools of the district in which the minor attends.

C. Provided, that this Section shall not apply:

1. If any minor is prevented from attending school by reason of mental or physical disability, as determined by the Board of Education of the district upon a certificate of the school physician or public health physician or, if no such physician is available, duly licensed and practicing physician;

2. If any such minor is excused from attendance at school due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent of the minor;

3. If any such minor is excused from attending by:

a. The Administrator of the school or district where the minor attends school; and

b. The parent of the minor. Provided, further, that no minor shall be excused from attending school by such joint agreement by a school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or the community, and that said minor shall thereafter be under the supervision of the parent until the minor has reached the age of eighteen (18) years.

4. If any such minor is observing religious holy days prior to the absence and the parent of the minor submits a written request for the absence, the school district shall excuse the student pursuant this subsection for the days in which the religious holy days are observed and for the days in which the student must travel to and from the site where the student will observe the holy days

SECTION 6-208 FURNISHING TOBACCO PRODUCTS TO MINORS; MINORS IN POSSESSION OF TOBACCO PRODUCTS

A. Any person who shall furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product shall be guilty of an offense.

B. It shall be an offense for any minor to be in possession of any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product.

PART 7

FINANCE AND TAXATION

CHAPTER 1

FINANCE AND BUDGET ADMINISTRATION

Section 7-101 Depositories designated; funds to be deposited
Section 7-102 Funds secured by Unit Collateral System
Section 7-103 Reserved
Section 7-104 Reserved
Section 7-105 Reserved
Section 7-106 Reserved
Section 7-107 Reserved
Section 7-108 Reserved
Section 7-109 Economic development fund
Section 7-110 Self insurance fund
Section 7-111 Reserved
Section 7-112 Charge for returned checks
Section 7-113 Emergency telephone service (E-911) fund

CHAPTER 2

SALES TAX

Section 7-201 Citation and codification
Section 7-202 Definitions
Section 7-203 Tax collector defined
Section 7-204 Classification of taxpayers
Section 7-205 Subsisting state permits
Section 7-206 Effective date
Section 7-207 Purpose of revenues
Section 7-208 Tax rate; sales subject to tax
Section 7-209 Exemptions; sales subject to other tax
Section 7-210 Exemptions; governmental and nonprofit entities
Section 7-211 Exemptions; general
Section 7-212 Exemptions; agriculture
Section 7-213 Exemptions; manufacturers

Section 7-214 Exemptions; corporations and partnerships
Section 7-215 Tax due when; returns; records
Section 7-216 Payment of tax; brackets
Section 7-217 Tax constitutes debt
Section 7-218 Vendor's duty to collect tax; penalties
Section 7-219 Returns and remittances; discounts
Section 7-220 Interest and penalties; delinquency
Section 7-221 Waiver of interest and penalties
Section 7-222 Erroneous payments; claim for refund
Section 7-223 Fraudulent returns
Section 7-224 Records confidential
Section 7-225 Amendments
Section 7-226 Provisions cumulative

CHAPTER 3

TELEPHONE TAXES AND FEES

ARTICLE A

TELEPHONE EXCHANGE FEE

Section 7-301 Fee levied on telephone exchanges
Section 7-302 Fee to be in lieu of other fees, taxes

ARTICLE B

EMERGENCY TELEPHONE SERVICE TAX

Section 7-310 Tax imposed
Section 7-311 Limitation on exchange access lines taxed
Section 7-312 Monthly collection
Section 7-313 Purpose
Section 7-314 Administration
Section 7-315 Cooperation
Section 7-316 Administration fee

CHAPTER 4

UTILITIES TAX

Section 7-401 Fee levied; application
Section 7-402 Tax is in lieu of other taxes
Section 7-403 Tax to be paid quarterly and placed in general revenue fund
Section 7-404 Failure to pay; action for collection
Section 7-405 Tax lien
Section 7-406 Permit granted to gas companies in lieu of franchise

CHAPTER 5

USE TAX

Section 7-501 Citation and codification
Section 7-502 Definitions
Section 7-503 Excise tax on storage, use or other consumption of intangible, personal property levied
Section 7-504 Purpose of revenues
Section 7-505 Exemptions
Section 7-506 Time when due, returns, payment
Section 7-507 Tax constitutes debt
Section 7-508 Collection of tax by retailer or vendor
Section 7-509 Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state permits
Section 7-510 Revoking permits
Section 7-511 Remunerative deductions allowed vendors or retailers of other states
Section 7-512 Interest and penalties, delinquency
Section 7-513 Waiver of interest and penalties
Section 7-514 Erroneous payments, claim for refund
Section 7-515 Fraudulent returns
Section 7-516 Records confidential
Section 7-517 Classification of taxpayers
Section 7-518 Subsisting state permits
Section 7-519 Provisions cumulative

CHAPTER 6

TAX INCENTIVE DISTRICT

Section 7-601 Tax incentive district number one

CHAPTER 7

PIPLELINE CAPACITY LEASE PERMIT

Section 7-701 Definitions
Section 7-702 Permit Required
Section 7-703 Fee
Section 7-704 Permit Requirements
Section 7-705 Revocation and penalties

CHAPTER 8

HOTEL / MOTEL TAX

Section 7-801 Definitions
Section 7-802 Tax Rate
Section 7-803 Exemptions
Section 7-804 Tax to be separately designated on bills
Section 7-805 Operators' Duties
Section 7-806 Bond Required
Section 7-807 Assessment and Determination of Tax
Section 7-808 Refunds
Section 7-809 Notices
Section 7-810 Remedies Exclusive
Section 7-811 General Powers of the City Manager
Section 7-812 Certificates of Registration
Section 7-813 Use of Funds
Section 7-814 Records Confidential
Section 7-815 Criminal Penalties
Section 7-816 Civil Remedies

CHAPTER 9

PURCHASING SYSTEM

Section 7-901 Definitions
Section 7-902 City Purchasing Agent
Section 7-903 Encumbrance of Funds
Section 7-904 Prohibition of Interest
Section 7-905 Competitive Bidding Required
Section 7-906 Bidding Requirements
Section 7-907 Bidding Procedures
Section 7-908 Emergency Purchases

CHAPTER 1

FINANCE AND BUDGET ADMINISTRATION

Section 7-101 Depositories designated; funds to be deposited
Section 7-102 Funds secured by Unit Collateral System
Section 7-103 Reserved
Section 7-104 Reserved
Section 7-105 Reserved
Section 7-106 Reserved
Section 7-107 Reserved
Section 7-108 Reserved
Section 7-109 Economic development fund
Section 7-110 Self insurance fund
Section 7-111 Reserved
Section 7-112 Charge for returned checks
Section 7-113 Emergency telephone service (E-911) fund

SECTION 7-101 DEPOSITORIES DESIGNATED: FUNDS TO BE DEPOSITED

Funds of the city shall be deposited as required by law. The city treasurer shall deposit daily all public funds received by him into designated banks and savings and loan associations.

SECTION 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM

The deposits of the city shall be secured by the Unit Collateral System provided by the Oklahoma Statutes.

SECTION 7-103 RESERVED

"SECTION 7-104 RESERVED.

SECTION 7-105 RESERVED

SECTION 7-106 RESERVED

SECTION 7-107 RESERVED

SECTION 7-108 RESERVED

SECTION 7-109 ECONOMIC DEVELOPMENT FUND

There shall be created an Economic Development Fund for the city. Fifty percent (50%) of all monies received by the city from revenues generated by the sale of building permits shall be paid to the city treasurer, who shall deposit the same in the municipal treasury in a special and separate account, designated the Economic Development Fund. All purchases and disbursements from the fund shall be in accordance with the ordinances of the city and pursuant to state law.

SECTION 7-110 SELF INSURANCE FUND

There shall be created a Self Insurance Fund account that shall be separate and apart from other accounts of the city. The city council of the city shall make such appropriations as necessary and appropriate into the fund. All purchases and disbursements from the fund shall be in accordance with the ordinances of the city and pursuant to state law.

SECTION 7-111 RESERVED

SECTION 7-112 CHARGE FOR RETURNED CHECKS

The city shall charge a fee as set by the council by motion or resolution for any and all returned checks made payable to the city, if the check or other negotiable instrument is returned as being dishonored, for whatever reason. In addition to the return check fee, the city shall also assess and collect from the payer any fees charged to the city resulting from the returned check by the financial institution or bank returning the instrument.

SECTION 7-113 EMERGENCY TELEPHONE SERVICE (E-911) FUND

There is hereby created an "E-911 Fund" account that shall be separate and apart from other accounts of the city. The city council shall make such appropriations as necessary and appropriate into the fund. All purchases and disbursements from the fund shall be in accordance with the ordinances of the city and state law.

CHAPTER 2

SALES TAX

Section 7-201 Citation and codification
Section 7-202 Definitions
Section 7-203 Tax collector defined
Section 7-204 Classification of taxpayers
Section 7-205 Subsisting state permits
Section 7-206 Effective date
Section 7-207 Purpose of revenues
Section 7-208 Tax rate; sales subject to tax
Section 7-209 Exemptions; sales subject to other tax
Section 7-210 Exemptions; governmental and nonprofit entities
Section 7-211 Exemptions; general
Section 7-212 Exemptions; agriculture
Section 7-213 Exemptions; manufacturers
Section 7-214 Exemptions; corporations and partnerships
Section 7-215 Tax due when; returns; records
Section 7-216 Payment of tax; brackets
Section 7-217 Tax constitutes debt
Section 7-218 Vendor's duty to collect tax; penalties
Section 7-219 Returns and remittances; discounts
Section 7-220 Interest and penalties; delinquency
Section 7-221 Waiver of interest and penalties
Section 7-222 Erroneous payments; claim for refund
Section 7-223 Fraudulent returns
Section 7-224 Records confidential
Section 7-225 Amendments
Section 7-226 Provisions Cumulative

SECTION 7-201 CITATION AND CODIFICATION

This chapter shall be known and may be cited as "City of Coweta Sales Tax Ordinance."

SECTION 7-202 DEFINITIONS

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Section 1352 of Title 68 and in Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.

SECTION 7-203 TAX COLLECTOR DEFINED

The term "Tax collector" as used in this chapter 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 chapter.

SECTION 7-204 CLASSIFICATION OF TAXPAYERS

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

SECTION 7-205 SUBSISTING STATE PERMITS

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

SECTION 7-206 EFFECTIVE DATE

This chapter became effective after approval of a majority of the registered voters of the city voting on the ordinance in the manner prescribed by Section 16-112 of Title 11 of the Oklahoma Statutes.

SECTION 7-207 PURPOSE OF REVENUES

A. It is the purpose of the sales tax levying the first two (2) cents to provide revenues for the support of the functions of the municipal government of the city.

B. It is the purpose of the sales tax levied by Ordinance 330 to provide revenues for the general operation of the government of the city, including, but not limited to, general administration, fire, water and sanitation services, and limited access facilities.

SECTION 7-208 TAX RATE; SALES SUBJECT TO TAX

There is hereby levied an excise tax of three percent (3%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code including but not exclusive of the following:

1. Tangible personal property;

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

3. Transportation for hire of persons by common carriers, including 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 include all services and rental charges having any connection with transmission of any message;

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

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

7. Service of furnishing storage or parking privileges by auto hotels and parking lots;

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

9. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

10. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;

11. Dues or fees to 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, exhibition, display or other recreational events or activities, including free or complimentary admissions which shall have the value equivalent to the charge that would have otherwise been made;

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

14. Charges made for the privilege of using items for amusement, sports, entertainment or recreational activity such as trampolines or golf carts;

15. The rental of equipment for amusement, sports, entertainment or other recreational activities, such as bowling shoes, skates, golf carts, or other sports and athletic equipment;

16. The gross receipts from sales through any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

17. Gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. Provided if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;

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

19. Flowers, plants, shrubs, trees and other floral items, whether or not same was produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. Provided, all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this chapter;

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

a. The operation of the business;

b. The nature of the business;

c. The turnover of independent contractors;

d. The lack of place of business in which to display a permit 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 hereby 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 hereby declared to be sales to consumers or users and taxable.

SECTION 7-209 EXEMPTIONS. SALES SUBJECT TO OTHER TAX

There is hereby specifically exempted from the tax levied by this chapter the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code inclusive, but not exclusive of, and derived from the:

1. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;

3. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state; and

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

SECTION 7-210 EXEMPTIONS. GOVERNMENTAL AND NONPROFIT ENTITIES

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

1. Sale of tangible personal property or services to the United States Government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States Government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;

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

3. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;

4. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

5. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members;

6. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

7. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

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

9. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both;

10. Sales of tangible personal property or services to private institutions of higher education and private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of Section 501 (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 of sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in Paragraph (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 Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Section 501(c) (3) of the Internal Revenue Code; and

12. Sales of tangible personal property made by public or private school for grade levels kindergarten through twelfth grade, a public school district, public school board, public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this paragraph, “public or private school" shall mean any public or private institution of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall not include sale of admission tickets or concessions at athletic events.

SECTION 7-211 EXEMPTIONS; GENERAL

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

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One ($1.00), or local transportation of persons within the corporate limits of a municipality by taxicab;

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

4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;

5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;

6. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;

9. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the State of Oklahoma in the federal food stamp program; and

10. Nothing herein shall be construed as limiting or prohibiting the city from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the city on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items.

SECTION 7-212 EXEMPTIONS; ON AGRICULTURE

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

1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from 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 paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

3. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;

4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

a. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;

b. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;

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

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

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

f. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;

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

c. Sales of agricultural fertilizer, pharmaceutical and biological to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, "agricultural fertilizer" "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals;

d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;

e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical 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; and

f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; and

6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the Oklahoma Tax Commission shall revoke the vendor's sales tax permit.

SECTION 7-213 EXEMPTIONS: MANUFACTURERS

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

1. Goods, wares, merchandise and property purchased for the purpose of being used or 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" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

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

3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this chapter. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

4. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of 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 code. And, 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. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state; or

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

SECTION 7-214 EXEMPTIONS CORPORATIONS AND PARTNERSHIPS

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

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

   a. From one corporation to another corporation pursuant to reorganization. As used in this subparagraph the term organization 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 the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or

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

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

SECTION 7-215 TAX DUE WHEN: RETURNS: RECORDS

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code.

SECTION 7-216 PAYMENT OF TAX: BRACKETS

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

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

SECTION 7-217 TAX CONSTITUTES DEBT

The taxes, penalty and interest due under this chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

SECTION 7-218 VENDOR'S DUTY TO COLLECT TAX: PENALTIES

A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It shall be the duty of each and every vendor in this city to collect from the consumer or user the full amount of the tax levied by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A vendor, as defined hereunder, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this chapter, 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 herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, is deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the city. Any person, firm, corporation, joint venture or association that willfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor.

SECTION 7-219 RETURNS AND REMITTANCES: DISCOUNTS

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of state sales taxes.

SECTION 7-220 INTEREST AND PENALTIES: DELINQUENCY

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

SECTION 7-221 WAIVER OF INTEREST AND PENALTIES

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the city tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this section, the applicable provisions of Section 220 of Title 68 are hereby adopted by reference and made a part of this chapter.

SECTION 7-222 ERRONEOUS PAYMENTS: CLAIM FOR REFUND

Refund of erroneous payment of the city sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this section, the applicable provisions of Section 227 of Title 68 are hereby adopted by reference and made a part of this chapter.

SECTION 7-223 FRAUDULENT RETURNS

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine and imprisonment as provided in Section 1-108 of this code.

SECTION 7-224 RECORDS CONFIDENTIAL

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

SECTION 7-225 AMENDMENTS

The people of the city, by their approval of the sales tax ordinance hereby authorize the mayor and city council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the city as provided by law.

SECTION 7-226 PROVISIONS CUMULATIVE

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

CHAPTER 3

TELEPHONE TAXES AND FEE

ARTICLE A

TELEPHONE EXCHANGE FEE

Section 7-301 Fee levied on telephone exchanges
Section 7-302 Fee to be in lieu of other fees, taxes

ARTICLE B

TELEPHONE EXCHANGE FEE

Section 7-310 Tax imposed
Section 7-311 Limitation on exchange access lines taxed
Section 7-312 Monthly collection
Section 7-313 Purpose
Section 7-314 Administration
Section 7-315 Cooperation
Section 7-316 Administration fee

ARTICLE A

TELEPHONE EXCHANGE FEE

SECTION 7-301 FEE LEVIED ON TELEPHONE EXCHANGES

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the city in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the city to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the city. The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the city on or before May 1 in each year for the whole of the calendar year next preceding the date and shall be paid into and appropriated and expended from the general revenue fund of the city.

SECTION 7-302 FEE TO BE IN LIEU OF OTHER FEES, TAXES

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the city is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the city.

ARTICLE B

EMERGENCY TELEPHONE SERVICE TAX

SECTION 7-310 TAX IMPOSED

There is hereby imposed a tax of five percent (5%) on the tariff charges for exchange telephone service or its equivalent of the local exchange telephone company providing service within the city limits of the city. After July 1, 1996, the tax shall be at the rate of three percent (3%) unless otherwise stated by the city council.

SECTION 7-311 LIMITATION ON EXCHANGE ACCESS LINES TAXED

No such tax shall be imposed upon more than one hundred (100) exchange access lines or their equivalent at one location per service user.

SECTION 7-312 MONTHLY COLLECTION

The tax levied herein shall be collected monthly by the local exchange telephone company authorized by the Oklahoma Corporation Commission to provide exchange telephone service within the city and shall be remitted to the city treasurer by the local exchange company within thirty (30) days of the close of the month in which such taxes were collected.

SECTION 7-313 PURPOSE

The funds collected from this tax shall be spent for engineering, installation, administration and recurring or one-time costs necessary to implement, administer, operate and maintain emergency 911 telephone service in the city.

SECTION 7-314 ADMINISTRATION

The city manager is hereby authorized to administer the emergency 911 telephone service in the city.

SECTION 7-315 COOPERATION

The city manager is hereby authorized to cooperate with other governing bodies who may impose a similar tax and who wish to participate in the city's emergency 911 telephone service.

SECTION 7-316 ADMINISTRATION FEE

The local exchange company providing exchange telephone service within the city shall be entitled to retain as an administrative fee three percent (3%) of the tax imposed and collected pursuant to this chapter.

CHAPTER 4

UTILITIES TAX

Section 7-401 Fee levied; application
Section 7-402 Tax is in lieu of other taxes
Section 7-403 Tax to be paid quarterly and placed in general revenue fund
Section 7-404 Failure to pay; action for collection
Section 7-405 Tax lien
Section 7-406 Permit granted to gas companies in lieu of franchise

SECTION 7-401 FEE LEVIED: APPLICATION

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of gas in the city. Such tax shall apply to all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, gas, electricity or water within the city limits, except that it shall not apply to any person, firm, association or corporation operating under a valid franchise from the city nor apply to utilities furnished by the city.

SECTION 7-402 TAX IS IN LIEU OF OTHER TAXES

The tax levied by this chapter shall be in lieu of any other franchise, license, occupation or excise tax levied by the city.

SECTION 7-403 TAX TO BE PAID QUARTERLY AND PLACED IN GENERAL REVENUE FUND

The tax levied under this chapter shall be payable quarterly and placed in the general revenue fund of the city.

SECTION 7-404 FAILURE TO PAY: ACTION FOR COLLECTION

Any person failing or refusing to pay the tax levied by this chapter shall be regarded as a trespasser and may be ousted from the city. In addition thereto, an action may be maintained against such person for the amount of the tax and all expenses of collecting same, including reasonable attorneys' fees.

SECTION 7-405 TAX LIEN

The tax imposed by this chapter shall constitute a first and prior lien on all the assets located within the city of any person engaged in the business of selling power, light, heat, gas, electricity or water within the city and subject to such tax.

SECTION 7-406 PERMIT GRANTED TO GAS COMPANIES IN LIEU OF FRANCHISE

Any persons, firms, associations, or corporations engaged in the business of furnishing gas within the city limits, not operating under a valid franchise from the city, and upon whom the tax provided under Section 7-401 of this code is imposed, is hereby granted a revocable permit by the city for so long as this chapter remains in effect and the taxes are paid in accordance with the terms of this chapter to acquire, construct, erect, install, extend, repair, remove, relocate, replace, operate and maintain a system of works, pipes, pipelines, apparatus, structures and appurtenances in, across, upon and under the streets, alleys, avenues, boulevards, lanes, parks, parkways, sidewalks, parkings, driveways, rights-of-way, utility easements, and other public ways, places, areas and grounds, all being sometimes referred to herein as "streets, alleys, avenues, and other public ways, places and grounds," in the city as now constituted, and as may be added to hereafter, for the purpose of transporting, distributing and selling gas for domestic, commercial and industrial uses, and for any and all other purposes for which gas, during the period of this revocable permit may be used, together with the right to enter upon the streets, alleys, avenues and other public ways, places and grounds of the city for the purpose of constructing, erecting, installing, extending, relocating, operating, maintaining, removing and repairing the works, pipes, pipelines and all necessary apparatus, machinery, structures and appurtenances.

CHAPTER 5

USE TAX

Section 7-501 Citation and codification
Section 7-502 Definitions
Section 7-503 Excise tax on storage, use or other consumption of intangible, personal property levied
Section 7-504 Purpose of revenues
Section 7-505 Exemptions.
Section 7-506 Time when due, returns, payment
Section 7-507 Tax constitutes debt
Section 7-508 Collection of tax by retailer or vendor
Section 7-509 Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state permits
Section 7-510 Revoking permits
Section 7-511 Remunerative deductions allowed vendors or retailers of other states
Section 7-512 Interest and penalties, delinquency
Section 7-513 Waiver of interest and penalties
Section 7-514 Erroneous payments, claim for refund
Section 7-515 Fraudulent returns
Section 7-516 Records confidential
Section 7-517 Classification of taxpayers
Section 7-518 Subsisting state permits
Section 7-519 Provisions cumulative

SECTION 7-501 CITATION AND CODIFICATION

This chapter shall be known and may be cited as "City of Coweta Use Tax.

SECTION 7-502 DEFINITIONS

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401 of Title 68 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter. In addition thereto, the following words and terms shall be defined as follows:

1. "Tax collector" means the department of the city government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied; and

2. "Transaction" means sale.

SECTION 7-503 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERTY LEVIED

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the city tangible, personal property purchased or brought into this city, an excise tax on the storage, use or other consuming within the city of such property at the rate of three percent (3%) of the purchase price of such property. 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 hereunder 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 Oklahoma; provided, that the tax levied herein 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 herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the city had been levied on the sale of such goods or services.

SECTION 7-504 PURPOSE OF REVENUES

It is hereby declared to be the purpose of this chapter to provide revenues for the support of the functions of the municipal government of the city, and any and all revenues derived hereunder may be expended by the governing body of the city for any purpose for which funds may be lawfully expended as authorized.

SECTION 7-505 EXEMPTIONS

The provisions of this chapter shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the city by a nonresident individual visiting in this city for his or her personal use or enjoyment while within the city;

2. In respect to the use of tangible, personal property purchased for resale before being used;

3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City 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 Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and City Use Tax, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City Use Tax, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the city;

4. In respect to 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, 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. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the city;

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

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

SECTION 7-506 TIME WHEN DUE. RETURNS. PAYMENT

The tax levied by this chapter is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 7-507 TAX CONSTITUTES DEBT

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

SECTION 7-508 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 chapter 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.

SECTION 7-509 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE. PERMITS

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this 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 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 cancelled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this 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 taxpayer's sales tax permit number accordingly.

SECTION 7-510 REVOKING PERMITS

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this chapter of the Oklahoma 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 Section 1408 of Title 68 of the Oklahoma Statutes, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel 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 chapter, the Oklahoma Use Tax Code, or any orders, rules or regulations of the Tax Commission.

SECTION 7-511 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be s

SECTION 7-512 INTEREST AND PENALTIES. DELINQUENCY

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in the amounts as herein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this chapter.

SECTION 7-513 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 herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the State Use Tax provided in Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purposes of this section the applicable provisions of Section 220 are hereby adopted by reference and made a part of this chapter.

SECTION 7-514 ERRONEOUS PAYMENTS, CLAIM FOR REFUND

Refund of erroneous payment of the city use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purpose of this section, the applicable provisions of Section 227 are hereby adopted by reference and made a part of this chapter.

SECTION 7-515 FRAUDULENT RETURNS

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be punished as provided in Section 1-108 of this code. Each day of noncompliance with this chapter shall constitute a separate offense.

SECTION 7-516 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 the same the provisions of Section 205 of Title 68 of the Oklahoma Statutes, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the city use tax as is herein set forth in full.

SECTION 7-517 CLASSIFICATION OF TAXPAYERS

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

SECTION 7-518 SUBSISTING STATE PERMITS

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this chapter hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

SECTION 7-519 PROVISIONS CUMULATIVE

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the city ordinances.

CHAPTER 6

TAX INCENTIVE DISTRICT

SECTION 7-601 TAX INCENTIVE DISTRICT NUMBER ONE

1. The Tax Incentive District Number One, City of coweta, Oklahoma Project Plan, as recommended by the Local Development Act Review Committee and the Coweta Planning Commission is hereby adopted and approved with amendment.

2. All actions taken, recommendations, findings and conclusions made in connection with Tax Incentive District Number One, City of Coweta, Oklahoma Project Plan by the Local Development Act Review Committee and the Coweta Planning Commission are hereby ratified and confirmed, including but not limited to recommendations for approval, findings of conformance with the Comprehensive Plan of the City of Coweta eligibility of the tax incentive district and financial impacts upon the taxing jurisdictions.

3. For identification purposes, the name of the tax incentive district shall be "Tax Incentive District Number One, City of Coweta."

4. That Tax Incentive District Number One, City of Coweta is hereby created as of the effective date of this ordinance.

5. The boundaries of Tax Incentive District Number One, City of Coweta are hereby adopted as set forth below:

   A tract of land located in the northeast quarter of the northeast quarter of Section 13, Township 17 North, Range 15 East, Wagoner County, Oklahoma more particularly described as follows:

   Commencing at the Northwest corner of said NE/4NE/4 thence south along the west line of said NE/4NE/4 a distance of 60 feet to the point of beginning; thence south continuing along the West line of said NE/4NE/4 a distance of 360 feet, thence east parallel to the north line of said NE/4NE/4 a distance of 360 feet, thence north parallel to the west line of said NE/4NE/4 a distance of 360 feet to a point located 60 feet south of the north line of said NE/4NE/4, thence west parallel to the north line of said NE/4NE/4 a distance of 360 feet to the point of beginning Containing 2.9752 acres more or less

The district will consist of two parcels of land identified as Tract A and B and legally defined as follows:

Tract A:

A tract of land located in the northeast quarter of Section 13, Township 17 north, Range 15 east, Wagoner County, Oklahoma more particularly described as follows:

Commencing at the northwest corner of said NE/4NE/4 thence south along the west line of said E/4NE/4 a distance of 60 feet to the point of beginning; thence south continuing along the west line of said NE/4NE/4 a distance of 360 feet, thence east parallel to the north line of said NE/4NE/4 a distance of 300 feet, thence north parallel to the west line of said NE/4NE/4 a distance of 360 feet to a point located 60 feet south of the north line of said NE/4NE/4, thence west parallel to the north line of said NE/4NE/4 a distance of 300 feet to the point of beginning. Containing 2.4793 acres more or less.
Tract B:

Commencing at the northwest corner of said NE/4NE/4 thence east along the north line of said E/4NE/4 a distance of 300 feet, thence south parallel to the west line of said NE/4NE/4 a distance of 60 feet to the point of beginning: thence south parallel to the west line of said NE/4NE/4 a distance of 360 feet, thence east parallel to the north line of said NE/4NE/4 a distance of 60 feet, thence north parallel to the west line of said NE4/NE/4 a distance of 360 feet to a point 60 feet south of the north line of said NE/4NE/4, thence west parallel to the north line of said NE/4NE/4 a distance of 60 feet to the point of beginning. Containing .4959 acres more or less

6. In accordance with the Local Development Act the City Council of the City of Coweta finds:

A. The Tax Incentive District Number One, City of Coweta is eligible for designation as an incentive district by virtue of its boundaries being located within a reinvestment area as defined in 62 O.S. Supp. 1995, §853 (16).

B. That improvement within Tax Incentive District Number One, city of Coweta is likely to enhance the value of other real property in the area and to promote the general public interest.

C. That guidelines specified in paragraphs 1 and 2 of Section 3 of the Local Development Act 62 O.S. Supp. 1995, §852 have been and shall be followed in relation to Tax Incentive District Number One, City of Coweta, Oklahoma Project Plan.

D. That the aggregate net assessed value of all taxable property in all districts, as determined pursuant to Section 13 of the Local Development Act, 62 O.S. Supp. 1995, §862, within the City of Coweta does and shall not exceed thirty-five percent (35%) of the total net assessed value of taxable property within the City of Coweta, Oklahoma.

E. That the aggregate net assessed value of the taxable property in all districts, as determined pursuant to Section 13 of the Local Development Act, 62 O.S. Supp. 1995, §862, within the City of Coweta, Oklahoma does and shall not exceed twenty-five percent (25%) of the total net assessed value of any school districts located within the City of Coweta.

F. That the land area contained with Tax Incentive District Number One, City of Coweta and all districts within the City of Coweta does and shall not exceed twenty-five percent (25%) of the total land area of the City of Coweta, Oklahoma.

G. That the Tax incentive District Number One, City of Coweta, Oklahoma Project Plan is feasible and conforms to the Comprehensive Plan of the City of Coweta.

H. In accordance with requirements of the Local Development Act, ad valorem taxes within Tax Incentive District Number One, City of Coweta may be exempted for a maximum of five (5) years on new investment made with Tax Incentive District Number One, City of Coweta, for the private development of residential living units. Eligible developments shall include new elderly congregate housing construction on vacant land, with Tax Incentive District Number One, City of Coweta. Finance and Taxation

I. Exemptions from ad valorem taxes shall only be allowed for that portion of the tax under the jurisdiction of other taxing entitles and subject to the terms of written agreements between the City of Coweta and each respective taxing entity, all pursuant to 62 O.S. Supp. 1995 §865.

J. The City of Coweta shall enter into a written agreement with the property owners who are granted tax incentives or exemptions, pursuant to Section 11 of the Local Development Act, 62 O.S. Supp. 1995, §860, establishing the terms and conditions of the tax incentives and exemptions granted.

K. In accordance with requirements and public purposes of the Local Development Act, certain local fees and local sales taxes associated with the construction of new improvements including, but not limited to, building permit and building inspections fees and local sales taxes may be abated for eligible developments, pursuant to powers granted under 62 O.S. Supp. 1995 §854.

L. The city of Coweta shall be and is hereby designated and authorized as the public entity to carry out and administer the provisions of Tax Incentive District Number One, City of Coweta, Oklahoma Project Plan, in accordance with its respective responsibilities, and to exercise all powers deemed necessary and appropriate, as provided in the Local Development Act, 62 O.S. Supp. 1995 §854.

M. The City Manager of the City of Coweta, or his successor in office, shall be charged with implementation of the Tax Incentive District Number One, City of Coweta, Oklahoma Project Plan, in accordance with provisions, authorizations and delegations of responsibilities contained in the Local Development Act and the Tax Incentive District Number One, City of Coweta, Oklahoma Project Plan, provided the City Manager is authorized to empower one or more designees to exercise responsibilities in connection with the Plan.

N. If any section, sentence, clause or phrase of this Ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance or any part thereof.

O. EMERGENCY CLAUSE. That an emergency exists and for the preservation of the public peace, health and safety, by reason whereof this Ordnance shall be effective immediately from and after its passage, approval and publications.

CHAPTER 7

PIPELINE CAPACITY LEASE PERMIT

Section 7-701 Definitions
Section 7-702 Permit Required
Section 7-703 Fees
Section 7-704 Permit Requirements
Section 7-705 Revocation and penalties

SECTION 7-701 DEFINITIONS

A. City. Reference to City herein shall mean the City of Coweta.

B. Consumer. Shall mean any individual person, corporation, company, partnership, firm, unincorporated association, trust or public corporation that uses or consumes natural gas in the City.

C. Pipeline System. Shall mean a system of works, pipes, pipelines, apparatus, machinery, structures, appliances and appurtenances reasonably necessary for the transportation, distribution, or sale of natural gas.

D. Lease. Shall mean a lease, a transportation agreement or other agreement, whether for compensation or not, to use or have access to part of the capacity of a Pipeline System by a consumer or to transport or to have gas transported to a consumer through a Pipeline System.

E. Permit. Shall mean the right, licenses, and privileges granted by the City of Coweta to a consumer to use the public ways for a lease.

F. Permittee. Shall mean a consumer granted a permit under this Ordinance.

G. Public Ways. Shall mean any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, utility easement, right of way, and any other public ways, places, areas or grounds within the corporate limits of the City of Coweta as now constituted or may be added hereafter.

SECTION 7-702 PERMIT REQUIRED

No consumer shall receive or deliver gas within the City pursuant to a lease of any Pipeline System installed in the public ways, unless the consumer shall hold a valid permit from the City. Such permit shall be issued for the purpose of granting the Permittee authority to use the public ways.

SECTION 7-703 FEE

In consideration of the issuance of a Permit by the City, Permittee shall pay to the City a fee for the use of the public ways as follows:

A. An amount equal to three (3%) percent of the purchase price of gas transported and received or delivered within the City under the lease, plus,

B. For all Permittees not otherwise exempt from the payment of municipal sales taxes, an amount equal to three percent of the purchase price of the gas transported and received or delivered within the City under the Lease.

SECTION 7-704 PERMIT REQUIREMENTS

Any permit issued shall contain the following material terms:

A. The Permittee shall pay the fee set forth in Section 7-703 to either the City or its designated agent on a monthly basis, as directed by the City;

B. The Permittee shall subordinate its lease to the right of the City to construct, operate and maintain facilities in the public ways;

C. The Permittee shall grant to the City the right to audit at reasonable times the books and records of the Permittee to verify the correct payment of the fee set forth in Section 7-703;

D. The Permittee shall assume conjointly with the franchise holder or other party allowed use of the public ways for pipeline installation the indemnification terms of the franchise or other agreement insofar as the terms apply to the lease.

Section 7-705 REVOCATION AND PENALTIES

A permit shall be revocable by the City Council of the City of Coweta at any time upon a ten (10) day prior written notice to Permittees;

Any violation of this ordinance shall be an offense. Any consumer adjudged guilty of violating this ordinance shall be punished by a fine of two hundred dollars ($200.00), plus costs, for each offense, and each day of a continuing violation shall be deemed a separate offense.

CHAPTER 8

Hotel / Motel Tax

Section 7-801 Definitions
Section 7-802 Tax Rate
Section 7-803 Exemptions
Section 7-804 Tax to be separately designated on bills
Section 7-805 Operators' Duties
Section 7-806 Bond Required
Section 7-807 Assessment and Determination of Tax
Section 7-808 Refunds
Section 7-809 Notices
Section 7-810 Remedies Exclusive
Section 7-811 General Powers of the City Manager
Section 7-812 Certificates of Registration
Section 7-813 Use of Funds
Section 7-814 Records Confidential
Section 7-815 Criminal Penalties
Section 7-816 Civil Remedies

SECTION 7-801 DEFINITIONS

As used in this ordinance:

A. Hotel shall mean any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodation, and in which five or more rooms are used for the accommodation of such occupant whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist courts, lodging houses, inns, rooming houses, dormitory space where bed space is rented to individuals or groups, apartments not occupied by "permanent residents," and all other facilities where rooms or sleeping facilities or spaces are furnished for a consideration. The term shall not include hospitals, sanitariums or nursing homes.

B. Occupancy shall mean the use of possession, or the right to the use or possession of any room or rooms in a hotel, or the right to the use or possession of the furnishings or the services and accommodations accompanying the use and possession of the room or rooms.

C. Occupant shall mean the person, who for a consideration, uses, possesses, or has the right to the use or possession of any room or rooms in a hotel under any lease, concession, permit, right of access, license to use, or other agreement.

D. Operator shall mean any person operating a hotel within the city, included, but not limited to, the owner, proprietor, manager, lessee, sub-lessee, and mortgagee in possession, licensee, or any other person otherwise operating such hotel.

E. Permanent Resident shall mean any occupant who has or shall have the right of occupancy of any room or rooms in a hotel for at least ninety (90) consecutive days during the current calendar year or preceding year.

F. Rent shall mean the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction there from whatsoever.

G. Return shall mean any report filed or required to be filed as herein provided.

H. Room shall mean any room or suite of rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than as a "place of assembly."

I. Place of Assembly shall mean a room or space which is capable of being occupied by seventy-five (75) or more persons and which is used for educational or amusement purposes and shall include: dance halls; cabarets; night clubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling and table tennis rooms; halls; rooms used for public or private catering purposes; funeral parlors; markets; recreational rooms; concert halls; broadcasting studios; and all other places of similar use and occupancy.

J. Tax shall mean the tax levied pursuant to the ordinance.

SECTION 7-802 TAX RATE

There is hereby levied an excise tax of five percent (5%) upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel in this City, except that the tax shall not be imposed where the rent is less than the rate of five dollars (5.00) per day.

SECTION 7-803 EXEMPTIONS

A. Occupancy. The following shall be exempt from the tax levied in this ordinance:

1. Permanent residents;

2. The United State Government or any agency or division thereof;

3. The state of Oklahoma or any political subdivision thereof; and,

B. Certificate of Exemption Required. Anyone claiming to be exempt from the tax must obtain a certification from the City Manager that the person, organization, association or corporation with which the occupant affiliated is exempt from the tax. Prior to issuing such a certificate, the City Manager shall require a certification from the said organization, association or corporation that the occupant is its agent, representative or employee and that his or her occupancy of the room is required in connection with the affairs of said exempt organization, association or corporation.

SECTION 7-804 TAX TO BE SEPARTELY DESIGNATED ON BILLS

The operator shall separately designate charge and show the tax on all bills, statements, receipts or any other evidence of charge or payment of rent for occupancy issued or delivered by the operator. In the absence of a certificate of exemption as specified above, it shall be presumed that the rent on all occupancies is taxable, and the burden of proof shall be on the operator.

SECTION 7-805 OPERATORS' DUTIES

A. Operator Responsible for Collections. The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the city for the tax which shall be held in trust by the operator until paid to the city. The operator shall join the city as a party to any action brought by the operator to enforce collection of the tax.

B. Records to be Kept. Every operator shall keep records of every occupancy and of all rent paid, charged, or due thereon and of the tax payable thereon in such form as the City Manager may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the City Manager, or a duly authorized agent or employee of the city, and shall be preserved for a period of three (3) years.

C. Returns.

1. Every operator shall file with the City Manager a report of occupancy and of rents, and of the taxes payable thereon for the period ending on the last day of each month following the effective date of the ordinance. Such return shall be filed within the first fifteen (15) days after the end of each such month.

2. Each operator shall further file with the City Manager a copy of their completed Oklahoma state sales tax form within ten (10) days after June 30th, September 30th, December 31st, and March 31st of each year following the effective date of the ordinance.

3. The form of return shall be prescribed by the City Manager and shall contain such information as may be deemed necessary for the proper administration of the ordinance. The City Manager may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

D. Payment of Tax. At the time of filing a return of occupancy and of rents, each operator shall pay to the City Treasurer the taxes imposed by the ordinance upon the rents included in such return. All taxes not paid with a timely return shall be delinquent. All the taxes for the period for which a return is required to be filed shall be due from the operator and payable to the City Treasurer on or before the date fixed for the filing of the return for such period without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon.

E. Interest. If any tax levied by the ordinance becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half percent (1 ½ %) per month on the unpaid balance from the date of delinquency.

SECTION 7-806 BOND REQUIRED

Where the City Manager believes that any operator is about to cease business, leave the state, or remove or dissipate assets, or for any other similar reason the City Manager deems it necessary in order to protect revenues under the ordinance may require such operator to file with the city a bond issued by a surety company authorized to transact business in the state in such amount as the City Manager may fix to secure the payment of any tax or penalties and interest due, or which may become due from such operator. In the event that the City Manager determines that an operator is to file such bond, the City Manager shall give notice to such operator specifying the amount of security required. The operator shall file such security as a performance bond or irrevocable letter of credit within five (5) days after the filing of such notice unless within such five (5) days the operator shall request in writing a hearing before the City Council, at which time the necessary propriety and amount of the bond shall be determined by the City Council. Such determination shall be final and shall be complied with within fifteen (15) days thereafter. In lieu of such bond, a cash or securities escrow, in an amount and under terms approved by the City Manager, may be deposited with the City Manager, who may at any time after five (5) days notice to the depositor, apply them to any tax and/or any penalties due and for that purpose the securities may be sold at private or public sale.

SECTION 7-807 ASSESSMENT AND DETERMINATION OF TAX

If a return required by the ordinance is not filed, or if a return, when filed, is incorrect or insufficient, the amount of tax due shall be assessed by the City Manager from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax, (a) unless the person against whom it is assessed, shall apply in writing to the City Council within ninety (90) days after the City gives notice of such assessment, for a hearing; or (b) unless the City Manager decides to reassess the same. After such hearing, the City Council shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

SECTION 7-808 REFUNDS

A. Procedure. The City Manager shall direct the refund or credit of any tax erroneously, illegally or unconstitutionally collected if written application to the City Manager for such refund is made within two years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative of the City Manager, subject to existing limits on the authority of the City Manager as to amount. The City Manager, in lieu of any refund required to be made, may allow credit thereof on payments due from the applicant. Whenever a refund is made, the reasons therefore shall be stated in writing. Such application may be made by the person who has collected and paid such tax to the City Treasurer; however, no refund of money shall be made to the operator until the operator has repaid to the occupant the amount for which the application for refund is made.

B. Determination and Hearing. Upon application for a refund the City Manager may receive evidence with respect thereto, and make such investigation as is deemed necessary. After making a determination as to the refund, the City Manager shall give written notice thereof to the applicant. Such determination shall be final unless the applicant, within ninety (90) days after such notice shall apply in writing to the City Council for a hearing. After such hearing the City Council shall give written notice of its decision to the applicant.

SECTION 7-809 NOTICES

Notices provided for under this section shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States mail, postage prepaid, to the last known address of the operator. In the absence of written evidence received by the city to the contrary, the last known address shall be presumed to be the address shown on the certificate of registration as required by 7-812.

SECTION 7-810 REMEDIES EXCLUSIVE

The remedies provided in this chapter shall be the exclusive remedies available to any person for the review of tax liability imposed by this chapter.

SECTION 7-811 GENERAL POWERS OF THE CITY MANAGER

In addition to all other powers granted to the City Manager, the City Manager is hereby authorized:

1. To make, adopt and amend rules and regulations appropriate to the execution of this chapter and for the purposes hereof;

2. To extend for cause shown the time for filing any return for a period not exceeding sixty (60) days; and for cause shown to waive, remit, or reduce penalties or interest;

3. To delegate functions hereunder to authorized designees for the city;

4. To assess, reassess, determine, revise and readjust the amount of taxes (but not the tax rate) imposed by this chapter;

5. To prescribe methods for determining the taxable and nontaxable rents;

6. To administer oaths and take affidavits concerning any matter or proceeding under this chapter;

7. To subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance and the enforcement of this chapter and to examine them in relation thereto.

SECTION 7-812 CERTIFICATES OF REGISTRATION

Every operator shall file with the City Manager a certificate of registration in a form prescribed by the City Manager within ten (10) days after the effective date of the ordinance, or in the case of operators commencing business or opening new hotels after such effective date, within three days after such commencement or opening. The City Manager shall, within five days after such registration, issue, without charge, to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be permanently displayed by the operator in such manner that it may be seen and will come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable, non-transferable, and shall be surrendered immediately to the City Manager upon the cessation of business at the hotel named, or upon its sale or transfer.

SECTION 7-813 USE OF FUNDS

A. All taxes collected pursuant to this chapter shall be set aside and used exclusively to encourage, promote and foster, economic development, cultural enhancement and tourism in Coweta, Oklahoma and the cost of enforcing this chapter.

B. The City of Coweta, Oklahoma is authorized to retain from the initial proceeds of the hotel tax an amount equal to the costs of the election concerning the ordinance and borne by the city.

C. In order to remunerate an operator for keeping tax records, filing reports, and remitting the tax when due, a discount not to exceed one percent (1%) of the current taxes due may be allowed to the operator by agreement. No discount shall be allowed for the payment of delinquent taxes.

SECTION 7-814 RECORDS OF CONFIDENTIAL

The confidential and privileged nature of the records file concerning the administration of the hotel tax is legislatively recognized and declared and, in order to protect the same, the provisions of 68 O.S. (1991), Section 205 of the State Sales Tax Code, and each subsection thereof and all amendments thereto, are hereby adopted by reference and made fully effective and applicable to the administration of the Coweta, Oklahoma hotel Tax as if here set forth.

SECTION 7-815 CRIMINAL PENALTIES

A. The willful intent or refusal of any taxpayer to make reports and remittances therein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be deemed an offense and punishable as provided under the provisions of Section 1-108 of the Code of Ordinances of the City of Coweta, Oklahoma.

B. The failure by an operator (1) to file a security bond as required, or (2) to register or to display the certificate of registration, or (3) to separately state the tax on the bill or to collect such tax from the occupant shall be deemed an offense and punishable as provided under the provisions of Section 1-108 of the Code of Ordinances of the City of Coweta, Oklahoma.

SECTION 7-816 CIVIL REMEDIES

A. Whenever any operator, occupant or other person shall fail to collect and/or pay over any tax, or to owe any tax, penalty or interest imposed by this chapter as herein provided, the Mayor may authorize the director of finance to file notice of liens on behalf of the city against the real estate upon which the hotel is located and/or against all franchises, property and rights to property, whether real or personal, then belonging to or thereafter acquired by the person owing the tax pursuant to 68 O.S. 1981, Section 2701 and Section 2704.

B. The liens shall, upon proper filing, attach to the real estate and/or personal property then owned or thereafter acquired by the debtor, whether such property is used by the debtor in the operation of business or is under the authority of an assignee, trustee, or receiver for the benefit of creditors, from the date such taxes are due and payable as allowed by Title 68 O.S. 1981, Section 2704.

C. The City Manager shall notify the person owing the tax by personal service or by certified mail that the City of Coweta, Oklahoma will file such liens if any delinquent lodging taxes, interest and/or penalties are not paid within fifteen (15) days of receiving such notice.

D. The City Manager may also authorize the City Attorney to institute an action in personam and in rem to enforce payment and collect any delinquent taxes, penalties and/or interest.

CHAPTER 9

PURCHASING SYSTEM

Section 7-901 Definitions
Section 7-902 City Purchasing Agent
Section 7-903 Encumbrance of Funds
Section 7-904 Prohibition of Interest
Section 7-905 Competitive Bidding Required
Section 7-906 Bidding Requirements
Section 7-907 Bidding Procedures
Section 7-908 Emergency Purchases

Section 7-901 DEFINITIONS

Unless otherwise provided herein, for the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory.

A. City refers to the City of Coweta, Oklahoma, and means the City government in all its forms, including not only all City departments but also any agency, public trust, commission, board or other person or entity acting for or on behalf of the City of Coweta, provided, however, that any improvement district created pursuant to 11 O.S.1991, §§39-101, et seq., shall not be included in this definition thereby exempting such improvement districts from the provisions of this chapter.

B. City Manager shall mean the chief executive officer of the City or his or her designee.

C. City Purchasing Agent or Agent is the Purchasing Agent of the City, which shall be the City Manager or the designee of the City Manager of the City. The purchasing agent shall have the authority to delegate purchasing authority within the guidelines established for the city.

D. Contractual Services means and includes, but is not limited to, all telephone, gas, water, electric light and power service; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies except leases from the state, a state agency, or a political subdivision (as defined herein); leases for all personal property required by the using agencies; and the rental, repair or maintenance of

equipment, machinery and other city-owned personal property. The term shall not include professional services that are predominantly mental or intellectual in character rather than physical or manual and which do not in involve the supplying of products. Professional services include services to support or improve municipal policy development, decision-making, management, administration, or the operation of management systems. Professional services include those as defined in Section 803 of Title 18 of the Oklahoma Statutes, those which are in their nature unique and not subject to competition, nor shall it include services or maintenance authorized and provided for an improvement district pursuant to 11O.S.1991, §39-103.1

E. Cooperative Purchasing Plan shall mean an agreement entered into between two or more entities of government for acquisitions pursuant to a single or joint contract obtained through a competitive bidding process or issued in accordance with the authority granted to governmental entity. Government entities include all federal and state entities and municipalities with a population of 50,000 or greater.

F. Council is the legislative body of the City of Coweta, Oklahoma.

G. "Lowest and best" bidder and "best value" bidder shall have those meanings attributed to them by the laws of the State of Oklahoma.

H. Political Subdivision shall mean a municipality, school district, county, or public trust with a city, town, school district or county as its sole beneficiary or beneficiaries, and all their institutions, instrumentalities or agencies.

I. Supplies mean and include all supplies, materials and equipment.

J. Using Agency is any department, board, commission, agency division, section, bureau or other unit in the City government using supplies or procuring contractual services as herein provided, except as otherwise exempted by this chapter.

K. Purchasing and/or Procurement Card mean and include the commercial credit card issued to authorized City employees for the purchase of supplies and services.

Section 7-902 CITY PURCHASING AGENT

The Purchasing Agent shall have the powers and duties prescribed herein.

A. Scope of Purchasing Authority.

1. The Agent shall have the power and it shall be the Agent's duty to purchase or contract for all supplies and contractual services needed by any using agency that derives its support wholly or in part from the City.

2. The Agent shall purchase or contract for those supplies and contractual services set forth herein in accordance with:

   a. Purchasing procedures as prescribed by this title

   b. Such written rules and regulations as the Agent shall adopt for the internal management and operation of the Division of Purchasing;

   c. Such other written rules and regulations as shall be prescribed by the Charter and Ordinances of the City of Coweta.

3. All rules and regulations adopted by the Agent for the internal management and operation of the Division of Purchasing shall be approved by the Council and filed in the office of the City Clerk.

4. Except as herein provided, it shall be unlawful for any City officer or employee to order the purchase of any supplies or make any contract within the purview of this chapter, other than through the Purchasing Agent and any such purchase ordered or any contract made contrary to the provisions herein shall not be approved by City officers, and the City shall not be bound thereby.

B. Additional Powers and Duties

In addition to the purchasing authority conferred in Subsection A. above and in addition to any other powers and duties conferred by this chapter, the Agent shall perform the duties given herein.

1. Minimum Expenditure. The Agent shall act to procure for the City the highest quality in supplies and contractual services at least expense to the City.

2. Encourage Competition. The Agent shall discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

3. Rules and Regulations. In conjunction with the Director of Finance, the Agent shall establish and amend, when necessary, rules and regulations authorized by this chapter and any others necessary to the operation of the Purchasing Division.

4. Purchasing Analysis. The Agent shall keep informed of current developments in purchasing, prices, market conditions and new products, and shall secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations.

5. Supplier Catalog File. The Agent shall prepare, adopt and maintain a supplier catalog file, indexed according to materials and containing descriptions of vendors' commodities, prices and discounts.

6. Bulk Purchases. The Agent shall exploit the possibilities of buying in bulk so as to take full advantage of discounts.

7. Federal-and State Tax Exemptions. The Agent shall act so as to procure for the City all federal and state tax exemptions to which it is entitled.

8. Disqualification of Bidders. The Agent shall have the authority to declare that vendors who default on their quotations are unsecured bidders and to disqualify them from receiving any business from the municipality for a stated period of time.

9. Written Specifications. The Agent shall adopt and enforce written specifications as required to procure all supplies, equipment and services.

10. Standardization. The Agent shall adopt a minimum number of standard qualities, sizes and varieties of supplies consistent with the successful operation of the City government.

11. Effects of Adoption. After its adoption, each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the supply described in such specification.

12. Pre-Bid Conference. The Agent shall have the authority to conduct pre-bid conferences and make attendance mandatory for contractors wishing to submit a bid.

13. Purchase Documentation. The Agent shall have the authority, by written policy, to establish purchase limits for those purchases that require purchase orders or written contracts, and to establish purchasing guidelines for employee usage of city issued purchase or procurement cards.

14. Advanced Purchasing Methods. The Agent shall have the authority to implement advanced purchasing methods, in lieu of traditional means of advertising and bidding. Said methods may take advantage of modern modes of electronic communication, through the use of email, internet, and other electronic devices or systems that may be available. Advertising methods that provide bidding opportunities to a broad base of bidders, so long as the goals and objections of this ordinance are accomplished, may be utilized. These methods include but are not limited to reverse auctions, online bidding and other similar electronic procurement methods.

15. Payment Procedure. The Finance Director or his/her designee shall accumulate all properly submitted and due claims and invoices to be processed for payment and present them to the City Manager or his/her designee for consideration and approval for payment. Upon such approval for payment, the City Treasurer or his/her designee shall issue properly signed checks, or other authorized forms of payment, in payment of said claims and invoices. A list of claims and invoices paid will be prepared and presented by the Finance Director or his/her designee and submitted, for informational purposes, to the City Council at the next regular meeting following the payment date.

16. The authority to represent the City at any Court ordered mediation or settlement conference, with full settlement authority without additional approval of the council.

17. The authority to contract, for the purpose of filling what have traditionally been employee positions, with either employees or independent contractors, if the expenditure will be within the limits of the budgeted funds.

18. The authority to expend funds for economic development projects or as economic development incentives up to the purchasing limit set by council.

19. The authority to deny tort claims that are within the purchasing authority of the city manager, and the authority to deny those claims in which the City's insurance carrier has investigated the claim and recommended denial.

Section 7-903 ENCUMBRANCE OF FUNDS

Except in cases of emergency, the Agent shall not issue any order for delivery on a contract or open market purchase until the Director of Finance or his/her designee shall have certified, that there is to the credit of the using department a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order for such purposes.

Section 7-904 PROHIBITION OF INTEREST

A. Any purchase order or contract within the purview of this chapter in which the Agent or any officer or employee, or spouse thereof, of the City is financially interested, directly or indirectly, shall be void.

B. For purposes of this section "financially interested" shall mean ownership of more than twenty-five percent (25%) of the business or of the common stock therein or any percentage that constitutes a controlling interest, but shall not include any such interest held by a blind trust.

Section 7-905 COMPETITIVE BIDDING REQUIRED

All purchases of and contracts for supplies and contractual services as defined herein and all sales of personal property which has become obsolete and unusable shall be based on competitive bids whenever possible, except as specifically provided herein or otherwise required by law. Purchases and contracts related to construction projects, labor, equipment, material and repairs by public trusts shall comply with 60 O.S. §176(G) and construction projects shall comply with the Oklahoma Public Competitive Bidding Act, 61 O.S. §101 et. seq.

Section 7-906 BIDDING REQUIREMENTS

Except as otherwise required by law, the bidding requirements of the City shall be as follows:

A. Contractual Service Purchases

Contractual services shall be purchased by formal written contract as follows:

1. Contractual services, when the estimated cost thereof exceeds Fifty Thousand Dollars ($50,000.00), shall be purchased from the lowest and best bidder or from the best value bidder, after due notice inviting bids.

2. Contractual services, when the estimated cost thereof is Fifty Thousand Dollars ($50,000.00) or less, may be purchased using the open market procedure as provided for herein.

B. Supplies, Material and Equipment Purchases

Supplies, material or equipment shall be purchased as follows:

1. All contractual purchases of supplies, materials, and equipment, when the estimated cost thereof exceeds Twenty-five Thousand Dollars ($25,000.00), shall be purchased by formal written contract or by purchase order from the lowest and best bidder or from the best value bidder, after due notice inviting bids.

2. All contractual purchases of supplies, material, and equipment, when the estimated cost thereof is Twenty-five Thousand Dollars ($25,000.00) or less may be purchased using the open market procedure provided for herein.

C. Construction Projects

Construction projects shall be purchased as follows:

1. All construction projects whereby the estimated cost thereof is over the amount set by the Oklahoma Public Competitive Bidding Act shall be bid in accordance with the requirements of that statute.

2. All construction projects whereby the estimated cost thereof is less than the amount set by the Oklahoma Public Competitive Bidding Act may be procured by written contract or by purchase order from the lowest and best bidder or from the best value bidder, using the open market procedure provided for herein.

D. Exception for Cooperative Purchases

Notwithstanding the foregoing limitations, competitive bidding shall not be required and the Purchasing Agent shall have the authority, instead, to make purchases from a Cooperative Purchasing Plan or under contracts let by the state of Oklahoma, when the best interests of the City would be served.

E. Surplus Property

No surplus or obsolete supplies, materials, or equipment of a value of more than one thousand dollars ($1,000.00) may be sold until the council shall have declared them obsolete or surplus. Before the City Manager sells any surplus or obsolete supplies, materials, or equipment, except as otherwise provided herein, he shall advertise them for sale in a newspaper of general circulation in the city or give notice in such other manner as he or she deems necessary to

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 public auction. The City Manager may repeatedly reject all bids and advertise or give notice again. He or she may sell such supplies, materials, or equipment only to the highest responsible bidder for cash. In case of a tie, he or she may sell to either of the bidders tying, or may divide the sale among the two or more tying, always selling to the highest responsible bidder or bidders for cash.

Section 7-907 BIDDING PROCEDURES

The following bidding procedures shall apply to those purchases that require a competitive bidding procedure.

A. Notice Inviting Bids

1. Newspaper. The Agent shall cause to be published notice inviting bids in at least one (1) daily newspaper at least five (5) days preceding the last day set for the receipt of bids or conducting an auction. The newspaper notice required herein shall include a general description of the services required or the articles to be purchased or sold and shall state where bid forms and specifications may be obtained and the time and place for opening bids or the public auction.

2. Bidders' List. The Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "Bidders' List" maintained by the Agent by sending a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the Bidders' List shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

B. Bid Deposits

When deemed necessary by the Agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where it has been required. A successful bidder shall forfeit any surety required upon failure on his part to enter a contract within ten (10) days after the award.

C. Bid Opening Procedures

1. Sealed. Except in the case of public auctions, bids shall be submitted sealed to the office of the City Clerk and shall be identified on the envelopes as bids.

2. Opening. Bids for supplies, materials, equipment or contractual services shall be opened in public at the time and place stated in public notices.

3. Tabulation. A tabulation of all bids received shall be made by the Agent and the tabulation shall be available for public inspection in the office of the City Clerk at all reasonable times.

D. Rejection of Bids

1. Public Interest. The City shall have the authority to reject all bids, parts of any or all bids, or all bids for anyone or more supplies or contractual services included in the proposed contract when the public interest will be served thereby.

2. Undue Influence. Bids shall be rejected if any bidder has attempted to exert undue influence over the results of the bid including:

a. The bidder or anyone subject to the bidder's direction or control attempts to pay, give or donate to any officer or employee of the City any money or other thing of value, either directly or indirectly, in procuring the bid; or

b. The bidder or anyone subject to the bidder's direction or control attempts to influence the award of the bid by threat, force or intimidation.

c. Any other contact by bidder to any officer or employee of the City other than the designated agent, which in the opinion of the Agent was an attempt to unduly influence the award of the bid.

3. Bidders in Default to City. The City shall not accept the bids of a contractor who is in default on the payment of taxes, licenses or other monies due the City.

4. Bidders Not Attending Pre-Bid Conference. The City shall not accept the bids of a contractor who did not attend a mandatory pre-bid conference.

E. Award of Contract

1. Authority in the City Manager. The City Manager shall have the authority to award contracts and make purchases in an amount established by council by resolution, and shall have the authority to bind the city and its' agencies in that regard.

2. Lowest and Best Bidder and Best Value Bidder. Contracts shall be awarded to the lowest and best bidder or the best value bidder meeting specifications. Bid Specifications may include a point system for evaluating the bid. In addition to those factors established by state law, the following factors shall be considered:

a. The price,

b. The ability, capacity and skill of the bidder to perform the contract or provide the service required,

c. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference,

d. The character, integrity, reputation, judgment, experience and efficiency of the bidder,

e. The quality of performance of previous contracts or services,

f. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service,

g. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service,

h. The quality, availability and adaptability of the supplies or contractual services to the particular use required,

i. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract,

j. Where an earlier delivery date would be of great benefit to the requisitioning agency, the date and terms of delivery may be considered in the bid award,

k. The number and scope of conditions attached to the bid, and

i. If a point system has been utilized in the bid specifications, the number of points earned by the bidder.

F. Award to Other than Lowest Secure Bidder

When the award is not given to the lowest secure bidder meeting specifications, such award must be approved by the Council and a full and complete statement of reasons for placing the order with one other than the lowest secure bidder shall be entered in the minutes of the Council.

G. Tie Bids

a. Local Bidders. If two or more bids received are for the same total amount of unit price, quality and service being equal, the contract shall be awarded to the local bidder.

b. Bidders of Equal Status. Where paragraph G.a. of this section is not determinative, the Agent shall award the contract to one of the tie bidders by drawing lots in public.

H. Change Orders

If a bid has been based on a unit price bid, change orders shall be allowed based on the Bid unit price without additional advertisement or bidding.

I. Performance Bonds

Before entering a contract, the Agent shall have the authority to require a performance bond in such amount as he shall find reasonably necessary to protect the best interests of the City.

J. Prohibition Against Subdivision

No contract or purchase shall be subdivided to avoid the requirements of this section.

K Open Market Procedure

All purchases of supplies, materials, or equipment having an estimated cost less than Twenty-five Thousand Dollars ($25,000.00), and all sales of personal property which has become obsolete and unusable, of less than the estimated value of One Thousand Dollars ($1,000.00), may be made on the open market, without newspaper advertisement and without observing the procedure prescribed in this section for the award of formal contracts.

1. Minimum Number of Bids. All open market purchases in excess of Two Thousand Five Hundred Dollars ($2,500.00) shall, whenever possible, be based on competitive market quotation bids as set forth below, and shall be awarded to the lowest secure bidder in accordance with the standards set forth herein. For purchases from $2,500.00 to $24,999.99, Buyer shall make at least three (3) solicitations (written/telephone) for competitive market quotation bids.

2. Recording. The Agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall be open to public inspection at all reasonable times.

L. Waiver of Competitive Bidding

The City Council may waive the requirement for competitive bidding for the purchase of supplies, materials, equipment or contractual services when some material feature or characteristic of the item or service sought to be purchased is unique and the Purchasing Agent has certified that to the best of his knowledge, after diligent inquiry, the item or service is available from only one source. The Purchasing Agent may require the department head or official requesting the bid waiver to submit an affidavit identifying the unique and material features or characteristics of the item or service. A full and complete statement of the reasons for approving each waiver of competitive bidding shall be filed with the City Clerk.

Section 7-908 EMERGENCY PURCHASES

A. By Agent. In Case of an apparent emergency which requires immediate purchase of supplies or contractual services, the City Manager, in an amount set by council by resolution, shall be empowered to grant written authorization to the Agent to secure by open market procedure as herein set forth, at the lowest obtainable price, any supplies or contractual services, regardless of the amount of the expenditure. A full report of the circumstances of the emergency purchase shall be filed by the Agent with the City Clerk and shall be open to public inspection.

B. By Department Head. In case of actual emergency occurring during normal office hours the head of any using agency may, with the consent of the Agent and the approval of the City Manager, purchase directly any supplies or contractual services whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of the citizens.

PART 8

HEALTH AND SANITATION

CHAPTER 1

WEEDS AND TRASH

Section 8-101 Accumulation of trash or weeds unlawful
Section 8-102 Definitions
Section 8-103 Reports of accumulation of grass, weeds or trash on property
Section 8-104 Receipt of report, hearing and notice, abatement, costs, lien and collection
Section 8-105 Council may designate officer to perform duties, appeals
Section 8-106 Unlawful to deposit rubbish
Section 8-107 Removal of dead animals
Section 8-108 Unlawful to litter
Section 8-109 Unlawful to litter from automobiles
Section 8-110 Litter not to accumulate on property
Section 8-110.1 Dilapidated Personal Property in Public View Prohibited
Section 8-111 Political advertising on rights-of-way prohibited
Section 8-112 Abandoned iceboxes, refrigerators
Section 8-113 Penalty

CHAPTER 2

FOOD AND RESTAURANTS

Section 8-201 Food service regulations adopted
Section 8-202 Milk ordinance adopted
Section 8-203 Grades of milk which may be sold
Section 8-204 Enforcement by whom
Section 8-205 Penalty

CHAPTER 3

JUNKED, WRECKED MOTOR VEHICLES

Section 8-301 Nuisance
Section 8-302 Definitions
Section 8-303 Junk motor vehicles prohibited, exceptions
Section 8-304 Junk vehicles nuisance, removal
Section 8-305 Notice
Section 8-306 Removal by health officer
Section 8-307 Recovery by owner
Section 8-308 Sale
Section 8-309 Penalty

CHAPTER 4

NUISANCES

Section 8-401 Nuisance defined; public nuisances; private nuisances
Section 8-402 Persons responsible
Section 8-403 Time does not legalize
Section 8-404 Remedies against public nuisances
Section 8-405 Remedies against private nuisances
Section 8-406 City has power to define and summarily abate nuisances
Section 8-407 Certain public nuisances in the city defined
Section 8-408 Summary abatement of nuisances
Section 8-409 Abatement by suit in district court
Section 8-410 Cost of abatement
Section 8-411 Cost to be determined, statement of cost to be sent
Section 8-412 Failure to pay costs, costs to be certified to county treasurer
Section 8-413 Nuisance unlawful
Section 8-414 Damages and prosecution for public offense
Section 8-415 Health nuisances; abatement
Section 8-416 Toilet facilities required; nuisance
Section 8-417 Procedure cumulative
Section 8-418 Penalty.

CHAPTER 5

AMBULANCE SERVICES

Section 8-501 Purpose
Section 8-502 Definitions
Section 8-503 Creation of position of EMS supervisor
Section 8-504 Rates
Section 8-505 Segregation of funds for ambulance service
Section 8-506 Gratuitous ambulance service to hospital
Section 8-507 Area of service
Section 8-508 Service beyond area of service
Section 8-509 Persons eligible for service
Section 8-510 Nursing homes and other institutions
Section 8-511 Termination of water service
Section 8-512 Ambulance service for other municipalities
Section 8-513 Persons not covered
Section 8-514 Subrogation and assignment
Section 8-515 Other ordinances
Section 8-516 Limitation of obligation of city

CHAPTER 6

DILAPIDATED BUILDINGS

Section 8-601 Definitions
Section 8-602 Report to be made
Section 8-603 Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment
Section 8-604 Clearing up of premises from which buildings have been removed.
Section 8-605 Penalty

CHAPTER 7

ENFORCEMENT AND PENALTY

Section 8-701 County health department designated to enforce health ordinances
Section 8-702 Obstructing health officer
Section 8-703 Quarantine; violations
Section 8-704 Penalty

CHAPTER 8

SWIMMING POOLS

Section 8-801 Intent
Section 8-802 Definitions
Section 8-803 Required Safety Features
Section 8-804 Exemptions

CHAPTER 1

WEEDS AND TRASH

Section 8-101 Accumulation of trash or weeds unlawful
Section 8-102 Definitions
Section 8-103 Reports of accumulation of grass, weeds or trash on property
Section 8-104 Receipt of report, hearing and notice, abatement, costs, lien and collection
Section 8-105 Council may designate officer to perform duties, appeals
Section 8-106 Unlawful to deposit rubbish
Section 8-107 Removal of dead animals
Section 8-108 Unlawful to litter
Section 8-109 Unlawful to litter from automobiles
Section 8-110 Litter not to accumulate on property
Section 8-110-1 Dilapidated personal property in public view prohibited
Section 8-111 Political advertising on rights-of-way prohibited
Section 8-112 Abandoned iceboxes, refrigerators
Section 8-113 Penalty

SECTION 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL

It is unlawful for any owner of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow trash or weeds to grow, stand or accumulate upon such premises and it is the duty of such owner to remove or destroy any such trash or weeds.

Cross Reference: Nuisances defined, Section 8-401 of this code.

Cross Reference: See also open burning prohibited, Section 13-107.

SECTION 8-102 DEFINITIONS

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Weeds" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

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

b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

c. Harbors rodents or vermin;

d. Gives off unpleasant or noxious odors;

e. Constitutes a fire or traffic hazard; or

f. Is dead or diseased.

The term “weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use;

2. "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, whether solid or liquid in form; and

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

SECTION 8-103 REPORTS OF ACCUMULATION OF GRASS. WEEDS OR TRASH ON PROPERTY

A. Any officer or employee of the city who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the city, shall report the condition to the city manager if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;

2. A hazard to traffic; or

3. A fire hazard to property.

B. The chief or assistant chief of police, chief or assistant chief of the fire department, or the county sanitarian or other representative of the department of public health, and any other person authorized by the city manager shall, on citizen complaint or upon their own notice, inspect subject property. If their inspection reveals a violation of one or more of the above named conditions, and their decision must be unanimous, they shall report their findings to the city manager.

SECTION 8-104 RECEIPT OF REPORT, HEARING AND NOTICE, ABATEMENT, COSTS, LIEN AND COLLECTION

The administrative officer is authorized to cause property within the city to be cleaned of trash and weeds, or grass to be cut or mowed, and the nuisance to be abated in accordance with the following procedure:

1. The administrative officer or his designee may determine whether the accumulation of Health and Sanitation trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of the property;

2. At least ten (10) days notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall state that unless the work is performed within ten (10) days of the date of the notice, the work shall be done by the city and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the city;

3. At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the person doing the mailing. However, if the property owner cannot be located within ten (10) days from the date of mailing the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by Section 102.8 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action;

4. If the city anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, shall state: that any accumulations of trash or excessive weeds or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the city; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property to secure such payment, all without further notice to the property owner. At the time of each summary abatement, the city clerk shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section. However, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this section;

5. The owner of the property may give his written consent to the city authorizing the removal of the trash or the mowing of the weeds or grass. By giving his written consent, the owner waives his right to a hearing by the city;

6. A hearing may be held by the administrative officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the city manager, except that if the city manager conducts the initial hearing, then the right of appeal is to the city council. The appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered;

7. If the administrative officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal or such conditions, the administrative officer shall direct the clearing or cleaning be done by one of the following methods:

   a. By the city;

   b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

SECTION 8-105 COUNCIL MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS

A. The city council may designate an administrative officer to carry out the duties of the city council in this code. The property owner shall have a right of appeal to the city council from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative hearing.

SECTION 8-106 UNLAWFUL TO DEPOSIT RUBBISH

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this city.

SECTION 8-107 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this city, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

Cross Reference: Animals generally, Section 4-101 of this code.

SECTION 8-108 UNLAWFUL TO LITTER

For the purpose of this chapter, "littering" is defined as any trash, refuse, garbage, rubbish, ashes, street cleanings, abandoned appliances, paper wrappings, cigarette butts, cardboard, yard clippings, leaves, wood, grass, bedding, waste paper, tin cans, bottles, or any other object or substance.

It is unlawful for any person to litter upon the public streets, alleys, roadways, curbs, gutters, and sidewalks of the city, except in public receptacles, or upon any real property owned or occupied by another.

SECTION 8-109 UNLAWFUL TO LITTER FROM AUTOMOBILES

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the city any litter, trash, waste paper, tin cans or any other substance or refuse whatsoever.

SECTION 8-110 LITTER NOT TO ACCUMULATE ON PROPERTY

A. It is hereby declared to be unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises or on the sidewalk in front of such property or premises.

B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

SECTION 8-110-1 DILAPIDATED PERSONAL PROPERTY IN PUBLIC VIEW PROHIBITED

No person shall allow any dilapidated personal property to remain outside any building, enclosed porch, archway or other portion of a building or dwelling which he owns or occupies.

Definitions: Dilapidated Personal Property means wrecked or derelict personal property, including, but not limited to inoperative or partially dismantled motor vehicles, inoperative or partially dismantled trailers, inoperative or partially dismantled boats, machinery, refrigerators, washing machines, stoves, hot water heaters and other household appliances, or any part thereof, plumbing fixtures, household or office furniture, or any personal property which is no longer used for the purpose for which it was manufactured or is no longer safely usable for the purpose for which it was manufactured.

SECTION 8-111 POLITICAL ADVERTISING ON RIGHTS-OF-WAY PROHIBITED

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become or may be a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof.

B. No person, firm or corporation shall erect or display any political advertising sign on any street or alley right-of-way, or upon any public utility easement within this city.

C. No person, firm or corporation shall place, tack, nail, staple or glue any political advertising sign on any telephone, telegraph, electric or street lighting pole within this city.

Any political advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected, placed or displayed in violation of the provisions of this section.

Cross Reference: See also Section 10-310 prohibiting signs on rights of ways.

SECTION 8-112 ABANDONED ICE BOXES. REFRIGERATORS

It is unlawful for any person to leave in a place accessible to children any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock, or fastener.

SECTION 8-113 PENALTY

Any person, firm or corporation, who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

FOOD AND RESTAURANTS

Section 8-201 Food service regulations adopted
Section 8-202 Milk ordinance adopted
Section 8-203 Grades of milk which may be sold
Section 8-204 Enforcement by whom
Section 8-205 Penalty

SECTION 8-201 FOOD SERVICE REGULATIONS ADOPTED

A. The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated in this code by reference. At least one copy of the rules and regulations shall be on file in the office of the city clerk. The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section.

B. Any person who violates any of the provisions of this section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

SECTION 8-202 MILK ORDINANCE ADOPTED

The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for the ultimate consumption within the city, or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of the "Milk Ordinance - Recommendations of the Public Health Service Revised to Comply with Oklahoma State Statutes," a copy of which shall be filed in the office of the city clerk. Sections 9 and 16 of the unabridged ordinance shall be replaced, respectively by Sections 8-205 and 8-206 of this code.

SECTION 8-203 GRADES OF MILK WHICH MAY BE SOLD

Only certified pasteurized and Grade A pasteurized, and certified raw or Grade A raw milk and milk products, shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled “ungraded”.

SECTION 8-204 ENFORCEMENT BY WHOM

All sampling, examining, grading, and re-grading of milk and milk products and all inspections, and issuing and suspension of revocation of permits shall be done by the director of the county health department or his authorized representative, who shall be a registered professional sanitarian.

SECTION 8-205 PENALTY

Any person who violates any provision of this chapter or the standards or codes adopted herein shall be punished and, upon conviction, as provided in Section 1-108 of this code.

CHAPTER 3

JUNKED, WRECKED MOTOR VEHICLES

Section 8-301 Nuisance
Section 8-302 Definitions.
Section 8-303 Junk motor vehicles prohibited, exceptions
Section 8-304 Junk vehicles nuisance, removal
Section 8-305 Notice
Section 8-306 Removal by health officer
Section 8-307 Recovery by owner
Section 8-308 Sale
Section 8-309 Penalty

SECTION 8-301 NUISANCE

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the city in places other than authorized junk yards or other areas authorized by the city 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 hereby declared to be a nuisance.

SECTION 8-302 DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

1. "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers;

2. "Junk motor vehicle" is any motor vehicle, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, unserviceable, abandoned, or discarded;

3. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind;

4. "Private property" means any real property within the city which is privately owned and which is not public property as defined in this section; and

5. "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.

SECTION 8-303 JUNK MOTOR VEHICLES PROHIBITED. EXCEPTIONS

No person shall deposit, store, keep or permit to be deposited, stored or kept upon public or private property, in the open, a junk motor vehicle or any vehicle legally or physically incapable of being operated for a period exceeding one hundred sixty-eight (168) hours unless such vehicle or parts thereof are:

1. Completely enclosed within a building;

2. Stored in connection with a business lawfully established pursuant to the zoning ordinances of the city; or

3. Stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored.

SECTION 8-304 JUNK VEHICLES NUISANCE. REMOVAL

The accumulation or storage of one or more junk motor vehicles or parts thereof shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It is the duty of the owner or person in control of such vehicle, or the parts thereof, or the owner of the private property, lessee or person in possession or control of the property upon which such vehicle is located, to cause to be removed or remove the vehicle from such property, or have the vehicle housed in a building, where it will not be visible from the street or other private property. Such removal or enclosure shall be made within one hundred sixty-eight (168) hours after notice as set out in Section 8-303 has been given to the owner or person in control of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The one hundred sixty-eight (168) hour time limit may be extended by the health officer in the case of obvious hardship.

SECTION 8-305 NOTICE

The director of the city-county health department, or any officer of that department he may assign, upon complaint of any citizen or on the officer's own volition, shall cause notice to be posted on such junk motor vehicle, that the vehicle is a nuisance and shall be removed within one hundred sixty-eight (168) hours as required in Section 8-304 of this code.

SECTION 8-306 REMOVAL BY HEALTH OFFICER

Upon any failure of the owner or person in control of the junk motor vehicle or vehicles or the owner, lessee, or person in control of the property upon which the junk motor vehicle or vehicles may be located, to remove the vehicle or place it in an enclosed building within one hundred sixty-eight (168) hours after notice has been placed on the vehicle, the director of the city-county health department, or any officer of that department he may assign, shall notify, in writing, the police department of the city which shall promptly cause the vehicle and its parts to be removed and stored in a proper place.

SECTION 8-307 RECOVERY BY OWNER

The owner or person in control of any vehicle or vehicles so removed may regain possession thereof by making application to the chief of police for the city within thirty (30) days after its removal, and upon payment to the city of all reasonable costs of removal and storage which shall have accrued to such vehicle or vehicles.

SECTION 8-308 SALE

If no claim for the junk motor vehicle or vehicles is made within sixty (60) days after removal by the city, the vehicle or vehicles may be sold for the best price obtainable as junk or otherwise and the proceeds shall be used first to pay all reasonable removal or storage fees against the vehicle or vehicles.

SECTION 8-309 PENALTY

Any person who violates 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, is guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which any such violation continues shall constitute a separate offense.

CHAPTER 4

NUISANCES

Section 8-401 Nuisance defined; public nuisances; private nuisances
Section 8-402 Persons responsible
Section 8-403 Time does not legalize.
Section 8-404 Remedies against public nuisances
Section 8-405 Remedies against private nuisances
Section 8-406 City has power to define and summarily abate nuisances
Section 8-407 Certain public nuisances in the city defined
Section 8-408 Summary abatement of nuisances
Section 8-409 Abatement by suit in district court
Section 8-410 Cost of abatement
Section 8-411 Cost to be determined, statement of cost to be sent
Section 8-412 Failure to pay costs, costs to be certified to county treasurer
Section 8-413 Nuisance unlawful
Section 8-414 Damages and prosecution for public offense
Section 8-415 Health nuisances; abatement
Section 8-416 Toilet facilities required; nuisance
Section 8-417 Procedure cumulative
Section 8-418 Penalty

SECTION 8-401 NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES

A. A nuisance is 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. Offends decency;

3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or

4. In any way renders other persons insecure in life or in the use of property.

B. A public nuisance is 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.

C. Every nuisance not included in Subsection B above is a private nuisance.

SECTION 8-402 PERSONS RESPONSIBLE

No person in charge or control of any property in the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow a nuisance to exist on the property. 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.

SECTION 8-403 TIME DOES NOT LEGALIZE

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

SECTION 8-404 REMEDIES AGAINST PUBLIC NUISANCES

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;

2. Prosecution on information or indictment before another appropriate court;

3. Civil action; or

4. Abatement:

    a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or

    b. By the city in accordance with law or ordinance.

SECTION 8-405 REMEDIES AGAINST PRIVATE NUISANCES

The remedies against a private nuisance are:

1. Civil action; and

2. Abatement:

a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or

b. By the city in accordance with law or ordinance.

SECTION 8-406 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the city has 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 done.

SECTION 8-407 CERTAIN PUBLIC NUISANCES IN THE IN CITY DEFINED

In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;

2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;

3. The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;

4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;

5. The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;

6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;

7. The conduct or holding of public dances in violation of the ordinances of the city; 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, morals, safety or welfare;

19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate and current safety inspection sticker 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 this city, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance; and

21. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause, is hereby declared to be a nuisance.

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

SECTION 8-408 SUMMARY ABATEMENT OF NUISANCES

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the 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 chief of the fire department, the chief of police, the city attorney, the health officer, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the city manager or any council member or resident, may submit through or with the consent of the city manager to the code enforcement officer, a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated.

C. Upon receiving the complaint or observing the nuisance himself, the city manager or his designee will investigate the alleged nuisance. If he determines that a public nuisance exists, he will notify the person responsible for the nuisance. Such notice to the owner and other persons concerned shall be given in writing, by mail or by service by a police

officer if their names and addresses are known; but, if the names and addresses are not known, and the public peace, health, safety, morals, or welfare would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city. Such notice shall provide not less than ten (10) days nor more than sixty (60) days, at the discretion of the city manager or his designee, in which to abate such nuisance or to request a hearing as hereinafter set forth.

D. If the person receiving the abatement notice wishes a hearing, he must request it in writing within ten (10) days and mail or file it with the city clerk. The hearing on his request will be before the city manager and will be held as soon as possible after the request is filed. The city manager shall render his decision by written memorandum and file the same with the city clerk, who shall thereupon mail a copy to the person or persons requesting the hearing at the last known mailing address.

E. If the person responsible for a nuisance wishes to appeal the city manager's decision, he may request a hearing before the city council. Such request must be in writing and submitted to the city clerk within five (5) days after notice of the decision of the city manager is mailed to him.

F. The council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the council shall have power to subpoena and examine witnesses, books, papers and other effects.

G. If the council finds that a nuisance does in fact exists, it 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, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the council shall direct the city manager to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The city clerk 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 the names and addresses are known. Until paid, such cost shall constitute a debt to the city, collectible as other debts of the city may be collected.

SECTION 8-409 ABATEMENT BY SUIT IN DISTRICT COURT

In cases where it is deemed impractical summarily to abate a nuisance, the city may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes.

SECTION 8-410 COST OF ABATEMENT

If the person responsible for the nuisance is unable to pay for its removal, the work may be done by the employees of this city under supervision of the city manager, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.

SECTION 8-411 COST TO BE DETERMINED. STATEMENT OF COST TO BE SENT

Upon the completion of the work ordered to be performed under Section 8-408 of this code, the city manager shall prepare a report on the cost thereof. Such report shall be itemized as to each tract, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, and other costs. The city manager shall determine the total actual costs of the work, and shall direct the city clerk to forward a statement and demand payment thereof 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 treasurer of the county in which the property lies. If the statement is not paid within twenty (20) days after such statement is mailed, the council may direct the city attorney to institute action to establish its lien against the property on which such work was done and to request the court to cause such property to be sold and the lien paid.

SECTION 8-412 FAILURE TO PAY COSTS, COSTS TO BE CERTIFIED TO COUNTY TREASURER

In the event the city does not elect to proceed by legal action as set forth herein, then six (6) months from the date of mailing the notice prescribed by Section 8-410 hereof, the city clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the county treasurer in the manner prescribed by the laws of this state.

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.

SECTION 8-414 DAMAGES AND PROSECUTION FOR PUBLIC OFFENSE

The fact that the city has abated and removed a nuisance shall in no way excuse the party responsible therefor from any damages which may have resulted prior thereto. Neither shall the order of abatement prevent the chief of police or other person from filing a complaint where the nuisance constitutes a public offense. The chief of police may file complaint in each and every instance where the nuisance amounts to a public offense, and the person responsible therefor shall be prosecuted on such complaint; on determination of guilt, he shall be punished as provided for punishment of public offenses.

SECTION 8-415 HEALTH NUISANCES; ABATEMENT

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have 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 twenty-four (24) hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is 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 city clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill 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 be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If such owner or occupant is not a user of any city utility service, such cost, after certification to the city clerk, may be collected in any manner in which any other debt due the city may be collected.

SECTION 8-416 TOILET FACILITIES REQUIRED; NUISANCE

A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:

1. “Human excrement” means the bowel and kidney discharge of human beings;

2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3. "Sanitary pit privy" means a privy which is built, rebuilt, or constructed so as to conform to the specifications approved by the State Health Department.

B. 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. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto, and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the State Health Department.

C. All human excrement disposed of within this city shall be disposed of by depositing it in closets of the type provided for in this section. It is unlawful for any owner of property within the city to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the city in any other manner.

D. Any privy shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop, or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this section, and all privies and closets so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.

SECTION 8-417 PROCEDURE CUMULATIVE

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized.

SECTION 8-418 PENALTY

Any person, firm or corporation, who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.

CHAPTER 5

AMBULANCE SERVICES

Section 8-501 Purpose
Section 8-502 Definitions.
Section 8-503 Creation of position of EMS supervisor
Section 8-504 Rates
Section 8-505 Segregation of funds for ambulance service
Section 8-506 Gratuitous ambulance service to hospital
Section 8-507 Area of service
Section 8-508 Service beyond area of service
Section 8-509 Persons eligible for service
Section 8-510 Nursing homes and other institutions
Section 8-511 Termination of water service
Section 8-512 Ambulance service for other municipalities
Section 8-513 Persons not covered
Section 8-514 Subrogation and assignment
Section 8-515 Other ordinances
Section 8-516 Limitation of obligation of city

SECTION 8-501 PURPOSE

The mayor and city council find that the current cost for ambulance service furnished by the city is, due to expenses related to maintaining such ambulance service, insufficient and that the best interest of the residents of the city would be served by providing for supplemental ambulance service at a rate equal to existing medical insurance coverage to certain classes of residents and by funding such services by rates per meter per month or the equivalent thereto, as set by the council by motion or resolution. Therefore, the ambulance service provided by this ordinance shall be deemed a no-cost service supplemental to insurance coverage afforded persons entitled to ambulance service by this ordinance.

SECTION 8-502 DEFINITIONS

The following words and phrases as used in this chapter shall, for the purposes of this chapter have the following meaning:

1. “City” means the incorporated city, including all property annexed thereto, except any property heretofore or hereafter annexed by means of “fencing”;

2. "Emergency" means a sudden and unexpected illness or injury requiring immediate transportation to a hospital or other place where emergency medical attention is rendered and means circumstances in which life or limb is in eminent danger of loss and does not include any illness or injury which was gradual in its onset and for which a reasonable person would have had ample opportunities to secure adequate medical attention by a means other than urgent ambulance transportation;

3. “Medically Necessary” means a non-life threatening situation requiring that a patient be transported to or from a medical facility by ambulance;

4. “Transfer” means a non-life threatening situation whereby a patient is transported to a medical facility for medical tests or examination, or when a patient is transported from a medical facility to the patient’s place of residence.

5. “Medical Facility” means an Oklahoma-licensed physician’s office or accredited hospital;

6. “No-Cost” means all emergency and medically necessary ambulance services shall be billed to the patients insurance and the city will accept what they receive from that insurance and waive any remaining balance;

7. "Geographic center" means the intersection of the center lines of Broadway and Chestnut Streets in the city;

8. "Illness or injury" means a physical impairment or disability which arose suddenly and unexpectedly and which requires immediate medical attention. It does not include any mental illnesses but it does include attempted suicide. Further, it does not include emergency transportation when the person transported was biologically dead when the ambulance transportation commenced;

9. “Physician” means any medical doctor or osteopathic physician licensed to practice within the state and it does not include any other practitioners of the healing arts, including but not limited to psychologists, psychiatrists, and chiropractors;

10. "Place of business" or "business" means any commercial establishment having a location separate and apart from any other such establishment;

11. "Residence" means one single family dwelling unit or the equivalent thereto; and

12. "Residents" means those persons permanently residing in the city and who have resided in the city for a continuous period of not less than sixty (60) days and who reside in the city with the intention of permanently making the city their place of residence for an indefinite period of time.

13. “Insurance” means medical, hospitalization, or other insurance indemnity agreement which provides benefits or pays claims for medical services, automobile insurance providing for payments of medical benefits to the insured or his family, third party liability coverage resulting in payment of medical expenses of residents, worker’s compensation benefits, Medicare and other welfare programs providing for payment of medical care or services;

14. “Other” words and phrases used in this ordinance are defined parenthetically in this ordinance following the use of such words or phrases.

SECTION 8-503 CREATION OF POSITION OF EMS SUPERVISOR

The position of EMS supervisor is hereby created and established, such supervisor to be administrative head of the ambulance service. The duties of the EMS supervisor shall include:

1. Aid to the city clerk's office in all matters relating to billing and collections;

2. Other such duties as may be given or required for the safe professional operation of the ambulance service

3. Recommendations to the city manager on all purchases, operational procedures, maintenance and needs of the service; and

4. Supervision of ambulance personnel, including EMT’s and First Responders.

SECTION 8-504 RATES

The monthly charge or rate for ambulance service furnished by the city to all persons residing within or having a business located within the corporate city limits shall be added to the water utility charges and shall be as set by the city council by motion or resolution.

SECTION 8-505 SEGREGATION OF FUNDS FOR AMBULANCE SERVICE

All monies derived by means of the rate increase set forth in Section 8-504 of this code are hereby earmarked and segregated for the operation and maintenance of an ambulance service by the city. Also, all other monies derived from and resulting from ambulance services rendered are hereby earmarked and segregated from the operation and maintenance of an ambulance service by the city.

SECTION 8-506 SUPPLEMENTAL AMBULANCE SERVICE TO HOSPITAL

After March 1, 1982, ambulance service supplemental to insurance benefits will be furnished at no cost to all persons eligible for service to the closest adequate hospital when:

1. Ambulance transportation to a hospital or other place where medical attention is available and is reasonable and necessary;

2. For illness or injury when there exists an obvious emergency or when ordered by a physician due to an emergency; and

3. Is for emergency treatment of a person eligible for service.

SECTION 8-507 AREA OF SERVICE

The supplemental ambulance service afforded by this chapter to persons eligible for the same, shall when transporting eligible persons to a hospital, be limited to an area within thirty (30) miles from the geographic center of the city. Nothing contained in this chapter shall be construed to obligate city to provide ambulance service to a hospital when the eligible person is to be picked up by city's ambulance at a point more than five (5) miles from the geographic center of the city.

SECTION 8-508 SERVICE BEYOND AREA OF SERVICE

When due to any reasons a person eligible for service is transported by city's ambulance beyond the area of service set forth in this chapter, that portion of such trip lying within the area of service shall be deemed service supplemental to insurance benefits but for all portions of such trip lying beyond the area of service normal and reasonable charges for such portion will be payable by person transported or any other responsible party to the extent the same is not fully paid by insurance coverage. Ambulance services are not afforded for any eligible person when such person is to be picked up by city's ambulance more than five (5) miles from the geographic center of city.

SECTION 8-509 PERSONS ELIGIBLE FOR SERVICE

The following persons are eligible to receive the supplemental ambulance service provided for in this chapter:

1. Residents of city whose residences do not receive water service from the city and members of their family and relatives permanently residing with such resident and who are themselves residents of the city;

2. Residents of city whose residences receive water service from the city, and members of their family and relatives permanently residing with such resident and who are themselves residents of the city; and

3. Non-residents of city who are employed by a place of business located in the city subscribing to city's water service or the equivalent thereto, when such emergency ambulance service is the result of illness or injury occurring when such employee is located within the corporate limits of the city;

SECTION 8-510 NURSING HOMES AND OTHER INSTITUTIONS

Residents of nursing homes, hospitals and other institutions or organizations in which more than three (3) persons are kept for treatment or care, when such hospital or other institution is located within the city, and when such hospital, nursing home or other institution or resident thereof:

1. Elects to subscribe for such supplemental service; and

2. Rates shall be calculated based on the sum set by the council by motion or resolution per month for each resident. Subscriptions shall be renewable each January for a one year term. Rates shall be prorated as set by the council per month or portion thereof.

Cross Reference: See Fee Schedule for current rates.

SECTION 8-511 TERMINATION OF WATER SERVICE

If water service shall for any reason be terminated to any resident of the city or any other person eligible for supplemental ambulance service, such person shall no longer be entitled to supplemental ambulance service.

SECTION 8-512 AMBULANCE SERVICE FOR OTHER MUNICIPALITIES

A. The supplemental ambulance service provided for in this chapter may be extended to residents of other towns or cities by a resolution of the city council of the city when, in opinion of such council, the city is able to provide supplemental ambulance services for such town or city, provided that the city council shall not by resolution authorize supplemental ambulance service for any other town or city until all of the following have occurred:

1. Such town or city has, by resolution of its governing body, requested such services;

2. Has lawfully enacted an ordinance providing funds in an amount proportionately equal to the funds to be generated by this chapter in relation to the population of such town or city, as it bears to the population of this city, that such sum may, by resolution of this city council be increased, such increase to bear a reasonable relation to the additional distance which the ambulance will travel; and

3. Has provided by law for the payment of such funds to this city on a monthly basis.

B. Any service furnished to any other town or city shall be subject to termination by the city council of the city upon a finding that continued provision of supplemental ambulance service to such town or city jeopardizes the rendition of such service to residents of this city or when it becomes apparent that the sums paid by such town or city for such supplemental ambulance service are insufficient to cover the expense of furnishing such service. However, this city may not terminate such ambulance service except upon sixty (60) days written notice to any other town or city receiving such service.

SECTION 8-513 PERSONS NOT COVERED

All persons to whom supplemental ambulance service is not afforded by this chapter shall pay reasonable charges for such ambulance service as may be determined by the city council.

SECTION 8-514 SUBROGATION AND ASSIGNMENT

All persons subscribing to the city's supplemental ambulance shall be deemed to have agreed to an assignment to the city of all their right and entitlement to the benefits of any insurance attributable to ambulance service provided by the city pursuant to this ordinance. Similarly, all residents of the city subject to the provisions of this ordinance shall be obligated to pay for ambulance service a sum equivalent to their insurance coverage. Any person receiving insurance benefits and fail to pay them to the city shall be liable for the same.

SECTION 8-515 OTHER ORDINANCES

Nothing herein shall be construed to repeal or alter existing ordinances relating to charges made for water service by the city which schedule or rates are set from time to time by the city and public works authority.

SECTION 8-516 LIMITATION OF OBLIGATION OF CITY

Under no conditions shall the city be obligated to pay any sums of money to any person eligible for the benefits conferred by this chapter. When any person elects to use any ambulance service other than that provided by city, the city shall have no liability or obligation to pay such person any benefits therefor. When the city is for any reason unable to provide ambulance service as contemplated by this chapter, no person being refused ambulance service at such time shall be entitled to make any claim or demand against the city, or receive any benefits from the city and the operation of the ambulance service by the city is hereby declared to be a governmental function of city for the health and welfare of all persons for whom benefits are provided by this chapter.

CHAPTER 6

DILAPIDATED BUILDINGS

Section 8-601 Definitions
Section 8-602 Report to be made
Section 8-603 Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment
Section 8-604 Clearing up of premises from which buildings have been removed
Section 8-605 Penalty

SECTION 8-601 DEFINITIONS

For the purposes of this chapter:

1. "Boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure;

2. "Cleaning" or "cleaned" means the removal of trash or weeds from the premises;

3."Dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public or a vacant structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

4. "Unsecured building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

SECTION 8-602 REPORT TO BE MADE

Any officer or employee of this city who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer.

SECTION 8-603 CONDEMNATION, BOARDING AND SECURING OF DILAPIDATED BUILDINGS. NOTICE. REMOVAL. LIEN. PAYMENT

The administrative officer may cause dilapidated buildings within the city limits to be torn down and removed, or boarded or secured, in accordance with the following procedure:

1. At least ten (10) days notice shall be given to the owner of the property before the city takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by Section 1-102 of Title .11 of the Oklahoma Statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to this section;

2. A hearing shall be held by the administrative officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property, or needs to be boarded and secured;

3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, or by its boarding and securing, the administrative officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing, and stating that the city claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

4. The property owner shall have a right of appeal to the mayor from an order of the administrative officer, or if the order is rendered by the mayor, then the right to appeal is to the city council. The appeal shall be filed in writing with the city clerk within ten (10) days after the administrative order is rendered;

5. If the work is not performed by the property owner within the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:

a. By the city,

b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

6. After the building has been torn down and removed, or boarded and secured, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The city clerk shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee;

7. If payment is not made within six (6) months from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The city shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid;

8. When payment is made to the city for costs incurred, the city shall file a release of lien or part thereof;

9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and

10. Nothing in this section shall prevent the city from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

SECTION 8-604 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED

In all cases in which:

1. A house or building has been removed before the taking effect of this chapter; or

2. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the sheriff of the county or the chief of the fire department as provided by state law or as provided in this chapter; and in which any of the following conditions exist,

a. The premises have not been cleaned up;

b. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;

c. The materials removed but the cellar space and excavations have not been filled;

d. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the city plumbing inspector and securely closed; and

e. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done, then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

SECTION 8-605 PENALTY

Any person who shall tear down or begin the tearing down of any house or building within the city limits of the city without having first procured permit therefor as herein provided shall be guilty of an offense against the city and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

CHAPTER 7

ENFORCEMENT AND PENALTY

Section 8-701 County health department designated to enforce health ordinances
Section 8-702 Obstructing health officer
Section 8-703 Quarantine; violations
Section 8-704 Penalty

SECTION 8-701 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES

Anywhere in this chapter where the word or words "health officer" are used it may be construed to mean the director of the county health department or his duly designated representative unless another person is designated by the mayor. It is the intent and purpose of the mayor and city council to delegate the enforcement of the health ordinances of this city as set out in this section and any such decisions rendered under this section shall be subject to review by the governing council upon an appeal from an offender.

SECTION 8-702 OBSTRUCTING HEALTH OFFICER

It is unlawful for any person to willfully obstruct or interfere with any health officer or officer charged with the enforcement of the health laws of this city.

SECTION 8-703 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.

SECTION 8-704 PENALTY

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 1-108 of this code. In addition thereto, such person may be enjoined from continuing such violations.

CHAPTER 8

SWIMMING POOLS

Section 8-801 Intent
Section 8-802 Definitions
Section 8-803 Required Safety Features
Section 8-804 Exemptions

Section 8-801 INTENT

The intent of the swimming pool barrier requirement is to prevent the uncontrolled access to a pool or spa by children from adjacent properties and from the home.

Section 8-802 DEFINITIONS

Swimming pool or pool means any structure intended for swimming or recreational bathing that contains water over 18" deep. Swimming pool includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools. Enclosure means a fence, wall, or other barrier that isolates a swimming pool from access to from adjacent properties.

Section 8-803 REQUIRED SAFETY FEATURES

The swimming pool must be surrounded by a fence or wall at least four feet high. Chain link fencing or vertical slat fencing with a maximum slat spacing of four inches or masonry meets this requirement. Other enclosures that will prevent access to the pool can be approved provided that no opening other than openings for doors or gates or allow a sphere four inches in diameter to pass through it may be approved. In the case of an above-ground pool, the pool structure itself can serve as a part of the required barrier, provided that the pool structure is sufficiently rigid to obstruct access to the pool. However, where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then: the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier

Section 8-804 EXEMPTIONS.--THIS CHAPTER DOES NOT APPLY TO

1. Any system of sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing, or conveying water.

2. Stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures used in normal agricultural practices.

3. Any portable spa with a safety cover that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs).

4. Small, temporary pools without motors, which are commonly referred to or known as "kiddy pools."

PART 9

LICENSING AND BUSINESS REGULATIONS

CHAPTER 1

OCCUPATIONAL LICENSES GENERALLY

Section 9-101 License fee levied on certain occupations
Section 9-102 Payment of license fee; issuance of license; expiration date
Section 9-103 Separate licenses required, fee for more than one business
Section 9-104 License to be displayed
Section 9-105 License may be revoked
Section 9-106 Transfer of license prohibited
Section 9-107 Duplicate license
Section 9-108 Shooting galleries
Section 9-109 Fees for fortune telling prohibited
Section 9-110 Short weights and measures prohibited
Section 9-111 Records of sellers required by second hand and used goods stores
Section 9-112 Penalty

CHAPTER 2

ITINERANT VENDORS

Section 9-201 Definitions
Section 9-202 License required
Section 9-203 Application
Section 9-204 License fee
Section 9-205 Transfer
Section 9-206 Going upon private residences

CHAPTER 3

AMUSEMENT DEVICES

Section 9-301 Fee required for certain amusement devices
Section 9-302 Annual license; display
Section 9-303 Rate
Section 9-304 Penalty

CHAPTER 4

TAXICABS

Section 9-401 License required
Section 9-402 Application for license
Section 9-403 Driving permits; current driving licenses required; no revocation
Section 9-404 Appeal from denial of license
Section 9-405 Notice
Section 9-406 Inspection

CHAPTER 5

VEHICLE SALES

Section 9-501 Vehicle sales without proper licenses prohibited, exceptions
Section 9-502 Owners, lessees also responsible
Section 9-503 Removal of vehicle, notice
Section 9-504 Penalty

CHAPTER 6

POOL HALLS AND FAMILY RECREATION CENTERS

Section 9-601 Definitions
Section 9-602 Restrictions on operations
Section 9-603 License required
Section 9-604 Display of license
Section 9-605 License applications
Section 9-606 Investigation and inspection
Section 9-607 Denial of license
Section 9-608 Appeal from denial of license
Section 9-609 License fee
Section 9-610 Expiration of license
Section 9-611 Suspension or revocation of license
Section 9-612 Other laws applicable
Section 9-613 Penalty

CHAPTER 1

OCCUPATIONAL LICENSES GENERALLY

Section 9-101 License fee levied on certain occupations
Section 9-102 Payment of license fee; issuance of license; expiration date
Section 9-103 Separate licenses required, fee for more than one business
Section 9-104 License to be displayed
Section 9-105 License may be revoked
Section 9-106 Transfer of license prohibited
Section 9-107 Duplicate license
Section 9-108 Shooting galleries
Section 9-109 Fees for fortune telling prohibited
Section 9-110 Short weights and measures prohibited
Section 9-111 Records of sellers required by second hand and used goods stores
Section 9-112 Penalty

SECTION 9-101 LICENSE FEE LEVIED ON CERTAIN OCCUPATIONS

A. A license fee may be levied on every person engaging in, exercising, or pursuing businesses, professions, trades, occupations, or privileges in this city as determined by the city council, for an annual fee as set by the city council by ordinance, motion or resolution.

B. Before issuing a license to a peddler or solicitor, the city clerk may require of the applicant any reasonable information which he deems desirable to protect the public interest as set out in Section 9-201 et seq. of this code.

C. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the city and state. A copy of this permit shall be provided by the applicant for a license to the city clerk prior to issuance of the city license.

SECTION 9-102 PAYMENT OF LICENSE FEE; ISSUANCE OF LICENSE; EXPIRATION DATE

A. It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a license tax is levied by Section 9-101 of this code or by any other ordinance or ordinance provision without paying the license tax, and securing and possessing a valid license therefor. Upon making proper application to the city clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law or ordinance, the city clerk shall issue a license therefor. Such license taxes shall be credited to the general fund of the city.

B. Annual licenses shall expire on the thirtieth day of April of each year; however the council by resolution or motion may provide for quarterly payments. When an annual license is issued after May 1 for the remainder of the year to a person just beginning to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum as set by the city council.

SECTION 9-103 SEPARATE LICENSES REQUIRED. FEE FOR MORE THAN ONE BUSINESS

A. Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the city, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

B. Businesses housed or located on separate premises shall be considered as separate businesses for the purpose of levying this tax.

SECTION 9-104 LICENSE TO BE DISPLAYED

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided above, 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.

SECTION 9-105 LICENSE MAY BE REVOKED

Any license issued by the city to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the city council after adequate opportunity for a hearing, for either of the following reasons:

1. The licensee is engaging in, exercising, or pursuing the business, profession, trade, occupation, or privilege in such a manner that he has created or is creating a public nuisance as defined by state law or local ordinance; or

2. Serious or repeated violation of the law or ordinances.

SECTION 9-106 TRANSFER OF LICENSE PROHIBITED

The assignment or transfer of licenses shall not be permitted in this city.

SECTION 9-107 DUPLICATE LICENSE

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the city clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the city clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the city clerk, shall be set by the city council.

SECTION 9-108 SHOOTING GALLERIES

Every shooting gallery constructed, established, set up or operated hereafter shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of state law, Sections 701 to 708 of Title 63 of the Oklahoma Statutes. No shooting gallery shall be operated until a license has been secured therefor in accordance with this chapter. Any violation of any provision of this section or of any provision of state law shall be deemed an offense against the city, and shall be punishable as such.

SECTION 9-109 FEES FOR FORTUNE TELLING PROHIBITED

It is unlawful for any person pretending or professing to tell fortunes by the use of any subtle craft, means, or device whatsoever, either by palmistry, clairvoyance, or otherwise plying his or her trade, art or profession, to make any charge therefor either directly or indirectly or to receive any gift, donation or subscription by any means whatsoever for the same.

SECTION 9-110 SHORT WEIGHTS AND MEASURES PROHIBITED

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

SECTION 9-111 RECORDS OF SELLERS REQUIRED BY SECOND HAND AND USED GOODS STORES

A. All owners of second hand and used goods stores shall be required to keep a record of all sellers to those stores and buyers from those stores of their names and addresses and a complete description of all goods in which the fair market value is more than Twenty-five Dollars ($25.00).

B. All records required in Subsection A shall be kept for a period of ninety (90) days and be made available to the city police department upon request during the owner's normal business hours.

C. All goods bought by second hand and used good stores having a fair market value of more than Twenty-five Dollars ($25.00) shall be held for forty-eight (48) hours before they may be made available to the public.

SECTION 9-112 PENALTY

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this chapter, without a valid license as thereby required, or who shall violate any provision of this chapter, shall be guilty of an offense, and upon conviction, shall be fined as provided in Section 1-108 of this code. Violation of this chapter shall also be grounds for revocation or suspension of license granted.

CHAPTER 2

ITINERANT VENDORS

Section 9-201 Definitions
Section 9-202 License required
Section 9-203 Application
Section 9-204 License fee
Section 9-205 Transfer
Section 9-206 Going upon private residences

SECTION 9-201 DEFINITIONS

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

1. "Itinerant vendor" means and includes all persons, firms or corporations, 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 same for sale or exhibiting the same 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;

2. "Temporary" as used in Paragraph #1 hereof 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 one hundred (100) days, in or upon which such business is to be operated or conducted; and

3. "Transient" as used in Paragraph 1 as used hereof 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 one hundred (100) days.

The term "itinerant vendor" shall not include or be construed to include anyone engaged in interstate commerce nor anyone upon which the provisions of this chapter would impose a direct and unlawful burden on interstate commerce.

SECTION 9-202 LICENSE 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 merchandises the city without first obtaining a license as herein provided for. The city clerk 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 chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the city for the services herein required of it and to enable the city to partially defray the expenses of enforcing the provisions of this chapter.

SECTION 9-203 APPLICATION

The itinerant vendor shall make application to the city clerk of the city at least ten (10) 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 be a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor be a firm. The application thereof 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 charter if the itinerant vendor be a corporation, incorporated under the laws of this state;

3. A certified copy of its permit or authority to do business in the state if the itinerant vendor be a corporation, incorporated under the laws of some state other than Oklahoma;

4. A bond in the sum of not less than Five Hundred Dollars ($500.00), 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 or persons entitled thereto and conditioned that the principal and surety will pay all damages to person, or persons, 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 herein, and two (2) years thereafter.

SECTION 9-204 LICENSE FEE

The license fee for itinerant vendor shall be as set by the council by motion or resolution.

SECTION 9-205 TRANSFER

The license permit provided for herein 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.

SECTION 9-206 GOING UPON PRIVATE RESIDENCES

A. In the exercise of the authority conferred upon the city by state 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 the same, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.

B. This section shall not apply to sales persons, solicitors, peddlers or order takers representing sales of local nonprofit or charitable organizations.

C. Any violation of the provisions of this section shall be punishable as misdemeanor against the city. Any person convicted of violating any provisions of this section shall be fined as provided in Section 1-108 of this code.

CHAPTER 3

AMUSEMENT DEVICES

Section 9-301 Fee required for certain amusement devices
Section 9-302 Annual license; display
Section 9-303 Rate
Section 9-304 Penalty

SECTION 9-301 FEE REQUIRED FOR CERTAIN AMUSEMENT DEVICES

No person, either as principal or agent, shall own, operate, lease or permit to be operated on the business premises of such person, firm or corporation any form of coin operated machine or other device intended for the use of or used by persons patronizing such business for such persons' amusement, entertainment or edification, including but not limited to the following:

1. Bowling machines;

2. Music playing machines commonly called juke boxes;

3. Pinball and associated similar machines; or

4. Shuffleboards;

without first paying in advance to the city clerk the license fees or tax hereinafter prescribed and procuring a license therefor.

SECTION 9-302 ANNUAL LICENSE: DISPLAY

A. The license fee prescribed by this chapter shall be annual unless otherwise specified on the face of the license and shall expire on the last day of April of the year for which it is issued. All licenses that are issued for a period shorter than one year shall expire on the day specified on the fact of the license.

B. No license shall be issued until the amount prescribed therefor has been paid in full to the City Clerk.

C. All licenses procured under the provisions of this chapter shall be prominently displayed on or in the immediate vicinity and in clear view of the machine for which it was purchased.

D. Licenses shall be signed by the city clerk who shall affix the corporate seal of the city thereto.

SECTION 9-303 RATE

The license fee imposed by this chapter shall be as set by the council by motion or resolution.

SECTION 9-304 PENALTY

Violation of any provision of this chapter shall void any and all licenses issued under the provisions of this chapter to the person in violation of the provisions and shall subject the perpetrator thereof to a fine as provided in Section 1-108 of this code. Each day any violation occurs shall constitute a separate offense.

CHAPTER 4

TAXICABS

Section 9-401 License required
Section 9-402 Application for license.
Section 9-403 Driving permits; current driving licenses required; no revocation
Section 9-404 Appeal from denial of license
Section 9-405 Notice
Section 9-406 Inspection
Section 9-407 Penalty

SECTION 9-401 LICENSE REQUIRED

No person shall engage in the business of operating a motorcar, automobile, auto bus 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 of the city without having first obtained a license to engage in such business from the city clerk of the city.

SECTION 9-402 APPLICATION FOR LICENSE

A permit to operate a taxi, motorcar, automobile, or motor bus business within the city or upon the streets and public ways shall be issued by the city clerk of the city to any person, firm or corporation of good moral character attested to by the affidavit of two (2) residents of the city who shall:

1. Tender a license fee for the first vehicle and for each additional vehicle per year, the license to terminate on the 30th day of June, next, thereafter:

2. Posting of a certificate from an insurance company licensed to do business within the State of Oklahoma not cancellable without ten (10) days notice to the city, indemnifying the city or any person to whom the applicant may become liable in amounts of:

a. Ten Thousand Dollars ($10,000.00) for property damage;

b. Twenty Thousand Dollars ($20,000.00) for personal injuries from each accident; and

c. Ten Thousand Dollars ($10,000.00) for each person;

3. A list of the motor vehicles to be used in the business, duly showing that they, and each of them, are covered by the insurance mentioned above in paragraph 2 of this section, and a list of operators of the vehicles, who are by him, them or it, to operate the motor vehicles. The license shall be revoked immediately upon termination of insurance, failing to keep the list of automotive equipment and drivers up-to-date in the office of the city clerk or for good cause shown. The permit shall be prominently displayed in the principal office of the business.

SECTION 9-403 DRIVING PERMITS: CURRENT DRIVING LICENSES REQUIRED, NO REVOCATION

Permits for the driving and operating of motor vehicles for hire within the city shall be issued to any person of good moral character attested to by the affidavit of two (2) residents of the city who has not had his motor vehicle operator's license or commercial chauffeur's license revoked by this state or any other state within three (3) years immediately prior to the date of the application and who has 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 city clerk proof of his (or her) being the holder of a valid commercial chauffeur's license issued by this state; and

2. Submit to the city clerk a recent photograph not less than one inch by one inch and not larger than two (2) inches by four (4) 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.

SECTION 9-404 APPEAL FROM DENIAL OF LICENSE

Issuance of revocation of or refusal to issue the foregoing licenses or permits, and each of them, by the city clerk may be appealed to the city council, by any citizen of the city or person aggrieved.

SECTION 9-405 NOTICE

Notice shall be given by the applicant for the license as set forth in this chapter by posting notices in five (5) public places in the city at least seventy-two (72) hours before such license may be issued. The notice shall be in substantially the following form:

NOTICE

The City of Coweta to all interested parties: Take notice that on the _____ day of _____ 2__, an application for taxi license was presented to the city clerk by and that said application will be heard by the undersigned clerk on the ___ day of _____ _____ 2 __. Take notice hereof and govern yourselves accordingly.

_____

City Clerk

SECTION 9-406 INSPECTION

Every person obtaining a license hereunder shall, at least once in each calendar quarter, have each vehicle so used inspected for operational safety and furnish the city clerk proof of the safe condition of each vehicle. The chief of police of this city or any highway patrol officer of this state shall be deemed qualified to conduct the inspection.

SECTION 9-407 PENALTY

Any breach of the foregoing by failing to obtain the permits, operating without permits or failing to prominently and visibly display the same shall constitute a breach of the ordinances of this city and shall be punished by a fine as provided in Section 1-108 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.

CHAPTER 5

VEHICLE SALES

Section 9-501 Vehicle sales without proper licenses prohibited, exceptions
Section 9-502 Owners, lessees also responsible
Section 9-503 Removal of vehicle, notice
Section 9-504 Penalty

SECTION 9-501 VEHICLE SALES WITHOUT PROPER LICENSES PROHIBITED EXCEPTIONS

It is unlawful for any person to sell, offer for sale, or display for sale one or more used motor vehicles within the city without first obtaining a license therefor from the appropriate state authorities as set forth in Sections 581 et seq. of Title 47 of the Oklahoma Statutes, or amendments thereto. This section shall not apply to persons selling, offering or sale or displaying for sale vehicles on their own property, if the vehicles are licensed in their own name as owner.

SECTION 9-502 OWNERS, LESSEES ALSO RESPONSIBLE

It is unlawful for any owner of real property, lessee of real property, person having an interest in real property, to allow the sale or display for sale of one or more used vehicles within the city unless that property is zoned and licensed for such use. This section shall not apply to any person making such use of their own personal residence to sell or display for sale a vehicle licensed in their own name as owner.

SECTION 9-503 REMOVAL OF VEHICLE. NOTICE

Members of the police department or code enforcement officers are hereby authorized to remove any vehicle from any property to a garage or other place of safety once such vehicle has been parked on more than one occasion for the principal purpose of displaying such a vehicle for sale in violation of this chapter or the city zoning code. The city personnel shall be required to show that an official notice, warning, citation or warrant has been issued by the city for the vehicle involved prior to the incident for which the vehicle is towed or removed.

SECTION 9-504 PENALTY

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 1-108 of the city code.

CHAPTER 6

POOL HALLS AND FAMILY RECREATION CENTERS

Section 9-601 Definitions
Section 9-602 Restrictions on operations
Section 9-603 License required
Section 9-604 Display of license
Section 9-605 License applications
Section 9-606 Investigation and inspection
Section 9-607 Denial of license
Section 9-608 Appeal from denial of license
Section 9-609 License fee
Section 9-610 Expiration of license
Section 9-611 Suspension or revocation of license
Section 9-612 Other laws applicable
Section 9-613 Penalty

SECTION 9-601 DEFINITIONS

For the purpose of this chapter, the following terms shall be defined as follows:

1. "Family recreation center" means a room or place where persons of all ages are permitted to play or operate coin-operated amusement devices, including the playing of pool or billiards; and

2. "Pool hall" or "billiard hall" means a room or place where persons age eighteen (18) or older, or under age eighteen (18) if accompanied by a parent or legal guardian, are permitted to play or operate coin-operated amusement devices, including the playing of pool or billiards.

SECTION 9-602 RESTRICTIONS ON OPERATIONS

A. It is unlawful for any person operating a pool hall, billiard hall or family recreation center with the city to:

1. Permit any intoxicated person to be on or about such place of business;

2. Sell, barter, give away or permit the consumption of intoxicating beverages at such place of business; or

3. Violate any ordinances of the city or laws of the state.

B. It is unlawful for any pool hall or billiard hall to permit any person under the age of eighteen (18) to be in or about the place of business unless the minor is accompanied by a parent or legal guardian.

C. It is unlawful for family recreation centers to be open for operation during hours other than specified as follows:

1. Monday, Tuesday, Wednesday and Thursday: 8:00 AM to 11:00 P.M.;

2. Friday: 8:00 AM to 1:00 AM the following Saturday morning;

3. Saturday: 8:00 AM to 1:00 AM the following Sunday morning; and

4. Sunday: 12:00 Noon to 11:00 P.M.

In addition, on any day preceding a day on which Coweta public schools are not in session, closing hours are extended from 11:00 P.M. to 1:00 AM.

SECTION 9-603 LICENSE REQUIRED

It shall constitute a nuisance and be unlawful for any person to operate or manage within the corporate city limits a family recreation center or pool hall or billiard hall without first obtaining a license therefor provided hereunder.

SECTION 9-604 DISPLAY OF LICENSE

Every pool hall, billiard hall or family recreation center issued a license hereunder shall place and exhibit the same at all times while in force in a conspicuous place upon the premises licensed.

SECTION 9-605 LICENSE APPLICATIONS

Applications for licenses to be issued hereunder shall be made upon the forms prepared and made available by the city clerk of the city and shall include the following information:

1. The name of the owner of the real estate and fixtures for which the license is to be issued;

2. If the applicant is not the owner of such real estate and fixtures, a copy of the lease or other arrangement upon which such applicant holds possession thereof shall be attached to the application;

3. The full name, age, residence, present and previous employment record of the applicant and any managers or supervisory personnel, or if the applicant is an association, partnership or joint venture or corporation, such information concerning the operators, partners, principal backers, officers and directors and stockholders of twenty-five percent (25%) or more of the outstanding stock, if a corporation;

4. Applicants for family recreation centers and pool halls and billiard halls shall execute an agreement that the premises covered by the application may be inspected by any officers of the police department of the city at any time such premises are occupied. Failure or refusal to permit immediate inspection of the premises in the manner stated above with respect to the facility shall constitute grounds for suspension or revocation of a license issued hereunder; and

5. A fee as set by the council by motion or resolution shall be charged for each application submitted.

SECTION 9-606 INVESTIGATION AND INSPECTION

No license for family recreation center or pool hall or billiard hall shall be issued until it shall be found by inspection that such facility complies with and conforms to all sections of this and other ordinances, health and fire regulations of the city; and that the property is properly ventilated, adequately lighted and is a safe and proper place for which it is to be used.

SECTION 9-607 DENIAL OF LICENSE

A. The city clerk or city manager of the city shall act upon the application for license within fifteen (15) days after the filing of the application.

B. The license can be denied for the following reasons:

1. Applicant is not an adult;

2. Applicant has been convicted of a felony and has not received a full pardon for such felony conviction;

3. Applicant has been convicted of a misdemeanor concerning contributing to the delinquency of a minor, causing a juvenile to come within the purview of the juvenile court, prostitution, gambling, larceny, embezzlement, drug possession, assault and battery, or any crime concerning this chapter or city code unless five (5) years has passed since the last conviction;

4. The manner in which the applicant has proposed to operate the facility does not comply with all provisions of the ordinances of the city or statutes of the state; or

5. A person named in the application holds a federal gambling tax stamp.

C. If the license application is denied, applicant shall be notified within five (5) days after the denial thereof setting forth the reasons for the denial of the license.

SECTION 9-608 APPEAL FROM DENIAL OF LICENSE

Revocation of or refusal to issue the license set forth herein by the city clerk or city manager may be appealed to the city council. Notice of appeals stating the grounds therefor shall be filed with the city clerk within five (5) days after the receipt of the notice of denial. Within ten (10) days thereof, the denial shall be the subject of a public hearing after which the city council may affirm or reverse the denial of license.

SECTION 9-609 LICENSE FEE

A. The license shall be issued to successful applicants by the city clerk or city manager upon payment of an annual fee as set by the council by motion or resolution.

B. Upon the expiration of the term of a license issued hereunder and upon payment of the annual license fee, renewal license shall be issued by the clerk to all licensees whose licenses have not been revoked and who have otherwise during the past year complied with the provisions of this chapter, other provisions of the city code and state law.

SECTION 9-610 EXPIRATION OF LICENSE

Licenses issued hereunder shall expire on December 31st of each year. For the first issuance of the license, the annual fee shall be prorated on a quarterly basis. The full annual fee shall be collected regardless of the issuance date for the renewal of an existing license to the same licensee. Licenses hereunder shall not be transferable.

SECTION 9-611 SUSPENSION OR REVOCATION OF LICENSE

A. The city council may suspend for not more than fifteen (15) days or revoke licenses issued hereunder if after public hearing as herein provided the council finds that the holder of the license has made a material misstatement in the application for license, or the renewal thereof, or has violated any of the provisions of the city ordinances regulating pool halls, billiard halls and family recreation centers or violated the city code.

B. The chief of police shall investigate complaints concerning family recreation centers, pool halls and billiard halls and if he finds that a violation of the provisions hereof has been committed, he shall file a complaint with the city clerk or city manager setting forth the alleged acts constituting the violation. Upon the filing of such complaint, the city clerk or city manager shall fix a date for hearing of the complaint by the city council of the city and shall cause to be served upon the licensee a copy of the complaint and notice of the time and place of the hearing. The complaint and notice of hearing shall be served upon the co-partner, manager, operator or person shown in the license as having supervisory control over the premises, or if such person may not be found, by mailing the same by registered mail addressed to such person at the licensed premises. At the hearing thereon the complainant, the licensee or any interested person may be present and present such evidence as may be relevant and material. If at the conclusion of such hearing the council finds that the licensee has made a material misstatement in the application for license, or the application renewal thereof, or has violated any of the provisions of the ordinances of the city, the council shall suspend for not more than fifteen (15) days or revoke the license issued hereunder. Upon suspension or revocation, the licensee shall immediately cease operations, lock the doors to the licensed premises and bar the public therefrom.

SECTION 9-612 OTHER LAWS APPLICABLE

The provisions of this chapter shall not be construed to exempt any person operating a family recreation center or pool hall or billiard hall from compliance with any other applicable ordinances of the city not in conflict herewith, unless specifically excluded herein.

SECTION 9-613 PENALTY

Violation of any of the provisions of this chapter shall void any and all licenses issued under the provisions of this chapter to the person in violation of the provisions and shall subject the perpetrator thereof to punishment as provided in Section 1-108 of this code. Each day any violation occurs shall constitute a separate offense.

CHAPTER 7

GARAGE SALES

Section 9-701 Definitions
Section 9-702 Conduct of Sale Regulation
Section 9-703 Enforcement
Section 9-704 Penalty

SECTION 9-701 DEFINITION

For the purpose of this article, the term "garage" or "home sale" shall mean a sale of five or more items of used clothing, furniture, home appliances, and/or merchandise generally used in a home, which may have been used by the person offering the same for sale, and/or which is offered for sale within any residential or agricultural district as designated by the zoning code.

SECTION 9-702 CONDUCT OF SALE REGULATION

1. No garage or home sale may be conducted without first obtaining a valid permit to be issued by the City Clerk's office. A permit may be obtained in person or by phone without costs.

2. No merchandise shall be sold which belongs to anyone engaged in the business of selling such merchandise nor shall merchandise be sold by anyone after having bought the same for resale.

3. No person shall conduct or permit to be conducted more than one garage or home sales per quarter on premises belonging to him or her situated in a residential area.

4. A permit shall be issued for a period of time not to exceed three days in length, and merchandise shall be sold between 6 a.m. and 6 p.m. on those days.

5. Items offered for sale or used for display during the sale shall be removed from full sight of the public and moved inside. Such items shall be removed and out of sight by 6 p.m. on the day following the last day authorized by the permit.

6. No sign shall be exhibited more than one day prior to the sale and must be removed at the end of the last day of the sale. Only one sign shall be permitted for each lot where the garage/yard sale is being hold; provided, however, that one sign shall be permitted along each side of a lot abutting a public street up to a maximum of two signs per lot..

7. Two temporary off-site garage sale signs are permitted at the closest major intersections to the site of the garage sale; signs must comply with all other ordinances and zoning regulations

8. The permit issued by the city shall be on display and within public view at the location of the sale. Permits shall not be assignable or transferable to another person or location.

SECTION 9-703 ENFORCEMENT

It shall be the duty of the building official or designee to enforce this ordinance. If the building official or designee shall find that any provision of this article has been violated, the violator shall be given a written notification for such violation, said notice to indicate the nature of the violation and the action necessary to avoid issuance of a citation. Failure to comply with the written directive shall result in the issuance of a citation and imposition of a penalty.

SECTION 9-704 PENALTY

Upon failure to comply with the written warning notifying that a violation has or is occurring, any person who engages in a garage or home sale in violation of the provisions of this ordinance shall be guilty of an offense, and upon conviction, shall be fined as provided in Section 1-108 of this code. Conviction for violation of this ordinance within the past 12 months shall also be grounds for denial of a permit.

PART 10

OFFENSES AND CRIMES

CHAPTER 1

OFFENSES IN GENERAL

Section 10-101 Attempts to commit an offense
Section 10-102 Aiding in an offense

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201 Petit larceny prohibited
Section 10-202 Injuring automobiles and other vehicles
Section 10-203 Destroying or injuring buildings and other property
Section 10-204 Placing signs on property of another
Section 10-205 Throwing or shooting at persons or property
Section 10-206 Tampering with or damaging public utilities
Section 10-207 Throwing advertising on street, prohibited
Section 10-208 Throwing injurious substances
Section 10-209 Injury to plants and trees
Section 10-210 Public streets and trees
Section 10-211 Trespass prohibited
Section 10-212 Parking on property of another
Section 10-213 Interference with fire hydrants
Section 10-214 Offense to leave or deposit trash on any other property without permission
Section 10-215 Destruction or damage to mailboxes
Section 10-216 Depositing solid waste on property of another, presumption
Section 10-217 Gasoline Pump Thievery

CHAPTER 3

OFFENSES AGAINST THE PUBLIC

Section 10-301 Disturbing the peace
Section 10-302 Insulting signs, literature or language
Section 10-303 Fireworks restricted
Section 10-304 Storing or keeping explosives
Section 10-305 Carrying concealed weapons, discharge firearms

Section 10-306 Reckless conduct
Section 10-307 Loud, unnecessary noise prohibited
Section 10-308 Loud sound amplification systems prohibited
Section 10-309 Unlawful fighting, assemblies
Section 10-310 Vagrancy defined for specific acts
Section 10-311 Placement of signs on public right-of-way
Section 10-312 Seizure, destruction or sale of weapons used in commission of crime

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401 Public intoxication and drinking prohibited
Section 10-402 Intoxicating liquors
Section 10-403 Marijuana prohibited
Section 10-404 Prostitution
Section 10-405 Disorderly house
Section 10-406 Maintaining or leasing disorderly house
Section 10-407 Residents and visitors to disorderly house
Section 10-408 Nudity, improper dress, indecent exposure
Section 10-409 Publication, distribution, or participation in preparation of obscene material
Section 10-410 Adult bookstores prohibited
Section 10-411 Curfew for minors
Section 10-412 Sleeping on the streets, depots
Section 10-413 Begging prohibited
Section 10-414 Gambling prohibited
Section 10-415 Loitering about place where gambling is going on
Section 10-416 Harmful deception
Section 10-417 False or bogus checks
Section 10-418 Possession of drug paraphernalia
Section 10-419 Prevention of Nicotine Addiction Among Youth
Section 10-420 Permitting or Allowing Gatherings Where Minors Are Consuming Alcoholic Beverages

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and battery prohibited
Section 10-502 Domestic Abuse, Arrest without Warrant

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601 Resisting an officer
Section 10-602 Refusing or failing to assist an officer
Section 10-603 Assault or battery upon police or other law officer
Section 10-604 Rescuing prisoners
Section 10-605 Escape of prisoners
Section 10-606 Impersonating an officer or employee
Section 10-607 False alarms
Section 10-608 False representation to an officer
Section 10-609 Removal of barricades
Section 10-610 Resisting public officials
Section 10-611 Eluding police officer

CHAPTER 7

PENALTIES

Section 10-701 General Penalties

CHAPTER 1

OFFENSES IN GENERAL

Section 10-101 Attempts to commit an offense
Section 10-102 Aiding in an offense

SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE

Every person who attempts to commit an offense against the ordinances of the city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself.

SECTION 10-102 AIDING IN AN OFFENSE

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender.

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201 Petit larceny prohibited
Section 10-202 Injuring automobiles and other vehicles
Section 10-203 Destroying or injuring buildings and other property
Section 10-204 Placing signs on property of another
Section 10-205 Throwing or shooting at persons or property
Section 10-206 Tampering with or damaging public utilities
Section 10-207 Throwing advertising on street, prohibited
Section 10-208 Throwing injurious substances
Section 10-209 Injury to plants and trees
Section 10-210 Public streets and trees
Section 10-211 Trespass prohibited
Section 10-212 Parking on property of another
Section 10-213 Interference with fire hydrants
Section 10-214 Offense to leave or deposit trash on any other property without permission
Section 10-215 Destruction or damage to mailboxes
Section 10-216 Depositing solid waste on property of another, presumption
Section 10-217 Gasoline Pump Thievery

SECTION 10-201 PETIT LARCENY PROHIBITED

A. Petit larceny is the taking or embezzling of personal property of value not exceeding Fifty Dollars ($50.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.

SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, or loiter an automobile or other vehicle belonging to another, without the consent of the owner or in charge thereof.

SECTION 10-203 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.

SECTION 10-204 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.

SECTION 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY

It is unlawful for any person to throw or shoot any stone 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 or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property.

SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES

A. 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, electricity, telephone or cable television 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, electricity, telephone or cable signals 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.

B. If any evidence of tampering or damaging of a public utility or private premises is proven, the owner or occupant of such premises shall be presumed responsible for the damage and fine.

SECTION 10-207 THROWING ADVERTISING ON STREET, PROHIBITED

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

SECTION 10-208 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 intent to injure or harass the person, property or animal.

SECTION 10-209 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.

SECTION 10-210 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, or 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 inspector to do so.

Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or city engineer.

SECTION 10-211 TRESPASS PROHIBITED

A. For the purpose of this section, the following terms shall be defined as follows:

1. "Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;

2. "Private property" means any property other than public property; and

3. "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 the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business 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 subsection.

B. It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or otherwise 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.

SECTION 10-212 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 thereof, or when necessary in the performance of a duty, or otherwise by authority of law or ordinance.

SECTION 10-213 INTERFERENCE WITH FIRE HYDRANTS

A. It is unlawful for any person except one duly authorized by the city utility superintendent 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 stop cock 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.

SECTION 10-214 OFFENSE TO LEAVE OR DEPOSIT TRASH ON ANY OTHER PROPERTY WITHOUT PERMISSION

A. It is unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, vegetation, refuse or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, drainage area, creek or river, public parks or recreation areas or any other public property except that designated for such use.

B. The solid waste disposed of unlawfully as provided in subsection A which contains three (3) or more items bearing a common address in the form which tends to identify the owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal, provided that one of the items of solid waste bears a date subsequent to February 2, 1987.

SECTION 10-215 DESTRUCTION OR DAMAGE TO MAILBOXES

It is unlawful for any person to destroy, damage, injure or deface any mailbox or other receptacle intended or used for the receipt or delivery or mail.

SECTION 10-216 DEPOSITING SOLID WASTE ON PROPERTY OF ANOTHER PRESUMPTION

A. It is unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, refuse, or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas or upon any other public property except that designated for such use.

B. Solid waste disposed unlawfully as provided in Subsection A of this section which contains three (3) or more items bearing a common address in a form which tends to identify the latest owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal.

C. Any person who violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to punishment as provided in Section 1-108 of this code. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense.

SECTION 10-217 GASOLINE PUMP THIEVERY

Any person who pumps gasoline and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of an offense.

CHAPTER 3

OFFENSES AGAINST PEACE

Section 10-301 Disturbing the peace
Section 10-302 Insulting signs, literature or language
Section 10-303 Fireworks restricted
Section 10-304 Storing or keeping explosives
Section 10-305 Carrying concealed weapons, discharge firearms
Section 10-306 Reckless conduct
Section 10-307 Loud, unnecessary noise prohibited
Section 10-308 Loud sound amplification systems prohibited
Section 10-309 Unlawful fighting, assemblies
Section 10-310 Vagrancy defined for specific acts
Section 10-311 Placement of signs on public right-of-way
Section 10-312 Seizure, destruction or sale of weapons used in commission of crime

SECTION 10-301 DISTURBING THE PEACE

A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.

B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct; or

2. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

SECTION 10-302 INSULTING SIGNS, LITERATURE OR LANGUAGE

A. It is unlawful for any person, firm or corporation within the city to display any sign, emblem, badge, tag 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.

SECTION 10-303 FIREWORKS RESTRICTED

A. The word "fireworks" as used in this section shall be as defined in Section 1622 of Title 68 of the Oklahoma Statutes.

B. It is unlawful for any person to sell, manufacture, deliver or offer for retail sale fireworks within the city. The sale of fireworks is permitted in the city limits, outside the business district, with the following restrictions:

1. The sale of fireworks will be lawful only upon the issuance of a valid and current city permit;

2. The sale of fireworks shall only occur between the dates of June 15 through July 4 of each year;

3. No person under the age of 16 shall be authorized to sell fireworks;

4. The permit issued by the city shall restrict the location of sales, pursuant to state law, and shall further provide that any structure used for the sale of fireworks shall be removed no later than July 18.

5. All applications for permits must be submitted to the City no later than June 25.

C. It is unlawful to discharge, fire, explode or ignite fireworks at any time in the business district, and on any day except July 3 and July 4 only between the hours of 10:00 AM and 12:00 midnight of each year.

D. Fireworks displays may be authorized by the city in accordance with the city's Fire Prevention Code

SECTION 10-304 STORING OR KEEPING EXPLOSIVES

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder, blasting powder, or any other highly explosive material or substance, except that gunpowder may be kept in approved quantities if the same can be securely and safely kept and in accordance with city ordinances and state laws.

SECTION 10-305 CARRYING CONCEALED WEAPONS. DISCHARGE FIREARMS

A. It is unlawful for any person to carry concealed upon or about his person any firearm or any weapon such as a bowie knife, dirk, dagger, metal knuckle, switchblade knife or other dangerous or deadly weapon or instrument, except when doing so in line of duty or as may be permitted by state law.

B. It is unlawful for any person to discharge a firearm in the city except when doing so in line of duty, when lawfully doing so in defense of oneself, of another person or of property, or when otherwise authorized by state law or ordinance.

SECTION 10-306 RECKLESS CONDUCT

It is unlawful for any person to engage in reckless conduct while having in his possession any firearm, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

SECTION 10-307 LOUD SOUND UNECESSARY NOISE PROHIBITED

A. No person shall make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

B. Permits and exceptions may be granted by the city for certain activities and events which are exempt from the provisions of this section.

SECTION 10-308 LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED

A. 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, to emit loud music, noise or words. However, this shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

B. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) feet or more from the vehicle.

C. For the purpose of this section:

1. "Sound amplification system" means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of the human voice;

2. "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and base reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

D. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

2. The vehicle was an emergency or public safety vehicle;

3. The vehicle was owned and operated by the city or public or private utility company;

4. The vehicle was used in authorized public activities, such as parades, fireworks, sports events or other activities which have been approved by the city council or city manager.

SECTION 10-309 UNLAWFUL FIGHTING ASSEMBLIES

A. It is unlawful to engage in a fistic encounter.

B. It is unlawful to hold an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others, or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously.

C. It is unlawful to interrupt any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

D. It is unlawful to disturb any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof.

SECTION 10-310 VAGRANCY DEFINED FOR SPECIFIC ACTS

It is unlawful to be a vagrant in the limits of the city. For the purposes of this section, a vagrant means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;

2. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;

3. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;

4. For the purpose of injuring, destroying, molesting or defacing any property of another;

5. For the purpose of assaulting any person;

6. For the purpose of begging or soliciting alms, provided that this section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or

7. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

SECTION 10-311 PLACEMENT OF SIGNS ON PUBLIC RIGHT-OF-WAY

A. No sign shall be permitted on the right-of-way of a street under any circumstances. Any sign situated in the right-of-way of a public street is hereby declared a public nuisance endangering public safety, and may be impounded by the code official or any police officer of the city. If impounded, a reasonable effort shall be made to determine the

identity of the sign's owner and, if identified, notice shall be sent by certified mail, return receipt requested, that such sign may be redeemed upon the payment of the charges incurred for the impoundment, including but not limited to removal, transportation, storage, safeguarding and bookkeeping expenses in connection therewith. Such notice shall provide that signs not redeemed within thirty (30) days may be sold or destroyed. A reasonable effort shall be made by the code official to sell those signs which, in his judgment, have salvage value. Any proceeds from the sale, after satisfying the charges incurred for the impoundment, shall be sent to the owner, if known.

B. In addition to impoundment, any violation of this section whereupon a person unlawfully places a sign in a public right-of-way shall be punishable as provided in Section 1-108 of this code.

SECTION 10-312 SEIZURE DESTRUCTION OR SALE OF WEAPONS USED IN COMMISSION OF CRIME

In addition to penalty provided herein for violation of this code, the judge of the municipal court may order and adjudge any weapon or article specified in this code to be an instrument used in violation of the public safety and in furtherance of a nuisance and may order the same to be destroyed by the chief of police if the article has no value for a lawful purpose; but if it has any value for a lawful purpose it may be ordered by the judge to be held pending a hearing on a date set by the judge to determine whether such weapon shall be confiscated. Any person known to the chief of police to be claiming an interest in such weapon shall be notified in writing of such hearing at least five (5) days prior thereto. Notice given in open court to the person in whose possession the weapon is found shall be sufficient as to that person. Upon such hearing, the court may order the weapon sold or destroyed unless it appears to the court that the owner thereof did not participate in or have knowledge of such violation or the intended use of such weapon. If the weapon is deemed unsafe, it shall not be ordered sold. The weapon, if ordered sold, shall be sold at public auction by the chief of police upon posting of a notice at the police station at least fourteen (14) days prior to the sale. Proceeds shall be paid into the general fund of the city.

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401 Public intoxication and drinking prohibited
Section 10-402 Intoxicating liquors
Section 10-403 Marijuana prohibited
Section 10-404 Prostitution
Section 10-405 Disorderly house
Section 10-406 Maintaining or leasing disorderly house
Section 10-407 Residents and visitors to disorderly house
Section 10-408 Nudity, improper dress, indecent exposure
Section 10-409 Publication, distribution, or participation in preparation of obscene material
Section 10-410 Adult bookstores prohibited
Section 10-411 Curfew for minors
Section 10-412 Sleeping on the streets, depots
Section 10-413 Begging prohibited
Section 10-414 Gambling prohibited
Section 10-415 Loitering about place where gambling is going on
Section 10-416 Harmful deception
Section 10-417 False or bogus checks
Section 10-418 Possession of drug paraphernalia
Section 10-419 Prevention of Nicotine Addiction Among Youth
Section 10-420 Permitting or Allowing Gatherings Where Minors Are Consuming Alcoholic Beverages

SECTION 10-401 PUBLIC INTOXICATION AND DRINKING PROHIBITED

A. It is unlawful for any person to appear or be upon or in any street, alley, or other city in a state of intoxication.

B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non-intoxicating, spirituous, vinous or malt liquors, or of any narcotic, to such extent as to deprive the person of his or her full physical or mental power.

SECTION 10-402 INTOXICATING LIQUORS

It is Unlawful:

1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating liquor or beverage of any kind except as permitted by law;

2. To have in possession or under control any intoxicating 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 liquor or beverage except as permitted by law;

3. To loiter in a place where intoxicating 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 liquor is sold, bartered, given away or otherwise furnished in violation of law.

SECTION 10-403 MARIJUANA PROHIBITED

A. It is unlawful for any person:

1. To appear or be upon in any street, alley, place of business, or other public place while under the influence of marijuana;

2. To use, have, or possess marijuana upon or in any street, alley, place of business, or other public place within the city;

3. To use marijuana in any place within the city except as legally prescribed by a physician licensed to practice in the state; or

4. To loiter about a place where marijuana is sold or furnished illegally.

B. For the purpose of this section, "marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the rosin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or rosin but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

SECTION 10-404 PROSTITUTION

A. 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;

6. Accept or receive the proceeds of any act; or

7. Be a party to an act of prostitution or solicitation of prostitution in the limits of city.

B. For the purposes of this section:

1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;

2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting to any place with the intention of promoting prostitution; and

3. Letting premises for prostitution is 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.

SECTION 10-405 DISORDERLY HOUSE

A. Disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;

2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;

3. The performance of any sexual act declared unlawful by state statute or city ordinance including, but not limited to, soliciting for purposes of prostitution; or

4. The violation of any state statute or city ordinance prohibiting gambling.

SECTION 10-406 MAINTAINING OR LEASING A DISORDERLY HOUSE

A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

B. 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, sub-lease 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.

SECTION 10-407 RESIDENTS AND VISITORS TO DISORDERLY HOUSE

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.

SECTION 10-408 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE

It is unlawful for any person to:

1. Appear in any public place in the city in a state of nudity;

2. Appear in any public place in the city in any offensive, indecent or lewd dress; or

3. Make an indecent public exposure of his or her person.

SECTION 10-409 PUBLICATION, DISTRIBUTION,OR PARTICIPATIONPREPARATION OF OBSCENE MATERIAL

A. It is unlawful for any person to knowingly photograph, act in, pose for, print, sell, possess, offer for sale, give away, exhibit, publish, offer to publish, or otherwise distribute, make display, or exhibit, any obscene book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, image, cast, slide, figure, instrument, drawing, presentation or other material which depicts or describes sexual conduct in a patently offensive manner.

B. "Sexual conduct" means and includes any of the following:

1. Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; and

2. Representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.

C. No person shall be convicted under this section unless the material taken as a whole has as the dominant theme an appeal to prurient interest, as found by the average person applying contemporary community standards and the material taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.

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

SECTION 10-410 ADULT BOOKSTORES PROHIBITED

A. From and after May 20, 1985, it is unlawful for any person to establish or locate any adult bookstore within the corporate limits of the city.

B. For the purposes of this section the term "adult bookstore" means any retail or wholesale business which sells or offers for sale any sexually obscene material, as defined by Section 1024.1 of Title 21 of the Oklahoma Statutes, or sexual paraphernalia.

C. Any person who violates the provisions of this section shall be enjoined from further operating an adult bookstore within the corporate limits of the city and shall in addition thereto be punished as provided in Section 1-108 of this code.

SECTION 10-411 CURFEW FOR MINORS

A. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Minor" is any person under the age of eighteen (18);

2. "Parent" is any person having legal custody of a minor:

a. As a natural or adoptive parent;
b. As a legal guardian;
c. As a person who stands in loco parentis; or
d. As a person to whom legal custody has been given by order of the court;

3. "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, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above;

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

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

6. "Time of night" is based on the prevailing standard of time, whether Central Standard Time or central daylight time, generally observed at that hour by the public;

7. "Year of age" continues from one birthday, such as the seventeenth (17th) to, but not including the day of, the next, such as the eighteenth (18th) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age".

B. It is unlawful for any person seventeen (17) years of age or less to be or remain, in any public place, or upon the streets in the city, on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the city between the hours ending at 5:00 AM and beginning at 12:00 midnight on any day unless:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;

2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor;

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation; or

4. The minor is in front of his home or is upon a public sidewalk or at the curb of a street or alley with the permission of the minor's parent, guardian, custodian or other adult person having custody or control of the minor.

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the city between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;

2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or

3. The parent, guardian or other adult person herein has made a missing person notification to the city police department.

E. The council may permit by resolution or motion procedures for advance notice or registration with the city of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The council may also prescribe the procedures for taking into custody minors found in violation of this section.

F. A parent, guardian or custodian, of such minor, may file a written application directed to the chief of police of the city who may grant a special exemption of enforcement of the curfew provided by this section being required as to such minor, which exemption shall not exceed five (5) consecutive days, or in the alternative, two (2) days of any week for a period not to exceed thirty (30) days. All requests shall be filed with the city clerk of the city.

G. The chief of police shall have the authority to grant or reject any request for an exemption to enforcement of the curfew provided by this section or may reduce the time limit of such exemption. However, any applicant for such exemption, feeling aggrieved by the action of the chief of police, may file a request for hearing before the judge of the municipal court of the city who shall summarily hear same, and his judgment shall be final.

H. Any law enforcement officer who shall witness a violation of this section may take such offender into his custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor's appearance in court, or may place the minor in the custody of his or her parents or some responsible person.

SECTION 10-412 SLEEPING ON THE STREETS DEPOTS

It is unlawful for any person, between the hours of 12:00 AM midnight and sunrise to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.

SECTION 10-413 BEGGING PROHIBITED

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

SECTION 10-414 GAMBLING PROHIBITED

A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:

1. To play, to open or cause to be opened, or to 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 the same 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.

SECTION 10-415 LOITERING ABOUT PLACE WHERE GAMBLING IS GOING ON

It is unlawful for any person to loiter about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

SECTION 10-416 HARMFUL DECEPTION

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

SECTION 10-417 FALSE OR BOGUS CHECKS

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not

honored because of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima-facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 10-418 POSSESSION OF DRUGS AND DRUG PARAPHERNALIA

A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefore.

B. No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the state Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

C. No person shall deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the state Uniform Controlled Dangerous Substances Act.

D. It shall be unlawful for any person to knowingly or intentionally have in his possession any controlled dangerous substance or any drug paraphernalia punishable as a misdemeanor under the Uniform Controlled Dangerous Substances Act, 63 O.S. section 2-101 et seq.

SECTION 10-419 PREVENTION OF NICOTINE ADDICTION AMONG YOUTH

A. Findings and Intent

The City Council finds that youth addiction to tobacco products is a public health problem with grave heath consequences. In recognition that almost 90 percent of all smokers begin smoking by the age of 18, action is needed to curtail the easy access of minors to cigarettes and other addictive tobacco products. Furthermore, the City Council finds that the Oklahoma State Legislature has limited the powers granted to local governments to address the problem of youth access to tobacco. Therefore, the intent of these ordinances is to: 1) implement the strictest and most enforceable system allowed under Oklahoma state law to prevent the illegal sale of cigarettes and other tobacco products to minors; 2) periodically amend and update this ordinance as necessary to best utilize any applicable powers which may be returned to Oklahoma municipalities in the future; and 3) educate, encourage and assist underage tobacco users in ceasing all use of addictive tobacco products, preferable before daily use of such products is initiated.

B. Definitions

1."Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

2."Proof of age" means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

3. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product.

4. "Sampling" means the distribution of samples to members of the public in a public place.

5. "Tobacco product" means any product that contains tobacco and is intended for human consumption.

6. “Transaction scan” means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification.

7. "Transaction scan device" means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

C. Furnishing, Giving Or Sale Of Tobacco Products To Minors

a. It is unlawful for any person to sell, give or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product on behalf of any such person. Provided, however, that it shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

b. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser might be less than eighteen (18) years of age.

c. If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not less than eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of subsection b of this section.

1. When a person violates subsection a or b of this section, he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine as follows:

a. Not more than One Hundred Dollars ($100.00) for the first offense.

b. Not more than Two Hundred Dollars ($200.00) for the second offense within a two-year period following the first offense.

c. Not more than Three Hundred Dollars ($300.00) for a third offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products may be suspended for a period not exceeding thirty (30) days.

d. Not more than Three Hundred Dollars ($300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products may be suspended for a period not exceeding sixty (60) days.

2. Pursuant to State law, when it has been determined by a municipal court that a penalty shall include a license suspension, the ABLE Commission will notify the Oklahoma Tax Commission, and the Tax Commission will suspend the store's license to sell tobacco products at the location where the offense occurred for the period of time prescribed by the ABLE Commission.

3. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:

a. The individual who purchased or received the tobacco product presented a driver license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older, and

b. The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

D. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. Each violation by any employee of an owner of a store licensed to sell tobacco products shall be deemed a violation against the owner for purposes of a license suspension pursuant to subsection C of this section. An owner of a store licensed to sell tobacco products shall not be deemed in violation of this section for any acts constituting a violation by any person, when the violation occurs prior to actual employment of the

person by the store owner or the violation occurs at a location other than the owner's retail store. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

E. 1. Upon failure of the employee to pay the fine within ninety (90) days of the day of the assessment of such fine, the Municipal Court clerk shall notify the Department of Public Safety and the Department will, pursuant to State law, suspend or not issue a driver's license to the employee until proof of payment has been furnished to the Department of Public Safety.

2. Upon failure of a storeowner to pay the administrative fine within ninety (90) days of the assessment of the fine, the clerk of the municipal court shall notify the Oklahoma Tax Commission and the Tax Commission shall suspend the store's license to sell tobacco products until proof of payment has been furnished to the Oklahoma Tax Commission.

D. RECEIPT OF TOBACCO PRODUCTS BY A MINOR

A. It is unlawful for a person who is less than eighteen (18) years of age to purchase, receive or accept receipt of, or have in their possession, a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. Provided, however, it shall not be unlawful for such a person an employee who is less than eighteen (18) years of age to handle such tobacco products when required in the performance of such person's the employee's duties.

B. When a person violates subsection A of this section he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine of:

1. Not to exceed One Hundred Dollars ($100.00) for a first offense; and

2. Not to exceed Two Hundred Dollars ($200.00) for a second or subsequent offense within a one-year period following the first offense.

Upon failure of the individual to pay such the fine within ninety (90) days of the day of such the fine, the Municipal Court clerk shall notify the Department of Public Safety and, by operation of State law, the Department shall suspend or not issue a driver license to the individual until proof of payment has been furnished to the Department of Public Safety.

E. PROPER SIGNAGE REQUIRED

A. Every person who sells or displays tobacco products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by the Alcoholic Beverage Laws Enforcement (ABLE) Commission, stating the following: "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE". The sign shall also provide the toll-free number operated by the Alcoholic Beverage Laws Enforcement (ABLE) Commission for the purpose of reporting violations of the Prevention of Youth Access to Tobacco Act.

B. When a person violates subsection A of this section he or she shall be guilty of an offense and upon conviction shall be punished by a fine of not more than Fifty Dollars ($50.00) for each day a violation occurs. Each day a violation is continuing shall constitute a separate offense. The notice required by subsection A of this section shall be the only notice required to be posted or maintained in any store that sells tobacco products at retail.

F. NOTICE TO RETAIL EMPLOYEES

A. Every person engaged in the business of selling tobacco products at retail store shall notify each individual employed by that person as a retail sales clerk that state and local law:

1. Prohibits the sale or distribution of tobacco products to any person under eighteen (18) years of age and the purchase or receipt of tobacco products by any person under eighteen (18) years of age; and

2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be less than eighteen (18) years of age.

B. This notice shall be provided before the individual commences work as a retail sales clerk. The individual shall signify that he or she has received the requisite notice by reading and signing a notice stating the following:

"I understand that state law prohibits the sale or distribution of tobacco products to persons less than eighteen (18) years of age and out-of-package sales, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be less than eighteen (18) years of age. I promise, as a condition of my employment, to obey the law. I understand that violations by me may be punishable by fines, suspension or non-issuance of my driver license. In addition, I understand that violations by me may subject the storeowner to fines or license suspension."

G. LIMITED ACCESS TO VENDING MACHINES

It shall be unlawful for any person to sell tobacco products through a vending machine unless the vending machine is located:

1. In areas of factories, businesses, offices or other places that are not open to the public; and

2. In places that are open to the public, but to which persons under eighteen (18) years of age are not admitted.

H. DISTRIBUTION OF TOBACCO PRODUCT SAMPLES

A. It shall be unlawful for any person or retailer to distribute tobacco products or product samples to any person under eighteen (18) years of age.

B. No person shall distribute tobacco products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.

C. When a person violates any provision of subsection A or B of this section, he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine of:

1. Not more than One Hundred Dollars ($100.00) for the first offense.

2. Not more than Two Hundred Dollars ($200.00) for the second offense.

3. Not more than Three Hundred Dollars ($300.00) for a third or subsequent offense.

D. Upon failure of any individual to pay an administrative fine within ninety (90) days of the assessment of such fine, the Municipal Court clerk shall notify the Department of Public Safety, and the Department, pursuant to State law, shall suspend or not issue a driver's license to the individual until proof of payment has been furnished to the Department of Public Safety.

I. SALE OF TOBACCO PRODUCTS EXCEPT IN ORIGINAL SEALED PACKAGE

A. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

B. When a person violates subsection A of this section, the Municipal Court clerk shall assess such person an administrative fine of not more than Two Hundred Dollars ($200.00) for each offense.

J. NO PUBLIC ACCESS OF TOBACCO

A. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.

B, When a person violates subsection A of this section he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Two Hundred Dollars ($200.00) for each offense.

K. RESTRICTIONS ON MANNER OF ENFORCEMENT

A. Any conviction for a violation of any section within this chapter and any negative results from compliance checks performed by a police officer pursuant to subsection C of this section shall be reported in writing to the ABLE Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission.

B. For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized the municipality and reported to the ABLE Commission shall be considered together in such determination.

C. Persons under eighteen (18) years of age may be enlisted by the City to assist in conducting compliance checks and enforcement; provided, such persons may be used to test compliance only if written parental consent has been provided and the testing is conducted under the direct supervision of the ABLE Commission or conducted by another law enforcement agency if such agency has given written notice to the ABLE Commission in the manner prescribed by the ABLE Commission. This subsection shall test is being conducted by or on behalf of a retailer of cigarettes, as defined in Section 301 of Title 68 of the Oklahoma Statutes, at any location the retailer of cigarettes is authorized to sell cigarettes. Use of persons under eighteen (18) years of age to test compliance shall be unlawful and punishable by assessment of an administrative fine of One Hundred Dollars ($100.00).

L. TRANSFER OF ANY MATERIAL OR DEVICE USED IN SMOKING, CHEWING OR CONSUMPTION OF TOBACCO TO MINORS PROHIBITED – ADMINISTRATIVE FINE FOR VIOLATIONS

A. It is unlawful for any person to sell, give or furnish in any manner to another person who is under eighteen (18) years of age any material or device used in the smoking, chewing, or other method of consumption of tobacco, including cigarette papers, pipes, holders of smoking materials of all types, and other items designed primarily for the smoking or ingestion of tobacco products.

B. When a person violates subsection A of this section, an administrative fine of not more than One Hundred Dollars ($100.00) for each offense may be imposed upon the person.

M. INCREASE OF FINES; FEE SCHEDULE

All fines set forth within this ordinance may be increased, to the extent allowed by state law, by resolution since it is not necessary to amend this ordinance each time the municipality deems it timely to increase fines and fees. The Chief of Police shall maintain a current schedule of all fees allowed under this chapter in the Police Department.

N. SEVERABILITY

If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

SECTION 10-420 PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES

A. Definition. For purposes of Section 10-420, the following definitions shall apply:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

"Alcoholic beverage" include alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

"Gathering" is a party, gather, or event, where a group of three or more persons has assembled or are assembling for a social occasion or social activity.

"Intoxicating Beverage" includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

"Legal Guardian" means (1) a person who, by court order, is guardian or the person of a minor or (2) a public or private agency with whom a minor has been placed by the court.

"Low Point Beer" means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) 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 any person less than twenty-one years of age.

"Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

"Premises" means any residence or other private property, place, or premises, including any commercial or business premises.

"Response costs" are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Section.

B. Consumption of Alcohol by Minor in Public Place, Place Open to Public, or Place Not Open to Public. Except as permitted by state law, it is unlawful for any minor to:

(a) Consume at any public place or any place open to the public alcoholic beverages; or

(b) Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

(c) Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.

(d) (1) It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gather at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gather; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minor at the gathering.

(2) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take a place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person take all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (a)(1) of this Section.

(e) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

(f) Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

(g) Nothing is this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

(h) This Section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

(i) Penalty. Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon conviction thereof shall be punished for violation of an offense, with fine and imprisonment, plus all court costs and statutory penalties, as set forth in the Coweta code of Ordinances.

(j) Reservation of Legal Options. Violations of this Section may be prosecuted by the City of Coweta criminally, civilly, and/or administratively as provided by the Coweta Code of Ordinances. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by statute, ordinance, or law. This Section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Section, nor shall they limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Section.

(k) Local Authority. This section shall not apply where prohibited or preempted by state of federal law.

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and Battery Prohibited
Section 10-502 Domestic Abuse, Arrest without Warrant

SECTION 10-501 ASSAULT AND BATTERY PROHIBITED

A. It is unlawful to commit an assault or an assault and battery within the city.

B. For the purposes of this section, an assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A battery is any willful and unlawful use of force or violence upon the person of another.

SECTION 10-502 DOMESTIC ABUSE, ARREST WITHOUT WARRANT

A. It shall be unlawful for any person to commit an act of domestic abuse.

B. A police officer may arrest, without a warrant, a person anywhere, including the person's place of residence, if the police officer has probable cause to believe the person within the preceding twenty-four (24) hours has committed an act of domestic abuse, as defined in Section C herein, although the assault did not take place in the presence of the police officer. A police office may not arrest a person pursuant to this section without first having observed a recent injury to or impairment of the physical condition of the alleged victim.

C. For purposes of this section, "domestic abuse" shall mean any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor aged 16 or 17 years against another adult, emancipated minor or minor child who are family or household members as defined in 22 O.S. § 60.1.

D. A violation of this Ordinance shall be punishable subject to the general penalty provisions of the Code of Ordinances of the City of Coweta as found in Section 1-108.

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601 Resisting an officer
Section 10-602 Refusing or failing to assist an officer
Section 10-603 Assault or battery upon police or other law officer
Section 10-604 Rescuing prisoners
Section 10-605 Escape of prisoners
Section 10-606 Impersonating an officer or employee
Section 10-607 False alarms
Section 10-608 False representation to an officer
Section 10-609 Removal of barricades
Section 10-610 Resisting public officials
Section 10-611 Eluding police officer

SECTION 10-601 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 words "obstruction of", shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest or before he is under arrest; or

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

SECTION 10-602 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 person or 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.

SECTION 10-603 ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER

A. It is unlawful for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties.

B. The term assault for purposes of this section may be defined by way of example but not limited to any conduct which is abusive, disrespectful, which results in the use of abusive or indecent language toward any police officer or other officer of law in performance of his duties.

SECTION 10-604 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 or prisoners, from any officer or employee of the city having legal custody of the same 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.

SECTION 10-605 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.

SECTION 10-606 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.

SECTION 10-607 FALSE ALARMS

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run.

SECTION 10-608 FALSE REPRESENTATION TO AN OFFICER

It is unlawful for any person, firm or corporation, 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.

SECTION 10-609 REMOVAL OF BARRICADES

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area.

SECTION 10-610 RESISTING PUBLIC OFFICIALS

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the municipal judge, or any other officer or employee of the city in the discharge of his official duties;

2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or

3. Assault or beat, or revile abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

SECTION 10-611 ELUDING POLICE OFFICER

It is unlawful for any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer.

CHAPTER 7

PENALTIES

Section 10-701 General Penalties

SECTION 10-701 GENERAL PENALTIES

Any violation of the provisions of this part is punishable as provided in Section 1-108 of this code.

Parks, Recreation and Cemetery

PART 11

CHAPTER 1

GENERAL PROVISIONS

ARTICLE A

REGULATIONS AND FEES

Section 11-101 City council to make rules for recreational facilities
Section 11-102 Fees to be determined
Section 11-103 City park curfew time
Section 11-104 Acts prohibited in city parks
Section 11-105 Penalty.

ARTICLE B

PARKS AND RECREATION BOARD

Section 11-111 Parks and recreation board
Section 11-112 Board of directors, term, removal
Section 11-113 Officers, duties
Section 11-114 Meetings
Section 11-115 Duties and powers

CHAPTER 2

LIBRARY SERVICES

Section 11-201 Purpose
Section 11-202 Library established
Section 11-203 Board of directors, term, removal
Section 11-204 Officers, rules
Section 11-205 Finances
Section 11-206 Annual report
Section 11-207 Annual appropriations

CHAPTER 3

CEMETERY

Section 11-301 Cemetery fund
Section 11-302 Rates for services and lots.

CHAPTER 4

MISSION BELL MUSEUM BOARD

Section 11-401 Mission Bell Museum board
Section 11-402 Board of directors, term, removal
Section 11-403 Officers, rules
Section 11-404 Meetings
Section 11-405 Duties and Powers

CHAPTER 1

GENERAL PROVISIONS

ARTICLE A

REGULATIONS AND FEES

Section 11-101 City council to make rules for recreational facilities
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ARTICLE B

PARKS AND RECREATION BOARD

Section 11-111 Parks and recreation board
Section 11-112 Board of directors, term, removal
Section 11-113 Officers, duties
Section 11-114 Meetings
Section 11-115 Duties and powers

ARTICLE A

REGULATIONS AND FEES

SECTION 11-101 CITY COUNCIL TO MAKE RULES FACILITIES

The city council shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the city.

SECTION 11-102 FEES TO BE DETERMINED

The city shall provide by rules, from time to time, the fees charged for any such park or recreational facility on any property or facility for recreational purposes owned or operated by the city.

SECTION 11-103 CITY PARK CURFEW TIME

The curfew time for all city parks is 11:00 P.M. No person shall enter upon or remain upon or leave any vehicle upon any park between the hours of 11:00 P.M. and 6:00 AM.

SECTION 11-104 ACTS PROHIBITED IN CITY PARKS

It is hereby declared to be unlawful and an offense for any person to do or cause to be done any of the following acts within a public park owned or maintained by the city: Parks, Recreation and Cemetery

1. To write upon, cut, break, remove, mutilate or deface or in any way injure any building, fence, restroom facility, bench, monument, statue, ornament or lighting unit;

2. To remove, take, cut, break, injure or destroy any trees, shrubs, flowers or flowering plants in or around the park area;

3. To make a fire in any park, except at designated places or ovens or grills provided in the park facility;

4. To put any paper, containers, bottles, wrapper, garbage, refuse or trash of any kind at any place except in a place designated for the disposal of trash;

5. For any person except law enforcement officials to carry upon any park any firearm, BB Gun, pellet gun or other weapon capable of inflicting injury to persons or animals, whether or not such weapons are loaded unless otherwise specifically authorized by law;

6. To operate any motorized vehicle, including automobiles, motorcycles, go-carts, or all terrain vehicles, in any park area except over and upon public parking lots and clearly designated roadways;

7. To remain upon the property and refuse to leave the property forthwith after demand by a peace officer;

8. To be drunk or intoxicated in or upon the property;

9. For any person to possess any "alcoholic beverage" as defined by state law at Section 506 of Title 37 of the Oklahoma Statutes;

10. For any person under twenty-one (21) years of age to be in possession of any nonintoxicating non-alcoholic beverage as defined at Section 3-201 of the city code.

SECTION 11-105 PENALTY

It is unlawful for any person to use any of the park or recreational facilities without having complied with the rules and regulations promulgated by the city council in connection therewith. Anyone violating any of the rules and regulations, or failing to comply with such, or failing to comply with the regulations set forth herein, shall be guilty of an offense, and on conviction thereof, shall be punished as provided in Section 1-108 of this code.

ARTICLE B

PARKS AND RECREATION BOARD

SECTION 11-111 PARKS AND RECREATION BOARD

There is hereby created a parks and recreation board which shall be known as the parks and recreation board of the city.

SECTION 11-112 BOARD OF DIRECTORS. TERM. REMOVAL

A. The parks and recreation facilities shall be governed by a board of directors consisting of seven (7) members selected from the residents of the city with reference to their fitness for such office by the mayor and city council. All parks and recreation board directors shall serve thereon without compensation.

B. The board members shall hold office for a term of five (5) years from the first day of May following their appointment. At the first regular meeting of the board, the directors shall cast lots for respective terms of one year, two (2) years, three (3) years, four (4) years and five (5) years. Thereafter the terms of all directors shall be for five (5) years. Vacancies in the parks and recreation board of directors shall be filled in the same manner as original appointment.

C. Any member of the board of directors may be removed by the appointing authority for misconduct or neglect of duty.

SECTION 11-113 OFFICERS. DUTIES

Immediately after the initial appointment, the board of directors shall meet and organize by electing one director as chairman, one director as vice-chairman, one director as secretary, and by electing such other officers as the board may deem necessary. They shall adopt such rules and regulations for their own guidance and for the governance and operation of the parks and recreation facilities as may be expedient and not inconsistent with the ordinances of the city and laws of the state, subject to approval of the mayor and council of the city.

SECTION 11-114 MEETINGS

A. The parks and recreation board shall hold a regular monthly meeting. The members of the parks and recreation board shall determine the time and place of such meetings. The city manager, the mayor, the chairman or any three (3) members of the parks and recreation board may call a special meeting.

B. The meetings shall be open to the public with proper notice given as required by the Oklahoma Open Meeting Act.

SECTION 11-115 DUTIES AND POWERS

A. The parks and recreation board shall act as an advisory board to the city council and city manager concerning all city parks, recreational facilities and recreational programs.

B. The parks and recreation board shall make recommendations to the city manager and the city council on parks, recreational facilities and recreational programs as follows:

1. Operations;

2. Rules and regulations;

3. Maintenance, operation and beautification particularly, but not limited to, the layout of walks and drives in the parks, planting of trees, shrubs, flowers and other improvements;

4. Safety of the public in connection with their use and enjoyment of the parks, facilities, programs; and

5. Such other recommendations as the parks and recreation board deems appropriate.

C. The secretary of the parks and recreation board shall provide copies of the minutes of meetings to the office of the city clerk within ten (10) days from the date of their approval.

CHAPTER 2

LIBRARY SERVICES

Section 11-201 Purpose
Section 11-202 Library established
Section 11-203 Board of directors, term, removal
Section 11-204 Officers, rules
Section 11-205 Finances
Section 11-206 Annual report
Section 11-207 Annual appropriations

SECTION 11-201 PURPOSE

It is the desire and intent of the city council to provide free public library service to the residents of the city for the benefit of the city, the state, and the nation.

SECTION 11-202 LIBRARY ESTABLISHED

The Coweta Public Library is hereby established.

SECTION 11-203 BOARD OF DIRECTORS, TERM REMOVAL

A. The public library shall be governed by a board of directors consisting of five (5) members selected from the residents of the city with reference to their fitness for such office by the mayor and city council. All library board directors shall serve thereon without compensation.

B. The board members shall hold office for a term of three (3) years from the first day of May following their appointment. At the first regular meeting of the board, the directors shall cast lots for respective terms of one year, two (2) years, three (3) years; thereafter the terms of all directors shall be for three (3) years. Vacancies in the library board of directors shall be filled in the same manner as original appointment.

C. Any member of the board of directors may be removed by the appointing authority for misconduct or neglect of duty.

SECTION 11-204 OFFICERS, RULES

Immediately after the initial appointment, the board of directors shall meet and organize by electing one director as president, one director as secretary, and by electing such other officers as the board may deem necessary. They shall adopt such rules and regulations for their own guidance and for the governance and operation of the library as may be expedient and not inconsistent with the ordinances of the city and laws of the state, subject to approval of the mayor and council of the city.

SECTION 11-205 FINANCES

All moneys received on account of the library shall be paid to the city clerk, who shall deposit the same in the municipal treasury in a special and separate account designated the "library fund". Such moneys shall be paid out only upon claims request received from the board of directors, submitted to the city council for approval with warrants to be disbursed per policies as set for all city funds.

SECTION 11-206 ANNUAL REPORT

The library board of directors shall make, on or before the 31st of July in each year, an annual report. Such report shall include:

1. The condition of its trust on the 30th day of June;

2. The various sums of money and property received by the library and how such moneys have been expended;

3. Statistics on the general character and number of books and periodicals which are on hand, are lost, have been added, have been loaned out; and

4. The number of persons making use of the library during the year.

A similar report shall be filed at the time with the State Department of Libraries on forms supplied by the department.

SECTION 11-207 ANNUAL APPROPRIATIONS

The mayor and city council shall annually appropriate funds as are deemed necessary to operate and maintain the Coweta Public Library for the education and cultural enrichment of the citizens of the city.

CHAPTER 3

CEMETERY

Section 11-301 Cemetery fund
Section 11-302 Rates for services and lots

SECTION 11-301 CEMETERY FUND

The city cemetery fund shall be maintained as follows:

1. Twelve and one-half percent (12.5%) of all proceeds from the sale of lots and internments shall be deposited into a separate cemetery fund called the cemetery fund;

2. The cemetery fund shall be solely and exclusively dedicated for capital improvements, such as for purchasing additional land for the cemetery and capital improvements as defined by Section 17-110 of Title 11 of the Oklahoma Statutes.

SECTION 11-302 RATES FOR SERVICES AND LOTS

Rates are hereby established in regard to costs associated with the cemetery for:

1. Cemetery lot;

2. Interments as follows:

a. Monday through Friday, 8:00 A.M. to 4:00 P.M.;

b. Weekends and holidays

c. Cremations

CHAPTER 4

MISSION BELL MUSEUM BOARD

Section 11-401 Mission Bell Museum board
Section 11-402 Board of directors, term, removal
Section 11-403 Officers, rules
Section 11-404 Meetings
Section 11-405 Duties and Powers

SECTION 11-401 MISSION BELL MUSEUM BOARD

There is hereby created a Mission Bell Museum board which shall be known as the Mission Bell Museum board of the city.

SECTION 11-402 BOARD OF DIRECTORS, TERM. REMOVAL

A. The Mission Bell Museum facilities shall be governed by a board of directors consisting of five (5) members selected from the residents of the city with reference to their fitness for such office by the mayor and city council. All Mission Bell Museum board directors shall serve thereon without compensation.

B. The board members shall hold office for a term of five (5) years from the first day of May following their appointment. At the first regular meeting of the board, the directors shall cast lots for respective terms of one year, two (2) years, three (3) years, four (4) years and five (5) years; thereafter, the terms of all directors shall be for five (5) years. Vacancies in the Mission Bell Museum board of directors shall be filled in the same manner as original appointment.

C. Any member of the board of directors may be removed by the appointing authority for misconduct or neglect of duty.

SECTION 11-403 OFFICERS, RULES

Immediately after the initial appointment, the board of directors shall meet and organize by electing one director as chairman, one director as vice-chairman, one director as secretary, and by electing such other officers as the board may deem necessary. They shall adopt such rules and regulations for their own guidance and for the governance and operating of the Mission Bell Museum as may be expedient and not inconsistent with the ordinances of the city and laws of the state, subject to approval of the mayor and council of the city.

SECTION 11-404 MEETINGS

A. The Mission Bell Museum board shall hold a regular monthly meeting. The members of the Mission Bell Museum board shall determine the time and place of such meetings. The city manager, the mayor, the chairman or any three (3) members of the Mission Bell Museum board may call a special meeting.

B. The meetings shall be open to the public with proper notice given as required by the Oklahoma Open Meeting Act.

SECTION 11-405 DUTIES AND POWERS

A. The Mission Bell Museum board shall act as an advisory board to the city council and city manager concerning all Mission Bell Museum facilities and programs.

B. The Mission Bell Museum board shall make recommendations to the city manager and the city council on Mission Bell Museum facilities and programs as follows:

1. Operations;

2. Rules and regulations;

3. Maintenance, operation and beautification particularly but not limited to, the planting of trees, shrubs, flowers and other improvements;

4. Safety of the public in connection with their use and enjoyment of the facilities; and

5. Such other recommendations as the board deems appropriate.

C. The secretary of the Mission Bell Museum board shall provide copies of the minutes of meetings to the office of the city clerk within ten (10) days from the date of their approval.

PART 12

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1

PLANNING COMMISSION

Section 12-101 Created, membership
Section 12-102 Chairman, secretary
Section 12-103 Rules and regulations
Section 12-104 Duties and powers
Section 12-105 Procedure
Section 12-106 Plats and subdivisions
Section 12-107 Expenditures

CHAPTERS 2 AND 3

ZONING REGULATIONS

Section 12-201 Zoning ordinance adopted
Section 12-202 Penalty

CHAPTER 4

SUBDIVISION REGULATIONS

Section 12-401 Subdivision regulations adopted
Section 12-402 Penalty

CHAPTER 5

FLOOD HAZARD PREVENTION

Section 12-501 Statutory Authorization
Section 12-502 Findings of fact
Section 12-503 Statement of Purpose
Section 12-504 Methods of Reducing Flood Losses
Section 12-505 Definitions
Section 12-506 Lands to Which this Ordinance Applies
Section 12-507 Basis for Establishing the areas of Special Flood Hazard
Section 12-508 Establishment of Development Permit
Section 12-509 Compliance

Section 12-510 Abrogation and Greater Restrictions
Section 12-511 Interpretation
Section 12-512 Warning and Disclaimer or Liability
Section 12-513 Designation of the Floodplain Administrator
Section 12-514 Duties and Responsibilities of the Floodplain Administrator
Section 12-515 Permit Procedures
Section 12-516 Variances
Section 12-517 General Standards
Section 12-518 Specific Standards
Section 12-519 Standards for Subdivision
Section 12-520 Floodways
Section 12-521 Severability
Section 12-522 Floodplain Management Fee Schedule
Section 12-523 Penalties for Noncompliance
Section 12-524 Certification
Section 12-525 Storm Water Discharge

CHAPTER 6

PUBLIC HEARING PROCESS FOR VARIOUS STATE OR FEDERAL PROGRAMS

Section 12-601 Purpose for public hearings
Section 12-602 Receipt of notice for hearing
Section 12-603 Publication
Section 12-604 Conduct of hearing
Section 12-605 Recordation of hearing
Section 12-606 Evidence
Section 12-607 Findings of fact and final order by city council
Section 12-608 Appeal
Section 12-609 Hearings in other jurisdictions
Section 12-610 Housing law compliance

CHAPTER 7

ESTABLISH DOWNTOWN ADVISORY BOARD

Section 12-701 Downtown Advisory Board
Section 12-702 Board of Directors, Term, Removal
Section 12-703 Officers, Rules
Section 12-704 Meetings
Section 12-705 Duties, Powers, and Scope

CHAPTER 8

SPECIFIC USE PERMITS

Section 12-801 Purpose
Section 12-802 Conditions for Approval
Section 12-803 Specific Use List
Section 12-804 Use Conditions
Section 12-805 Administration

CHAPTER 9

FAIR HOUSING

Section 12-901 Policy
Section 12-902 Definitions
Section 12-903 Unlawful Practice
Section 12-904 Discrimination in the Sale or Rental of Housing
Section 12-905 Discrimination in the financing of housing
Section 12-906 Discrimination in the Provision of Brokerage Services
Section 12-907 Exemption
Section 12-908 Administration
Section 12-909 Education and Conciliation
Section 12-910 Enforcement
Section 12-911 Investigation; Subpoenas; Giving of Evidence
Section 12-912 Enforcement by Private Persons
Section 12-913 Interference, coercion or Intimidation
Section 12-914 Separability of Provision
Section 12-915 Prevention of Intimidation in Fair Housing Cases

CHAPTER 1

PLANNING COMMISSION

Section 12-101 Created, membership
Section 12-102 Chairman, secretary
Section 12-103 Rules and regulations
Section 12-104 Duties and powers
Section 12-105 Procedure
Section 12-106 Plats and subdivisions
Section 12-107 Expenditures

SECTION 12-101 CREATED, MEMBERSHIP

There is hereby created a planning commission to be composed of five (5) members, and the mayor and city engineer as ex officio members. Upon the creation of such planning commission, the mayor shall nominate one member to serve for a period of one year, two (2) members to serve for a period of two (2) years, two (2) members to serve for a period of three (3) years. Such nominees shall be confirmed by the city council. The members of the planning commission appointed upon the passage and approval of this chapter shall all serve an interim term to the next following first day of June, on which date the respective terms of office of the commissioners so appointed shall begin. Upon nominating such commissioners, the mayor shall designate which of such commissioners shall serve for a period of one year, which of such commissioners shall serve for a period of two (2) years and which of such commissioners shall serve for a period of three (3) years. The members of the planning commission shall be appointed from residents of the city and an effort is to be made to secure the services of persons best qualified to plan for the future growth, development and planning for the city as a whole. The members of the planning commission shall serve without salary. In the event of a vacancy on the commission for any reason, a successor shall be appointed as herein provided for the unexpired term only of such vacancy.

SECTION 12-102 CHAIRMAN, SECRETARY

Immediately after the appointment and qualification of the members of the planning commission, the commission shall meet and elect one of their number as chairman and one of their number as secretary. Such officers when so elected shall serve in their respective capacity until the next following June 1, at which time a chairman and secretary shall be elected for a term of one year, or until their successors are elected and qualified.

SECTION 12-103 RULES AND REGULATIONS

The planning commission shall prescribe rules and regulations governing and controlling the transaction of business before it, and shall determine a date each month for regular meetings. Special meetings may be called at any time by the chairman of the commission.

SECTION 12-104 DUTIES AND POWERS

The duties and powers of the planning commission shall be as

1. To investigate and recommend to the mayor and city council suitable zoning ordinances for the city;

2. To investigate and make recommendations concerning the physical development, growth, improvement, convenience and beautification of the city;

3. To investigate all matters relating to the location and development of parks, recreation places, streets, public grounds, location and design of public buildings and public structures, and to make report of their findings on any proposed or contemplated project relative to any of the above matters to the city council of the city; and

4. All findings and recommendations of the planning commission affecting private property shall be submitted in writing to the city council of the city for their examination, approval or rejection.

SECTION 12-105 PROCEDURE

All projects or matters that fall within the purview of the duties of the planning commission, as herein specified, that may come before the city council shall be referred to the planning commission for investigation and report on any matter or subject referred to it for a period of sixty (60) days. A failure to report within sixty (60) days shall be considered a refusal to approve the proposed plan or project, and the city council may thereupon act upon such proposal, plan or project as though such matter had not been referred to the planning commission.

SECTION 12-106 PLATS AND SUBDIVISIONS

No platting of unplatted property in the city and no platting of any existing subdivisions in the city shall be permitted until such plat or subdivision shall be presented to the planning commission. Upon such proposed plat or subdivision being presented to the planning commission, it shall within thirty (30) days make its findings and recommendations to the city council of the city concerning the adoption, modification or rejection of the platting, replatting or subdivision.

SECTION 12-107 EXPENDITURES

The planning commission shall as required make application to the city council for the funds that may be necessary for such planning commission to expend in order to carry out its duties as herein specified. Commencing with the next fiscal year following the enactment of this chapter, the planning commission shall make application to the city council for an appropriation to be set up for its use in carrying out its duties, and the city may include such appropriation in its budget.

CHAPTERS 2 AND 3

ZONING REGULATIONS

SECTION 12-201 ZONING ORDINANCE ADOPTED

The city has adopted Ordinance No.377, setting forth zoning regulations of the city, and all amendments thereto, as the city's zoning regulations. This zoning ordinance, and all amendments thereto, are hereby adopted and incorporated herein by reference and are applicable in the city as fully as if set out at length herein. A copy of the zoning ordinance and amendments are on file in the office of the city clerk.

SECTION 12-202 PENALTY

Any violation of the city's zoning regulations, as set out in Sec. 12-201 of the code or in ordinances of the city, is punishable as provided in Section 1-108 of this code. Each separate day that a violation continues shall constitute a separate offense.

CHAPTER 4

SUBDIVISION REGULATIONS

Section 12-401 Subdivision Regulations Adopted
Section 12-402 Penalty

SECTION 12-401 SUBDIVISION REGULATIONS ADOPTED

There is hereby adopted and incorporated herein by reference the Subdivision Regulations adopted by the City, as contained in Ordinance No.390, 9/19/88, and all amendments thereto, which are applicable in the city as fully as if set out at length herein. At least one copy of the subdivision regulations are on file with the city clerk.

SECTION 12-402 PENALTY

Any person who violates any provision of this chapter shall, upon conviction, be punished as provided in Section 1-108 of this code.

CHAPTER 5

FLOOD HAZARD PREVENTION

Section 12-501 Statutory Authorization
Section 12-502 Findings of fact
Section 12-503 Statement of Purpose
Section 12-504 Methods of Reducing Flood Losses
Section 12-505 Definitions
Section 12-506 Lands to Which this Ordinance Applies
Section 12-507 Basis for Establishing the areas of Special Flood Hazard
Section 12-508 Establishment of Development Permit
Section 12-509 Compliance
Section 12-510 Abrogation and Greater Restrictions
Section 12-511 Interpretation
Section 12-512 Warning and Disclaimer or Liability
Section 12-513 Designation of the Floodplain Administrator
Section 12-514 Duties and Responsibilities of the Floodplain Administrator
Section 12-515 Permit Procedures
Section 12-516 Variances
Section 12-517 General Standards
Section 12-518 Specific Standards
Section 12-519 Standards for Subdivision
Section 12-520 Floodways
Section 12-521 Severability
Section 12-522 Floodplain Management Fee Schedule
Section 12-523 Penalties for Noncompliance
Section 12-524 Certification
Section 12-525 Storm Water Discharge

Section 12-501 STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in 11 O.S. §§ 41-47, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the City of Coweta, Oklahoma, ordains the following, to become effective immediately:

Section 12-502 FINDINGS OF FACT

1. The flood hazard areas of the City of Coweta are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Section 12-503 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

7. Insure that potential buyers are notified that property is in a flood area.

Section 12-504 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance 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 flood waters;

4. Control filling, grading, dredging and other development which may increase flood damage; and

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Section 12-505 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory structure" - means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include but are not limited to garages and storage sheds.

"Area of special flood hazard" - is the land in the floodplain within the City of Coweta subject to a one percent or greater chance of flooding in any given year.

"Base flood" - means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation" – means the elevation in feet above mean sea level of the base flood or 1% chance flood.

"Basement" - means any area of the building having its floor sub-grade (below ground level) on all sides.

"BFE" - means base flood elevation.

"CFR" - means Code of Federal Regulations.

"Critical feature" - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Development Permit" - means a permit issued by the City of Coweta Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this ordinance.

"Elevated building" - means a non-basement building built, in the case of a building in Zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AE, A, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Existing construction" - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing manufactured home park or subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972.

"Expansion to an existing manufactured home park or subdivision"- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means the Federal Emergency Management Agency.

"FIRM" means Flood Insurance Rate Map.

"Flood" or "flooding" - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, or

2. The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Rate Map” – means an official map of the City of Coweta on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Coweta.

“Flood insurance study” – is the official report provided by FEMA for City of Coweta which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

“Floodplain Administrator” – means a person accredited by the OWRB and designated by the City Council of the City of Coweta to administer and implement laws, ordinances and regulations relating to the management of floodplains.

“Floodplain or flood-prone area” – means any land area susceptible to being inundated by water from any source (see definition of flood).

“Floodplain management” – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Floodplain management regulations” – means zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Flood protection system” – means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within City of Coweta 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.

"Floodway" - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Article III, Section B. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

"Functionally dependent use" - means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a) By an approved state program as determined by the Secretary of the Interior, or

b) Directly by the Secretary of the Interior in states without approved programs.

“Levee” – means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" - means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.

"Manufactured home" - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City of Coweta's Flood Insurance Rate Map are referenced.

"New construction" - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Coweta City Council and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Coweta.

"OWRB" – means the Oklahoma Water Resources Board.

"Recreational vehicle" - means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or

2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

"Variance" - is a grant of relief by the City of Coweta City Council to a person from the terms of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of Title 44 CFR.)

"Violation" - means the failure of a structure or other development to be fully compliant with this City of Coweta flood damage prevention ordinance

"Water surface elevation" - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 12-506 LANDS TO WHICH THIS ORDINANCE APPLIES

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Coweta, Oklahoma.

Section 12-507 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, “The Flood Insurance Study for Wagoner County, Oklahoma and Incorporated Areas” dated April 17 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted on April 17 2012, by reference and declared to be a part of this ordinance. However, until this date the current effective FIRM Flood Insurance Rate Map City of Coweta Oklahoma Wagoner County dated September 18 1986, shall be used for this purpose until April 17 2012.

Section 12-508 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

Section 12-509 COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Section 12-510 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 12-511 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

Section 12-512 WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Coweta or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 12-513 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Council of the City of Coweta designates the City Manager or his/her designee as the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

Section 12-514 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended.

2. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

3. Review, approve or deny all applications for Development Permits required by this ordinance.

4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.

5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. Shall require the developer/applicant to determine and provide the base flood elevation on a FEMA Elevation Certificate as well as other data as required in order to administer the provisions of Article V.

9. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Wagoner County 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 City of Coweta.

10. After a disaster or other type of damage occurrence to structures in the City of Coweta, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

11. Maintain a record of all actions involving an appeal from a decision of the City Council.

12. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

Section 12-515 PERMIT PROCEDURES

1. An Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
b. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;
b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
c. The danger that materials may be swept onto other lands to the injury of others;
d. The compatibility of the proposed use with existing and anticipated development;
e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
h. The necessity to the facility of a waterfront location, where applicable;
i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
j. The relationship of the proposed use to the comprehensive plan for that area.

3. The Floodplain Administrator or City Council, as applicable, may approve certain development in Zones A or AE delineated on the Wagoner County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12.

Section 12-516 VARIANCES

1. General provisions.

a. The City Council of the City of Coweta may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this ordinance, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section D. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.

b. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.

c. In no case shall variances be effective for a period longer than twenty (20) years.

d. Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee of Twenty-five Dollars ($25.00).

e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) and provisions of Section D of this Article IV have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Mayor of the Coweta City Council which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.

g. At such time as the City Council deems the petition ready for notification to the public, the City Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Wagoner County at least thirty (30) days prior to the hearing.

h. The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section D. The City Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.

i. Variances shall only be issued upon:

(1)A showing of good and sufficient cause;
(2)A determination that failure to grant the variance would result in exceptional hardship to the applicant;
(3)A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and
(4)A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

j. Upon consideration of the factors stated in this Section D and the intent of this ordinance, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Article I, Section C of this ordinance.

k. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the City Council shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.

2. Special provisions

a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

d. 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 of Section D(1)(e); Section D(1)(i); Section D(2)(b); and Section D(2)(c) of this Article IV 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.

Section 12-517 GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding

Section 12-518 SPECIFIC STANDARDS

In all areas of special flood hazards the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one (1) foot 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 is satisfied.

2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least one (1) foot 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 is satisfied.

3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
(b) The bottom of all openings shall be no higher than one foot above grade; and
(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes - Require that all manufactured homes to be placed anywhere within the community in Flood Zones A and/or AE on the Wagoner FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least one (1) foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the Wagoner County FIRM either:

(a) Be on the site for fewer than 180 consecutive days,
(b) Be fully licensed and ready for highway use, or
(c) Meet the permit requirements of Article IV, Section C, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5. Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Wagoner County FIRM shall comply with the following:

(a) The structure shall be unfinished on the interior;
(b) The structure shall be used only for parking and limited storage;
(c) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
(d) Service facilities such as electrical and heating equipment must be elevated to or above the BFE;

(e) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
(f) The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
(g) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
(h) Floodway requirements must be met in the construction of the structure;
(i) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
(j) The structure shall be located so as not to cause damage to adjacent and nearby structures.

Section 12-519 STANDARDS FOR SUBDIVISIONS

1. The applicant for a Development Permit for any subdivision located in Zones A and AE which is 51 or more lots or greater than 5 acres shall generate the base flood elevation data for that subdivision.

2. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

3. All subdivisions including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Section 12-520 FLOODWAYS

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City of Coweta during the occurrence of the base flood discharge.

2. If Article V, Section D.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.

3. The City of Coweta may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

Section 12-521 SEVERABILITY

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 12-522 FLOODPLAIN MANAGEMENT FEE SCHEDULE

The City of Coweta City Council establishes a fee schedule for the following services by separate instrument (see latest fee schedule adopted by Coweta City Council):

a. Notice of Intent Fee

b. Floodplain Development Permit Application Review

c. Floodplain Development Permit Fee

d. Inspection Fee-per inspection.

Section 12-523 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this ordinance is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined a fee set forth by the Coweta City Council, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of the City of Coweta or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 2. It is hereby found and declared by the City Council of the City of Coweta that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

SECTION 3. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval. However, the special flood hazards that are described in the current Flood Map for City of Coweta, dated September 18 1986, shall continue to be used until April 17, 2012, and on and after that date, the April 17, 2012, Flood Insurance Study and Flood Insurance Rate Map for Wagoner County and Incorporated Areas shall apply to this ordinance and shall supersede any previous floodplain management ordinance applicable to the City of Coweta.

Section 12-525 STORM WATER DISCHARGE

1. Scope
2. Definitions and Abbreviations
3. Discharge Requirements
4. Spills
5. Pavement Wash Waters
6. Watercourse Protection
7. Prohibition of Illicit Connection
8. Construction Activities
9. Record Keeping
10. Reporting Requirements
11. Compliance Monitoring Requirements
12. Requirements for Best Management Practices
13. Inspections and Sampling
14. Administrative Enforcement Remedies
15. Violations, Injunction and Criminal Prosecution
16. Confidential Information

1. SCOPE

This Ordinance establishes methods to regulate the introduction of pollutants to the City of Coweta's municipal separate storm sewer system and enables the City to comply with all applicable state and federal laws and regulations, including the Federal *Clean Water. Act, 33* U.S.C. §§ 1251, *et seq,* the *Oklahoma Environmental Quality Act,* 27A 0.S.2001, §§ 1-1-101, *et seq.,* and stormwater contained in 40 CPR Part 122, *EPA Administered Permit Programs: the National Pollutant Discharge Elimination System* (NPDES). The objectives of this Ordinance shall permit the City of Coweta to:

A. Regulate the contribution of pollutants into the municipal separate storm sewer system through the stormwater discharges of any user;

B. Control the introduction into the municipal separate storm sewer system of spills, dumping, or the disposal of materials other than stormwater;

C. Prohibit illicit discharges into the municipal separate storm sewer system

D. Carry out inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this ordinance; and

E. Comply with its OPDES Municipal Storm Water Discharge Permit conditions and any other federal or state law or regulation pertaining to stormwater quality.

SECTION 2. DEFINITIONS AND ABBREVIATIONS

1. As used in this chapter, the following terms, phrases and words shall have the meanings given below:

Act or "the Act" shall mean the *Federal Water Pollution Control Act,* also known as the *Clean Water Act,* as amended, 33 U.S.C. §§ 1251, *et seq.*

Administrative Officer shall mean the mayor or other person so designated by the Mayor.

Best Management Practice or BMP shall mean the best available practices or devices that, when used singly or in combination, eliminate or reduce the contamination of surface waters, ground waters, or both. BMPs shall be divided into the following categories:

A. **Nonstructural Best Management Practices,** which shall mean those which require modified or additional operational or behavior practices, such as sweeping a parking lot or having spill response equipment on site; and
B. **Structural Best Management Practices,** which shall mean those which require the construction of a structure or other physical modification on the site.

City shall mean the City of Coweta Oklahoma, a municipal corporation, and its duly authorized officers, agents and employees.

Composite Sample shall mean a sample of stormwater run-off, resulting from the combination of individual samples taken at selected intervals, based on an increment of either flow or time.

Discharge shall mean any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Environmental Protection Agency or EPA shall mean the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of the EPA.

Floatable shall mean any buoyant or semi-buoyant, organic or inorganic, water-borne waste material such as litter, paper, Styrofoam, grass, leaf litter, cigarette butts and other debris.

Garbage shall mean trash, with reference to collections of pollutants at floatable collection sites.

Grab Sample shall mean a sample of stormwater run-off which is taken on a one-time basis, without regard to the flow and consideration of time.

Illicit Discharge shall mean any intentional discharge to the municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges pursuant to Subsection IV of this chapter, or discharges resulting from fire fighting activities.

Industrial Activity shall mean any activity which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the industrial facility; sites where material handling activities are performed; refuse sites; sites used for the applications or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas, including tank farms, for raw materials, and intermediate and finished products.

Industrial Facility or Industry shall mean any premises whose function is classified in the latest edition of the *Standard Industrial Classification Manual,* also known as the SIC code manual, prepared by the Executive Office of the President, Office of Management and Budget.

Material Handling Activities shall mean the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product.

Monitoring shall mean the performance of stormwater flow measurements, stormwater sampling, sample analysis, and like procedures necessary to determine compliance with stormwater discharge activity.

Municipal Separate Storm Sewer System or MS4 shall mean a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains that are owned or operated by the City and are designed or used for collecting or conveying stormwater.

OPDES Storm Water Discharge Permit shall mean the most current "Multi-Sector General Permit for Storm Water Discharge Associated with Industrial Activities for the State of Oklahoma," or the most Current "General Permit for Storm Water Discharge Associates with Construction Activities within the State of Oklahoma," with provisions under the Oklahoma Administrative Code (OAC), § 252:606, incorporating by reference 40 CFR Part 122.26, as issued by the Oklahoma Department of Environmental Quality (ODEQ).

Outfall shall mean a **point source** as defined in this chapter from which pollutants are or may be discharged, or as defined in 27 A O.S. 2001 as amended §§ 1-1-101, *et seq.*

Person shall mean an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their lawful representatives, agents or assignees. This definition shall include all federal, state, and local governments.

Point Source shall mean any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.

Pollutant shall mean any dredge spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agriculture waste, industrial waste, municipal waste and the characteristics of the wastewater including but not limited to, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises shall mean any plot or tract of ground, regardless of size or plat, owned by a person or used by a person and any contiguous plots.

Significant Materials shall mean any raw materials, fuels, materials such as solvents, detergents, and plastic pellets, finished materials such as metallic products, raw materials used in food processing or production, and/or hazardous substances.

Spills shall mean any release that has negatively or has the potential to negatively impact the quality of water within, or discharges from the City's municipal separate storm sewer system (MS4) or causes damaging or deleterious effects to the City's MS4, including all structures or appurtenances, or creates any violation of this chapter.

Stormwater shall mean any rainwater run-off, surface run-off, and drainage related to storm events or snow melt.

Stormwater Discharge Associated with Industrial Activity shall mean stormwater from areas of industrial activity or areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

User shall mean any source of direct or indirect discharge into the City's municipal separate storm sewer system (MS4).

2. As used in this chapter the following abbreviations shall have the meanings given below:

BAT - Best Available Technology

BMP - Best Management Practices

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - united States Environmental Protection Agency

Gpd - Gallons per Day

L - Liter

Mg - Milligrams

mg/L - Milligrams per Liter

MS4 - Municipal Separate Storm Sewer System

OAC - Oklahoma Administrative Code

NOI - Notice of Intent

NOV - Notice of Violation

NPDES- National Pollutant Discharge Elimination System

ODEQ - Oklahoma Department of Environmental Quality

OPDES- Oklahoma pollutant Discharge Elimination Discharge System Oklahoma Administrative Code *(OAC),* Title 252, Chapter 606, §§ 252:606-1-1 et seq., as amended)

POTW- Publicly Owned Treatment Works

RCRA- Resource Conservation and Recovery Act of 1976 (Pub.L. 94-580, Oct. 21, 1976, 90 Stat. 2795, as amended)

RQ - Reportable Quantities

SARA - Superfund Amendments and Reauthorization Act of 1986 (Pub.L.

99-499, Oct. 17, 1986, 100 Stat. 1613, as amended)

SWDA- Solid Waste Disposal Act (Pub.L. 89-272, Title II, Oct. 20, 1965, 79 Stat. 997, 42 U.S.C. §§ 6901, *et seq...* as amended)

TSD - Treatment, Storage, and Disposal Facilities

TSS - Total Suspended Solids

USC - United States Code

SECTION 3. DISCHARGE REQUIREMENTS

1. Allowable Discharges

The following types of discharges "shall not be prohibited discharges unless "the Administrative Officer determines that the type of discharge, whether singly or in combination with others, causes contamination of surface water, stormwater or groundwater; causes overload or damage to the MS4 or has the potential to endanger public health and safety; or causes the City to violate its OPDES Municipal Storm Water Discharge Permit:

a. Water line flushing
b. Landscape irrigation
c. Diverted stream flows
d. Rising ground waters
e. Residential building wash water without detergents
f. Uncontaminated pumped ground water
g. Uncontaminated ground water infiltration
h. Discharges from potable water sources
1. Foundation drains
j. Air conditioning condensate
k. Irrigation water
l. Springs
m. Water from crawl space pumps
n. Footing drains
o. Lawn watering
p. Individual residential car washing
q. De-chlorinated swimming pool discharges
r. Street wash water
s. Fire hydrant flushings
t. Non-commercial or charity car washes
u. Discharges from riparian areas and wetlands
v. Discharges in compliance with a separate Oklahoma Pollutant Discharge Elimination System (OPDES) or National Pollutant Discharge Elimination System (NPDES) NPDES Permit.
w. Discharges or flows from emergency fire fighting activities provided that the Incident Commander, Fire Chief or other on-scene fire fighting official in charge makes an evaluation regarding potential releases of pollutants from the scene and summons the hazardous material team if pollutants are suspected. Discharges or flows from fire fighting training activities are not authorized by OKR04 as allowable discharges.

2. Dye testing shall be an allowable discharge, but shall require verbal notification to the Administrative Officer prior to testing. The City shall be exempt from this notification requirement.

3. Any discharge that has a current NPDES discharge permit with the EPA or has a current OPDES discharge permit with the ODEQ shall be an allowable discharge, with the following exceptions:

a. A discharge that results in the City violating its OPDES Municipal Storm Water Discharge Permit;
b. A discharge the Administrative Officer determines causes contamination of surface water, stormwater or groundwater within the City; or
c. A discharge that could block or damage the MS4.

4 Stormwater that is associated with and/or intermingled with stormwater from an industrial activity that is allowed under an industrial "NPDES Stormwater Discharge Permit" as defined in 40 CFR Part 122, is an allowable discharge

5. Any stormwater that is associated with industrial activity and has had pollutants removed by structural or nonstructural BMPs to a level considered satisfactory by the Administrative Officer is an allowable discharge.

2. Prohibited Discharges

1. It shall be unlawful and a misdemeanor offense to discharge or allow the discharge of any of the following into the City's MS4:

a. All non-stormwater except those classified as an allowable discharge in Subsection III of this ordinance;
b. Any stormwater from any activity required to obtain an "NPDES Storm Water Discharge Permit" as defined in 40 CFR Part 122.26(b) (14), unless the discharge is authorized by a valid "NPDES Storm Water Discharge Permit";
c. Any spilled pollutants, unless it can be demonstrated that failure to allow the discharge will result in a greater imminent peril or hazard to the life, health, welfare, or safety of the public; or
d. Any material that is disposed of or dumped in such a manner that causes pollutants to be discharged.

2. It is a violation of this ordinance for any person to place, store or locate any material in such a manner that causes pollutants to be transported by wind, rain or other atmospheric conditions into the City's MS4.

3. Any point source discharge into the City's MS4 that either singly or in conjunction with other discharges causes the City to violate its OPDES Municipal Storm Water Discharge Permit shall be prohibited.

4. It shall be unlawful and a misdemeanor offense for any person to dispose of grass, dirt, leaves, trash or other pollutants into the City's MS4.

5. Allow an animal to defecate (without the owner, keeper or harborer removing the excreta deposited) on public or private property other than that of the owner.

6 No person shall deposit, drain or divert, whether directly or through an agent, into or upon any public highway, street, sidewalk, alley, parking lot, paving, drainage ditch, storm drain sewer, gutter creek, stream, river, lake, pond or lagoon, any oil or oily liquid with petroleum content, grease, water, or any mud, rotary mud, sand, salt water, sewer waste or industrial waste; or in any manner permit by seepage, overflow, or otherwise, any of such substances to escape from any property owned, lease or controlled by such person nor shall any person allow such substances to flow or be carried upon any public highway, street, sidewalk, alley, parking lot, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, pond or lagoon within the city.

7. Any illicit discharge, except those allowable pursuant to Subsection A-I of this ordinance, shall be prohibited.

SECTION 4. SPILLS

Spills that have the potential to enter or have entered the City's MS4 shall be contained, and remediation activity shall be commenced, as soon as possible. Any person identified as the source of any spill into the City's MS4 shall be required to remediate, remove and properly dispose of spilled materials. Remediation activities shall only be considered complete when the clean-up is deemed satisfactory by the Administrative Officer. The required reporting or notification for such spills shall be completed as specified in Subsection X of this ordinance.

SECTION 5. PAVEMENT WASH WATERS

Discharges to the City's MS4, resulting from the cleaning of driveways, parking lots, and other paved surfaces shall be deemed allowable upon the fulfillment of the following requirements:

1. The person conducting the cleaning shall employ BMPs, including but not limited to absorbent materials, which prevent the discharge of pollutants into the City's storm sewer;

2. Prior to any washing, floatables shall be removed from the surface that is about to be cleaned.

3. The discharge shall not result in a violation of the City's OPDES Municipal Storm Water Discharge Permit; and

4. The discharge, based upon the determination of the Administrative Officer, shall not cause contamination of surface water, stormwater or groundwater within the City.

SECTION 6. WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate~ or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures adjacent to the watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 7. PROHIBITION OF ILLICIT CONNECTIONS

1. The construction, use, maintenance or continued existence of illicit connections to the stormwater drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

2. A person is in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8. CONSTRUCTION ACTIVITIES

1. All construction activities, including the development, excavation, grading, regarding, paving, landfilling, burning, and diking of land shall be conducted in such a manner as to minimize erosion and prevent the discharge of pollutants, including but not limited to rock, sand, and soil into the City’s MS4. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural BMPs for controlling the discharge of pollutants. In the case of ten (10) acres or more draining to one discharge point, a sediment basin or adequate alternate measures shall be implemented.

The adequacy of any BMP shall be based upon the fulfillment of the following requirements:

a. The discharge shall not result in a violation of the City's OPDES Municipal Storm Water Discharge Permit;
b. The discharge, based upon the determination of the Administrative Officer, shall not cause contamination of surface water, stormwater or groundwater within the City; and
c. The discharge, based upon the determination of the Administrative Officer, does not transport sediment into the City's MS4.

2. Responsible Person

A. Any person with overall responsibility for the construction, such as the general contractor, shall be jointly responsible with the person at whose direction the construction is conducted; for the purpose of compliance with this ordinance,

B. If construction on a particular site requires that a "Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity under the OPDES General Permit" be filed with the Oklahoma Department of Environmental Quality (ODEQ), then the Facility Operator listed on the notice shall be responsible for compliance with this ordinance.

3. Erosion Control

a. Erosion control shall be provided during the construction phase on all construction sites as necessary to prevent impacts to offsite areas and/or public rights-of-way. The primary goal of erosion control and best management practices is to minimize erosion and sedimentation during construction activities until final grading, landscaping and storm sewer structures are in place. Best management practices include but are not limited to seeding, laying sod, sprigging, silt fences, straw bale dikes, earth dikes or swales, temporary stream crossings, storm sewer inlet protection, temporary sediment basins and stabilized construction entrances.

b. Failure to provide sediment and erosion control protection can result in suspension of building permits. A violation of this Section by failure to comply with any of its requirements shall constitute an offense and any person or entity convicted thereof shall be punishable as set forth in the Coweta City Code. Provided, that each lot upon which such violation occurs shall constitute a separate offense; and each day on which a violation occurs or is allowed to remain shall constitute a separate offense. The imposition of criminal sanctions, pursuant to Section XIII, shall not prevent the City of Coweta from taking any lawful action as is necessary to prevent or remedy a violation.

c. Construction sites shall adhere to the standards set in the City of Coweta Subdivision Regulations and Design Criteria for Stormwater, Erosion Control, Streets, Water, and Sewers.

4. Allowing construction materials to spill onto public ways. No person shall place, spill or allow the flow of concrete or similar construction materials on any public road, alley, highway or sidewalk, except as may be required for the construction or the maintenance of the public road, street, highway or sidewalk

5. Construction debris

a. Construction debris shall be contained in a manner that the debris cannot be carried offsite by wind.
b. Trash containers of sufficient size shall be located on each construction site no later than the time the rough plumbing is ready for inspection and adequately maintained throughout active construction.

SECTION 9. RECORD KEEPING

1. **Duration.** Every person and industry shall retain and make available to the Administrative Officer for inspection and copying, all records and information required to be retained under this ordinance, or order issued hereunder. The person or industry shall retain these records for a period of no less than five (5) years after an initial request by the Administrative Officer. This retention period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industry or person has been specifically notified of a longer retention period by the Administrative Officer.

2. **Fraud and False Statements.** Reports and other documents required to be submitted or maintained under this ordinance, or order issued hereunder, shall be subject to the provisions of 18 U.S.C. § 1001, regarding fraud or false statements and the provisions of § 309c(4) of the Act, as amended, governing false statements, representations, or certification.

SECTION 10. REPORTING REQUIREMENTS

1. Submission of Correspondence. Any industry that performs an industrial activity that is required by 40 CFR Part 122.26 to obtain an "NPDES Storm Water Discharge Permit" from the EPA must submit a copy of that application and permit, as well as any written correspondence with any federal, state or local agency regarding the aforementioned permit, to the Administrative Officer within fifteen (15) days of request. For construction sites, Section 3 of the City of Coweta Design Criteria for Stormwater, Erosion Control, Streets, Water, and Sewer requires submission of the Storm Water Pollution Prevention Plan, Notice of Intent for Storm Water Discharges, and Authorizations for Stormwater Discharges to be submitted to the City prior to the start of construction.

2. **Availability.** Any permits, pollution prevention plans, or other documents regarding an industry's or construction site's OPDES Storm Water Discharge Permit shall be made available to the Administrative Officer upon request.

3. **Spills.** Any person or industry shall, at the earliest possible time but, in any case, no later than one (1) hour from discovery, orally report to the Administrative Officer a spill, release, dumping, or other situation that has contributed or is likely to contribute pollutants into the MS4. This notification shall include the location, type, concentration and volume, if known, and corrective actions taken for each spill, release, etc. Written notification shall also be made to the Stormwater Department of the City within five (5) days of the discovery of the spill. If the spill is contained, notification to the Administrative Officer shall be next business day. This notification shall include all the notification requirements specified within this section. These reporting requirements shall be in addition to and not in lieu of any other reporting requirements imposed under, federal, state and local laws or regulations.

4. All persons or industrial facilities may be required to provide other reports deemed necessary by the Administrative Officer to monitor, maintain and ensure compliance with this ordinance.

SECTION 11. COMPLIANCE MONITORING REQUIREMENTS

1. **Stormwater Sampling Event Criteria.** For purpose of routine sampling of storm events, the following criteria must be met:

a. The depth of the rainfall must be greater than one-tenth (0.1) inch or its equivalent;

b. The sample storm event must be preceded by at least seventy-two (72) hours of less than one-tenth (0.1) inch of rain fall; and

c. All outfalls from the premises or industry must be sampled, unless otherwise specified.

2. Sampling. When the Administrative Officer has reason to believe that any person or industrial facility is violating this ordinance, the person or industrial facility may be required to obtain either a grab or composite sample and analyze any discharge, stormwater, groundwater and/or sediment and provide a copy of the analysis to the Administrative Officer for review.

3. Illicit Discharge Sampling. When the Administrative Officer has cause to believe that any discharge is an illicit discharge, the Administrative Officer may obtain either a grab or composite sample and analyze the discharge. If it is determined that the discharge is an illicit discharge, then the Administrative Officer may fully recover all cost of the sampling and analysis from the person or industrial facility, including all reasonable and customary administrative costs. When the discharge is likely to contain illicit discharges on a recurring basis, the person or industrial facility may be required by the Administrative Officer to conduct monitoring activities at its expense. This may be in addition to monitoring activities performed by the City.

4. Chain-of-Custody. Upon completion of sample collections and documentation, a written record of the Chain-of-Custody must be completed. The Chain-of-Custody record is an accurate step-by-step documentation of the sampling path from origin through analysis. It must contain the following information:

a. Name of the person(s) collecting the sample;
b. Sample ID numbers;
c. Date and time of sample collection;
d. Location of sample collection;
e. Name(s) and signature(s) of all persons, in sequence of ownership, handling the sample in the field and in the laboratory; and
f. Type of preservation.

A copy of the Chain-of-Custody will remain with all sample analyses sent to the City of Coweta for review.

5. Substitution of Substantially Identical Effluents. When a person or industry is required to sample a storm event and that person or industry has two or more point sources with substantially identical effluents, the person or industry may petition the Administrative Officer to allow the sampling of only one point source and report that the data apply to the substantially identical point source(s).

Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified by the Administrative Officer.

SECTION 12. REQUIREMENTS FOR BEST MANAGEMENT PRACTICES

1. **Implementation.** If the Administrative Officer determines that a stormwater discharge into the MS4 is, or has the potential of, contributing to water quality degradation, has potential to cause any violation of this ordinance or, causes a violation of the City's OPDES Municipal Storm Water Discharge Permit, one or more BMPs shall be implemented. The type and number of BMPs shall be addressed individually, with the initial implementation of nonstructural BMPs, followed by structural BMPs. The Administrative Officer may require additional BMPs to be implemented for any discharge from a commercial, residential and industrial source.

2. **Spill BMPs.** All persons and industrial facilities shall take measures to prevent spills or any other accidental introduction of pollutants into the MS4.

SECTION 13. INSPECTIONS AND SAMPLING

1. **Right of Access.** The Administrative Officer bearing credentials, shall be pem1itted to gain access to such premises as may be necessary for the purpose of inspecting, observing, measuring, sampling and testing, as often as may be necessary, to determine compliance with the provisions of this ordinance.

2. **Inspections.** The Administrative Officer bearing credentials retains the right to perform inspections at any industrial facility or any other premises that discharges or has the potential to discharge stormwater into the MS4. Whenever an inspection of such premises is made, the findings shall be recorded and a copy of the inspection report made available to the owner or person in charge of such premises, after finalization of the inspection report.

SECTION 14. ADMINISTRATIVE ENFORCEMENT REMEDIES

The following enforcement provisions are intended to encourage compliance with this chapter.

1. Investigation. The Administrative Officer may investigate any premises where there is reason to believe that there may be a failure to comply with the requirements of this ordinance.

2. Notice of Violations. Whenever the Administrative Officer determines that a violation of this ordinance has occurred or is occurring, the Administrative Officer may issue a notice of violation (NOV) to the person or industry. This NOV shall include the nature of the violation and provide a reasonable time for correction. The Administrative Officer may require, within fifteen (15) days of the receipt of this NOV, an explanation of the violation and a plan for the satisfactory correction and prevention, including specific required actions. The explanation and plan shall be submitted by the violator to the Administrative Officer in writing. Submission of this plan shall in no way relieve the person or industry of liability for any violation(s) occurring before or after receipt of the NOV. Issuance of a NOV shall not preclude any other enforcement action.

3. Administrative Orders.

a. Consent Orders. The Administrative Officer is empowered to enter consent orders, assurances of voluntary compliance, or other similar documents establishing a consensus with any person or industry for noncompliance. Such an order shall include specific action to be taken by the violator to correct the noncompliance within a time period specified in the order. Consent orders shall be judicially enforceable.

b. Compliance Orders. When the Administrative Officer finds that a person or industry has violated or continues to violate this ordinance or orders issued hereunder, the Administrative Officer may issue an order to the violator directing that compliance be obtained within a specified time period. If compliance is not achieved within the time period, water service or sewer service, or both services may be discontinued, or a Stop Work Order issued, unless adequate BMPs or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements addressing noncompliance, including additional self-monitoring. A compliance order shall not extend the deadline for compliance established by a federal standard or requirement, nor shall a compliance order release the violator from liability for any violation, including any continuing violation. Issuance of a compliance order shall not preclude any other enforcement action.

c. Cease and Desist Orders. When the Administrative Officer finds that a person or industry is violating provisions of this ordinance, or any order issued hereunder, or that past violations are likely to recur, the Administrative Officer may issue an order directing the violator to cease and desist all such violations or activities likely to cause a recurrence, and to:

1. Immediately comply with all requirements, and

2. Take such appropriate remedial or preventive actions as may be necessary to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

d .Issuance of a cease and desist order shall not preclude other action against the violator.

e. Administrative orders may be revised by the Administrative Officer at anytime in order to insure compliance with this ordinance.

4. Administrative Fines.

a. When the Administrative Officer finds that a user has violated or continues to violate any provision of the ordinance, or order issued hereunder, the Administrative Officer, upon good cause shown, may impose an administrative fine against such user in an amount not to exceed One Thousand Dollars ($1,000.00). Such fines may be assessed on a per violation, per day basis.

b. Notice of an administrative fine shall be served personally on the user or by certified mail, return receipt requested. Payment of the fine shall be received by the Administrative Officer within fifteen (15) days after such notice is served.

c. Failure to submit payment for an administrative fine within fifteen (I5) days shall be considered a violation of this ordinance, subject to penalties under Section XII and Section XIII of this ordinance.

d. Issuance of an administrative fine shall not preclude any other action against the user.

5. Cost Recovery of Expenses Incurred for Violation of this Ordinance.

Notwithstanding any other provision of this ordinance, the Administrative Officer may require any person and or industry found to have violated any provision of this ordinance, or orders issued hereunder, to reimburse the City for any goods or services, including administrative costs, used to remove pollutants from the City's MS4, prevent further discharge of pollutants into the MS4, and shall become liable to the City for any expense, loss, or damages experienced by the City as a result of a violation.

6. Water Supply Severance.

Whenever a person has violated, or continues to violate any provision of this ordinance, or orders issued hereunder, water service may be severed. Service shall only recommence at the violator's expense, after the violator has satisfactorily demonstrated an ability to comply, and actual compliance.

7. Appeals**.**

Any person aggrieved by any NOV, administrative fine or order issued by the Administrative Officer pursuant to this Section may appeal the action as provided in this subsection.

1. The initiation of an appeal shall be in writing and filed with the Administrative Officer no later than fifteen (15) days after service of notice of the action appealed from. The written notice of appeal shall specify the action appealed, detail why the action is in error, and specify provision of ordinances or statutes supporting the person's appeal.

2. Upon receipt of a notice of appeal by the Administrative Officer, the Administrative Officer shall conduct any necessary investigation into the basis of the appeal and hold a hearing within thirty (30) days of receipt. However, upon review of the notice of appeal, if the Administrative Officer determines that the basis of the appeal is patently frivolous or filed only for purposes of delay, then the Administrative Officer may deny the appeal without a hearing. Upon the Administrative Officer’s denial without a hearing, the appellant shall be notified in writing of the denial and the grounds for denial.

3. At the conclusion of a hearing on an appeal, if the appeal is sustained in favor of the appellant, the Administrative Officer may modify or withdraw the notice, fine or order. If the Administrative Officer fails to act on the appeal within thirty (30) days of concluding the hearing, the appeal shall be deemed denied. Any ruling, requirements, decisions or actions of the Administrative Officer on appeal shall be final and binding, unless appealed to the City Council.

4. Any person aggrieved by an appeal decision of the Administrative Officer may perfect an appeal to the City Council by filing a written notice of appeal with the City Clerk and the Administrative Officer within fifteen (15) days from the date of the action by the Administrative Officer. Such notice shall specify grounds for the appeal. A hearing on the appeal shall be commenced by the Council no later than thirty (30) days from the date the notice of appeal was filed with the City Clerk. The City Council shall have jurisdiction to affirm, modify, reverse or remand the action of the Administrative Officer upon good cause shown. Any rulings, requirements, or decision of the Council shall be final and binding, provided that any right of appeal to the courts shall not be abrogated.

SECTION 15. VIOLATIONS, INJUNCTION AND CRIMINAL PROSECUTION

1. Injunctive Relief

Whenever a person or entity has violated or continues to violate the provisions of this ordinance, or orders issued hereunder, the Administrative Officer, with the advice and counsel of the City Attorney and the approval of the Administrative Officer, may petition the district court for the issuance of an injunction, which restrains or compels the activities on the part of the person or industry. A petition for injunctive relief shall not preclude any other action against a person or industrial facility.

2. Criminal Prosecution

It shall be unlawful and a misdemeanor offense for any person to violate any of the provisions of this ordinance, or any order issued hereunder. Any person convicted of a violation of this ordinance, or any order issued pursuant to this ordinance, shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), excluding costs, fees and assessments, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted, shall be deemed a separate offense.

3. Remedies Nonexclusive

a. The provisions of Sections XIII A and B of this ordinance shall not be exclusive remedies. The City reserves the right to take any combination of actions against a violator of this ordinance. These actions may be taken concurrently.

b. The City may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, administrative costs, and the cost of any actual damages incurred by the City.

SECTION 16. CONFIDENTIAL INFORMATION

Information and data regarding a person, industrial facility or industrial activity obtained from reports, surveys, OPDES stormwater discharge permit applications or permits, monitoring programs, inspections and sampling activities may be available to the public in accordance with the Oklahoma Open Records Act, (51 0.S.2001, §§ 24.A.l, *et seq.)* or to other government agencies unless the industrial facility or industrial activity can demonstrate to the Administrative Officer's satisfaction that the release of such information would divulge information regarding trade secrets which is entitled to protection under applicable state law. If, in the opinion of the Administrative Officer, that information and data requested may disclose trade secrets or secret processes, then the information or data will not be made available.

CHAPTER 6

PUBLIC HEARING PROCESS FOR VARIOUS STATE OR FEDERAL PROGRAMS

Section 12-601 Purpose for public hearings
Section 12-602 Receipt of notice for hearing
Section 12-603 Publication
Section 12-604 Conduct of hearing
Section 12-605 Recordation of hearing
Section 12-606 Evidence
Section 12-607 Findings of fact and final order by city council
Section 12-608 Appeal
Section 12-609 Hearings in other jurisdictions
Section 12-610 Housing law compliance

SECTION 12-601 PURPOSE FOR PUBLIC HEARINGS

Under a variety of programs created and administered by various federal and state agencies, local government is authorized, and in some cases required, to hold public hearings in order to make certain determinations necessary for the operation of the program. These public hearings shall be conducted by the city in the following manner and specified procedures unless the applicable federal or state agency or the applicable program has a requirement which preempts this chapter. In the event of a partial preemption, this chapter shall control to the maximum extent possible. Examples of such hearings shall specifically include but are not limited to low income housing tax credit programs of the Internal Revenue Service of the United States, as administered by the Oklahoma Housing Finance Agency under Rule 330:36-5-3(e) and (g). (Ord 475, 12/4195)

SECTION 12-602 RECEIPT OF NOTICE FOR HEARING

A. Upon receipt of notice by the city council, mayor or city manager, of a proposal which requires or authorizes the city to comment on or evaluate appropriateness of the proposal, or determine the existence of a need for a project within the city limits, the city council shall proceed to make a determination of the desirability, appropriateness and need for the specific proposal or project under the following procedures. The resulting findings shall be reduced to written comments and filed with the appropriate agency in a timely manner.

B. Upon receipt of notice from a state or federal agency of an application and the need for a public hearing under the City Code of Ordinances Section 2-222(A), the city manager shall promptly give notice to any private person or entity determined to be the contact person for the applicant in the federal or state program, giving specific notice of the date, time and place of a proposed hearing by the city council in consideration of the project or development. The notice shall be in writing and mailed by certified mail at a time calculated to provide the applicant or contact person at least ten (10) days notice of the hearing. The notice shall be effective at least ten (10) days prior to the date of the hearing regardless of the form of the notice.

C. Notice to the contact person shall further provide the applicant's contact person with a statement of or reference to the appropriate legal authorities and the basis if jurisdiction under which the proceedings will be held, a statement of any statutes or rules involved, a copy 12-23 (1997 Supplement) of this chapter and a concise and plain statement of all issues of fact or law which are anticipated to be considered at the hearing. Such issues shall specifically include all issues or assertions to be made by the city staff or officials and any issues known by the city staff or elected officials which are anticipated to be raised by others.

SECTION 12-603 PUBLICATION

The city manger shall cause to be published at least one time in a newspaper of general circulation within the city a notice of the date, time and place of the consideration of the proposed project or development, together with the statement of the purpose of the hearing and the location of the proposed development. The publication shall occur at least ten (10) days prior to the date of the public hearing. In addition, the city shall provide all property owners within a three hundred (300) foot radius of the proposed development with written notification at least ten (10) days prior to the date of the public hearing. The property owner shall be determined on the basis of the preceding years' tax rolls.

SECTION 12-604 CONDUCT OF HEARING

A. At the hearing before the city council, the applicant for the proposed development shall be allowed the opportunity to appear and present evidence, personally or through legal counsel, and to otherwise provide argument in support of the proposed development, including the right to respond to opposing evidence or argument through cross examination of opposing witnesses or otherwise.

B. At the conclusion of the applicant's evidence, other witnesses who are unconnected with the applicant may appear to present evidence or argument in opposition to the positions asserted by other witnesses. To expedite this process, the city council shall provide an opportunity for the persons or entities desiring to participate in the hearing process to be identified at the start of this hearing.

SECTION 12-605 RECORDATION OF HEARING

The proceedings shall be electronically recorded in accordance with the requirements of Oklahoma Open Meetings Act and made available in accordance with the requirements of the Oklahoma Open Records Act. Should the applicant, the protestant or other participant require transcription, either through clerical transcription or by licensed court reporter, the cost of such transcription shall be paid by the requesting party.

SECTION 12-606 EVIDENCE

Copies of documentary evidence proposed to be used by the applicant, by city staff or by protestants and which evidence is in the possession of the city, shall be exchanged with the applicant and protestants who identify themselves at least two (2) business days prior to the hearing. In the event additional documentary evidence is offered at the hearing, and the interest of justice requires admission of such evidence, the city council may grant a recess or otherwise continue the hearing to a date certain in order to allow a response, subject to the right of the opponent of such evidence to waive this right of delay.

SECTION 12-607 FINDINGS OF FACT AND FINAL ORDER BY CITY COUNCIL

At the conclusion of the evidence, the city council shall deliberate and announce its findings of fact and conclusions of law as determined by a majority vote of the city council's total membership. The city staff shall prepare a written determination of those findings of fact and conclusions of law, which will thereafter be formally submitted for adoption by the city council, and upon adoption shall be transmitted by certified mail to the applicant, to any persons who formally protested in the hearing, and to the federal or state agency administering the program in question. A copy of this chapter shall be included with this determination. Once adopted by the city council, the determination shall be considered a final order by the city.

SECTION 12-608 APPEAL

While the city cannot create jurisdiction within the district courts of the state, it is the city's understanding of applicable law that such a determination by the council is subject to appeal to the district courts by the filing of a declaratory judgment action in the district court having jurisdiction of the city's corporate headquarters, regardless of the location of the land on which the proposal was to be built. The city's staff shall expeditiously forward a record of the proceeding to the district court upon the filing of any such declaratory judgment action and then shall defend the action taken by the city council.

SECTION 12-609 HEARINGS IN OTHER JURISDICTIONS

Upon receipt of notice from a state or federal agency of an application concerning a project in another jurisdiction, the city manager or a designee may determine if any interests of the city will be impacted, and may participate in such hearings as appropriate to defend such city interests as may be determined to exist.

SECTION 12-610 HOUSING LAW COMPLIANCE

It is not the intent or purpose of this chapter to circumvent any fair housing laws or regulations, but instead to ensure complete compliance with all local, state and federal laws concerning housing and to ensure that housing is provided in a nondiscriminatory manner.

CHAPTER 7

CREATING DOWNTOWN ADVISORY BOARD

Section 12-701 Downtown Advisory Board
Section 12-702 Board of Directors, Term, Removal
Section 12-703 Officers, Rules
Section 12-704 Meetings
Section 12-705 Duties, Powers, and Scope

SECTION 12-701 DOWNTOWN ADVISORY BOARD

There is hereby created a Downtown Advisory Board which shall be known as the Downtown Advisory Board of the City of Coweta, Oklahoma.

SECTION 12-702 BOARD OF DIRECTORS, TERM, REMOVAL

A. The physical, social and cultural growth and redevelopment of the downtown area shall be overseen and directed by a Board of Directors consisting of seven (7) members. Board members shall be selected from among persons residing, employed or owning structures in the downtown area with reference to their fitness for such office by the Mayor and City Council. All Downtown Advisory Board Directors shall serve thereon without compensation.

B. The Board Members shall hold office for a term of three years from the first day of May following their appointment. At the first regular meeting of the Board, the Directors shall cast lots for respective terms of one year (three members), two years (two members and three years (two members). Vacancies in the Downtown Advisory Board of Directors shall be filled in the same manner as the original appointment.

C. Any member of the Board of Directors may be removed by the appointing authority for misconduct or neglect of duty.

SECTION 12-703 OFFICERS, RULES

Immediately after the initial appointment, the Board of Directors shall meet and organize by electing one (1) director as Chairman, one (1) director as vice-chairman, one (1) director as secretary, and by electing such other officers as the Board may deem necessary. They shall adopt such rules and regulations for their own guidance and for the governance and oversight of the downtown area as may be expedient and not inconsistent with the ordinances of the City and laws of the State, subject to the approval of the Mayor and Council of the City.

SECTION 12-704 MEETINGS

A. The Downtown Advisory Board shall hold a regular monthly meeting. The members of the Board shall determine the time and place of such meetings. The City Manager, the Mayor, or any three (3) members of the Board may call a special meeting.

The meetings shall be open to the public with proper notice given as required by the Oklahoma Open Meeting Act.

SECTION 12-705 DUTIES, POWERS, AND SCOPE

A. The Downtown Advisory Board shall act as an advisory board to the Planning Commission, the City Manager and the City Council concerning physical, social and cultural growth and redevelopment in the downtown area.

B. The boundaries of the Board's jurisdiction (the "downtown area") shall be as follows. The north side of lots abutting North Street (141st) in the north, the south side of lots abutting South Street (151st/Hwy 51B) in the south, the east side of lots abutting Ave G in the east and west side of lots abutting Bixby Street in the west.

C. The Downtown Advisory Board shall make recommendation to the City Manager and the City Council on physical, social and cultural growth and redevelopment issues in the downtown area as follows:

1. The relationships between residential, commercial, office and institutional uses in the downtown area.

2. The physical character of the commercial corridor.

3. The acceptable intensity of residential development and redevelopment in the downtown area.

4. Development standards for downtown uses.

5. Priorities for revitalization.

6. Vehicular and pedestrian circulation in the downtown area.

7. Such other recommendations as the Downtown Advisory Board deems appropriate.

D. The Secretary of the Downtown Advisory Board shall provide copies of the minutes of meetings to the office of the City Clerk within ten (10) days from the date of their approval.

CHAPTER 8

SPECIFIC USE PERMITS

Section 12-801 Purpose
Section 12-802 Conditions for Approval
Section 12-803 Specific Use List
Section 12-804 Use Conditions
Section 12-805 Administration

SECTION 12·801 PURPOSES

The City Council may, after a public hearing and recommendation by the Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this section, authorize for specific parcels of land, the issuance of a Specific Use Permit.

The uses listed in the Specific Use list are so clarified because of the size of the land they require or the specialized nature of the use, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.

The designation of a Specific Use Permit as possible on the Specific Use List does not constitute an authorization or an assurance that such use will be permitted. Rather, each Specific Use Permit application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

SECTION 12-802 CONDITIONS FOR APPROVAL

A. Plans and Data to be Submitted

Prior to submission of a request for a Specific Use Permit, the City Planner may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for a Specific Use Permit, the Planning Commission will establish the requirements necessary for consideration of the application. The Commission shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the Planning Commission as necessary during the application process. The Planning Commission may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed. For uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use.

B. Planning Commission Requirements

The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning bonding, insurance, setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation are required. If the Planning Commission fails to review and make a recommendation within 45 days from the date the application is accepted for processing, the City Council can take action on the application.

C. City Council Requirements

The City Council may, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the Coweta Comprehensive Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The City Council may impose conditions including, but not limited to, bonding, insurance, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

D. Site Plans

A site plan (plot plan) setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

E. Designation of Zoning Map

A Specific Use Permit approved under the provisions of this ordinance shall not be considered as an amendment to the zoning ordinance; however, the Specific Use Permit shall be noted on the zoning map as follows: SUP - (the number of the request for a Specific Use Permit). Any of the conditions contained in a Specific Use Permit approval shall be considered as conditions precedent to the granting of a building permit for the specific use provided for.

F. Time Limits for Implementation

If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use Permit ordinance, including non-conforming uses and their incidental and accessory uses, must receive a Specific Use Permit before any expansion of the use is permitted.

SECTION 12-803 SPECIFIC USE LIST

The following uses are allowed in all zoning districts by Specific Use permit as granted by the City Council:

Adult Entertainment Establishments
Bus Station
Convict Pre-Release Center
Governmental Services
Detention Center Juvenile-Adult
Mausoleum
Airport - Heliport
Cemetery
Crematory
Casinos
Juvenile Delinquency Center
Electric Generation Plant &/or Sub-Station
Post Office
Rifle and Skeet Range Gun Club
Sanitary Landfill Sewer Disposal Facility
Halfway House Commercial Theme Parks
Refuse Transfer Station Recycling Center
Golf Course Golf Driving Range
Kennel Mini-Storage
Fire Protection Facility Fire Station
Churches College or University Hospital
Library Nursing Homes
Convalescent Homes Public Schools
Trade Schools Museum
Bed and Breakfast Inn

Cultural or Heritage Centers Public or Private Attractions
Transmitting Tower (excluding amateur radio tower)
Water Treatment Facility and/or Water Storage Facility
Private Schools with comprehensive education curriculum
Offices use when located on a 40-acre or larger tract
Industrial Uses requiring a minimum acreage requirement of 40 acres
Mining and Mineral Processing
Commercial Resort Facilities (Minimum acreage requirement of 40 acres)
Mixed Use

SECTION 12·804 USE CONDITIONS

Compliance with District and Use Unit Requirements Specific uses permitted shall comply with the most restrictive yard and height requirements of the district in which located and in addition shall comply with the requirements, especially for parking and loading, as required per the related use unit in the Coweta Zoning Code, except as may be modified by City Council as provided in Section 1704.022.

SECTION 12·805 ADMINISTRATION

A. Filing of a Petition for Specific Use Permit

A petition for a Specific Use Permit may be filed with the Planning Commission by the owner(s) of the property concerned, by the duly authorized representative thereof, by he holder of an option to purchase the affected real estate or by the purchaser in a contract to purchase realty. Such petition shall be on a standard form furnished by the Planning Department of the City. All petitions for a Specific Use Permit shall be accompanied by a site plan of the proposed area showing the location of buildings, parking, and other pertinent data concerning the operation of the proposed use.

B. Fee for Petition

A one-hundred dollar ($100.00) fee shall be required with the Specific Use Permit application and such other fee as the City Council may from time to time specify by resolution.

C. Notice of Hearing

Notice of the public hearing to consider a Specific Use Permit shall be mailed at least twenty (20) days before the public hearing held by the Planning Commission by mailing written notice by the secretary of the Planning Commission to all owners of property within a three hundred (300') radius of the exterior boundary of the subject property, or such additional notice deemed necessary by the Planning Commission..

The notice shall contain:

1. The date, time and place of the public hearing.

2. The present zoning classification of the property and the nature of the Specific Use Permit.

3. The legal description of the property and street address or approximate location in the municipality.

D. Appeals and Confirmation by City Council

An applicant, or any adversely affected person, may appeal a recommendation of denial by the Planning Commission to the City Council, within 10 days of the Planning Commission decision, by (a) completing a Notice of Appeal form that shall be available from the City Planner; and (b) paying an appeal fee in the amount of $100.00, or such fee as set by council resolution. If an appeal is not timely filed, the recommendation of the Planning Commission shall be included on a council consent agenda for consideration, and may be removed from the consent agenda by council pursuant to council rules, whereupon the council may either accept the recommendation of the Planning Commission, reverse the recommendation of the Planning Commission, modify the decision of the Planning Commission, or remand the matter for further consideration by the Planning Commission. If an appeal is timely filed, the City Council shall establish a date specific for its decision and may affirm, reverse or remand the decision of the Planning Commission.

E. Reapplication or Reconsideration of Mining and Quarrying, Mineral Products Processing

The City is not required to reconsider requests denied by the municipality related to mining and quarrying, or mineral products processing for the same site unless the municipality determines there has been a material change in the application. A mining application for any portion of a site previously denied by the City Council will be reviewed by the City Planner first to determine if there has been a material change in the application. A material change is a substantial change in the application as compared with prior applications such that it warrants consideration as a new application. The City Planner will establish the requirements necessary for consideration of the application. The City Planner shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the City Planner as necessary during the application process. The City Planner will notify the applicant of the decision. The determination of the City Planner may be appealed to the City Manager within fifteen (15) days of the rendering of the decision.

CHAPTER 9

FAIR HOUSING

Section 12-901 Policy
Section 12-902 Definitions
Section 12-903 Unlawful Practice
Section 12-904 Discrimination in the Sale or Rental of Housing
Section 12-905 Discrimination in the Financing of Housing
Section 12-906 Discrimination in the Provision of Brokerage Services
Section 12-907 Exemption
Section 12-908 Administration
Section 12-909 Education and Conciliation
Section 12-910 Enforcement
Section 12-911 Investigation; Subpoenas; Giving of Evidence
Section 12-912 Enforcement by Private Persons
Section 12-913 Interference, coercion or Intimidation
Section 12-914 Separability of Provision
Section 12-915 Prevention of Intimidation in Fair Housing Cases

Section 12-901 POLICY

It is the policy of the City of Coweta to provide, within constitutional limitations, for fair housing throughout the City.

Section 12-902 DEFINITIONS

A. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

B. Family" includes a single individual.

C. "Person" includes one or more individuals, corporation, partnerships, associations, labor organizations, legal representative, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receives, and fiduciaries.

D. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises, owned by the occupant.

E. "Discriminatory hosing practice" means an act that is unlawful under Section 12-904, 12-905, or 12-906.

Section 12-903 UNLAWFUL PRACTICE

Subject to the provision of 12-903(B) and Section 12-907, the prohibitions against discrimination in the sale or rental of housing set forth in Section III shall apply to:

A. All dwellings except as exempted by subsection B.

B. Nothing in Section 12-904 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 at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by the subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale of rental of, more than three such single-family houses at any one time; Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented:

a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and,

b. Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 12-904C of this ordinance. However nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

C. For the purpose of subsection B, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He/she has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. He/she has, within the preceding twelve months, participated as an agent, other than in the sales of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of an dwelling or any interest therein, or

3. He/she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Section 12-904 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by section 12-903 and except as exempted by Section 12-903B and 12-908, it shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny dwelling to any person because of race, sex, color, religion, national origin, handicap, or familial status.

B. To discriminate against any person in the terms, condition, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, nation origin, handicap, or familial

C. To make, print, or publish, or cause to be made, printed, or publish any notice, statement, or advertisement, with respect to the sale or rental or dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, or national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination.

D. To represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons, of a particular race, sex, color, religion or national origin, handicap, or familial status.

Section 12-905 DISCRIMINATION IN THE FINANCING OF HOUSING

It shall be unlawful for any bank, building or loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, construction, improving repairing, or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given:

Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section 12-903B.

Section 12-906 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of race, sex, color, religion, national origin, handicap, or familial status.

Section 12-907 EXEMPTION

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person, unless membership in such religion in

restricted on account of race, sex, color, national origin, handicap, or familial status. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 12-908 ADMINISTRATION

A. The authority and responsibility for administering the Act shall be in the Chief Executive Officer of the City of Coweta.

B. The Chief Executive Officer may delegate any of these functions, duties, and powers, to employees of the City or to boards of such employees, including function, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The chief Executive Officer shall by rule prescribe such right of appeal from the decisions of his/her hearing examiners or to himself/herself, as shall be appropriate and in accordance with law.

C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Executive Officer to further such purposes.

Section 12-909 EDUCATION AND CONCILIATION

Immediately after the enactment of this ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purpose of this ordinance. He/she shall call conferences of persons in the housing industry and other interest parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work other programs of voluntary compliance and of enforcement.

Section 12-910 ENFORCEMENT

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably inured by a discriminatory housing practice that is about to occur (hereafter “person aggrieved”) may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be such form as the Chief Executive Officer requires. Upon receipt of such complaint,

the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or with thirty days after the expiration of any period of reference under subsection C, the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he/she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the Chief Executive Officer shall make public any information in violation of this provision and shall be (upon conviction) fined not more than $1,000.00 or imprisoned not more than one year.

B. A complaint under subsection A shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the aggregations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If within thirty days after a complaint is filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.

D. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty days of the complaint, the persons aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. If any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

F. Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

Section 12-911 INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE

A. In conducting an investigation the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and my examine, record, and copy such materials and take record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoena to complete his access to or the production of such materials, or the appearance of such person, and my issue interrogatories to a respondent, to the same extent and subject to the same limitations that would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.

B. Upon written application to the Chief Executive Officer, a Respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitation as subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were used at this request.

C. Witnesses summoned by Subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him/her.

D. Within five days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he/she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

E. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was issued may petition for its enforcement in the Municipal or State court for the district in which the person to whom the subpoena was addressed resides, was served to transacts business.

F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than $1,000.00 or imprisonment not more than one year, or both.

G. The City Attorney shall conduct all litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this ordinance.

Section 12-912 ENFORCEMENT BY PRIVATE PERSONS

A. The rights granted by Sections 12-903, 12-904, 12-905 and 12-906 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided however, that ht court shall continue such civil case brought pursuant to this Section or Section 12-910D from time to time before bringing it to trial if the court believes that the discriminatory housing practice complaint made to the chief Executive Officer and which practice forms the basis for the action in court: And provide, however, that any sale, encumbrance, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this ordinance shall not be effected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than $1,000.00 punitive damages, together with court costs and reasonable attorneys fees and in the case of a prevailing plaintiff. Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

Section 12-913 INTERFERENCE, COERCION OR INTIMIDATION

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or an account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 12-903, 12-904, 12-905, or 12-911. This Section may be enforced by appropriate civil action.

Section 12-914 SEVERABILITY OF PROVISIONS

If any provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 12-915 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Whoever, whether or not acting under color of law, by force or threat of force willfully inures, intimidates, or interferes with, or attempts to injure, intimidate or interfere with:

A. Any person because of his/her race, color, religion, national origin, handicap or familial status and because his is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for participating in any service organization, or facility relating to the business of selling or renting dwellings; or

B. Any person because he/she is or has been, or in order to intimidate such person or any other person or any class of person from:

1. Participating, without discrimination on account of race, color, religion, national origin, handicap or familial status, in any of the activities, services, organizations or facilities described in subsection 12-915A; or

2. Affording another person or class of persons opportunity or protection so to participate; or

C. Any citizen because he/she is nor has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, nation origin, handicap or familial status, in any of the activities, services, organizations or facilities described in subsection 12-915A or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate: shall be guilty of an offense and shall be punished as provided for in Section 12-912 of this Code.

SECTION 2. LET IT BE KNOWN TO ALL PERSONS OF THE CITY OF COWETA that discrimination in the sale, rental, leasing, financing of houses or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex or national origin is prohibited by Title VIII of the 1968 Civil right Act (Federal Fair housing Law).

SECTION 3. It is the policy of the City of Coweta to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or national origin. The Fair Housing

Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the City of Coweta does hereby pass the following Ordinance.

SECTION 4. BE IT RESOLVED that within available resources the City of Coweta will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability or familial status to seek equity under the federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

SECTION 5. BE IT FURTHER RESOLVED that the City of Coweta shall publicize this Ordinance and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and right under the Federal Fair housing law and amendments and any applicable state or local laws or ordinances.

SECTION 6. SAID PROGRAM will at a minimum include: 1) printing and publicizing of this policy and other applicable fair housing information through local media and community contracts; 2) distribution of posters, flyers and other means that will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and 3) prepare an analysis of impediments to fair housing choices and actions to mitigate such impediments.

SECTION 7. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 8. An emergency exists for the preservation of the public, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PART 13

PUBLIC SAFETY

CHAPTER 1

FIRE PREVENTION

Section 13-101 Adoption of International Fire Code
Section 13-102 Fire department to enforce code
Section 13-103 Limits within which storage of flammable liquids in outside aboveground tanks, LPG, explosives, are prohibited
Section 13-104 Modifications
Section 13-105 New materials, processes, or occupancies which may require permits
Section 13-106 Appeals
Section 13-107 Open burning regulations
Section 13-108 Penalties

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

ARTICLE A

FIRE DEPARTMENT

Section 13-201 Fire department, chief of the department
Section 13-202 Duties of the fire chief
Section 13-203 Duties of the assistant chief
Section 13-204 Use of fire equipment, inventory and repair
Section 13-205 Other rules and regulations

ARTICLE B

VOLUNTEER DEPARTMENT

(RESERVED)

ARTICLE C

CALLS OUTSIDE LIMITS

Section 13-220 Contracts authorized outside city limits
Section 13-221 Contract terms, fees for service
Section 13-222 Authority to answer calls
Section 13-223 Firefighters serving in regular line of duty
Section 13-224 Department considered agent of state
Section 13-225 Rural fire dues
Section 13-226 Rural fire fund

CHAPTER 3

POLICE DEPARTMENT AND SERVICES

Section 13-301 Police department created, chief
Section 13-302 Duties
Section 13-303 Police officers
Section 13-304 Emergency duties in other cities

CHAPTER 4

CIVIL DEFENSE

Section 13-401 Purpose of civil defense organization
Section 13-402 Office of civil defense created, director
Section 13-403 Director of civil defense; powers and duties
Section 13-404 Members or organization to serve without compensation; city not liable for injuries to members
Section 13-405 Emergency powers and duties of director and members of organization

CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501 Complete record required
Section 13-502 Disposition of unclaimed property
Section 13-503 Property found by a private person
Section 13-504 Recovery by owner

CHAPTER 1

FIRE PREVENTION

Section 13-101 Adoption of International Fire Code
Section 13-102 Fire department to enforce code
Section 13-103 Limits within which storage of flammable liquids in outside aboveground tanks, LPG, explosives, are prohibited
Section 13-104 Modifications
Section 13-105 New materials, processes, or occupancies which may require permits
Section 13-106 Appeals
Section 13-107 Open burning regulations
Section 13-108 Penalties

SECTION 13-101 ADOPTION OF INTERNATIONAL FIRE CODE

The International Fire Code, the latest edition thereof, as published by the International Codes Council, is hereby adopted as the fire prevention code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Fire Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

SECTION 13-102 FIRE DEPARTMENT TO ENFORCE CODE

A. The International Fire Code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department. Whenever the word "municipality" is used in the International Fire Code, it means this city. Whenever the word "corporation counsel" is used in the code, it means the city attorney of this city.

B. The chief of the fire department may detail such members of the fire department as inspectors or as may from time to time be necessary.

C. The fire chief shall issue all permits required by this chapter except as may be otherwise provided.

SECTION 13-103 LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS, LPG, EXPLOSIVES ARE PROHIBITED

The limits referred to in the International Fire Code in which:

1. Storage of flammable liquids in outside aboveground tanks is prohibited;

2. New bulk plants for flammable liquids are prohibited;

3. Bulk storage of liquefied petroleum is prohibited; and

Storage of explosives and blasting agents is prohibited.

This section shall not prohibit installations described in paragraphs 1 and 2 above which are in existence at the initial effective date of this section.

SECTION 13-104 MODIFICATIONS

The city manager and fire chief, with the approval of the city council, shall have power to modify any of the provisions of the International Fire Code 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 strict letter of the code provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the manager, fire chief and council thereon shall be entered upon the records of the council, and a signed copy shall be furnished the applicant.

SECTION 13-105 NEW MATERIALS. PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The city manager, the chief of the fire department, and one person appointed by the city council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the fire code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 13-106 APPEALS

Whenever the fire chief or the city manager shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the city manager to the city council within thirty (30) days from the date of the decision appealed.

SECTION 13-107 OPEN BURNING REGULATIONS

A. Burning shall not take place within fifty (50) feet of any structure.

B. Burning shall not take place without suitable extinguishing equipment readily available, including, but not limited to, charged water hose, fire extinguisher, wet burlap bags or shovels.

C. Burning shall not take place in a manner that will impede traffic visibility on any highway or street.

D. Burning shall not be allowed except during daylight hours.

E. Flammable liquids shall not be added after ignition of fire.

F. Burning shall not take place unattended.

G. Burning shall not take place without either written or verbal notification to the city fire department.

Violation of this section is punishable as provided in Section 1-108 of this code.

SECTION 13-108 PENALTIES

A. Any person who violates any of the provisions of the International Fire Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in Section 1-108 of this code

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

ARTICLE A

FIRE DEPARTMENT

Section 13-201 Fire department, chief of the department
Section 13-202 Duties of the fire chief
Section 13-203 Duties of the assistant chief
Section 13-204 Use of fire equipment, inventory and repair
Section 13-205 Other rules and regulations

ARTICLE B

VOLUNTEER DEPARTMENT

(RESERVED)

ARTICLE C

CALLS OUTSIDE LIMITS

Section 13-220 Contracts authorized outside city limits
Section 13-221 Contract terms, fees for service
Section 13-222 Authority to answer calls
Section 13-223 Firefighters serving in regular line of duty
Section 13-224 Department considered agent of state
Section 13-225 Rural fire dues
Section 13-226 Rural fire fund

SECTION 13-201 FIRE DEPARTMENT CHIEF OF THE DEPARTMENT

There shall be a fire department, the head of which shall be the chief of the fire department appointed by the city manager for an indefinite term. The chief of the fire department shall be an officer of the city and shall have supervision and control of the fire department. There shall be such additional firefighters as may be authorized. All firefighters shall be officers of the city. 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 and explosions in theaters, stores, and other public buildings.

SECTION 13-202 DUTIES OF THE FIRE CHIEF

The chief shall be at the head of the department, subject to the laws of the state, ordinances of the city, and the rules and regulations adopted in this chapter. The chief shall have the following powers and duties:

1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him;

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 once each year;

3. The chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;

4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;

5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case;

7. The chief is authorized to enter any building or premise in the city at any reasonable hour for the purpose of making inspections and to serve written notice on the owners or occupants to correct any hazards or violations that may be found; and

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. manager as he may require.

SECTION 13-203 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 The assistant chief shall be appointed by the city manager. Other officers or employees as deemed necessary shall be appointed by the city manager after consultation with the fire chief.

SECTION 13-204 USE OF FIRE EQUIPMENT. INVENTORY AND REPAIR

A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

B. The chief shall prepare and keep a complete inventory of all property belonging to the fire department, and shall at the expiration of his term turn over such inventory and all such property to his successor, together with all books, records, reports and data of the department.

SECTION 13-205 OTHER RULES AND REGULATIONS

The council, by motion or resolution, is hereby authorized to adopt other rules and regulations governing the fire department, and to change them as deemed necessary.

ARTICLE B

VOLUNTEER DEPARTMENT

(RESERVED)

ARTICLE C

CALLS OUTSIDE LIMITS

SECTION 13-220 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS

The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

Cross Reference: See Fee Schedule for fees governing fire services.

SECTION 13-221 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 as set by the council. All monies received from the calls shall go into the general fund or fire pension fund, all as may be directed by the council.

SECTION 13-222 AUTHORITY TO ANSWER CALLS

The fire department of the city is hereby authorized and directed to answer all outside calls unless in the opinion of the fire chief it is inexpedient to do so because of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions.

SECTION 13-223 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY

All firefighters of the fire department of the city attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the city.

SECTION 13-224 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 shall be 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 this article.

SECTION 13-225 RURAL FIRE DUES

The city shall collect rural fire dues in such sums as are set by the council by motion or resolution for:

1. Membership in the rural fire department, due on or before February 1 of each year;

2. Fees for fire calls, however, the member is entitled to one fire run at no charge;

3. Non-subscribers to rural fire protection will be charged a separate fee as set by the council by motion or resolution per hour, per truck, with a minimum of one hour for all fire runs;

4. All rural fire dues shall be delivered to the city treasurer of the city at city hall.

SECTION 13-226 RURAL FIRE FUND

All monies received by the city on account of rural fire services shall be paid to the city treasurer, who shall deposit the same in the municipal treasury in a special and separate account designated the Rural Fire Fund. Such money shall be disbursed pursuant to policies as set forth for all city funds. All purchases and disbursements shall be in accordance with the ordinances of the city.

CHAPTER 3

POLICE DEPARTMENT AND SERVICES

Section 13-301 Police department created, chief
Section 13-302 Duties
Section 13-303 Police officers
Section 13-304 Emergency duties in other cities

SECTION 13-301 POLICE DEPARTMENT CREATED, CHIEF

There is a police department, the head of which is the chief of police, or police chief, appointed by the city manager for an indefinite term, and removable by the city manager. The chief of police is an officer of the city, and has supervision and control of the police department. All police officers are officers of the city.

SECTION 13-302 DUTIES

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the city jail.

SECTION 13-303 POLICE OFFICERS

Police officers shall perform such duties as shall be required of them by the chief of police, city ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace. Employees or officers deemed necessary shall be appointed by the city manager after consultation with the chief of police.

SECTION 13-304 EMERGENCY DUTIES IN OTHER CITIES

A. Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this city, when such service is requested by the mayor or chief of police of the city or town.

B. Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the city manager and, in his absence, 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 of police, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

CHAPTER 4

CIVIL DEFENSE

Section 13-401 Purpose of civil defense organization
Section 13-402 Office of civil defense created, director
Section 13-403 Director of civil defense; powers and duties
Section 13-404 Members or organization to serve without compensation; city not liable for injuries to members
Section 13-405 Emergency powers and duties of director and members of organization

SECTION 13-401 PURPOSE OF CIVIL DEFENSE ORGANIZATION

The purpose of this chapter is to create a civil defense organization for the city to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of such city. The duty of such civil defense organization shall be the protection of the lives and health of the citizens of the city and of property rights, both private and public, and to perform all functions necessary and incident thereto.

SECTION 13-402 OFFICE OF CIVIL DEFENSE CREATED DIRECTOR

There is hereby established under the executive branch of the government of the city an office of civil defense, which shall consist of:

A. A director of civil defense who shall be the City Manager of the City of Coweta;

B. A civil defense advisory committee. This committee shall consist of the Mayor, City Manager, Police Chief, Fire Chief and Public Works Director. The committee shall function in an advisory capacity on all matters pertaining to civil defense. It shall hold such meetings as are directed by the City Manager; and

C. Such other volunteer civil defense advisory committees as may be created by the director for the evaluation of technical, professional, or other phases of the work of the office of civil defense and which may provide advisory assistance on any matters pertaining to the City's civil defense.

SECTION 13-403 DIRECTOR OF CIVIL DEFENSE, POWERS AND DUTIES

The director of civil defense shall be the executive head of the office of civil defense, and shall be responsible to the mayor 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. He shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall coordinate the activities of all organizations for civil defense within the city and shall maintain liaison with and cooperate with civil defense agencies of other governmental units, both within and without the state, including the state and federal government. He shall have such additional authority, duties and responsibilities as may be authorized by this chapter or other law. The director shall have general direction and control of the office of civil defense. He is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the civil defense organization.

SECTION 13-404 MEMBERS OR ORGANIZATION TO SERVE WITHOUT COMPENSATION; CITY NOT LIABLE FOR INJURIES TO MEMBERS

All members of the civil defense organization created pursuant to this chapter shall serve without compensation, and the city shall not be liable for any personal injury received by any member of such organization while acting in the line of duty.

SECTION 13-405 EMERGENCY POWERS AND DUTIES OF DIRECTOR AND MEMBERS OF ORGANIZATION

A. In the event of any 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 or civil defense organizations and, if required by the mayor, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.

B. The director of civil defense and other members of the civil defense organization shall have the power and authority to enforce the laws of the state and the ordinances of the city during the period of emergency and shall, at such times, have the further power to make arrests for violations of such laws or ordinances.

CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501 Complete record required
Section 13-502 Disposition of unclaimed property
Section 13-503 Property found by a private person
Section 13-504 Recovery by owner

SECTION 13-501 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.

State Law Reference: Disposition of personal property by police chief, procedures, application to destroy, 11 0.5. Section 34-104; Uniform unclaimed property disposition act, 60 O.S. Section 655; relating to finders of lost goods, 15 O.S. Sections 511 et seq.; disposal of stolen or Embezzled property coming into hands of police officers, 22 O.S. Sections 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. Sections 1261 et seq.; alcoholic beverages seized in violation of law, 37 0.S. Section 539.

SECTION 13-502 DISPOSITION OF UNCLAIMED PROPERTY

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 thirty (30) days, shall be sold, or disposed of in the manner required by law, except such personal property as in the opinion of the city manager can be more advantageously used by some department or office of the city government.

SECTION 13-503 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 thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) 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 city manager deliver it to some department or office of the city government for its use.

SECTION 13-504 RECOVERY BY OWNER

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the city council.

PART 14

STREETS AND PUBLIC WORKS

CHAPTER 1

USE AND OBSTRUCTION OF STREETS

Section 14-101 Trees and shrubbery to be trimmed
Section 14-102 Unlawful to injure trees and shrubbery
Section 14-103 Unlawful to obstruct sidewalks, streets with merchandise
Section 14-104 Unlawful to obstruct unduly sidewalks and streets
Section 14-105 Unlawful to deposit trash upon streets or sidewalks
Section 14-106 Unlawful to play on sidewalks and in streets
Section 14-107 Business use of streets prohibited
Section 14-108 Water, mud from vehicle not to drain into street
Section 14-109 Water from filling stations and other businesses
Section 14-110 Owner or occupant not to permit sidewalk or sidewalk area to become a hazard
Section 14-111 Streets not to be obstructed so as to interfere with drainage
Section 14-112 Duty to keep sidewalk and gutter clean, good repair
Section 14-113 Excavations
Section 14-114 Open grating
Section 14-115 Snow on walks
Section 14-116 Drainage of polluting substances into streets, alleys or sidewalks prohibited
Section 14-117 Drainage ditches, obstacles impeding drainage in streets, notice, correction
Section 14-118 Penalty
Section 14-119 Intersection Visibility Triangle

CHAPTER 2

CUTTING STREETS AND SIDEWALKS

Section 14-201 Cutting streets or sidewalks
Section 14-202 Permits
Section 14-203 Maintenance bond
Section 14-204 Cutting of pavement
Section 14-205 Backfill of trenches; service, new subdivisions
Section 14-206 Warning signals
Section 14-207 Removal of danger signals
Section 14-208 Protection of new pavement
Section 14-209 Removal of street or sidewalk
Section 14-210 Penalty

CHAPTER 3

STREET AND HIGHWAY PLAN

Section 14-301 Street and highway plan adopted

reserved

CHAPTER 1

USE AND OBSTRUCTION OF STREETS

Section 14-101 Trees and shrubbery to be trimmed
Section 14-102 Unlawful to injure trees and shrubbery
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Section 14-116 Drainage of polluting substances into streets, alleys or sidewalks prohibited
Section 14-117 Drainage ditches, obstacles impeding drainage in streets, notice, correction
Section 14-118 Penalty
Section 14-119 Intersection Visibility Triangle

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED

A. The owner of any premises abutting on any street of this city shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in this section, after receiving five (5) 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 (5) days' notice, shall be a separate offense.

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the city provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, STREETS WITH MERCHANDISE

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the city any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the city in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the city in any manner so as to interfere unduly with lawful traffic and parking thereon.

SECTION 14-105 UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the city any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

SECTION 14-106 UNLAWFUL TO PLAY ON SIDEWALKS AND IN STREETS

It is unlawful for any person to play on the sidewalks, alleys, or upon the main- traveled portion of the streets and alleys of the city, except as may be authorized by ordinance.

SECTION 14-107 BUSINESS USE OF STREETS PROHIBITED

It is unlawful for any person, firm or corporation to construct, erect, place, operate, maintain, or permit to exist any ice box, ice dock, gasoline pump, gasoline storage reservoir, tire rack, tire tools or equipment, water hose connection, or mercantile business, or any tools, stand, equipment, merchandise, or appurtenances thereof, aerials, poles, or wires therefor, whether permanent or temporary, or any other obstruction, upon any part of any street, alley, boulevard, parkway, curbing, or parking within the city.

SECTION 14-108 WATER, 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, shall drain into or upon any street or sidewalk of the city.

SECTION 14-109 WATER FROM FILLING STATIONS AND OTHER BUSINESSES

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

SECTION 14-110 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

SECTION 14-111 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-112 DUTY TO KEEP SIDEWALK AND GUTTER CLEAN. GOOD REPAIR

It is the duty of the occupant of any lot or piece of ground abutting upon any street where there is a sidewalk or gutter on the street to keep such sidewalk or gutter clean and to remove therefrom all materials, snow or ice, trash, weeds, refuse, rubbish or hazards of any kind and to keep the sidewalk and gutter in good repair. If there is no such occupant of any such lot other than the owner, it is the duty of the owner to do the same.

SECTION 14-113 EXCAVATIONS

It is unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public ground, or to remove any earth or construction material therefrom, except when so authorized to by the city.

SECTION 14-114 OPEN GRATING

It is unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the city.

SECTION 14-115 SNOW ON WALKS

It is the duty of every owner of property in the city, within twenty-four (24) hours after any snowfall, sleet or ice storm, to clear the sidewalks abutting such property. The snow, ice, sleet or other element of nature shall be cleared from the sidewalk and piled along the other edge, or removed entirely, but in no case shall it be piled in the streets or gutter. Piling of the snow, ice or sleet in the gutter, where the snow, ice or sleet is of a thickness of more than two (2) inches, is hereby declared to be unlawful.

SECTION 14-116 DRAINAGE OF POLLUTING SUBSTANCES INTO STREETS. ALLEYS OR SIDEWALKS PROHIBITED

It is unlawful for any residence or business to allow drainage of a polluting substance into any street, alley or sidewalk. A polluting substance is one so defined under Section 926.1 of Title 82 of the Oklahoma Statutes.

SECTION 14-117 DRAINAGE DITCHES, OBSTACLES IMPEDING DRAINAGE IN STREET. NOTICE CORRECTION

A. Any culvert, driveway, pipe, or other obstacle upon or in the dedicated streets, alleys or ways of the city which impedes the flow of water through drainage ditches now constructed or which might hereafter be constructed by the city for the purpose of proper drainage of water falling from any rainfalls, which might reasonably be anticipated, shall be and are hereby declared to be public nuisances endangering and interfering with travel upon and the repair and maintenance of city streets and annoying, and injuring and endangering the comfort, repose, health and safety of the citizens of the city.

B. All public nuisances existing contrary to the provisions of this section not abated by the owners or occupants of adjoining premises or their agents within ten (10) days after being given notice as provided herein, shall be abated by the city manager or other officer or employee of the city by digging up, breaking, if necessary or not reasonably avoidable, and removing such culvert, driveway, pipe, or other obstacle and opening up such drainage ditch, and leaving the same open.

C. The notice herein mentioned shall be in writing directing the owner or occupant of premises adjoining such nuisance to abate the same by removing such obstacle impeding drainage, and shall be given by mailing to the owner or occupant of such adjoining premises at his or their last known address, or to both, if their names and post office addresses can be ascertained with reasonable diligence, by certified mail or by delivery of such notice to such owner or occupant personally by any officer, employee or agent of the city, or by posting such notice at some conspicuous place upon such premises if the name or mailing address of the owner or occupant of the premises cannot be ascertained with reasonable diligence.

SECTION 14-118 PENALTY

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

SECTION 14-119 INTERSECTION VISIBILITY TRIANGLE

On any corner lot, no wall, fence, vehicle, structure, sign, or vegetation that obstructs sight visibility at elevations between 30 inches and six feet above any portion of the crown of the adjacent roadway is allowed in a triangle formed by measuring 25 feet along the front and side curb or pavement edge and connecting the points to form a triangle on the area of the lot adjacent to the street intersection.

At all intersections of alleys, driveways, and streets, a ten (10) foot site triangle shall remain free and clear of all obstruction as stated above.

CHAPTER 2

CUTTING STREETS AND SIDEWALKS

Section 14-201 Cutting streets or sidewalks
Section 14-202 Permits
Section 14-203 Maintenance bond
Section 14-204 Cutting of pavement
Section 14-205 Backfill of trenches; service, new subdivisions
Section 14-206 Warning signals
Section 14-207 Removal of danger signals
Section 14-208 Protection of new pavement
Section 14-209 Removal of street or sidewalk
Section 14-210 Penalty

SECTION 14-201 CUTTING STREETS OR SIDEWALKS

It is unlawful for any person to cut, alter, mutilate, or change in any manner for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley or any sidewalk in the city without first securing a permit from the city clerk of the city to make such cut, alteration, or change; provided this requirement shall not apply to any person repairing or replacing a sidewalk under a sidewalk permit, provided such person changes only the sidewalk.

SECTION 14-202 PERMITS

A. Any person desiring to cut, alter, mutilate, or change in any manner for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley, shall apply to the city clerk of the city for a permit therefor, and pay to the city clerk the permit fee required as set by the council by motion or resolution:

1. For concrete street;

2. For asphalt, oil or blacktop street; or

3. For dirt or gravel street.

B. Upon the payment of the fee, the city clerk shall issue to such applicant a permit in accordance with the application therefore.

SECTION 14-203 MAINTENANCE BOND

Prior to the issuance of a permit to any person to cut any street or roadway within the city limits of the city, such person shall post with the city a three (3) year maintenance bond running to the city, and to be in full force and effect beginning with the day the road or street shall have been restored to its original condition by such applicant in the manner required by ordinance, and the bond continuing in force for three (3) years after the street has been accepted by the city.

SECTION 14-204 CUTTING OF PAVEMENT

Previous to the removal of pavement for the installation or repair of subsurface utilities, all sides of the proposed cut shall be sawed with an approved concrete saw to a depth of not less than one and one-half (1/2) inches. Where it is necessary to cut paving for emergency repairs, paving may be removed without sawing, provided any damaged sections of paving are removed prior to making of repair. If it is further necessary to remove additional paving, the sawing process shall be repeated, covering the outer edges of the pavement to be replaced and the replacement of all paving cut shall be done by the applicant at his cost, but under the direct supervision of the city manager of the city.

SECTION 14-205 BACKFILL OF TRENCHES SERVICE NEW SUBDIVISIONS

A. All trenches excavated across or along any paved street or alley and across any traveled portion of unpaved streets or alleys shall be backfilled and compacted to the same density as the existing soil adjacent to the side of the trench, but shall not be less than ninety percent (90%) standard proctor density; provided the excavated materials consist of soil that can be readily compacted at the optimum moisture. If the excavated material consists of a majority of clay or silt and contains an excess of moisture, such excavated material shall be removed from the site of the work and the trench filled with sand or other materials that will meet the soil classification of A-2 or better. In the backfilling compaction, all of the material shall be removed and hauled from the job site and the trenches refilled with material as specified above. All trenches excavated along unpaved streets may be backfilled and compacted by flooding, provided that an excessive water pressure is not used and that the method of flooding to be used meets with the approval of the city manager.

B. All service lines on the opposite side of the street from the main must be in place, backfilled and compacted before street surfacing is laid.

SECTION 14-206 WARNING SIGNALS

It is the duty of any person doing any type of constructing or excavating work upon or adjacent to any street, alley, sidewalk, or public ground in the city to maintain substantial guard rails and barriers around such work or excavation in such a manner as to protect pedestrians, animals, and vehicles using such street, alley, or walk. Similar barriers shall be placed around any materials or equipment with which contact would be dangerous to pedestrians, animals or vehicles. It shall be the duty of all such persons to display and maintain lighted lanterns with warning lights, or lighted signal flares from sundown to sunup during the time such work, excavation or obstruction exists. Such lanterns, flares, or lights shall be of a type approved by the city manager, and shall be placed on or sufficiently near such place in a number and manner sufficient to warn the traveling public from any direction. If such obstruction is more than ten (10) feet long, one of such danger signals shall be placed at each end and additional ones placed along such obstruction not more than twenty (20) feet apart. It an offense for any person to fail to provide such safeguards, and each day of such omission shall constitute a separate offense.

SECTION 14-207 REMOVAL OF DANGER SIGNALS

It is unlawful for any person to remove or destroy any barrier or danger signal placed or erected under the provisions of Section 14-206 of this code, unless such act is done at the direction of the person in charge of such work or the city manager.

SECTION 14-208 PROTECTION OF NEW PAVEMENT

It is the duty of any person constructing a sidewalk, curb, or street or alley pavement in the city to place barriers around such work sufficient to prevent any traveling upon the same until it is ready to use. It is unlawful for any person to remove, displace, tear down or destroy any barricades placed upon or along the streets, alleys, or sidewalks of the city for the protection of any pavements or sidewalks while they are in the course of construction and before they are opened for traffic. It is unlawful for any person or persons to enter into or upon such street, pavement or sidewalk, or to permit any person or thing under their control to do so before such pavement, street, or sidewalk is opened for general traffic.

SECTION 14-209 REMOVAL OF STREET OR SIDEWALK

It is unlawful for any person to dig, remove, or carry away any earth, sand, rock, gravel or sod, or cut out any trees or bush from any street, alley, land, or other public thoroughfare, to remove any portion of any sidewalk or any support from any sidewalk or crossing, or to loosen or remove any plank, stringer, or other support from any culvert or bridge, without permission of the city manager.

SECTION 14-210 PENALTY

Any violation of this chapter shall be deemed a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in Section 1-108 of this code.

CHAPTER 3

STREET AND HIGHWAY PLAN

Section 14-301 Street and highway plan adopted.

SECTION 14-301 STREET AND HIGHWAY PLAN ADOPTED

The city hereby adopts and incorporates the city's Major Street and Highway Plan, Ord. No.414, 8/19/1) and all amendments thereto, which shall be applicable as fully as if set out at length herein. A copy is on file with the city clerk. (Ord. No.414, 8/19/91)

PART 15

TRAFFIC AND VEHICLES

CHAPTER 1

GENERAL PROVISIONS

Section 15-101 Citation of chapter
Section 15-102 Traffic code controlling
Section 15-103 Definitions
Section 15-104 Adoption of state traffic code
Section 15-105 Penalty

CHAPTER 2

ENFORCEMENT AND GENERAL PROVISIONS

Section 15-201 Enforcement of traffic laws; establishment of traffic control division
Section 15-202 Direction of traffic by hand or voice
Section 15-203 Direction of traffic by unauthorized persons
Section 15-204 Obedience to police and fire officials
Section 15-205 Emergency and experimental regulations
Section 15-206 Push carts, riding animals, or driving animal-drawn vehicles to comply with code
Section 15-207 Use of coasters, roller-skates, and similar devices restricted
Section 15-208 Public officers and employees to obey traffic regulations
Section 15-209 Persons working on streets, exceptions
Section 15-210 Maintenance and construction zones
Section 15-211 Authorized emergency vehicles
Section 15-212 Operation of vehicles on approach of authorized emergency vehicles
Section 15-213 Following emergency vehicles prohibited
Section 15-214 Crossing fire hose
Section 15-215 Possession of valid driver's license required
Section 15-216 Operation of vehicle on invalid license prohibited
Section 15-217 Unlawful to operate vehicle without state vehicle license
Section 15-218 Permitting unauthorized person to drive prohibited
Section 15-219 Accidents, duty to stop, leaving scene of accident

Section 15-220 Issuance of citation tags
Section 15-221 Disposition and records of traffic citations and complaints
Section 15-222 When copies of citations shall be deemed a lawful complaint
Section 15-223 Failure to obey citation
Section 15-224 Failure to comply with traffic citations attached to parked vehicle
Section 15-225 Presumption in reference to illegal parking
Section 15-226 Illegal cancellation of traffic citations
Section 15-227 Court records; abstract to be sent to State Department of Public Safety
Section 15-228 Insurance or certificate required

CHAPTER 3

VEHICLE EQUIPMENT, INSPECTION

Section 15-301 Certain vehicles prohibited; vehicles injurious to streets
Section 15-302 Obstructive and dangerous vehicles
Section 15-303 Equipment
Section 15-304 Mufflers, cut-outs, vehicles and cycles
Section 15-305 Width, height, length, and load
Section 15-306 Inspection of vehicles
Section 15-307 Jake Brake

CHAPTER 4

SPEED REGULATIONS

Section 15-401 Speed limits generally; exceptions
Section 15-402 School zones
Section 15-403 Speed never to exceed that which is reasonable or prudent for existing conditions; specific limits
Section 15-404 Minimum speed requirements; exception
Section 15-405 Obedience to maximum and minimum speed limits
Section 15-406 Penalty

CHAPTER 5

DRIVING, OVERTAKING, PASSING

Section 15-501 Changing lanes
Section 15-502 Driving on right side of roadway required; exceptions
Section 15-503 When overtaking on the right is permitted
Section 15-504 Overtaking a vehicle on the left
Section 15-505 Limitations on overtaking on the left; exception
Section 15-506 Passing vehicles proceeding in opposite directions
Section 15-507 One-way roadways and rotary traffic islands
Section 15-508 Following too closely
Section 15-509 No passing zones
Section 15-510 Driving through funeral or other procession prohibited; exceptions
Section 15-511 Drivers in a procession
Section 15-512 Funeral processions to be identified
Section 15-513 Overtaking and passing in school zones
Section 15-514 Overtaking and passing school bus
Section 15-515 School bus requirements; lights; signs; painting
Section 15-516 Driving of vehicles on sidewalk prohibited; exception
Section 15-517 Limitations on backing vehicle
Section 15-518 Limitation on use of motorcycles, bicycles and motor scooters
Section 15-519 Required motorcycle equipment, headgear
Section 15-520 Clinging to vehicles prohibited
Section 15-521 Entering and leaving controlled access highways
Section 15-522 Reckless driving
Section 15-523 Careless driving or stopping
Section 15-524 Full time and attention required
Section 15-525 Requirement of any person driving a vehicle on a public way to operate same in a careful and prudent manner
Section 15-526 Driving while under the influence of drugs
Section 15-527 Driving while under the influence of alcohol
Section 15-528 Speed contest prohibited
Section 15-529 Permits required for parades and processions
Section 15-530 Driving through safety zone
Section 15-531 Starting parked vehicle
Section 15-532 Opening and closing vehicle doors

Section 15-533 Obstructions to driver's view or driving mechanism
Section 15-534 Boarding or alighting from vehicles
Section 15-535 Unlawful riding
Section 15-536 Railroad trains not to block streets
Section 15-537 Service drives
Section 15-538 Truck driving and route restrictions
Section 15-539 Loads on vehicles
Section 15-540 Vehicle approaching or entering intersection
Section 15-541 Vehicle turning left at intersection
Section 15-542 Vehicle approaching a "Yield Right-of-Way" sign
Section 15-543 Vehicle entering through highway
Section 15-544 Vehicles facing stop, slow, warning or caution signal
Section 15-545 Through streets
Section 15-546 Intersections where stop or yield required
Section 15-547 Stop or yield sign construction and placement
Section 15-548 Vehicle entering stop intersection
Section 15-549 Vehicle entering yield intersection
Section 15-550 Vehicle entering highway from private road or driveway
Section 15-551 Vehicles entering traffic from parking
Section 15-552 Emerging from the alley, driveway, or building
Section 15-553 Stop when traffic obstructed
Section 15-554 Obedience to signal indicating approach of train
Section 15-555 Certain vehicles to stop at all railroad grade crossings
Section 15-556 Seat belts and child passenger restraints required
Section 15-557 Squealing tires

CHAPTER 6

TRAFFIC CONTROL DEVICES

Section 15-601 Authority to install traffic control devices
Section 15-602 Traffic control devices; uniform requirements
Section 15-603 Obedience to official traffic control devices
Section 15-604 When official traffic control devices required for enforcement purposes
Section 15-605 Traffic control signal legend

Section 15-606 Pedestrians; signal indicators; regulations
Section 15-607 Flashing signals
Section 15-608 Pedestrian-activated school crossing signals
Section 15-609 Unauthorized traffic control devices prohibited
Section 15-610 Defacement of traffic control devices
Section 15-611 Play streets, authority to establish
Section 15-612 Play streets, restriction on use
Section 15-613 Designation of crosswalks and safety zones
Section 15-614 Traffic lanes
Section 15-615 Corner cutting prohibited to avoid devices

CHAPTER 7

STOPPING, STANDING AND PARKING GENERALLY

Section 15-701 Illegal parking declared public nuisance
Section 15-702 Application of standing or parking regulations
Section 15-703 Parking time limits may be established, signs
Section 15-704 Parking more than forty-eight (48) hours
Section 15-705 Brakes; motor not to be left running
Section 15-706 Signs or markings indicating angle parking
Section 15-707 Obedience to angle-parking signs or markings
Section 15-708 Parking in spaces marked off
Section 15-709 Permits for loading or unloading at an angle to the curb
Section 15-710 Hazardous or congested places; stopping, standing, parking
Section 15-711 Stopping, standing or parking prohibited in specified places
Section 15-712 Blocking of intersection or crosswalk prohibited
Section 15-713 Standing or parking on one-way roadway
Section 15-714 Standing or parking on left side of one-way streets
Section 15-715 Parking adjacent to schools
Section 15-716 Parked vehicles not to extend too far into street
Section 15-717 Parking prohibited on narrow streets. (Repealed 4/20/98)
Section 15-718 Parking in alleys, blocking driveways
Section 15-719 Entry on private property; trespass; evidence; burden of proof
Section 15-720 Truck parking prohibited in certain areas
Section 15-721 Double parking
Section 15-722 Parking prohibited for trucks transporting hazardous materials

Section 15-723 Parking for certain purposes prohibited
Section 15-724 Method of parking, standing or parking close to curb
Section 15-725 Negligent parking
Section 15-726 Right-of-way to parallel parking space
Section 15-727 Handicapped parking, enforcement on public or private property

CHAPTER 8

LOADING

Section 15-801 Definitions
Section 15-802 Curb loading zones, designation
Section 15-803 Loading zones to be used only for designated purpose
Section 15-804 Stopping, standing or parking in passenger curb loading zone
Section 15-805 Stopping, standing or parking in commercial curb loading zone
Section 15-806 Designation of public carrier stops and stands
Section 15-807 Use of bus and taxicab stands restricted
Section 15-808 Stopping, standing and parking of buses and taxis

CHAPTER 9

TURNING MOVEMENTS

Section 15-901 Turning markers or indicators
Section 15-902 Designation of restricted turns
Section 15-903 Obedience to no-turn signs
Section 15-904 U-Turns
Section 15-905 Position and method of turning
Section 15-906 Turning movements and required signals
Section 15-907 Means of giving turn signals
Section 15-908 Method of giving hand and arm signals
Section 15-909 Turns into or from alleys
Section 15-910 Turning left of center to park on opposite side of street

CHAPTER 10

PEDESTRIANS

Section 15-1001 Pedestrians subject to traffic control signals
Section 15-1002 Pedestrian's right-of-way at crosswalks
Section 15-1003 Pedestrians to use right half of crosswalk
Section 15-1004 Crossing at right angles
Section 15-1005 When pedestrians shall yield
Section 15-1006 Pedestrians walking along roadways
Section 15-1007 Pedestrians prohibited from soliciting rides, business or donations from vehicle occupants
Section 15-1008 Drivers to exercise due care
Section 15-1009 Crossing prohibited
Section 15-1010 Obedience of pedestrians to railroad signals

CHAPTER 11

BICYCLES

Section 15-1101 Application of bicycle regulations
Section 15-1102 Application of traffic laws to bicycles
Section 15-1103 Obedience to traffic control devices
Section 15-1104 Riding on bicycles
Section 15-1105 Riding on roadways and bicycle paths
Section 15-1106 Speed of bicycle
Section 15-1107 Emerging from alley or driveway
Section 15-1108 Carrying articles
Section 15-1109 Parking
Section 15-1110 Riding on sidewalks
Section 15-1111 Lamps and equipment on bicycles

CHAPTER 12

LIMITED ACCESS FACILITIES

Section 15-1201 Limited access facility system established
Section 15-1202 Designation of limited access facilities
Section 15-1203 Regulation and use of limited access facilities
Section 15-1204 Zoning ordinance not affected

CHAPTER 13

IMPOUNDMENT OF VEHICLES

Section 15-1301 Purpose and effect of impoundment provisions
Section 15-1302 Place of impoundment
Section 15-1303 Duration of impoundment
Section 15-1304 Police granted authority to impound vehicles
Section 15-1305 Disabled vehicles
Section 15-1306 Vehicles on bridge
Section 15-1307 Arrest and detention of driver of vehicle
Section 15-1308 Vehicle constitutes traffic hazard
Section 15-1309 Illegal trespass by vehicle
Section 15-1310 Vehicles parked overtime
Section 15-1311 Vehicles blocking fire exits or hydrants
Section 15-1312 Vehicles parked in intersection
Section 15-1313 Stolen vehicles; recovery by police
Section 15-1314 Vehicles with outstanding traffic citations

CHAPTER 14

PENALTIES

Section 15-1401 Obedience to traffic code
Section 15-1402 Penalties, specific and general

Traffic and Vehicles

CHAPTER 1

GENERAL PROVISIONS

Section 15-101	Citation of Chapter
Section 15-102	Traffic Code controlling
Section 15-103	Definitions
Section 15-104	Adopting of State traffic code
Section 15-105	Penalty

SECTION 15-101 CITATION OF CHAPTER

This chapter and all amendments hereto may be cited or referred to as the "Traffic Code, City of Coweta", and may so appear upon all official documents, records or instruments.

SECTION 15-102 TRAFFIC CODE CONTROLLING

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of city streets, alleys, thoroughfares, parks, parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the city, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest.

SECTION 15-103 DEFINITIONS

As used herein:

1. "Alley" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;

2. "Ambulance" means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons;

3. "Bicycle" means a device having one (1), two (2) or three (3) tandem wheels propelled by human power upon which any person may ride,

4. "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

5. "Business district" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;

6. "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

7. "Commercial vehicles" means every vehicle designed, maintained, or used primarily for the transportation of property;

8. "Center lane" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway;

9. "Cross walk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

10. "Double park" means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway;

11. "Driver or operator" means a person who drives or is in actual physical control of a vehicle;

12. "Emergency" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic;

13. "Emergency vehicle" means vehicles of the fire department, police vehicles and ambulances;

14. "Highway", see street;

15. "Intersection" means:

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or

b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such streets shall be regarded as separate intersections;

16. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

17. "Limited access highway, see controlled access highway;

18. "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;

19. "Limit lines" means boundaries of parking areas, loading zones and non- traffic areas and lines indicating the proper place for stopping where stops are required;

20. "Motor cycle, motor scooter, and motor bicycle" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;

21. "Motor vehicle" means every vehicle which is self-propelled;

22. "Official time" shall mean whenever certain hours are named herein they shall mean Central Standard Time, or Daylight Savings Time, as may be in current use in the city;

23. "Official traffic control device" means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

24. "Park or parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is in an authorized place;

25. "Pedestrian" means any person afoot;

26. "Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;

27. "Private road or roadway" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

28. "Public parking lot" means a parking lot or right of way dedicated to public use or owned by the state or a political subdivision thereof;

29. "Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;

30. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

31. "Residence district" means the territory contiguous to and including a highway not comprising a business district;

32. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

33. "Roadway" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively;

34. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

35. "School zone" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

36. "Sidewalk" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for use of pedestrians;

37. "Stand" or "standing" means any stopping of a vehicle whether occupied or not;

38. "Stop", when required, shall mean the complete cessation from movement;

39. "Stop or stopping", when prohibited, means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal;

40. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

41. "Through street or highway" means a street, or boulevard or highway or portion thereof at the entrances to which:

a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and

b. Stop signs are erected as provided in this part;

42. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

43. "Traffic control devices or signals" mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic;

44. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

45. "U-turn" means a turn by which a vehicle reverses its course of travel on the same street; and

46. "Vehicle" means every device in, upon, or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 15-104 ADOPTION OF STATE 'TRAFFIC CODE

The provisions of the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the city within the city limits as fully as if set out at length herein.

SECTION 15-105 PENALTY

Any violation of the city's traffic code is punishable as provided in Section 1-108 of this code.

CHAPTER 2

ENFORCEMENT AND GENERAL PROVISIONS

Section 15-201 Enforcement of traffic laws; establishment of traffic control division
Section 15-202 Direction of traffic by hand or voice
Section 15-203 Direction of traffic by unauthorized persons
Section 15-204 Obedience to police and fire officials
Section 15-205 Emergency and experimental regulations
Section 15-206 Push carts, riding animals, or driving animal-drawn vehicles to comply with code
Section 15-207 Use of coasters, roller-skates, and similar devices restricted
Section 15-208 Public officers and employees to obey traffic regulations
Section 15-209 Persons working on streets, exceptions
Section 15-210 Maintenance and construction zones
Section 15-211 Authorized emergency vehicles
Section 15-212 Operation of vehicles on approach of authorized emergency vehicles
Section 15-213 Following emergency vehicles prohibited
Section 15-214 Crossing fire hose
Section 15-215 Possession of valid driver's license required
Section 15-216 Operation of vehicle on invalid license prohibited
Section 15-217 Unlawful to operate vehicle without state vehicle license
Section 15-218 Permitting unauthorized person to drive prohibited
Section 15-219 Accidents, duty to stop, leaving scene of accident
Section 15-220 Issuance of citation tags
Section 15-221 Disposition and records of traffic citations and complaints
Section 15-222 When copies of citations shall be deemed a lawful complaint
Section 15-223 Failure to obey citation
Section 15-224 Failure to comply with traffic citations attached to parked vehicle
Section 15-225 Presumption in reference to illegal parking
Section 15-226 Illegal cancellation of traffic citations
Section 15-227 Court records; abstract to be sent to State Department of Public Safety
Section 15-228 Insurance or certificate required

SECTION 15-201 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 part and any other traffic ordinances of this city. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident.

SECTION 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity.

SECTION 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.

SECTION 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

SECTION 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS

A. The city manager, subject to any directions which the council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The city manager may have traffic control devices tested under actual conditions of traffic.

SECTION 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL- DRAWN VEHICLES TO COMPLY WITH CODE

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle, except those provisions of this part which by their very nature can have no application.

SECTION 15-207 USE OF COASTERS, ROLLERSKATES. AND SIMILAR DEVICES RESTRICTED

No person upon roller-skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a cross walk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinances of this city.

SECTION 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this part shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any state, county, city, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this part, except as otherwise permitted in this part by state statute. This part shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

SECTION 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS

Unless specifically made applicable, the provisions of this part, 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 part shall apply to any of the persons and vehicles exempted by this section when traveling to and from such work.

SECTION 15-210 MAINTENANCE AND CONSTRUCTION ZONES

A. City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the city manager, 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.

SECTION 15-211 AUTHORIZED EMERGENCY VEHICLES

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this part;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SECTION 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED

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 or request closer than five hundred (500) feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

SECTION 15-214 CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command.

SECTION 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him with respect to the type of, or special mechanical control devices required on a motor vehicle or any other restriction applicable to the licensee as the state may determine.

SECTION 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED

No person shall operate a motor vehicle when his privilege to do so is cancelled, suspended, revoked or denied. Any person convicted of violating this section shall be punished by a fine as provided in Section 1-108 of this code. Each act of driving on the streets or highways as prohibited by this section shall constitute a separate offense.

SECTION 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE

It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

SECTION 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle.

SECTION 15-219 ACCIDENTS DUTY TO STOP LEAVING SCENE OF ACCIDENT

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars ($300.00) shall, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the State Department of Public Safety in accordance with state law, the driver shall be deemed to be in compliance with this section.

C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

SECTION 15-220 ISSUANCE OF CITATION TAGS

A. Police officers are hereby authorized to give notice to persons violating provisions of this part by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

C. The city manager may require that the police officers use citation tags furnished by the city clerk and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

SECTION 15-221 DISPOSITION AND RECORDS OF TRAFFIC CITATIONS AND COMPLAINTS

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of this traffic ordinance, 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 of the city and the duplicate copy to the central records section of 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 city clerk together with such book when all traffic citations therein have been issued.

B. Upon the filing of such original citation in the municipal court of this city 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.

C. 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 herein, which has been spoiled or upon which an entry has been made, and has not been issued to an alleged violator.

D. 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 of the city.

E. The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the municipal court of the city, all the traffic fines which are delivered to the police department for service and of the final disposition of the warrant.

F. 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 section.

SECTION 15-222 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT

In the event the form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

SECTION 15-223 FAILURE TO OBEY CITATION

It is unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued.

SECTION 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him.

That in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section.

SECTION 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with 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.

SECTION 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

SECTION 15-227 COURT RECORDS: ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of 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.

SECTION 15-228 INSURANCE OR CERTIFICATE REQUIRED

A. The owner of a motor vehicle registered in this state and operating the vehicle within the city's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-Insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

C. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Owner's Policy" means an owner's policy of liability insurance which:

a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy;

3. "Security" means:

a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;

b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

c. Self Assurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the state department of public safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon 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 1-108 of this code.

F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

H. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court. (Ord. No.334, 3/19/84, in part)

CHAPTER 3

VEHICLE EQUIPMENT, INSPECTION

Section 15-301 Certain vehicles prohibited; vehicles injurious to streets
Section 15-302 Obstructive and dangerous vehicles
Section 15-303 Equipment
Section 15-304 Mufflers, cut-outs, vehicles and cycles
Section 15-305 Width, height, length, and load
Section 15-306 Inspection of vehicles
Section 15-307 Jake Brake

SECTION 15-301 CERTAIN VEHICLES PROHIBITED VEHICLES INJURIOUS TO STREETS.

No vehicle or object which injures or is likely to injure the surface of a street shall be driven or moved on any street

SECTION 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit.

SECTION 15-303 EQUIPMENT

Every vehicle operated upon the streets of the city shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the city which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the city.

SECTION 15-304 MUFFLERS, CUT-OUTS, VEHICLES AND CYCLES

A. No motor vehicles with an internal combustion engine shall be operated within the city unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler cutout or exhaust or vacuum whistle shall be used on any motor vehicle while operating within the city, except that exhaust whistles may be used on authorized emergency vehicles.

B. It is unlawful for any person to operate a motorcycle or motor scooter which is not equipped with a muffler or other noise reduction control device.

SECTION 15-305 WIDTH, HEIGHT, LENGTH, AND LOAD

A. No structure or object greater than 14 feet in overall width or 15.9 feet in overall height, including equipment utilized in moving same, or greater than 90 feet in overall length as a single unit, and shall be moved upon a public street of the City of Coweta, Oklahoma according to the provisions contained herein. No structure or object requiring a Mover's Permit shall be moved upon a public street of the City of Coweta, Oklahoma during the hours of 7 a.m. to 9 a.m., and 4 p.m. to 6 p.m., Monday through Friday; and at any time on holidays recognized by the City of Coweta, Oklahoma unless granted specific written permission by the City Manager, Chief of Police, or their designees as part of the Mover's Permit. In addition, no structure or object requiring a Mover's Permit shall be moved at any time upon North Broadway between Chestnut and Highway 51, unless granted specific written permission by the City Manager, Chief of Police, Building Inspector or their designees, as part of the Mover's Permit.

B. Mover's Permits may be issued on a per load basis by the City of Coweta as provided for herein. All applications for a per load Mover's Permit shall be made to the Police Department of the City of Coweta, and shall include a current and valid certificate of liability insurance, in effect, adequate to cover any damage to persons, public property, private property, and utilities that may be damaged as a result of the structure or object being moved, within minimum limits of liability being $500,000 per occurrence, to be placed on file with the Community Development Department. Any application for a Mover's Permit to be issued on a per load basis shall also provide an accurate record of the overall width, height, and length of the structure or object to be moved, as well as the equipment utilized in moving same, and shall also set forth an approved route from the State of Oklahoma along with the State of Oklahoma oversized load permit and approximate time of movement. Within 24 hours of receiving a completed application for a Mover's Permit on a per load basis, the Police Department shall, if appropriate, issue a Mover's Permit to the applicant upon receipt of a $25.00 permit fee. The issued Mover's Permit shall be displayed in a conspicuous location on the vehicle or other conveyance performing the movement while upon a public street of the City of Coweta. Prior to commencing movement upon a public street, the applicant shall notify the Chief of Police or his designee of the intention to commence moving at least one hour prior to movement through municipal limits. No movement granted by a Mover's Permit shall commence until clearance is granted to do so by the Chief of Police of the City of Coweta, or his designees.

C. Mover's Permits may also be issued on an annual basis by the City of Coweta as provided herein. All applications for an annual Mover's Permit shall be made to the Community Development Department of the City of Coweta, and shall include a current and valid certificate of liability insurance, in effort for the annual term applied for, adequate to cover any damage to persons, public property, private property, and utilities that may be damaged as a result of the structure or object being moved, with minimum Development Department. Any application for a Mover's Permit to be issued on an annual basis shall also provide a general description of the overall width, height and length of structures or objects to be moved, as well as the equipment utilized in moving same, and shall set forth the contemplated route and approximate times of movement. A copy of the State of Oklahoma oversized load permit must also be submitted and on file. Within 7 days of receiving a completed application for a Mover's Permit on an annual basis, the Community Development Department shall, if appropriate, issue a Mover's Permit to the applicant upon receipt of a $200.00 annual permit fee. The issued annual Mover's Permit shall be displayed in a conspicuous location on the vehicle or other conveyance performing the movement while upon a public street of the City of Coweta. Prior to commencing movement upon a public street within the City of Coweta, the applicant shall notify the Chief of Police or his designee of the intention to commence moving at least one hour prior to movement through municipal limits. No movement granted by a Mover's Permit shall commence until clearance is granted to do so by the Chief of Police of the City of Coweta or his designee.

D. Any person, firm or corporation violating any provisions of this ordinance or failing to comply with any of its requirements shall be deemed guilty of an offense punishable as provided by Section 15-1402 of the City Code of the City of Coweta.

E. Should any section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void or unconstitutional any other section, subsection, sentence, provision, clause or phrase of this ordinance, and the same are hereby deemed severable for this purpose.

F. By reason of need for the immediate preservation of peace, health and safety, an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its adoption and publication as provided by law.

SECTION 15-306 INSPECTION OF VEHICLES

A. No person shall drive or move on any road, street, or highway of this city any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this city, or any combination thereof, unless the vehicle is:

1. In good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants; and

B. Any person who violates the provisions of this section shall upon conviction thereof be subject to a fine as provided in Section 1-108 of this code.

SECTION 15-307 LOUD NOISES FROM MECHANICAL BRAKING DEVICES PROHIBITED

A. It shall be unlawful, except to avert an imminent danger, for any person to use compression release type engine brakes, commonly known as "jake brakes" unless the blow down from the compression release and the exhaust of any internal combustion engine is discharged through an appropriate muffler system before entering the ambient air.

B. For the purpose of this section, use of a compression release type engine brake or "jake brake" shall be defined as a device which when activated retards one or more pistons on the engine of the motor vehicle in order to assist the motor vehicle in braking, and in the process of doing so creates a loud and offensive noise from the motor vehicle when inadequately or improperly muffled.

CHAPTER 4

SPEED REGULATIONS

Section 15-401 Speed limits generally; exceptions
Section 15-402 School zones
Section 15-403 Speed never to exceed that which is reasonable or prudent for existing conditions; specific limits
Section 15-404 Minimum speed requirements; exception
Section 15-405 Obedience to maximum and minimum speed limits
Section 15-406 Penalty

SECTION 15-401 SPEED LIMITS GENERALLY EXCEPTIONS

A. No vehicle shall be driven at a greater speed than twenty-five (25) miles per hour upon any street or highway within the city except:

1. Emergency vehicles being lawfully driven as provided in this code;
2. When a different speed limit is otherwise designated and posted; or
3. When a different speed limit is established in this code.

B. The city manager, subject to such direction as the council may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when he does so, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

SECTION 15-402 SCHOOL ZONES

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.

SECTION 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS: SPECIFIC LIMITS

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration among other things, the conditions of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

SECTION 15-404 MINIMUM SPEED REQUIREMENTS' 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.

SECTION 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum or slower than the minimum except as required by an authorized officer or in obedience to posted official signs.

SECTION 15-406 PENALTY

Any violation of the city's traffic code is punishable as provided in Section 1-108 of this code.

CHAPTER 5

DRIVING, OVERTAKING, PASSING

Section 15-501 Changing lanes
Section 15-502 Driving on right side of roadway required; exceptions
Section 15-503 When overtaking on the right is permitted
Section 15-504 Overtaking a vehicle on the left
Section 15-505 Limitations on overtaking on the left; exception
Section 15-506 Passing vehicles proceeding in opposite directions
Section 15-507 One-way roadways and rotary traffic islands
Section 15-508 Following too closely
Section 15-509 No passing zones
Section 15-510 Driving through funeral or other procession prohibited; exceptions
Section 15-511 Drivers in a procession
Section 15-512 Funeral processions to be identified
Section 15-513 Overtaking and passing in school zones
Section 15-514 Overtaking and passing school bus
Section 15-515 School bus requirements; lights; signs; painting
Section 15-516 Driving of vehicles on sidewalk prohibited; exception
Section 15-517 Limitations on backing vehicle
Section 15-518 Limitation on use of motorcycles, bicycles and motor scooters
Section 15-519 Required motorcycle equipment, headgear
Section 15-520 Clinging to vehicles prohibited
Section 15-521 Entering and leaving controlled access highways
Section 15-522 Reckless driving
Section 15-523 Careless driving or stopping
Section 15-524 Full time and attention required
Section 15-525 Requirement of any person driving a vehicle on a public way to operate in a careful and prudent manner
Section 15-526 Driving while under the influence of drugs
Section 15-527 Driving while under the influence of alcohol
Section 15-528 Speed contest prohibited
Section 15-529 Permits required for parades and processions

Section 15-530 Driving through safety zone
Section 15-531 Starting parked vehicle
Section 15-532 Opening and closing vehicle doors
Section 15-533 Obstructions to driver's view or driving mechanism
Section 15-534 Boarding or alighting from vehicles
Section 15-535 Unlawful riding
Section 15-536 Railroad trains not to block streets
Section 15-537 Service drives
Section 15-538 Truck driving and route restrictions
Section 15-539 Loads on vehicles
Section 15-540 Vehicle approaching or entering intersection
Section 15-541 Vehicle turning left at intersection
Section 15-542 Vehicle approaching a "Yield Right-of-Way" sign
Section 15-543 Vehicle entering through highway
Section 15-544 Vehicles facing stop, slow, warning or caution signal
Section 15-545 Through streets
Section 15-546 Intersections where stop or yield required
Section 15-547 Stop or yield sign construction and placement
Section 15-548 Vehicle entering stop intersection
Section 15-549 Vehicle entering yield intersection
Section 15-550 Vehicle entering highway from private road or driveway
Section 15-551 Vehicles entering traffic from parking
Section 15-552 Emerging from the alley, driveway, or building
Section 15-553 Stop when traffic obstructed
Section 15-554 Obedience to signal indicating approach of train
Section 15-555 Certain vehicles to stop at all railroad grade crossings
Section 15-556 Seat belts and child passenger restraints required
Section 15-557 Squealing tires

SECTION 15-501 CHANGING LANES

A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic) no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use such lanes. However, this section shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

D. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign.

SECTION 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED: EXCEPTIONS

A. Upon all roadways of sufficient width a vehicle shall be driven to the right of the center of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and

4. Upon a roadway designated and signposted for one-way traffic.

B. All vehicles shall keep to the right roadway on all streets or highways which -are divided into two (2) roadways.

C. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right- hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

SECTION 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

SECTION 15-504 OVERTAKING A VEHICLE ON THE LEFT

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaken vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT: EXCEPTION

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

2. When approaching within one hundred (100) feet of any bridge, viaduct or tunnel or when approaching within fifty (50) feet of or traversing any intersection or railroad grade crossing.

SECTION 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width for not more than one line of traffic in each direction each driver shall give to the other at least one-half (½) the main-traveled portion of the roadway as nearly as possible.

SECTION 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS

A. The city manager, subject to any directions given by the council by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.

B. Whenever the city manager designates any street or alley or part thereof as a one-way street or alley, the city manager shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

SECTION 15-508 FOLLOWING TOO CLOSELY

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

SECTION 15-509 NO PASSING ZONES

A. The State Department of Transportation, as regards state and federal highways, and the city manager as regards all other streets, is hereby authorized to determine those portions of any highway where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

SECTION 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED: EXCEPTIONS

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

SECTION 15-511 DRIVERS IN A PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

SECTION 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED

A funeral composed of a procession of vehicles shall be identified as such by the lighting of headlights or such identifying insignia as may be determined and designated by the police department.

SECTION 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

SECTION 15-514 OVERTAKING AND PASSING SCHOOL BUS

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus shall we due caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus.

SECTION 15-515 SCHOOL BUS REQUIREMENTS: LIGHTS: SIGNS: PAINTING

A. The provisions of Section 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.

B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated.

SECTION 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED: EXCEPTION

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway.

SECTION 15-517 LIMITATIONS ON BACKING VEHICLE

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an intersection.

SECTION 15-518 LIMITATION ON USE OF MOTORCYCLES BICYCLES AND MOTOR SCOOTERS

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the city.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold on to any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only upon the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.

F. No person under the age of sixteen (16) shall operate any motorcycle, motor bicycle, or motor scooter within the city between the hours of 10:00 P.M. and 4:00 AM.

SECTION 15-519 REQUIRED MOTORCYCLE EQUIPMENT. HEADGEAR

A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:

1. Handle bars which do not exceed twelve (12) inches in height, measured from the crown or point of attachment;

2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply the brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake;

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided;

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

6. One lighted headlamp and one tail lamp which shall comply with the requirements of state law. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead; and

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this section unless the person is equipped with and wearing on the head a crash helmet of the type and design manufactured for use by the operators of such vehicles. All crash helmets shall consist of lining, padding and chin straps and be of the type as not to distort the view of the driver.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle.

SECTION 15-520 CLINGING TO VEHICLES PROHIBITED

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway.

SECTION 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

SECTION 15-522 RECKLESS DRIVING

Any person who drives any vehicle in such a manner as to endanger a life, man, person, or property, is guilty of reckless driving, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

SECTION 15-523 CARELESS DRIVING OR STOPPING

It is unlawful for any person to drive, use or operate any vehicle:

1. In a careless manner;

2. In a negligent manner; or

3. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets

SECTION 15-524 FULL TIME AND ATTENTION REQUIRED

The operator of every vehicle while driving upon the streets and highways of the city shall devote full time and attention to such driving.

SECTION 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the public way and any other conditions then existing.

SECTION 15-526 DRIVING WHILE UNDER THE INFLUENCE OF DRUGS

A. No person shall drive, operate, or be in actual physical control of any motor vehicle upon any highway that is under the influence of any substance included in the Uniform Controlled Dangerous Substance Act. The fact that any person charged with a violation of this provision is or has been lawfully entitled to use such controlled substance shall not constitute a defense.

B. Any person who violates this section shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

SECTION 15-527 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL

A. It is unlawful for any person who is under the influence of intoxicating drugs or liquor to drive, operate or be in actual physical control of any motor vehicle in the city.

B. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be punished as provided in Section 1-108 of this code.

C. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or intoxicating liquor, or operating a motor vehicle while his ability is impaired by the consumption of alcohol, evidence of the amount of alcohol in the person's blood as shown by a chemical analysis of his blood or breath is admissible. For the purpose of this section:

1. Evidence that there was five-hundredths of one percent (5/100 of 1%) or less by weight of alcohol in his blood is prima facie evidence that the person was not under the influence of alcohol or intoxicating liquor;

2. Evidence that there was more than five-hundredths of one percent (5/100 of 1%) by weight of alcohol in the person's blood is relevant evidence of operating a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol or intoxicating liquor; however, no person shall be convicted while his ability to operate such vehicle is impaired by consumption of alcohol or intoxicating liquor solely because there was more than five-hundredths of one percent (5/100 of 1%) by weight of alcohol in the person's blood in the absence of additional evidence that such person's driving was affected by the consumption of alcohol to the extent that the public health and safety was threatened or that the person had violated a state statute or local ordinance in the operation of a motor vehicle; and

3. Evidence that there was ten-hundredths of one percent (10/100 of 1%) or more by weight of alcohol in his blood shall be admitted as prima facie evidence that the person was under the influence of alcohol or intoxicating liquor;

The percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood. The provisions of this subsection do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or intoxicating liquor.

SECTION 15-528 SPEED CONTEST PROHIBITED

A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three (3) or more persons assemble to witness or participate in an unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

SECTION 15-529 PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No funeral, procession, or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the military forces of the United States and the military forces of this state, shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

SECTION 15-530 DRIVING THROUGH SAFETY ZONE

No vehicle shall at any time be driven through or within a safety zone or island.

SECTION 15-531 STARTING PARKED VEHICLE

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

SECTION 15-532 OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 15-533 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle

SECTION 15-534 BOARDING OR ALIGHTING FROM VEHICLES

No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 15-535 UNLAWFUL RIDING

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

SECTION 15-536 RAILROAD TRAINS NOT TO BLOCK STREETS

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. This section shall not apply in case of engine failure or train accidents within the city limits.

SECTION 15-537 SERVICE DRIVES

It is unlawful for any person to operate any vehicle through a service drive situated at a street intersection within the city unless the operator of such vehicle transacts business on the premises where such service drive is located.

SECTION 15-538 TRUCK DRIVING AND ROUTE RESTRICTIONS

The city manager, subject to such directions as the council may give, may prescribe routes through the city for the use of trucks in general, trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the city. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the city, shall keep on such route and shall not deviate therefrom except in case of emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the city and not merely through the city.

SECTION 15-539 LOADS ON VEHICLES

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

C. This section shall apply to trucks loaded with livestock, poultry or agricultural products only except baled agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

SECTION 15-540 VEHICLE APPROACHING OR ENTERING INTERSECTION

A. When two (2) vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however, the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

B. The right-of-way rule declared in Subsection A of this section is modified as through highways as otherwise stated in this chapter.

SECTION 15-541 VEHICLE TURNING LEFT AT INTERSECTION

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

SECTION 15-542 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN

The driver of a vehicle approaching a “Yield Right-of-Way” sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of- way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard.

SECTION 15-543 VEHICLE ENTERING THROUGH HIGHWAY

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard.

SECTION 15-544 VEHICLES FACING STOP SLOW WARNING OR CAUTION SIGNAL

If two (2) or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: if each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection.

SECTION 15-545 THROUGH STREETS

A. The city manager, subject to such direction as the council may give, may designate any street or part of a street a through street.

B. Whenever the city manager designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the city manager if deemed desirable.

SECTION 15-546 INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The city manager, subject to any directions given by the council by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or

2 Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required.

SECTION 15-547 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT

Every stop or yield sign erected pursuant to this chapter shall bear the word "Stop" or "Yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalk on the near side of the intersection or if there is no crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

SECTION 15-548 VEHICLE ENTERING STOP INTERSECTION

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is no marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed and the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

SECTION 15-549 VEHICLE ENTERING YIELD INTERSECTION

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the driver shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

SECTION 15-550 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

SECTION 15-551 VEHICLES ENTERING TRAFFIC FROM PARKING

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists.

SECTION 15-552 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

SECTION 15-553 STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SECTION 15-554 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

SECTION 15-555 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do

so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

SECTION 15-556 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED

A. Every operator and front seat passenger of a passenger car operated in this city shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section, “passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this city shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this section, "child passenger restraint system” means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this Section shall not apply to:

1. A nonresident driver transporting a child in this state;

2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;

3. The driver of an ambulance or emergency vehicle;

4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and

5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle or any passenger has violated the provision of this section.

D. Any person convicted of violating subsections A, B, or C of this Ordinance shall be punished by a maximum fine and court costs per fee schedule.

SECTION 15-557 SQUEALING TIRES

No driver shall either purposely or inadvertently cause his vehicle to accelerate at such an excessive or rapid rate of speed so as to spin or squeal the tires of the vehicle or cause his abilities to control the vehicle to be impaired to an appreciable degree.

CHAPTER 6

TRAFFIC CONTROL DEVICES

Section 15-601 Authority to install traffic control devices
Section 15-602 Traffic control devices; uniform requirements
Section 15-603 Obedience to official traffic control devices
Section 15-604 When official traffic control devices required for enforcement purposes
Section 15-605 Traffic control signal legend
Section 15-606 Pedestrians; signal indicators; regulations
Section 15-607 Flashing signals
Section 15-608 Pedestrian-activated school crossing signals
Section 15-609 Unauthorized traffic control devices prohibited
Section 15-610 Defacement of traffic control devices
Section 15-611 Play streets, authority to establish
Section 15-612 Play streets, restriction on use
Section 15-613 Designation of crosswalks and safety zones
Section 15-614 Traffic lanes
Section 15-615 Corner cutting prohibited to avoid devices

SECTION 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The city manager, subject to any directions given by the council by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

SECTION 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS

A. All traffic control signs, signals, and devices shall conform to the Manual of Uniform Traffic Control Devices approved by the State Department of Public Safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the city. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

SECTION 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this part.

SECTION 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently 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.

SECTION 15-605 TRAFFIC CONTROL SIGNAL LEGEND

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone, "GO":

a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and

b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a 11walk" signal indicator is operating;

2. Steady yellow or amber alone, “caution”:

a. The showing of such signal color following green shall constitute a warning that the “red” or “stop” signal will be exhibited immediately thereafter; and

b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it marked, unless the vehicle is so near the limit line when the “caution” signal first flashes that a stop cannot be made in safety, in which event vehicles may proceed cautiously through the intersection and clear the same before the “red” signal flashes;

3. Red alone, "stop":

Vehicular traffic facing the signal shall stop before entering the crosswalk and shall remain standing until green or "go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and

Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so, by a pedestrian "walk" signal;

4. Steady red with green arrow:

a. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and

b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal; and

5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed.

SECTION 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

1. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.

SECTION 15-607 FLASHING SIGNALS

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red." When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "Flashing Yellow." When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This section shall not apply at railroad grade crossings.

SECTION 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1."Flashing yellow":

a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and

b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;

2. "Steady yellow alone":

a. Vehicular traffic facing the signal is thereby warned that the red of "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited; and

b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;

3. "Steady red":

a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;

b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and

4. "Steady red and steady yellow combined":

a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and

b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles.

SECTION 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice.

SECTION 15-610 DEFACEMENT OF TRAFFIC CONTROL DEVICES

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, 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 chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

2. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

SECTION 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH

The city manager, 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 same.

SECTION 15-612 PLAY STREETS, RESTRICTION ON USE

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES

The city manager, 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 in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary; and

2. Establish safety zones or islands of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

SECTION 15-614 TRAFFIC LANES

A. The city manager, 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.

SECTION 15-615 CORNER CUTTING PRORIBITED TO AVOID DEVICES

No driver shall drive through a service station driveway or other driveway or private property so as to avoid the use of a street or traffic control device.

CHAPTER 7

STOPPING, STANDING AND PARKING GENERALLY

Section 15-701 Illegal parking declared public nuisance
Section 15-702 Application of standing or parking regulations
Section 15-703 Parking time limits may be established, signs
Section 15-704 Parking more than forty-eight (48) hours
Section 15-705 Brakes; motor not to be left running
Section 15-706 Signs or markings indicating angle parking
Section 15-707 Obedience to angle-parking signs or markings
Section 15-708 Parking in spaces marked off
Section 15-709 Permits for loading or unloading at an angle to the curb
Section 15-710 Hazardous or congested places; stopping, standing, parking
Section 15-711 Stopping, standing or parking prohibited in specified places
Section 15-712 Blocking of intersection or crosswalk prohibited
Section 15-713 Standing or parking on one-way roadway
Section 15-714 Standing or parking on left side of one-way streets
Section 15-715 Parking adjacent to schools
Section 15-716 Parked vehicles not to extend too far into street
Section 15-717 Parking prohibited on narrow streets. (Repealed 4/20/98)
Section 15-718 Parking in alleys, blocking driveways
Section 15-719 Entry on private property; trespass; evidence; burden of proof
Section 15-720 Truck parking prohibited in certain areas
Section 15-721 Double parking
Section 15-722 Parking prohibited for trucks transporting hazardous materials
Section 15-723 Parking for certain purposes prohibited
Section 15-724 Method of parking, standing or parking close to curb
Section 15-725 Negligent parking
Section 15-726 Right-of-way to parallel parking space
Section 15-727 Handicapped parking, enforcement on public or private property

SECTION 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.

SECTION 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

SECTION 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS

The city manager, subject to any directions given by the council by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

SECTION 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS

No person shall park a vehicle on any street for a period of time longer than forty-eight (48) hours. The parking of a vehicle for more than forty-eight (48) hours shall constitute prima facie evidence of abandonment of the vehicle.

SECTION 15-705 BRAKES MOTOR NOT TO BE LEFT RUNNING

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

SECTION 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING

The city manager, subject to any directions given by the city council by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.

SECTION 15-707 OBEDIENCE TO ANGLE-PARKING SIGNS OR MARKINGS

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

SECTION 15-708 PARKING IN SPACES MARKED OFF

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off and not on or over a line delimiting a space.

SECTION 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

A. The city manager is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The city manager may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

SECTION 15-710 HAZARDOUS OR CONGESTED PLACES: STOPPING, STANDING, PARKING

A. The city manager is hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in Subsection A of this section, no person shall violate such signs.

SECTION 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;

2. In front of a public or private driveway;

3. Within an intersection;

4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly sign-posted;

11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or an unlawful distance away from a curb.

SECTION 15-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SECTION 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY

A. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The city council may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

SECTION 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS

The city manager may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such signs.

SECTION 15-715 PARKING ADJACENT TO SCHOOLS

A. The city manager may have signs erected indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such signs.

SECTION 15-716 PARKED VEHICLES NOT TO EXTEND TOO FAR INTO STREET

No vehicle shall be parked at an angle on a street so that it or its load will extend more than fifteen (15) feet from the curb or edge of the roadway towards the center of the roadway. No vehicle shall be parked parallel to the curb or edge of the roadway so that it or its load shall extend more than nine (9) feet from the curb or edge toward the center of the roadway.

SECTION 15-717 PARKING PROHIBITED ON NARROW STREETS

(Repealed 4/20/98)

SECTION 15-718 PARKING IN ALLEYS; BLOCKING DRIVEWAYS

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property.

SECTION 15-719 ENTRY ON PRIVATE PROPERTY; TRESPASS: EVIDENCE: BURDEN OF PROOF

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given.

SECTION 15-720 TRUCK PARKING PROHIBITED IN CERTAIN AREAS

It is unlawful and an offense for any person, firm or corporation to park any commercial vehicle or trailer of all types, including travel, camping and hauling, in excess of twenty-four (24) feet in length, on any public street in a residential district.

SECTION 15-721 DOUBLE PARKING

A. No driver shall double park or double stop a vehicle under the following conditions:

1. Within fifty (50) feet of an intersection except alley intersections, or within ten (10) feet of an alley intersection;

2. Opposite a double parked or double stopped vehicle across the street;

3. When such double parking or double stopping would or does block or interfere materially with the normal movement of traffic;

4. When parking space adjacent to the curb is available;

5. When directed by a police officer to move on; or

6. In any position other than parallel to the curb and within two (2) feet of the adjacent vehicle parked next to the curb.

B. A driver may double park or double stop a vehicle only as authorized in this section. There must be a licensed driver in any vehicle while it is double parked or double stopped.

C. A driver may double stop for the purpose of, but only while actually engaged in, the expeditious loading or unloading of passengers, subject, however, to all the general conditions hereinabove set out.

D. A driver may double park for the purpose of, but only while actually engaged in, the expeditious loading or unloading of merchandise, subject, however, to all the general conditions hereinabove set out. No such vehicle shall be double parked longer than ten (10) minutes.

SECTION 15-722 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 city's fire prevention code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the city. However, the trucks and vehicles restricted in this section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquefied petroleum gases for a period not to exceed one and one-half (1½) hours during any twenty-four (24) hour period.

SECTION 15-723 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.

SECTION 15-724 METHOD OF PARKING. STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right- hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb.

SECTION 15-725 NEGLIGENT PARKING

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

1. In a careless manner;

2. In such a manner as to endanger a life, limb, person or property; or

3. In such a manner as to endanger or interfere in the lawful traffic or use of the street.

SECTION 15-726 RIGHT-OF-WAY TO PARALLEL PARKING SPACE

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space, where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space.

SECTION 15-727 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 as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-108 of this code.

CHAPTER 8

LOADING

Section 15-801 Definitions
Section 15-802 Curb loading zones, designation
Section 15-803 Loading zones to be used only for designated purpose
Section 15-804 Stopping, standing or parking in passenger curb loading zone
Section 15-805 Stopping, standing or parking in commercial curb loading zone
Section 15-806 Designation of public carrier stops and stands
Section 15-807 Use of bus and taxicab stands restricted
Section 15-808 Stopping, standing and parking of buses and taxis

SECTION 15-801 DEFINITIONS

As used in this chapter:

1. "Commercial vehicle" means:

a. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag;

b. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the city at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle;

2. "Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale; and

3. "Loading zones" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles.

SECTION 15-802 CURB LOADING ZONES. DESIGNATION

A. The city manager, subject to any directions given by the council by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this section.

If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the city an amount of money estimated by the city council to be adequate to reimburse the city for all costs of establishing and signing the same.

SECTION 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law.

SECTION 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period not to exceed three (3) minutes.

SECTION 15-805 STOPPING STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone.

SECTION 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS

The city manager may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs.

SECTION 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED

No person shall stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone.

SECTION 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

CHAPTER 9

TURNING MOVEMENTS

Section 15-901 Turning markers or indicators
Section 15-902 Designation of restricted turns
Section 15-903 Obedience to no-turn signs
Section 15-904 U-Turns
Section 15-905 Position and method of turning
Section 15-906 Turning movements and required signals
Section 15-907 Means of giving turn signals
Section 15-908 Method of giving hand and arm signals
Section 15-909 Turns into or from alleys
Section 15-910 Turning left of center to park on opposite side of street

SECTION 15-901 TURNING MARKERS OR INDICATORS

A. The city manager, subject to any directions given by the council by motion or resolution, is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 15-902 DESIGNATION OF RESTRICTED TURNS

The city manager is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. where turns are restricted during certain hours pursuant to this section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted.

SECTION 15-903 OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign.

SECTION 15-904 U-TURNS

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the city at the following locations:

1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;

2. Where a police officer is directing traffic except at the latter's direction; or

3. At any other location where an official "no-U-turn" has been placed and is maintained.

B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U- turn except in the following manner:

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the turn is completed, proceeding to make the turn across the intersection;

2 In one continuous movement without stopping or backing the vehicle;

3. By yielding the right-of-way at all times to all vehicles until such turn in completed; and

4. Without constituting a hazard to or interfering with any other vehicle.

SECTION 15-905 POSITION AND METHOD OF TURNING

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or

3. Left turns, on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered.

SECTION 15-906 TURNING MOVEMENTS AND REQUIRED SIGNALS

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or stopping.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

SECTION 15-907 MEANS OF GIVING TURN SIGNALS

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma Department of Public Safety, except as provided in Subsection B of this section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects twenty- four (24) inches or more to the left of the center of the steering wheel;

2 Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post.

SECTION 15-908 METHOD OF GIVING HAND AND ARM SIGNALS

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;

2. Right turn - hand and arm extended upward; and

3. Stop or decrease speed - hand and arm extended downward with palm to the rear.

SECTION 15-909 TURNS INTO OR FROM ALLEYS

A. No vehicles shall turn left when proceeding into or proceeding out of an alley except when necessary to enter a one-way street, and no vehicle shall cross any street or highway when proceeding into or proceeding out of any alley except as provided in Subsection B of this section.

B. Left turns may be made when proceeding out of an alley if a traffic survey conducted by the traffic engineer shows that such turn may be made safely and official signs are erected authorizing such turns.

C. The foregoing provisions of this section shall not apply to bus terminals used by licensed and authorized bus lines.

SECTION 15-910 TURNING LEFT OF CENTER TO PARK ON OPPOSITE SIDE OF STREET

No person shall turn a vehicle left of the center of a street to park on the opposite side of such street on which the vehicle was traveling.

CHAPTER 10

PEDESTRIANS

Section 15-1001 Pedestrians subject to traffic control signals
Section 15-1002 Pedestrian's right-of-way at crosswalks
Section 15-1003 Pedestrians to use right half of crosswalk
Section 15-1004 Crossing at right angles
Section 15-1005 When pedestrians shall yield
Section 15-1006 Pedestrians walking along roadways
Section 15-1007 Pedestrians prohibited from soliciting rides, business or donations from vehicle occupants
Section 15-1008 Drivers to exercise due care
Section 15-1009 Crossing prohibited
Section 15-1010 Obedience of pedestrians to railroad signals

SECTION 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS

Pedestrians shall be subject to traffic control signals as provided for in this code of ordinances, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

SECTION 15-1002 PEDESTRIAN'S RIGHT-OF-WAY AT CROSSWALKS

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or

2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle.

SECTION 15-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk.

SECTION 15-1004 CROSSING AT RIGHT ANGLES

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

SECTION 15-1005 WHEN PEDESTRIANS SHALL YIELD

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

C. The provisions of this section are not applicable where pedestrian crossings are prohibited.

SECTION 15-1006 PEDESTRIANS WALKING ALONG ROADWAYS

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

SECTION 15-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.

B. No person shall:

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;

2. Sell or attempt to sell anything to any person in any vehicle;

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or

4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

SECTION 15-1008 DRIVERS TO EXERCISE DUE CARE

Not withstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway.

SECTION 15-1009 CROSSING PROHIBITED

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk.

SECTION 15-1010 OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

CHAPTER 11

BICYCLES

Section 15-1101 Application of bicycle regulations
Section 15-1102 Application of traffic laws to bicycles
Section 15-1103 Obedience to traffic control devices
Section 15-1104 Riding on bicycles
Section 15-1105 Riding on roadways and bicycle paths
Section 15-1106 Speed of bicycle
Section 15-1107 Emerging from alley or driveway
Section 15-1108 Carrying articles
Section 15-1109 Parking
Section 15-1110 Riding on sidewalks
Section 15-1111 Lamps and equipment on bicycles

SECTION 15-1101 APPLICATION OF BICYCLE REGULATIONS

The provisions of this chapter shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

SECTION 15-1102 APPLICATION OF TRAFFIC LAWS TO BICYCLES

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

SECTION 15-1103 OBEDIENCE TO TRAFFIC CONTROL DEVICES

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or U- turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians.

SECTION 15-1104 RIDING ON BICYCLES

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

SECTION 15-1105 RIDING ON ROADWAYS AND BICYCLE PATHS

A. Every person operating a bicycle upon a roadway shall ride as near to the right hand side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. If usable paths for bicycles are provided adjacent to a roadway; bicycle riders shall use such paths and shall not use the roadway.

SECTION 15-1106 SPEED OF BICYCLE

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 15-1107 EMERGING FROM ALLEY OR DRIVEWAY

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways.

SECTION 15-1108 CARRYING ARTICLES

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handle bars.

SECTION 15-1109 PARKING

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

SECTION 15-1110 ON SIDEWALKS

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The city council, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

SECTION 15-1111 LAMPS AND EQUIPMENT ON BICYCLES

A. Bicycles in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from five hundred (500) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflection.

B. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet.

C. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

D. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

CHAPTER 12

LIMITED ACCESS FACILITIES

Section 15-1201 Limited access facility system established
Section 15-1202 Designation of limited access facilities
Section 15-1203 Regulation and use of limited access facilities
Section 15-1204 Zoning ordinance not affected

SECTION 15-1201 LIMITED ACCESS FACILITY SYSTEM ESTABLISHED

A system of limited access facilities, consisting of the streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways hereinafter described, is hereby established and created within the corporate limits of the city, as now existing or as the same may be hereafter extended, and in recognition of the general use of the streets, avenues, boulevards, ways and parts thereof, and of the wear and destruction of the same by heavy general traffic thereon, including passenger automobiles, busses, trucks and other vehicles, and to the extent that the costs of acquisition of rights-of-way and property necessary in the establishment of the limited access facilities exceed the benefits to property abutting thereon, such limited access facilities are hereby declared to be improvements of a general nature, and such costs, to the extent that they exceed the benefits to property abutting thereon, are hereby declared to be costs of a general nature.

SECTION 15-1202 DESIGNATION OF LIMITED ACCESS FACILITIES

The streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways within the corporate limits of the city, as now existing, or as the same may be hereafter extended, included in Attachment A to Ordinance 329 are hereby designated as limited access facilities and as arterial highways. The limited access facilities and arterial highways are streets or highways especially designed for through traffic, entrance into which at intersections may be limited by requiring all entering vehicles to be brought to a complete stop, and the council of the city may otherwise protect the right of way of vehicles thereon.

SECTION 15-1203 REGULATION AND USE OF LIMITED ACCESS FACILITIES

The use of limited access facilities within the city shall be regulated and controlled by the traffic ordinances of the city as now existing or hereafter enacted or amended.

SECTION 15-1204 ZONING ORDINANCE NOT AFFECTED

Nothing herein contained shall be construed to affect any zoning ordinance or part thereof relating to the construction or use of improvements on property abutting on any limited access facility.

CHAPTER 13

IMPOUNDMENT OF VEHICLES

Section 15-1301 Purpose and effect of impoundment provisions
Section 15-1302 Place of impoundment
Section 15-1303 Duration of impoundment
Section 15-1304 Police granted authority to impound vehicles
Section 15-1305 Disabled vehicles
Section 15-1306 Vehicles on bridge
Section 15-1307 Arrest and detention of driver of vehicle
Section 15-1308 Vehicle constitutes traffic hazard
Section 15-1309 Illegal trespass by vehicle
Section 15-1310 Vehicles parked overtime
Section 15-1311 Vehicles blocking fire exits or hydrants
Section 15-1312 Vehicles parked in intersection
Section 15-1313 Stolen vehicles; recovery by police
Section 15-1314 Vehicles with outstanding traffic citations

SECTION 15-1301 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public 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.

SECTION 15-1302 PLACE OF IMPOUNDMENT

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the city and to no other place.

SECTION 15-1303 DURATION OF IMPOUNDMENT

A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

SECTION 15-1304 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter.

SECTION 15-1305 DISABLED VEHICLES

A Disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

SECTION 15-1306 VEHICLES ON BRIDGE

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

SECTION 15-1307 ARREST AND DETENTION OF DRIVER OF VEHICLE

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded.

SECTION 15-1308 VEHICLE CONSTITUTES TRAFFIC HAZARD

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

SECTION 15-1309 ILLEGAL TRESPASS BY VEHICLE

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

SECTION 15-1310 VEHICLES PARKED OVERTIME

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code, regarding more than forty-eight (48) hours, shall be impounded.

SECTION 15-1311 VEHICLES BLOCKING FIRE EXIT OR HYDRANTS

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

SECTION 15-1312 VEHICLES PARKED IN INTERSECTION

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

SECTION 15-1313 STOLEN VEHICLES: RECOVERY BY POLICE

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle shall be removed to the nearest authorized place of impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle shall be impounded.

SECTION 15-1314 VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part.

CHAPTER 14

PENALTIES

Section 15-1401 Obedience to traffic code
Section 15-1402 Penalties, specific and general

SECTION 15-1401 OBEDIENCE TO TRAFFIC CODE

A. It is an offense against the city for any person to do any act forbidden or to fail to perform any act required by this part.

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 part.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this part.

SECTION 15-1402 PENALTIES, SPECIFIC AND GENERAL

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the city, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

PART 16

TRANSPORTATION

(RESERVED)

PART 17UTILITIES

CHAPTER 1

GENERAL PROVISIONS

Section 17-101 Lease of systems
Section 17-102 Penalty, adoption by reference

CHAPTER 2

WATER SYSTEM CONSTRUCTION AND REPAIR STANDARDS

Section 17-201 Standards adopted
Section 17-202 Penalty
Section 17-214 Pop-Off Device Required

CHAPTER 3

REQUIREMENTS FOR INDUSTRIAL USERS TO DISCHARGE TO THE SANITARY SEWER SYSTEMS

Section 17-301 Scope
Section 17-302 Definitions
Section 17-303 Admission of Industrial Waste Into Public Sanitary Sewers
Section 17-304 Prohibited Discharges
Section 17-305 Administration
Section 17-306 Confidential Information
Section 17-307 Volume and Sampling of Industrial Waste
Section 17-308 Control Chambers for Industrial Waste
Section 17-309 Enforcement, Hearings, Appeals
Section 17-310 Rules and Regulations
Section 17-311 Removal Credits

CHAPTER 4

REGULATION REFUSE COLLECTION, TRANSPORTATION AND DISPOSAL

Section 17-401 Definitions
Section 17-402 Collection, Removal and Disposition of all Garbage and Trash
Section 17-403 Duty to Request Garbage and Trash Service
Section 17-404 Accumulation of Garbage, Trash and Rubbish
Section 17-405 Approved Containers
Section 17-406 Location of Containers
Section 17-407 Frequency of Collection
Section 17-408 Uncollected Garbage and Trash Declared a Nuisance
Section 17-409 Construction of Vehicles Hauling Garbage and Trash
Section 17-410 Removal of Trash and Refuse from Containers and Scavenging of the Same
Section 17-411 Security Deposits
Section 17-412 Collection of Amounts Owed for Refuse Service
Section 17-413 Fees
Section 17-414 Penalty

CHAPTER I

GENERAL PROVISIONS

Section 17-101 Lease of systems
Section 17-102 Penalty, adoption by reference

SECTION 17-101 LEASE OF SYSTEMS

The city has leased the operation of its water, sewer and refuse systems to the Coweta Public Works Authority, including setting rates for use of the systems and all regulations governing them.

SECTION 17-102 PENALTY. ADOPTION BY REFERENCE

The rates and rules of the Coweta Public Works Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in Section 1-108 of this code.

CHAPTER 2

WATER SYSTEM CONSTRUCTION AND REPAIR STANDARDS

Section 17-201 Standards adopted
Section 17-202 Penalty
Section 17-214 Pop-Off Device Required

SETION 17-201 STANDARDS ADOPTED

Ordinance No. 457, adopted 9/19/94, and all amendments thereto, providing standards for and regulating the construction, extension or repair of any water supply system, is hereby adopted and incorporated herein by reference, applicable as if fully set out at length herein.

SECTION 17-202 PENALTY

Any violation of the standards adopted in this chapter is punishable as provided in Section 1-108 of this code.

SECTION 17-214 POP-OFF DEVICE REQUIRED

All private service lines connected to the City of Coweta public sewer system shall include a pop-off device, or other city approved backflow prevention device, connected to the sanitary sewer clean out, to protect against backflow. Said device shall be of sufficient size and quality to prevent backflow to individual residences or businesses. All installed pop-off devices shall be registered with the City of Coweta and properly maintained and secured by said property owner.

Chapter 3

REQUIREMENTS FOR INDUSTRIAL USERS TO DISCHARGE TO THE SANITARY SEWER SYSTEMS

Section 17-301 Scope
Section 17-302 Definitions
Section 17-303 Admission of Industrial Waste Into Public Sanitary Sewers
Section 17-304 Prohibited Discharges
Section 17-305 Administration
Section 17-306 Confidential Information
Section 17-307 Volume and Sampling of Industrial Waste
Section 17-308 Control Chambers for Industrial Waste
Section 17-309 Enforcement, Hearings, Appeals
Section 17-310 Rules and Regulations
Section 17-311 Removal Credits

SECTION 17-301 SCOPE

This chapter shall limit the discharge from industrial users of all wastes into the sanitary sewer system which could or would cause damage or obstruction of the sewage collection system, cause damage or interfere with the operation of the sewage treatment plants, or be detrimental to the quality of the effluent or sludge, or create toxic gases, vapors or fumes causing a health and safety problem for the sanitary sewer workers, or cause unreasonable maintenance, attention and expense to either the collection system or the treatment facilities; and this chapter shall provide penalties for violations.

SECTION 17-302 DEFINITIONS

For the purposes of this chapter, the following terms, phrases, words, and other derivations shall have the meaning given herein.

A. B.O.D. (Biochemical Oxygen Demand) shall mean the quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of conditions for five (5) days at a temperature of twenty degrees (20º) centigrade. The laboratory determinations of B.O.D. shall be made in accordance with procedures set forth in 40 CFR 136.

B. Closed Cup Flashpoint shall mean the test methods specified in 40 CFR 261.21.

C. City shall mean the City of Coweta, Oklahoma, a municipal corporation, acting through the duly authorized officers or agents of the City of Coweta.

D. Trust Manager shall mean the Manager of Public Works Authority, or the person succeeding to his duties and functions by whatever name known, or his duly authorized deputy, agent or representative.

E. Domestic Sewage shall mean water-carried wastes normally discharging into the sanitary sewers of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

F. Garbage shall mean solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

G. Industrial User or Industry shall mean:

1. Any user of a publicly owned treatment works which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the latest edition of Standard Industrial Classification Manual, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing.
Division B. Mining.
Division D. Manufacturing.
Division E. Transportation, communications, Electric Gas and Sanitary Services, or
Division I. Services;

provided, however, that a user in the divisions listed herein shall be excluded if it is determined by the Coweta City Council that such user will introduce only segregated domestic wastes or wastes from sanitary conveniences;

2. Any user of a publicly owned treatment works which discharges into the treatment works wastewater which contains toxic pollutants, poisonous solids, liquids or gases in sufficient quantity, either singularly or by interaction with other wastes, to contaminate the sludge of any sewage treatment process, or which constitutes a hazard to humans or animals, or creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works; and

3. Any user for which Federal Categorical Standards Apply.

H. Industrial Waste shall mean all water-carried solids, liquids, and gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage and which is distinct from normal domestic sewage.

I. Milligrams Per Liter (mm/1) shall mean a weight-to-volume ratio; the milligrams per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

J. Normal Domestic Sewage shall mean sewage of the City of Coweta in which the average concentration of suspended materials and five-day (B.O.D.) is established at two hundred fifty milligrams per liter (250 mg/1).

K. Pass-through shall mean a discharge which exits the treatment plant into waters of the United States in quantities or concentration which, either from one user or in conjunction with several users of the sewer system, is a cause of violation of any requirement of the treatment plant's NPDES permit, including an increase in the magnitude or duration of the violation.

L. Person, Establishment, or Owner shall mean any individual, firm, company, association, society, corporation, partnership, government entity or any other legal entity or group, its agents, servants or employees.

M. Ph shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in 40 CFR 136.

N. Premise shall mean any plot or tract of ground, regardless of size or plat, under individual owner-ship and/or individual use and occupancy where the water service is metered independently of any other use.

O. Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of foods, exclusive of egg shells, bones and like objects, that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particles greater than one-half (1/2) inch in any dimension.

P. Public Sanitary Sewer shall mean:

1. All sanitary sewers, of whatever size or extent, for which the City of Coweta is responsible for operation, repair and maintenance;

2. Any sanitary sewer, of whatever size or extent, the construction cost of which has been paid from public funds in accordance with the City Charter or Title 11, Oklahoma Statutes;

3. An Assessment District Sewer, which is any sanitary sewer constructed within a legally constituted district as provided in the City Charter or Title 11, Oklahoma Statutes;

4. A Non-assessment District Sewer, which is any sanitary sewer constructed within a legally constituted district as provided by special ordinance wherein the property owners petition to construct same by cash as provided in the City Charter of Title 11, Oklahoma Statutes; and

5. An Outside Sewer District, which is any system of one or more sanitary sewers other than house sewers constructed outside the corporate limits of the City of Coweta and connected to the sewerage system of the City of Coweta, the physical boundaries of which shall be established and defined by legal description, platted or unplatted; upon annexation to the City of Coweta, such tracts of land as described shall be exempt from subsequent assessment for sanitary sewer construction, except as may be provided by the City Charter or the Oklahoma Statutes.

Q. Sanitary Sewer shall mean a sewer that conveys sewage or wastewater, and into which storm, surface and ground waters are not intentionally admitted.

R. Sewer Service Charge shall mean the charge made on all users of the sanitary sewer system whose wastes do not exceed in strength the concentration values established in this chapter.

S. Sewer System shall mean all facilities for collecting, pumping, treating, and disposing of wastewaters and shall include wastewater treatment facilities.

T. Sludge shall mean any discharge of water, sewage or industrial waste, other than toxic materials, which, in concentration of any given constituent or in quantity or flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) –hour concentration or flows during normal operation.

U. Standard Methods shall mean 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 Waterworks Association, the American Public Health Association, and the Water Pollution Control Federation.

V. Storm Water Runoff shall mean the portion of the rainfall that is drained into the storm sewers.

W. Surcharge shall mean the charge, in addition to the sewer service charge, which is made on those persons whose wastes are greater in strength than the concentration values established as representative of normal discharges.

X. Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in 40 CFR 136.

Y. Wastewater or Sewage shall mean a combination of the water-carried waste from residences, business establishments, institutions and industrial establishments present.

Z. Wastewater Plant shall mean any city-owned facility, device, and structure used for receiving and treating wastewater from the city's sanitary sewer system.

AA. Act or the Act shall mean the Federal Water pollution Control Act, also known as the Clean Water Act of 1977, as amended, 33 U.S.C. 1251, et seq.

BB. Authorized Representative of Industrial User may be:

1. A principal executive officer, president, secretary, treasurer, or vice-president or any other person who performs similar policy or decision-making functions;

2. A general partner or proprietor if the industrial user is a partnership of proprietorship respectively;

3. A manager of one or more manufacturing, production, or operational facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-six million dollars ($26,000,000), in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures or such manager has overall responsibility for environmental matters for the company, and the written authorization for such manager's responsibility is submitted to the Trust Manager; or

4. A duly authorized representative of an individual designated above if authorization is made in writing by such individual specifying either a named person or a position having responsibility for the overall regulation of the facilities from which the indirect discharge originates.

CC. Code of Federal Regulations (CFR) refers to Documents published by the Office of Federal Register, National Archives and Records Service, General Services Administration, codifying general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

DD. Federal Categorical Pretreatment or Categorical Standard shall mean any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to specific industrial users.

EE. Flow-Proportional Composite Sample shall mean a sample of wastewater composed of samples collected at equal intervals, not exceeding one (1) hour, throughout the operational day of a user with the volume of each sample being proportional to the flowrate of the discharge. A minimum of four samples must be taken. the samples must be representative of the discharge of the facility.

FF. Grab Samples shall mean an individual sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not exceeding fifteen (15) minutes.

GG. Interference shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the city's treatment process or operations and which contributes to a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of the violation. The term includes prevention of sewage sludge use or disposal by the City of Coweta in accordance with section 405 of Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Action (SWDA), the Clean Water Act, the Toxic Substance Control Act, or more stringent State of Oklahoma criteria (including those contained in any State of Oklahoma Sludge Management Plan prepared pursuant to Title VI of SWDA) applicable to the method of disposal or use employed by the city.

HH. Monitoring shall mean the performance of wastewater flow measurements, wastewater sampling, sample analysis, and like procedures necessary to determine wastewater discharge compliance and/or to verify the flow or strength of wastewater.

II. New Source shall mean the same as "New Source" is defined in 40 CFR 403.3(k).

JJ. Operational Day shall mean that period of time during a twenty-four (24) hour period during which the facility is operating and consequently discharging wastewater.

KK. Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sanitary sewer. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited herein.

LL. Significant Industrial User shall mean:

1. All industrial users subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

2. Any industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the sanitary sewer (excluding domestic sewage, and non-contact cooling and boiler blowdown wastewater) that has reasonable potential for adversely affecting the sewer system or violating the discharge limitations as defined in this chapter;

3. Any industrial user that discharges a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the sewer system and has reasonable potential for adversely affecting the sewer system or violating the discharge limitations as defined in this chapter; or

4. Any other industrial user designated by the Trust Manager on the basis that the industrial user has a reasonable potential for adversely affecting the sewer system or violating the discharge limitations as defined in this chapter; provided, however, that upon a finding that an industrial user meeting the criteria in the above paragraphs for significant industrial user has no reasonable potential for adversely affecting the sewer system or for violating any pretreatment standard and requirement, the Trust Manager may determine that such an industrial user is not a significant industrial user.

MM. Time-Proportional composite sample shall mean a sample of wastewater composed of samples collected at equal intervals, not exceeding one (1) hour, throughout the operational day of a user. The volume of each sample so collected must be equal. A minimum of four samples must be taken. The samples must be representative of the discharge of the facility.

SECTION 17-303 ADMISSION OF INDUSTRIAL WASTE INTO PUBLIC SANITARY SEWERS

A. Approval Required. The Trust Manager may require review and acceptance prior to the discharge into the public sanitary sewers of any wastes or waters having:

1. A five (5) day, twenty degree (20°) centigrade biochemical oxygen demand (B.O.D.) greater than two hundred fifty milligrams per liter (250 mg/l);

2. Suspended solids containing greater than two hundred fifty milligrams per liter (250 mg/l); or

3. The potential to be a prohibited discharge.

B. Pretreatment. When any person is required, as herein specified, to modify or eliminate wastes that are harmful to the structures, process or operation of the sewage works, or are detrimental to the quality of the effluent or sludge, such person shall provide, at his expense, such pretreatment as the Trust Manager shall determine is necessary to render the wastes acceptable for admission to the public sanitary sewers; and such person shall comply with the limitations specified herein.

C. Industrial Waste with Excessive B.O.D. or Suspended Solids. Persons or owners discharging industrial wastes which exhibit none of the characteristics of wastes prohibited in this chapter, other than excessive B.O.D. or suspended solids, but have an average concentration during a twenty-four (24) hour period of excess of "normal domestic sewage" may be required to pretreat the industrial wastes to meet the requirements of "normal domestic sewage;" however, such wastes may be accepted for treatment if all the following requirements are met:

1. The wastes will not cause damage to the sanitary sewer collection system;

2. The wastes will not impair the wastewater treatment process; and

3. The discharger of the wastes is assessed a surcharge over and above the published sewer rates, if deemed appropriate by the Trust Manager.

D. Grease, Oil and Sand Interceptors. Grease, oil and sand traps or interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts, flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the Trust Manager and shall be located so as to be readily and easily accessible for cleaning and inspection. 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. All installed grease, oil and sand interceptors shall be maintained in continuously efficient operation by the owner at his expense. The use of hot water, enzymes, chemicals, other agents or devices for the purpose of causing the oil, grease or sand to pass through the interceptor and/or the facility so provided is prohibited. Materials removed from these facilities shall be either utilized by industry or disposed of at designated and approved locations.

E. Submission of Information. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment, processing, or flow equalization facilities, shall be submitted to the Trust Manager for approval prior to the start of construction if the effluent from such facilities is to be discharged into the public sanitary sewers.

F. Mass limitation may be imposed in lieu of concentration limits where applicable and/or appropriate.

G. All Industrial Users shall notify the Trust Manager immediately of all discharges that could cause problems to the sanitary sewer system, including any slug loading by the industrial user.

H. All Industrial Users shall promptly notify the Trust Manager in advance of any substantial change in the volume or character of pollutants in their discharge including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under subsection I below.

I. All Industrial Users who discharge into the sewer system more than fifteen (15) kilograms per calendar month of non-acute hazardous waste in accordance with 40 CFR 261 or who discharge acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) must notify the Trust Manager in writing. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch, or other), and an estimate of the quantity of hazardous waste discharged in a calendar month. If the estimated quantity of hazardous waste discharged in a calendar month is more than one hundred (100) kilograms, then the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of hazardous constituents contained in the wastes; an estimate of the concentration of such constituents in the wastestream discharged during the calendar month; and an estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve months. With the notification, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. Notification for each of the hazardous wastes needs to be made only once.

SECTION 17-304 PROHIBITED DISCHARGES

A. No person shall discharge, or cause to be discharged, any storm water, ground water, roof run-off, subsurface drainage or any water from down spouts, yard drains, yard fountains, ponds, septic tanks or lawn sprays into any sanitary sewer unless prior approval of the Trust Manager is given. Water from swimming pools, boiler drains, blow-off pipes or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer at a rate not to exceed the capacity of the sanitary sewer, provided that such waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this chapter, and provided further that water from an air conditioning or cooling unit shall in no event exceed one-tenth (0.1) gallon per minute per ton capacity of the unit. Dilution of any waste discharged to the sanitary sewer system is prohibited, whether accomplished by the combination of two (2) or more waste streams or by the addition of other liquids solely for the purpose of diluting the quality of the waste discharge.

B. No person shall introduce into the sanitary sewer any pollutant(s) which cause pass-through or interference.

C. No person shall discharge, or cause to be discharged, into any public sanitary sewer any of the following described substances, materials, waters or wastes:

1. Any liquid or vapor having heat in amounts which will inhibit biological activity, or which would cause the wastewater treatment plant influent to exceed one hundred four degrees (140°) Fahrenheit or forty degrees (40°) centigrade;

2. Any water or wastes which contains wax, grease, oil, plastic, or other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) to one hundred fifty degrees (150°) Fahrenheit;

3. Flammable or explosive liquids, solids or gases, which create a fire or explosion hazard in the sewer system including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit or sixty degrees (60°) centigrade using test methods specified in 40 CFR 261.21;

4. Solids or viscous substances in quantities capable of causing obstruction to the flow in sanitary sewers or otherwise interfering with the proper operation of the sewerage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, whole blood, paunch, manure, hair and fleshing, entrails, lime slurry, lime residue, slops, chemical residues, paint residues, fiberglass or bulk solids;

5. Any garbage that has not been properly pulverized or shredded;

6. Any noxious or malodorous substance which can form a gas which, either singly or by interaction with other wastes, is capable of causing objectionable odors, acute worker health and safety problems, or hazards to life and property, or which forms solids in concentrations exceeding limits established herein, or which creates any other condition deleterious to structures or treatment processes, or which requires unusual facilities, attention or expense to handle; or

7. Any trucked or hauled waste pollutants, except at discharge points designated by the Trust Manager.

D. Except in such quantities or concentrations or with such conditions as are provided herein, it shall be unlawful for any person, corporation, or individual to discharge into the public sanitary sewers waters or wastes containing:

1. Free or emulsified oil and grease exceeding on analysis an average of one hundred milligrams per liter (100 mg/l) or eight hundred thirty-four (834) pounds per million gallons of either free or emulsified oil and grease or both or a combination of same, if, in the opinion of the Trust Manager, it appears probable that such wastes:

a. can deposit grease or oil in the sanitary sewer lines in such manner as to clog the sanitary sewers,

b. can overload the discharge's skimming and grease handling equipment,

c. are not amenable to biological oxidation and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes, or

d. can have deleterious effects on the treatment process due to the excessive quantities;

2. Acids or alkalies which attack or corrode sanitary sewers or wastewater disposal structures or which have a PH value lower than six (6.0) or higher than ten and five-tenths (10.5) if in the opinion of the Trust Manager they are deleterious or damaging to the sewer system, treatment plant and/or processes;

3. Salts of the heavy metals, in solution or suspension, in concentrations which are toxic to biological wastewater treatment processes or which adversely affect sludge digestion or any other biochemical, biological or other wastewater treatment processes or which adversely affect the biota of the stream to which the effluent of wastewater treatment facility discharges or which exceed the following limits with the analytical results to be expressed in terms of the elements indicated:

Toxic Substance	mg/1
Arsenic	1.00
Cadmium	0.50
Chromium	3.45
Copper	1.45
Lead	0.90
Mercury	0.10
Nickel	2.90
Zinc	3.00
Silver	0.30

or other elements which will damage collection facilities or are detrimental to treatment processes or are detrimental to the biota of the stream to which the effluent of the wastewater treatment facility discharges;

4. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.75 milligrams per liter as CR on an average in the wastes from any outlet;

5. Radioactive materials exceeding the existing standard of the Oklahoma State Department of Health, unless they comply with the Atomic Energy Commission Act of 1954 (68 O.D. 919) as amended and Part 20, Subpart D - Waste Disposal, Section 20.303, of the Regulations issued by the Atomic Energy Commission, or amendments thereto;

6. Materials which exert or cause:

a. unusual concentrations of solids or composition, such as total suspended solids of inert nature (such as Fuller's Earth) and/or total dissolved solids (such as sodium chloride, calcium chloride, or sodium sulfate),

b. excessive discoloration,

c. unusual biochemical oxygen demand or an immediate oxygen demand,

d. high hydrogen sulfide content, or

e. unusual flow and concentration; or

7. Toxic substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters, unless they are pretreated to a concentration acceptable to the City.

E. When the volume of a single toxic industrial waste discharge, or the combined toxic industrial waste discharges of a group of industries within a single contributory area, is so large as to raise a question of the ultimate concentration of toxic substances entering a treatment plant or a receiving steam, the Trust Manager shall impose separate or special concentration limits upon the discharge to insure:

a. that the concentration of any toxic substance in wastewater shall not exceed those concentrations in the influent of any wastewater treatment plant which are toxic to biological wastewater treatment processes, or which adversely affect sludge digestion, or "sludge quality" or any biological or other wastewater treatment process, and

b. that in no instance wills the combined concentrations of any toxic substances in the effluent of any wastewater treatment plant exceeds the discharge stream limitations as published by the state's regulatory agency.

F. Beginning January 1, 2006, no official of the City or Trust shall be authorized to allow any septic tank discharge into the sewer system of the City of Coweta, unless a eminent public health emergency exists as determined by the Manager and the Public Works Director, and the Manager or his designee shall take those steps necessary to secure the system to preclude said discharges.

G. Unless expressly authorized by the Trust Manager to do so by an applicable categorical pretreatment standard, no industrial user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with discharge limitations.

SECTION 17-305. ADMINISTRATION

A. Standards for Discharge. It shall be unlawful to discharge wastewater to the public sanitary sewer except as authorized by the Trust Manager in accordance with the provisions of this chapter. Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, if the discharge limitations defined in those regulations are more stringent than imposed under this chapter, the Categorical Standards shall govern.

B. Industrial User Permits. After the effective date of this chapter, no significant industrial user shall discharge wastewater to the public sanitary sewer without a valid Wastewater Discharge Permit issued by the Trust Manager. All significant industrial users proposing to connect to or to discharge sewage, industrial waste, and other waste to the public sanitary sewer shall obtain a Wastewater Discharge Permit before connecting to or discharging into the public sanitary sewer.

C. Permit Applications - New Establishment. Permits for new establishments, constructed after the effective date of this chapter, shall be issued only after the following conditions are met:

1. Formal application shall have been submitted on a form issued by the Trust Manager prior to discharge;

2. Where applicable, pretreatment facilities and/or flow regulating devices or inspection chambers approved by the Trust Manager shall have been installed;

3. Estimated amounts and strengths of industrial wastes shall have been agreed upon by both parties; and

4. A control chamber or inspection chamber approved by the Trust Manager shall be provided, if required.

D. Compliance with Prohibited Discharge - New Source. All new sources must meet the discharge limitations of this chapter within the shortest feasible time. All new sources shall install, shall have in operating condition, and shall "start-up" all pretreatment equipment required to meet applicable Categorical standards prior to discharge. Within a specified time after receiving a new establishment permit, the industrial user that discharges to the sanitary sewer system must submit amounts and strengths of industrial wastes based on actual samples from approved monitoring point location(s). The specified time shall be established by the Trust Manager.

E. Permit Applications - Existing Establishments. Permits for existing establishments, after the effective date of this chapter, shall be issued only after the following conditions are met:

1. Formal application shall have been submitted on a form provided by the Trust Manager within one hundred twenty (120) days after the effective date of this chapter;

2. Where applicable, plans and specifications for pretreatment facilities and/or control or inspection chambers shall have been approved by the Trust Manager; and

3. Estimated amounts and strengths of industrial wastes shall have been agreed upon by both parties; provided, however, that when a discharger discharges twenty thousand (20,000) gallons or more daily, strength shall be based on actual samples from the point or points of discharge.

F. Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this chapter and all other applicable regulations and to user charges and fees established by the City. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;

2. Limits on the average and maximum wastewater and constituents and characteristics;

3. Limits on average and maximum rates and times of discharge or requirements for flow regulations and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities;

5. Specifications for monitoring programs, which may include monitoring locations, frequency of sampling, number, types, and standards for testing, identification of the pollutants to be monitored, and reporting schedules;

6. Compliance Schedules; including schedules for the installation of technology;

7. Requirements for submission of technical reports or discharge reports;

8. Requirements for maintaining and retaining plant records relating to wastewater discharge for a minimum of three (3) years and affording the City access thereto; such records shall include for all samples the date, exact place, method and time of sampling, names of the person or persons taking the samples, the date analysis were performed, the name of the person or persons performing the analyses, the analytical methods used, and the result of such analysis;

9. Requirements for notification of the City of any introduction of new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

10. Requirements for notification of slug discharges;

11. Restrictions of bypass of wastestreams from an industrial user's pretreatment facility;

12. Statement of applicable civil and criminal penalties for violation of permit conditions;

13. Requirements to have a plan to control slug discharges; and

14. Other requirements or conditions deemed appropriate by the Trust Manager to ensure compliance with this chapter.

G. Permit Issuance and Renewal fees. The Trust Manager shall charge fees for the issuance and renewal of permits based on the following schedules.

1. For any person, firm or establishment discharging any industrial waste into any sanitary sewer which leads to any of the City's wastewater treatment plants:

   a. Inside Corporate Limits of City

Initial one-year permit	$500.00
Annual renewal fee	$250.00

   b. Outside Corporate Limits of City

Initial one-year permit	$750.00
Annual renewal fee	$375.00

2. For any industry discharging only normal domestic waste and having no process or manufacturing operation that discharges industrial waste into any sanitary sewer which leads to any of the City's wastewater treatment plants:

   a. Inside Corporate Limits of City

Initial one-year permit	$200.00
Annual renewal fee	$100.00

   b. Outside Corporate Limits of City

Initial one-year permit	$300.00
Annual renewal fee	$150.00

3. For any non-residential establishment discharging wastewater not otherwise classified, and of a non-categorical nature, and not discharging a quantity of twenty thousand (20,000) gallons or more daily; unless the Trust Manager deems it necessary to classify the establishment differently:

   a. Inside Corporate Limits of City

Initial one-year permit	$100.00
Annual renewal fee	$ 50.00

   b. Outside Corporate Limits of City

Initial one-year permit	$150.00
Annual renewal fee	$ 75.00

H. Report Summary. All significant industrial users shall submit a report semi-annually including a certification statement in accordance with 40 CFR 403.6(a) (2) (ii) and all other permitted industrial users shall submit a report annually to the Trust Manager certifying that there have been no changes in operational procedures, flow rates, pretreatment systems, plumbing, use and storage of chemicals, B.0.D., and suspended solids values, or if such changes have occurred, the information shall be in such detail as required by the Trust Manager. The report shall include sample analyses for all significant industrial users or the permitted industrial users that discharge into the sewer system. The monitoring points used to obtain the samples for analysis shall be at locations approved by the Trust Manager. The industrial user may change monitoring points only after receiving approval from the Trust Manager. Failure to submit the report shall constitute cause for enforcement of this chapter in any combination of means as specified in section 1208 herein. All reports must be signed by an authorized representative of the industrial user. If the industrial user monitors any pollutant more frequently than required by The Trust Manager, using the procedures specified in 40 CFR Part 136 and amendments, the results of this monitoring shall be included in the report. In addition, where the City collects all the information required for the report, including flow data, the industrial user, with the approval of the Trust Manager, may not be required to submit the report.

I. Sampling Techniques and Analyses for Reports. All sampling and analyses shall be in conformance with 40 CFR 136. The Trust Manager will specify which analysis shall be obtained by grab sampling and which analysis shall be obtained by flow-proportional composite sampling techniques where feasible. The Trust Manager may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional composite sampling is not feasible. In such cases samples may be obtained through time-proportional composite sampling techniques.

J. Sample Violation. If sampling performed by an industrial user indicates a violation, the user shall notify the Trust Manager within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of same to the Trust Manager within thirty (30) days after becoming aware of the violation.

K. Permit Transfer. Wastewater Discharge Permits shall be issued to an industrial user for a designated premise or premises. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner or new user, nor may it be used on different premises or for new or changed operations, unless approval is specifically given by the Trust Manager.

L. Permit Modifications. Upon promulgation of Federal Categorical Standards, the Wastewater Discharge Permit of applicable users shall be modified to require compliance with such regulations and compliance with applicable requirements under 40 CFR 403.12. The City may modify the permit any time it is determined necessary to more efficiently enforce the requirements of this chapter or to comply with Federal law.

SECTION 17-306. CONFIDENTIAL INFORMATION

Information and data furnished to the Trust Manager with respect to the nature and frequency of discharge may be available to the public or another governmental agency.

When requested by the industrial user furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for use related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permits, State Disposal System Permits and/or the pretreatment program. Effluent data as defined in 40 CFR 2.302 shall not be recognized as confidential information.

Information accepted by the Trust Manager as confidential shall not be transmitted to the general public by the Trust Manager until and unless a ten (10) -day notification is given to the industrial user.

SECTION 17-307. VOLUME AND SAMPLING OF INDUSTRIAL WASTE

A. The volume of wastes may be determined by the same methods used to calculate the regular sewer service charge. For establishments discharging less than twenty thousand (20,000) gallons per day, the B.O.D. and suspended solids values may be determined from standard values for various industries established by the Trust Manager. In cases where the discharger desires to determine accurate values of B.0.D. and~ suspended solids, the discharger shall install, at his expense, a control chamber or inspection chamber at a location near the outlet of each building drain or connection with any sanitary sewer of the City as approved by the Trust Manager. B.0.D. and suspended solids values determined from samples collected from any establishment shall be

determined by the Trust Manager, by the discharger's laboratory, approved by the Trust Manager, or by an independent laboratory, employed by the discharger and approved by the Trust Manager. Such report shall contain a statement that the sample collected and values determined are based on a twenty-four (24) -hour composite sample, representative of the establishment's flow.

B. Each industrial user is subject to being monitored and assessed a monitoring charge annually at a minimum. Any industrial user found in violation of its permit may be assessed monitoring charges until the industrial user demonstrates compliance with the permit.

SECTION 17-308. CONTROL CHAMBERS FOR INDUSTRIAL WASTE

An industrial user discharging industrial waste into or desiring to discharge any industrial waste into the sanitary sewer which leads to any of the city's wastewater treatment plants shall in a timely manner, if the Trust Manager determines that such industrial waste needs to be more effectively monitored, provide and maintain an accessible place on his premises or on the premises occupied by him, an inspection chamber or manhole, near the outlets of each building sewer, drain, pipe, channel, or connection which discharges industrial waste into any sanitary sewer or any sewer connected therewith.

Every such manhole or inspection chamber shall be of such design and construction so as to prevent infiltration by ground and surface waters or the introduction of slugs or solids, by the installation of screens with maximum openings of one (1) inch, but of sufficient fineness to prevent the entrance of objectionable slugs or solids to the sanitary sewer systems. Control manholes or inspection chambers shall be maintained by the person discharging wastes so that any authorized representative or employee of the city may readily and safely measure the volume and obtain samples of the flow at all times. Plans for the construction of control manholes or inspection chambers, including such flow measuring devices as may be required by this chapter, shall be approved by the Trust Manager prior to the beginning of construction.

SECTION 17-309. ENFORCEMENT, HEARINGS, APPEALS

A. Right of Access. The Trust Manager or his duly authorized agent, bearing credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing to determine compliance of provisions of the permit and of this chapter. The Trust Manager or his duly authorized agent shall have authority to inspect and copy any industrial user's records to assure compliance with the Industrial Discharge Permit or with the provisions of this chapter. The authority for right of access shall be at least as extensive as the authority provided under Section 308 of the Act.

B. Notice of Violation. Should a violation of the permit be found, the Trust Manager may serve the person a written notice of violation, stating the nature of the violation and providing a reasonable time for the correction thereof. The permittee shall, within fifteen (15) days after receipt of such notice and order, furnish the Trust Manager a written report or plan of the specific required actions which have been taken or will be taken to correct such violation. Submission of such report or plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the notice of violation.

C. Consent Order. The Trust Manager or his designee is hereby empowered to enter into a consent order, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders or agreements will include the specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order or agreement. Consent orders shall have the same force and effect as administrative orders issued pursuant to Subsection D below.

D. Administrative Order. When the Trust Manager finds that an industrial user has violated or continues to violate the chapter or a permit or order issued hereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operating. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and appropriate management practices.

E. Administrative Fines. Notwithstanding any other provision of this chapter, any industrial user who is found to have violated any provision of this chapter or the industrial discharge permit or orders issued hereunder, shall be fined in an amount in accordance with the provisions of Subsection 1100A of this title. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments must be paid within fifteen (15) days from receipt of the notice of fine, and the Trust Manager shall have such remedies as are available to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property.

F. Emergency Suspensions. The Trust Manager may suspend the wastewater treatment service and/or industrial discharge permit of an industrial user whenever such suspension is necessary to stop an actual or threatened discharge presenting or causing an imminent or substantial danger to the health or welfare of persons, the sewer system, or the environment.

Any industrial user notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate its discharge. In the event of an industrial users' failure to immediately comply voluntarily with the suspension order, the Trust Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system, its receiving stream, or danger to persons. The Trust Manager shall allow the industrial user to recommence its' discharge when the danger has passed, unless the termination proceedings set forth in Subsection G below are initiated against the industrial user.

G. Termination of Permit. Significant industrial users proposing to discharge into a public sanitary sewer must first obtain an industrial discharge permit from the City. Any industrial user who violates any industrial discharge permit or order, or any applicable state or federal law or the following conditions is subject to permit termination:

1. Violation of permit conditions;

2. Failure to accurately report the wastewater constituents and characteristics of its discharge;

3. Failure to report significant changes in operations or wastewater constituents and characteristics; or

4. Refusal of reasonable access to the industrial user's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity for a hearing under Subsection I of this section.

H. Water Service Termination. Whenever an industrial user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be terminated and service will only be reinstated at the industrial user's expense after it has satisfactorily demonstrated its ability to comply with such provisions

I. Hearing Granted on Petition. Any person affected or aggrieved by any notice or order which has been entered in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto, shall be granted a hearing before the Trust Manager. Such person shall file, with the office of the Trust Manager, a request, stating the grounds for the hearing, within fifteen (15) days after the notice or order was served upon the person. Upon receipt of the request, the Trust Manager shall set a time and place for hearing and shall give the petitioner written notice. At such hearing, the petitioner shall be given an opportunity to show why the Trust Manager's notice or order should be modified or withdrawn. The hearing shall be held with fifteen (15) days after the request is filed in the Trust Manager's office unless the petitioner requests and shows good cause for a postponement. The Trust Manager shall be the sole judge of whether good cause is shown.

J. Suspension of Permit. Any permit required by this chapter which has been suspended by notice and order shall be deemed to be revoked if a petition for a hearing before Trust Manager is not filed in the office of the Trust Manager within fifteen (15) days after such notice and order is served. If such a petition for hearing is timely filed and if, after such hearing, the suspension has been sustained by the Trust Manager, the permit shall be deemed to have been revoked upon written notice by the Trust Manager.

K. Proceedings of Hearings, Findings, Notices, and Orders to be Made Public Records; Appeal from Final Order to the City Council. The Proceedings of any hearing held pursuant to this section, including the findings and decision of the Trust Manager, shall be summarized in writing and entered as a matter of public record in the Office of the Trust Manager. Such record shall include a copy of every notice or order issued in connection with the matter. Appeals from any final order of the Trust Manager may be made to the City Council within fifteen (15) days after a copy of the final order of the Trust Manager has been served upon the petitioner All such appeals shall be perfected when a notice thereof specifying the grounds of the appeal shall have been timely filed in the office of the City Clerk of the City of Coweta. Hearing on appeal shall be de novo before the City Council at its second regular meeting following filing of the notice of appeal.

L. Injunctive Relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Trust Manager, through counsel, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The Trust Manager shall have such remedies to collect fees as he has to collect other sewer service charges.

M. Cost Incurred. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

N. Significant Noncompliant Industrial Users. The City shall publish annually in a local newspaper of general circulation all industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with the discharge limitations of this chapter or of the Categorical Standards. An industrial user is in significant noncompliance if its violation meets one of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66%) or more of all of the measurements taken during a six (6) -month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six (6) -month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except Ph);

3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Trust Manager determines has caused, alone or in combination with other discharges, interferences or pass-through (including endangering the health of sanitary sewer personnel or the general public);

4. Any discharge of a pollutant that has caused imminent danger to human health, welfare or to the environment or has resulted in the Trust Manager's exercise of emergency authority;

5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within thirty (30) days after the due date, required reports, such as baseline, monitoring reports, ninety (90) -day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

8. Any other violation or combination of violations which the Trust Manager determines will adversely affect the operation or implementation of the chapter.

O. Fraud and False Statements**.** The reports and other documents required to be submitted or maintained by local, state or federal law shall be subject to the provisions of 18 U.S.C. Section 1001 regarding fraud or false statements and the provisions of 309 c(4) of the Act, as amended, governing false statements, representations, or certifications.

P. Jurisdictional and Multi-jurisdictional Procedures. Any industrial user desiring to utilize the sewer system, whether within or outside the corporate limits of the City, by use of or discharge into the system, shall agree to the provisions set forth in this chapter and shall agree to accept any and all penalty provisions and enforcement actions provided herein.

Q. Penalty Provisions. Any violation of this chapter shall be subject to the penalty provisions provided in Subsection 1-108 of the Code of Ordinances of the City of Coweta.

SECTION 17-310. RULES AND REGULATIONS

The Trust Manager shall prepare standards, rules, and regulations for the administration and enforcement of this chapter to protect the public health and safety. such standards, rules and regulations shall be recommended to the City Council, Board, and the Mayor for adoption.

SECTION 17-311. REMOVAL CREDITS

The City of Coweta may, pursuant to 40 CFR 403.9, apply for removal credits if requested by affected industries, with the following conditions:

A. The requesting industry shall agree in writing to pay the City's cost of seeking such credits, and shall escrow an estimated cost as determined by the Trust Manager;

B. At present there is only one sewage treatment plant discharge. Any study or application for removal credits shall be the most conservative credits for each parameter considered; and

C. Removal credits shall not be sought for any parameter which is presently adversely affecting the sanitary sewer system of the city of Coweta or which is adversely affecting the sludge disposal alternatives pursued by the city.

CHAPTER 4

REGULATION REFUSE COLLECTION, TRANSPORTATIONAND DISPOSAL

Section 17-401 Definitions
Section 17-402 Collection, Removal and Disposition of all Garbage and Trash
Section 17-403 Duty to Request Garbage and Trash Service
Section 17-404 Accumulation of Garbage, Trash and Rubbish
Section 17-405 Approved Containers
Section 17-406 Location of Containers
Section 17-407 Frequency of Collection
Section 17-408 Uncollected Garbage and Trash Declared a Nuisance
Section 17-409 Construction of Vehicles Hauling Garbage and Trash
Section 17-410 Removal of Trash and Refuse from Containers and Scavenging of the Same
Section 17-411 Security Deposits
Section 17-412 Collection of Amounts Owed for Refuse Service
Section 17-413 Fees
Section 17-414 Penalty

Section 17- 401 DEFINITIONS

As otherwise provided herein, the following terms shall have the meanings given herein:

A. Collectible Residential Solid Waste shall mean solid waste generated within or emanating from a residential dwelling unit and placed in one or more solid waste collection containers serviced manually or semi-mechanically for loading into a solid waste collection vehicle, the usage of which is exclusive to and under the direct control of the occupant or occupants of the residential dwelling unit.

B. Commercial Solid Waste and Non-Residential Solid Waste shall mean all solid waste generated within or emanating from any structure which is not a residential dwelling unit where the usage of the structure may be characterized as commercial, industrial or institutional in nature. Structures generating commercial solid waste shall include, but are not limited to, office buildings, government offices, retail establishments, manufacturing plants, grocery stores, shopping centers, hotels and motels, warehouse facilities, schools, colleges, places of worship, medical facilities and nursing homes, food services including full service and fast food restaurants, taverns and bars, entertainment, recreation, leisure, sports and convention facilities; and shall also include apartment buildings, condominiums, rooming houses, mobile home

parks, and other multi-family structures having four or more units where the solid waste collection container or containers are used jointly by the occupants of such structures so that no single occupant has exclusive use thereof and where such container or containers are serviced mechanically or semi-mechanically for loading into the solid waste collection vehicle, and where each unit within the multi-family structure is not serviced or billed directly through an individual water meter.

C. Non-Collectible Residential Solid Waste shall include poisons, acids, explosives, body waste, automobile frames, large bulky objects such as stoves, refrigerators, furniture, large trees or limbs, and materials which may cause damage to collection equipment or personal injury to collectors, dirt, rocks or debris resulting from construction or repairs of premises, animal excreta or any article or substance that is soiled by human or animal excreta that has not been wrapped and tightly sealed in moisture proof paper prior to placement for collection, refuse which has been combined or mixed with any of the above-mentioned items; hazardous waste of any kind which can include but is not limited to oil, gas or diesel fuels, car batteries, tires, medical waste, paint, roofing material.

D. Person shall mean every natural person, firm, partnership, association or corporation.

E. Residential dwelling unit shall mean any structure used principally as a place of habitation with facilities for living, sleeping, eating, cooking and off street parking, whether owned or rented by the occupants thereof, and shall include any single family house as one unit, and duplex as two units, and any triplex as three units. Any garage apartment, and any mobile home, apartment, townhouse or condominium unit shall be included as one unit so long as each is serviced and billed for water through an individual water meter for each unit, and the occupants have available one or more solid waste collection containers associated with each unit and maintained by or intended for the exclusive use of the occupants thereof.

F. Garbage and Trash shall mean refuse consisting of waste paper, broken ware, discarded shoes and clothing, tin cans, bottles, grass cuttings, shrub trimmings, paper boxes and cartons, and floor sweepings from dwellings, business or industrial establishments. Garbage shall also mean a normal accumulation by resident families or commercial establishments of matter, the accumulation of which my create a nuisance or be offensive to sight or smell. Garbage and trash shall not include non-collectible residential solid waste.

Section 17-402 COLLECTION, REMOVAL AND DISPOSITION OF ALL GARBAGE AND TRASH

The City of Coweta hereby reserves to itself the exclusive right and privilege for the collection, removal and disposition of all garbage and trash within the corporate limits of the City of Coweta, either by contract with a suitable person for the collection and removal thereof, or by the collection and removal thereof, by the employees of the City of Coweta, said method to be at the discretion of the City of Coweta.

Section 17-403 DUTY TO REQUEST GARBAGE AND TRASH SERVICE

To assist in maintaining the general sanitation and health of the City of Coweta, it shall be the duty of every person occupying or having control of the occupancy of any premises located in the City of Coweta to notify the City Clerk of the City of Coweta at the beginning of such occupancy and request, accept and use the garbage pickup collection service. By such request, and/or accepted use, the applicant shall grant upon the premises for the purpose of removal of garbage and trash; provided, however, the failure of any owner, rental agent, or occupant of such premises to make such request shall not prevent nor in any way impair or impede the City of Coweta from adding the address of such premises to the proper garbage collection records and providing such service and otherwise enforcing by appropriate actions the regulatory measure herein prescribed in causing the fee or charge thereof to be paid.

Section 17-404 ACCUMULATION OF GARBAGE, TRASH AND RUBBISH

No person shall deposit or place any garbage, trash or rubbish in any alley, street, or other public place within the City of Coweta, nor shall any owner, occupant, or other person having control of any building, private way, yard, or other private premises within the corporate limits of the City of Coweta allow or permit any accumulation of old newspaper, rags, broken boxes, weeds, grass or other inflammable rubbish or waste, to be or remain in or upon such building, private way, or other place connected therewith or adjacent thereto, unless the same shall be enclosed in suitable containers. No person shall be allowed to permit water or other putrid substances, whether animal or vegetable, to accumulate as to cause an offensive odor to be emitted there from or to cause a condition dangerous to the health of any person.

Section 17-405 APPROVED CONTAINERS

Refuse deposited for collection shall be placed in a container or securely fastened garbage bag. Approved containers shall be constructed of some substantial material, with a tight fitting lid or cover, not more than 30-gallons capacity, equipped with two handles properly place to facilitate handling. Garbage deposited in containers must also be contained in a securely fastened garbage bag within the container. Up to a maximum of 14 bags of residential trash will be picked up as part of the normal trash service. A bag, as used herein, shall be no larger than 30-gallon capacity and filled to a level allowing the bag to be tied shut. A "bag of garbage" shall also include a bundle of limbs or other such brush, tied together so as not to exceed one foot in diameter for the bundle and cut into lengths not to exceed 4 feet in length and 30 lbs in weight.

Items such as furniture, appliances and other household items that will not fit into a 30- gallon bag will be picked up by special request of the owner/occupant and will be scheduled for collection with such frequency as prescribed by the City Manager and will be billed at rates approved by the City Council by resolution.

Section 17-406 LOCATION OF CONTAINERS

Garbage and trash containers shall be located at a single place on each premise, which shall be easily accessible to the street or alley from which the collections are made. Residential trash shall be placed in said location before 7:00 a.m. on the regularly scheduled collection day as set forth by the City of Coweta. Garbage containers, solid waste or other collection debris shall not be placed at the collection point no more than 24 hours prior to the scheduled collection day. All containers must be removed from the collection point no later than 12 hours after collection by the City.

Section 17-407 FREQUENCY OF COLLECTION

Garbage and trash shall be collected from the residents and each business, commercial, or non-residential site at such intervals and with such frequency as prescribed by the City manager and approved by the City Council.

Section 17-408 UNCOLLECTED GARBAGE AND TRASH DECLARED A NUISANCE

Fermenting, putrefying or odoriferous garbage in containers uncollected or dumped in the open due to failure to provide adequate containers or pay the garbage service fee as provided herein, or to improve type, placement, or maintenance of containers, shall be declared a nuisance and a violation of the ordinances of the City of Coweta.

Section 17-409 CONSTRUCTION OF VEHICLES HAULING GARBAGE AND TRASH

All vehicles used in collection, removal or disposal of garbage and trash shall be so constructed as to prevent such waste matter from spilling, blowing or falling off while being transported in such vehicles, shall at all times be subject to inspection by any person duly authorized to enforce the provisions of this ordinance and if found to be defective or unsatisfactory for such service, shall not be used therefore until such defect is rectified and the use of the vehicle approved by such official.

Section 17-410 REMOVAL OF TRASH AND REFUSE FROM CONTAINERS AND SCAVENGING OF THE SAME

It shall be unlawful for any person other than a City Refuse Collector or private contractor with the City of Coweta, properly appointed by the City of Coweta, to remove, displace, uncover or otherwise disturb any refuse container or the contents thereof.

Section 17-411 SECURITY DEPOSITS

A security deposit an amount set by the City Council by resolution shall be assessed and collected at the time of initiation of service for any new customer of the refuse service. Said amount shall be held as security for payment of charges accrued and shall be reimbursed upon termination of the service, if all amounts due and owing have been paid.

Section 17-412 COLLECTION OF AMOUNTS OWED FOR REFUSE SERVICE

A. The charges established by the collection of residential and/or commercial solid waste shall be billed to each user monthly, along with a bill for water and other utility services and penalties as are now or may hereinafter be established for utilities. No charge shall be made for collection service during periods when the premises are disconnected from water service; provided, however, that in those cases where water service is obtained from a source other than directly from the City of Coweta, no allowance shall be made for vacancy or non-use until written notification of such vacancy is given to the City Clerk of the City of Coweta and then and only when such vacancy is longer than one full bill period.

B. In the event that any person, firm or corporation shall tender its payment for utility services provided by the City of Coweta, and the amount tendered is insufficient to pay in full all of the charges so billed, credit shall be given first to water charges, second to charges for sanitary sewer service, third to ambulance fees, fourth to refuse collection service.

C. In the event any utility account shall become delinquent, water services may be terminated by the City of Coweta unity all delinquent charges shall be paid in full.

D. The provisions for collection provided herein shall be in addition to any rights and remedies which the City of Coweta may have under the laws of the State of Oklahoma.

E. The person, firm or corporation responsible for payment of other utility service charges for any place or establishment shall be billed and be responsible for payment of all refuse service charges/fees to the premises whether such service be for residential or commercial/industrial trash services.

F. The refuse charges assessed by the City of Coweta on the City utility statement will become delinquent as stated on the utility bill.

Section 17-413 FEES

All refuse customers shall be assessed a monthly fee as set by the City Council by resolution. Charges will be billed monthly on the customers City utility bill and shall be subject to all of the provisions governing the payment and collection of water bills.

Section 17-414 PENALTY

Any person who violates the provisions of this chapter shall be guilty of an offense, and upon conviction, shall be fined as provided in Section 1-108 of the City of Coweta Code of Ordinances.

APPENDICES

1. ELECTRIC FRANCHISE (Reserved)
2. GAS FRANCHISE (Reserved)
3. CABLE TELEVISION
4. COWETA PUBLIC WORKS AUTHORITY (Reserved)
5. SELECTED PROVISIONS OF STATE LAW APPLICABLE TO CITY

Appendix

APPENDIX 1

Appendix 1 – For Future Use

APPENDIX 2

ELECTRIC FRANCHISE

(RESERVED)

APPENDIX 3

GAS FRANCHISE

(RESERVED)

APPENDIX 4

CABLE TELEVISION

Section1	Short title
Section2	Definitions
Section3	Grant of permit
Section4	Rules of grantee
Section5	Service standards
Section6	Regulation by city
Section7	Use of system by city
Section8	Conditions of use of public ways
Section9	Erection, removal and joint use of poles
Section10	Permit fee
Section11	Rates to subscribers
Section12	Liability of grantee, insurance and indemnification
Section13	System rebuild
Section14	System rebuild schedule and extension
Section15	Operational standards
Section16	Services to subscribers
Section17	Governmental and educational uses
Section18	Services to city
Section19	Compliance and monitoring
Section20	Default of grantee, penalties and revocation
Section21	Assignability
Section22	Right of city to purchase system
Section23	Non-discrimination
Section24	Modification
Section25	Miscellaneous provisions
Section26	Acceptance by grantee
Section27	Severability

SECTION 1 SHORT TITLE

This chapter shall be known and may be cited as the “Coweta Cable Television Permit Ordinance". (Ord. No.459, 10/13/94)

SECTION 2 DEFINITIONS

For the purposes of this permit, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory.

1. "Affiliate" means any person who owns or control, is owned or controlled by, or is under common ownership or control with grantee;

2. "Basic cable service" means any service tier which includes the retransmission of local television broadcast signals and includes educational and government access channels;

3. "Cable act" means the Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act (Public Law No.102-385, 1992) and as the same may hereafter be amended;

4. "Cable channel" or "Channel" means a portion of the electromagnetic frequency spectrum which is used in a cable television system and which is capable of transmitting a television channel as defined by the FCC;

5. "Cable service" means the one-way transmission to subscribers of video and audio programming or other programming services and subscriber interaction, if any, which is required for the selection of video and audio programming or other programming services provided through electric or electronic signals, or which utilizes any facility or equipment of the cable system;

6. "Cable television system" or "cable system" or "system" means the facilities consisting of antennae, coaxial cables, fiber optic cables, wave guides, conductors of other closed transmission paths and associated signal generation, reception and control equipment, and other equipment designed to provide cable services or other lawful service to subscribers and users;

7. “City" means the City of Coweta, Oklahoma, a municipal corporation in its present incorporated form or in any other reorganized or changed form;

8. "Completion of system rebuild" means the reconstruction and upgrade of the cable system or part thereof as required by Section 14 hereof, including above and underground trunk and feeder cables, amplifiers, power supplies, connectors, splitters and tap installations, head end and hub rebuild or upgrade and any and all other construction necessary for the cable system or part thereof to be ready to deliver cable service to subscribers;

9. "Council" means the city council of the city or any body constituting in the future the legislative body of the city;

10. "FCC" means the Federal Communications Commission or its successor;

11. "Fiber trunk cable" means any part of the cable system which utilizes fiber optic cable for the purpose of transmitting video, audio or other lawful signals;

12. "Grantee" means the TCI Cablevision of Oklahoma, Inc., or its lawful successor, transferee or assignee;

13. "Gross operating revenues" mean any and all fees, charges, cash, credits, property of any kind or nature, consideration, compensation or receipts derived directly or indirectly by grantee, its affiliates, subsidiaries, parents, or arising from or attributable to the operation of the cable television system, except that the term shall not include:

    a. The amount of any refunds, corrective billing credits or other repayments made to subscribers or users;

    b. Any taxes on service furnished by grantee, imposed directly or indirectly on any subscriber or user by any municipal corporation, political subdivision, state or other governmental unit and collected by grantee for the governmental unit;

    c. Receipts for the sale or transfer of tangible property;

    d. Receipts for the sale or transfer of the system;

    e. Receipts from the installation or reconnection of cable service, the transfer of an existing connection, the moving of a cable television outlet, or other non-recurring charges to a subscriber or user for technical or installation services; and

    f. Charges, credits, compensation, or payments on a commercially reasonable basis to an affiliate, subsidiary or parent for services rendered to grantee;

14. "Other lawful service" means any service other than cable service provided through electric or electronic signals or which utilizes any facility or equipment of the cable system;

15. "Person" means an individual, corporation, partnership, association, joint stock company, trust corporation or governmental entity;

16. "Permit" means the rights and privileges granted by city to grantee to construct, operate, maintain and upgrade a cable television system utilizing public ways within the corporate limits of the city, for the purpose of offering cable service or other lawful service to subscribers;

17. "Public way" means the surface of and the space above and below any public street, highway, freeway, bridge, alley, court, boulevard, sidewalk, parkway, way, lane, drive, circle or other public right-of-way, including but not limited to, public utility and communication easements, dedicate utility strips or rights-of-way dedicated for compatible public uses, and any temporary or permanent fixtures or improvements located within or held by city in the service area which entitles city or grantee to its use for the purpose of installing, operating, repairing and maintaining the cable television system;

18. "Service area" means the present corporate limits of the city and any additions caused by annexation or other lawful means;

19. “State-of-the-art" means the most current technology which is economically feasible, has been performance tested and is commonly accepted by industry standards for cable television systems of comparable size;

20. "Subscriber" means any person lawfully receiving cable service or other lawful service from the cable television system; and

21. "System rebuild" means the reconstruction and upgrade as required by Section 13 hereof the cable television system existing in the service area utilizing fiber optic cable and technology which is the state-of-the-art as of the date of the approval of this permit.

(Ord. No.459, 10/31/94)

SECTION 3 GRANT OF PERMIT

A. City hereby grants to grantee a permit to enter upon the public ways to install, construct, operate, maintain, rebuild and upgrade in, upon, along, across, above and under the public ways a cable television system for the purpose of providing cable service and other lawful services to subscribers subject to the terms, conditions and provisions contained in this permit, the charter and applicable laws and regulations of Oklahoma and the United States of America.

B. This permit shall be the measure of the rights, privileges and liabilities of city as well as the grantee. In any court proceeding involving any claim against the city or other governmental entity, or any official, member, employee, or agent of the city or entity, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of this permit, any relief, to the extent such relief is required by any provision of federal, state, or local law, shall be limited to injunctive relief and declaratory relief.

C. This permit shall not be exclusive and nothing herein shall be construed to divest city of its control and regulation of the public ways. (Ord. No.459, 10/31/94)

SECTION 4 RULES OF GRANTEE

The grantee shall have the authority to promulgate and enforce such reasonable rules, regulations, terms and conditions governing the conduct of its business as it shall deem necessary to enable grantee to exercise its rights and perform its obligations under this permit and to assure uninterrupted cable service to each and all of its subscribers. Such rules, regulations, terms and conditions shall not be in conflict with the provisions of this permit, the rules and regulations of the FCC or any other body having lawful jurisdiction. The rules of grantee shall become effective only upon or after, if a later effective date is specified therein, the filing of copies of such rules with the city clerk and the secretary to the council. (Ord. No.459, 10/31/94)

SECTION 5 SERVICE STANDARDS

Grantee shall maintain and operate the cable system and render efficient cable service in accordance with such rules and regulations as shall be promulgated by the FCC. wherever it is necessary to interrupt cable service for the purpose of making repairs, adjustments or installments, grantee shall do so at such time as will cause the least inconvenience to subscribers, and unless such interruption is unforeseen and immediately necessary, grantee shall give reasonable notice to subscribers. (Ord. No.459, 10/31/94)

SECTION 6 REGULATION BY CITY

A. Grantee in the installation, maintenance and operation of the cable television system shall, at all times, be subject to the terms and provisions of the general ordinances of the city and to the lawful exercise of the police power of the city.

B. Grantee shall be subject to the lawful exercise by city of all other powers, functions, rights, privileges and immunities of regulation of the cable system, cable service or other lawful service granted or delegated to city by the charter, by the constitution and laws of Oklahoma or the laws and regulations of the United States of America. (Ord. No.459, 10/31/94)

SECTION 7 USE OF SYSTEM BY CITY

A. City shall have the right, at no cost, to locate equipment upon and make attachments to the cable television system owned by grantee in connection with city systems. Attachments shall be installed and maintained in accordance with the requirements of the electrical code of city and only after written notice to grantee. Upon request by city, grantee agrees to construct attachments to the system for exclusive use by the city, its departments, boards, authorities, commissions and agencies forgovernmental purposes, other than for the operation of a cable television system, at the incremental cost of such attachments at the time of construction. Grantee shall assume no liability or expense in connection with any city attachment to or use of the cable television system. City use shall be in such manner as not to interfere with the use and maintenance of the cable television system by the grantee.

B. City, in its use and maintenance of such equipment and fixtures, shall at all times comply with the rules and regulations of grantee in order that there be a minimum danger of contact or conflict between the equipment and fixtures of grantee and the equipment and fixtures used by city.

C. City shall be solely responsible and save grantee harmless for all claims and demands to persons or property arising out of the use by the city of the cable television system. (Ord. No. 459, 10/31/94)

SECTION 8 CONDITIONS OF USE OF PUBLIC WAYS

A. All transmission and distribution structures, lines and equipment erected by grantee within the service area shall be located so as not to obstruct or interfere with the proper use of the public ways and other public places, and to cause minimum interference with the rights of property owners who abut any of the public ways and places, and not to interfere with existing public utility installments. In all areas of the service area where all cables, wires or other like facilities of public utilities are placed underground, grantee shall place its cables, wires, or other like facilities underground to the maximum extent existing technology reasonably permits and shall mark such facilities, indicating their location by a method approved by city's department of public works. Upon request, grantee shall furnish to and file with city maps, plats and permanent records of the location and character of all facilities constructed, including underground facilities. Such maps, plats, and permanent records shall be updated as required by city.

B. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, grantee shall, at its own expense, replace and restore all paving, sidewalk, driveway or other surface of any public way disturbed in accordance with the standards and specifications of the city.

C. If at any time during the period of this permit city shall elect to alter or change the grade or location of any water line, sewer line, street, alley or other public way, grantee shall, upon reasonable notice by city, remove and relocate its poles, wires, cables, conduits, manholes and other surface of any public way disturbed in accordance with the standards and specifications of the city.

D. Grantee shall not place poles, conduits, or other fixtures above or below ground where the same will interfere with any gas, electric, telephone fixtures, water hydrant or other utility, and all such poles, conduits or other fixtures placed in any public way shall be so placed as to comply with all requirements of the city.

E. Grantee shall, on request of any person holding a house moving permit issued by city, temporarily move its cables, equipment or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the person requesting the same. Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary changes.

F. Grantee shall have the authority to trim any trees upon and overhanging the public ways of city so as to prevent the branches of trees from coming in contact with the equipment and cables of grantee, except that at the option of city such trimming may be done by city, or under its supervision and direction, at the expense and liability of grantee and other franchise and permit grantees.

G. City shall not be liable to grantee for any damage to grantee's cable television system caused by any city employee while performing emergency repairs within the public ways. In all other circumstances when city employees negligently damage grantee's cable system, city shall only he liable to grantee for the grantee's actual cost of materials, equipment and labor necessary to effect repairs, with no allowance for interruptions to service or loss of revenues, subject to any applicable limits of liability established by the Oklahoma Governmental Tort Liability Act. Grantee, no later than January 1 of each year, shall file with the city clerk a schedule of the current cost of materials, equipment and labor necessary to make repairs. (Ord. No.459, 10/31/94)

SECTION 9 ERECTION. REMOVAL AND JOINT USE OF POLES

A. No poles, conduits or other structures shall be erected or installed by grantee without prior approval of city with regard to location, height, type and other pertinent aspects. Grantee shall not have a vested right to retain the location of any pole, conduit or structure installed by grantee. Such poles, conduits or structures shall be removed or modified by grantee at its own expense when necessary for the convenience of city.

B. Where poles, conduits or other structures of any public utility company are available for use by grantee, city may require grantee to use such poles, conduits and structures if the permission and consent of such public utility company may he obtained by grantee and if the terms of the use available to grantee are just and reasonable.

C. Where a public utility serving city desires to make use of the poles, conduits or other structures of grantee but an agreement with grantee cannot be reached, city may require grantee to permit such use for such consideration and upon such terms as the council shall determine to be just and reasonable if the use would not unduly interfere with use of the cable television system.

D. Where city owned utility poles are available for use by grantee, grantee shall pay city the same pole rental per annum as paid by grantee for the use of poles owned by public utilities. (Ord. No.459, 10/31/94)

SECTION 10 PERMIT FEE

A. Grantee shall pay to city as compensation for the rights and privileges enjoyed under this permit an annual fee on a calendar year basis equal to five percent (5%) of the gross operating revenues received by grantee from the operation of the cable system in the service area. The fee, together with any accumulated interest, shall he payable annually on or before the 60th day after the end of the preceding calendar year on gross operating revenues received for that year. if the payment is not timely made, interest upon any unpaid portion shall accrue at the rate of one and one-half percent (1.5%) per year until paid. Grantee shall file annually with the city within sixty (60) days after the end of each calendar year, a complete and accurate statement verified by an officer of the grantee of all gross operating revenues received by grantee from the operation of the cable television system within the service area for the preceding calendar year for which such permit fee is based. if grantee fails or refuses to pay such fee, city may maintain an action against grantee for the amount of such fee and interest and all expenses of collecting same, including reasonable attorneys fees.

B. If permitted by federal law, in the event grantee or an affiliate accepts a franchise, permit, license, authorization or other agreement of any kind with any municipal corporation or other governmental subdivision wholly or partially within Wagoner County, Oklahoma, for the purpose of constructing or operating a cable system or providing cable services to any part of a city or other governmental subdivision which provides for the payment as compensation for the rights and privileges enjoyed thereunder of an annual fee in excess of five percent (5%) of the gross operating revenues from the cable system in that municipal corporation or other governmental subdivision, then this permit shall be deemed amended as of the effective date of the other franchise, permit, license, authorization or other agreement and grantee shall thereafter pay to city as compensation for the rights and privileges enjoyed thereunder an annual fee equal to the same percentage of gross operating revenues in the service area as is paid by the grantee under such other franchise, permit, license, authorization or other agreement. (Ord. No.459, 10/31/94)

SECTION 11 RATES TO SUBSCRIBERS

Subject to the provisions of the constitution and laws of the United States of America, the Cable Act and the constitution and laws of Oklahoma, the council may regulate the rates of grantee for the basic cable service to be furnished by grantee under this permit No rates shall be adopted or changed by the council except after notice to the public and to grantee and after a public hearing. (Ord. No.459, 10/31/94)

SECTION 12 LIABILITY OF GRANTEE. INSURANCE AND INDEMNIFICATION

Grantee shall defend and hold city harmless from all loss sustained by city by reason of any suit, judgment, execution, claim or demand resulting from the construction, operation or maintenance by grantee of a cable television system in the service area. Grantee shall maintain in full force and effect for the term of this permit, at grantee's sole expense, a general comprehensive liability insurance policy, in protection of city, the council, and city officers, boards, commissions, agents and employees, issued by a company authorized to do business in the State of Oklahoma, protecting city and all persons against liability for loss or damage for personal injury, death and property damage occasioned by the operations of grantee under this permit in the minimum amount of One Million Dollars ($1,000,000.00); provided, if the maximum liability of city under the Oklahoma Governmental Tort Liability Act should be increased to more than One Million Dollars ($1,000,000.00), the amount of liability insurance required hereunder shall be increased to that amount. Grantee shall file with the city clerk certificates of the insurance required hereunder in a form satisfactory to the city attorney. (On No.459, 10/31/94)

SECTION 13 SYSTEM REBUILD

A. The cable television system now owned and operated by grantee within the City of Tulsa service area provides a maximum of forty (40) video channels and consists of coaxial cables, amplifiers, conductors and other equipment and facilities which represented the state-of-the art at the time of construction. Upon acceptance of this permit, and in reliance thereon, grantee, in accordance with Section 14, shall rebuild and upgrade the cable television system utilizing fiber optic cables, coaxial distribution cables and state-of-the-art technology. Upon completion of the system rebuild, the system shall have an available channel capacity of at least seventy-two (72) video channels; additionally upon completion, the city shall be provided service as a part of the City of Tulsa System.

B. Grantee shall not charge a subscriber any direct fee or assessment for the system rebuild, including the upgrade of drops required for service to a subscriber (Ord. No.459, 10/31/94)

SECTION 14 SYSTEM REBUILD SCHEDULE AND EXTENSION

A. Grantee shall review the system rebuild's design and schedule with city in order that city may elect to make attachments to the system during construction. Construction of the system rebuild shall commence within one-hundred eighty (180) days after the acceptance of this permit. Grantee shall maintain a construction schedule of the system rebuild as follows:

Eighteen (18) months after commencement of construction, the system rebuild shall have been completed.

B. Construction of the system rebuild shall provide for upgraded cable service to all residences and properties in developed areas within the corporate limits of the city. Thereafter, the system shall be extended and cable service provided to any area where there are then existing thirty-five (35) homes within one mile of the existing cable system. In other areas, grantee may charge for extension of the cable system based upon the cost of labor and materials.

C. The time for completion of the system rebuild may be extended or excused by the council for any period during which grantee experiences delays or interruptions due to circumstances reasonably beyond its control including, but not limited to, necessary utility changes or rearrangements, governmental or regulatory restrictions or requirements, major strikes, litigation, lock-outs, war (declared or undeclared), national emergency, economic conditions, fire, earthquakes and acts of God. (Ord. No.459, 10/31/94)

SECTION 15 OPERATIONAL STANDARDS

A. Grantee shall maintain and operate the cable system so as to provide video, audio and other signals to be delivered with signal strength and quality levels which meet the parameters specified by the FCC and any other normally accepted industry standards. Grantee shall construct the system rebuild and operate and maintain the system in a manner consistent with all ordinary care and all applicable laws, ordinances, construction standards, and FCC technical standards. Upon request, grantee shall provide city a report of the results of any FCC required proof of performance test conducted by grantee.

B. Grantee shall maintain equipment capable of providing standby battery power for trunk amplifiers for a minimum period of two (2) hours.

C. Grantee shall, as a part of the system rebuild, provide capacity for interactive services which may be added to the system as such services become technically and economically feasible.

D. Grantee may interconnect the cable television system within the service area with cable television systems owned or operated by grantee within adjacent cities.

E. Upon request, grantee shall provide subscribers with a parental control locking device or digital code capable of blocking or otherwise preventing a television set from receiving a channel or audio signal, for which grantee imposes a separate charge.

F. Under normal operating conditions, each of the following standards shall be met no less than ninety-five percent (95%) of the time on an annual basis:

1. Standard installations shall be performed within seven (7) business days after an order has been placed; and

2. Except when beyond the control of grantee, grantee shall respond to cable service interruptions promptly and in no event later than twenty-four (24) hours.

G. Grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints which shall be subject to the approval of the city manager of the city.

H. City shall notify grantee in writing of any complaint from subscribers or of any failure of grantee to comply with the terms and conditions of this permit. Grantee, upon receipt of such notice, shall promptly investigate the complaint and take such action as is necessary to provide cable service to subscribers and to operate the system as required. (Ord. No.459, 10/31/94)

SECTION 16 SERVICES TO SUBSCRIBERS

A. Grantee shall provide to subscribers as a part of its basic cable service local television broadcast signals as required by the Cable Act and FCC regulations subject to obtaining the consent of the local broadcast stations as required by law, and educational and public affairs programming including local educational and governmental programs.

B. Upon completion of the system rebuild, grantee shall have the capacity to offer to subscribers programming on at least fifty (50) video channels including the video channels offered as a part of basic cable service, premium, pay-per-view, a la carte, etc.

C. Grantee shall provide audio services.

D. Upon request, and at a reasonable charge, grantee shall provide to subscribers an input selector switch to permit broadcast television reception from an antenna. (Ord. No.459, 10/31/94)

SECTION 17 GOVERNMENTAL AND EDUCATIONAL USES

A. Until the completion of the system rebuild, grantee shall provide to state accredited public, private and parochial schools and institutions of higher learning in the service area for educational services at no cost to the school or institution, at least, the following:

1. One free service outlet to the cable television system to all public, private and parochial schools and institutions of higher learning, with additional service outlets to be provided at the cost of labor and materials, and with no monthly service charge for service outlets or for services which are not offered on a premium or pay-per-view basis; and

2. Grantee shall provide maintenance, at no cost, of cables, amplifiers and other distribution equipment owned by grantee and used for educational programming, and shall provide, at no cost, technical assistance required for the use of channels for educational use.

B. Upon completion of the system rebuild, grantee shall provide for governmental and educational use and for networking among governmental or educational users, at no cost to such users, the following:

1. One channel on the system for shared use, under the coordination of Independent School District Number One of Tulsa County, Oklahoma, for the exclusive use of Independent School District Number One of Tulsa County, Oklahoma, Tulsa Junior College and other state accredited elementary and secondary schools within the service area and service areas of other cable television Systems owned by the grantee and interconnected with the cable system within Tulsa and/or Wagoner County, which develop, staff and operate facilities and equipment to provide programming on a continuing basis; and

2. Three (3) channels on the system for joint and cooperative use by the city, other cities which have granted the grantee a permit or franchise to provide cable service and are interconnected with the cable television system, state accredited elementary and secondary schools and institutions of higher learning within the service area, the service areas of other cable television systems owned by the grantee and interconnected with the cable system.

C. Grantee shall provide one free service outlet to the system with additional service outlets to be provided at the cost of labor and materials, and with no monthly service charge for service outlets or for services which are not offered on a premium or pay-per-view basis for each state accredited school and institution of higher learning for the channels allocated for educational use. Grantee shall provide, at no cost, connections for video originations from the Tulsa Education Service Center and, upon completion of the system rebuild, from one point at each institution of higher learning. Upon request from the city,

grantee shall provide, at the direct cost to the grantee of labor and materials, connections for video originations from other points designated by the city. Grantee shall maintain, at no cost, cable television channels used for governmental and educational use and shall provide, at no cost, technical assistance required for the use of channels for governmental and educational use.

D. Grantee shall have the right to temporarily use any unused portion of a channel located under Subsection B and Subsection D of this section for governmental and educational use which is not being fully utilized, as defined herein, provided such use shall not interfere with any educational or governmental use. If the channels provided under this section for governmental and educational use are being fully utilized, grantee shall provide at no cost to the user for additional governmental and educational use the first channel added to the cable television system above the seventy-two (72) channels which shall be available upon completion of the system rebuild. Thereafter, grantee shall provide at no cost to the user for governmental and educational use the first channel added to the cable television system above eighty-four (84) channels, above ninety-six (96%) channels, above one hundred and eight (108) channels, and additional channels in a like progression as channels are added to the cable television system. Use of such additional channels shall be allocated as provided in Subsection B of this section. Generally, a channel shall be considered as being fully utilized if more than an average of forty-eight (48) hours per week over a six (6) month period of programming other than character generated programming is offered. School terms, seasonal and special concerns shall be considered in determining whether a channel is fully utilized. If a channel allocated for governmental or educational use is being temporarily used by the grantee, the governmental or educational institution for which the channel has been allocated shall have the right to require the return of the channel or portion thereof by a written statement to grantee that the institution is prepared to fully utilize the channel or portion thereof in which event the channel or portion thereof shall be returned to such institution within three (3) months after receipt by grantee of the statement.

E. Grantee shall not make any separate or premium charge to a subscriber for access to educational or governmental channels.

F. All channels allocated for governmental and educational use shall be of the same quality as the channels on the cable system for cable service. All channels allocated for educational use shall be available to subscribers in the service area and the service areas of other cable television systems interconnected with the cable system.

G. When a channel allocated for governmental or educational use has been assigned a channel number or position by the grantee, such channel number or position shall not be changed until at least six (6) months written notice has been given to the user of such channel (Ord. No.459, 10/31/94)

SECTION 18 SERVICES TO CITY

Grantee shall provide the following services to city:

1. Channel space as provided in Section 17 at no charge for the dissemination of information to the public;

2. A service outlet, at no cost to city, to each city facility within the service area including, but not limited to, city hall, the police department, fire stations, public libraries, government office of Wagoner County located in the service area, the senior citizens center, WARO-MA Community Action Center, recreation centers, and maintenance facilities. Additional service outlets shall be provided at the cost of labor and materials with no monthly service charge for connections, service outlets or non-premium services; and

3. A means of simultaneously interrupting all channels other than local broadcast channels on the cable television system to prevent emergency audio and, upon completion of the system rebuild, moving character generated video messages by local public safety, civic defense and other public officials. The emergency override system receives as a result of the tie-in with Tulsa satisfies this section. (Ord. No.459, 10/31/94)

SECTION 19 COMPLIANCE AND MONITORING

A. Grantee will provide written notification to the city prior to offering any other lawful service and grantee shall file with the city a copy of its authority to provide such service, if any has been obtained.

B. City may perform technical tests of the cable system during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of grantee or the cable system in order to determine whether or not grantee is in compliance with the terms hereof and applicable state or federal laws. Except in emergency circumstances, such tests may be undertaken only after giving grantee reasonable notice thereof and providing a representative of grantee an opportunity to be present during such test. In the event that such testing demonstrates that grantee has substantially failed to comply with a material requirement hereof the reasonable costs of such tests shall be borne by grantee. In the event that such testing demonstrates that grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by city. Except in emergency circumstances, such testing shall be undertaken no more than two (2) times in a calendar year and the results thereof shall be made available to grantee. Upon request, grantee shall furnish to and file with city the results of technical tests that grantee conducts for itself or others.

C. On or after September 1, 1998 and every five (5) years thereafter, council may commence proceedings, which afford public notice, public participation and open meetings, for the purpose of identifying future cable system community needs and interests, including channel capacity and customer service, and reviewing grantee's performance during the preceding five (5) years. Upon request by the council, grantee shall cause to be conducted a survey, as approved by the council, to determine community needs, desires and ratings of grantee's performance. The survey shall be made available to the public and shall specifically address, among other items, the demand for new services in relation to the cost of providing such services so as to ascertain the overall need for channel expansion.

D. Upon completion of any five (5) year review provided for in this section, grantee and city shall meet, confer and, if deemed necessary by either, renegotiate in good faith and terms and conditions of this permit relating to community needs, channel capacity and customer service. (Ord. No.459, 10/31/94)

SECTION 20 DEFAULT OF GRANTEE PENALTIES AND REVOCATION

A. The rights and privileges granted by the city to grantee under this permit shall continue and remain in full force and effect until revoked by the council. In the event that city or the council believes that grantee has not complied with the terms of this permit, city or the council shall notify grantee in writing of the exact nature of the alleged default.

B. Grantee shall have thirty (30) days from receipt of a written notice of default to:

1. Respond contesting the alleged assertion of a default; or

2. Cure such default or, in the event that, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default completed.

C. In the event that grantee contests the assertion of a default or fails to respond to a notice of default or the alleged default is not remedied within thirty (30) days after grantee is notified thereof, the council shall schedule a hearing to investigate the default The council shall notify grantee of the time and place of such hearing and provide grantee with an opportunity to be heard.

D. In the event the council, after such hearing, determines that grantee is in default of any provision of this permit, the council may:

1. Assess liquidated damages to city caused by the default by grantee as follows:

a.For default in the completion of the system rebuild as required by Sections13 and 14 hereof, the sum of One Thousand Dollars ($1,000.00) per day for the first thirty (30) days after the expiration of the time for the completion of the system rebuild or part thereof as required by Sections 13 and 14 hereof, Two Thousand Five Hundred Dollars ($2,500.00) per day for each day more than thirty (30) days past the expiration of the time for completion of the system rebuild or part thereof as required by Sections 13 and 14 hereof and Thirty-five Hundred Dollars ($3,500.00) per day for each day more than sixty (60) days past the expiration of the time for completion of the system rebuild or part thereof as required by Sections 13 and 14 hereof, provided that the total amount of liquidated damages assessed under this subsection shall not exceed Two Hundred Thousand Dollars ($200,000.00);

b. For knowingly failing to provide data, documents or information as required in this permit, Two Hundred Fifty Dollars ($250.00) per day for each day the failure occurs or continues; and

c. For knowingly failing to comply with the service and operational standards of this permit, Five Hundred Dollars ($500.00) per day for each day the failure occurs or continues.

d. Amounts of liquidated damages in this section are deemed appropriate as of the effective date of this permit Such damages, at the time of any council assessment, will be adjusted to equivalent values. Damages identified in this section shall be adjusted in accordance with changes in the United States Department of Labor; Bureau of Statistics Consumer Price Index City Average for Urban Wage Earners and Clerical Workers ("C.P.I.") measured from the effective date of this permit to the date of assessment by the council. In the event a substantial change is made in the method of establishing the C.P.I. or the C.P.I. or successor is not available, a reliable governmental or other independently determined publication, evaluating information used in determining the C.P.I. shall be used in lieu of the C.P.I.;

2. In the case of a default of a provision of this permit which is not cured by grantee or the subject of damages assessed as provided herein, the council may revoke this permit in its entirety; or

3. Seek specific performance of any provision, which reasonably lends itself to such remedy, or injunctive relief as an alternative to damages or termination of this permit.

4. Grantee shall not be relieved of any of its obligations to comply promptly with any provision of this permit by reason of any failure of city to enforce prompt compliance.

E. Grantee shall not be held in default with the provisions of this permit, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of God, power outages or other events reasonably beyond the ability of grantee to control. (Ord.No.459, 10/30/94)

SECTION 21 ASSIGNABILITY

A. If grantee shall at any time assign, sell, lease or otherwise transfer in any manner whatsoever its rights and privileges under this permit to any person, such action shall be in writing and a duly authenticated copy shall be filed with the city clerk. Such action shall not become effective until the transferee shall have agreed in writing with city to become responsible for the full performance of all the conditions, liabilities, covenants and obligations contained in this permit and until such action shall have been approved by the council, provided such approval shall not be unreasonably withheld. The council may require evidence that the transferee possesses the financial, technical and legal capability to perform all of the conditions, liabilities, covenants and obligations contained in this permit. if the council fails to act upon a proposed transfer within sixty (60) days after the transferee shall have agreed in writing to become responsible for the full performance of all of the conditions, liabilities, covenants and obligations of this permit, then such action shall be deemed to have been approved.

B. No approval of city shall be required for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of grantee in this permit or the cable television system in order to secure indebtedness of grantee. (Ord. No.459, 10/31/94)

SECTION 22 RIGHT OF CITY TO PURCHASE SYSTEM

A. City shall have the right at any time after fifteen (15) years after the effective date of this permit granted herein to purchase the cable television system of grantee located within the service area and to terminate this permit, if the purchase is approved by a majority of the qualified electors of city voting at a special or general election. At anytime after the right to purchase the cable television system of grantee shall have accrued under the terms hereof, the question of the purchase of the cable television system may be submitted at the next succeeding election of the city upon petition to the council of twenty-five percent (25%) of the qualified electors of the city. Grantee shall be compensated for the fair market value of the cable television system located within the service area with such value to be determined by the majority of three (3) appraisers, one to be appointed by the mayor of the city, one by grantee, and the third by the first two (2) appraisers. The appraisers shall be persons of recognized skill, ability and experience with respect to the appraisal and valuation of cable television systems. If grantee shall refuse to select an appraiser for thirty (30) days after approval by the qualified electors of the city of the purchase, the value of the cable television system located with the service area shall be fixed by the vote of a majority of the council if the two (2) appraisers appointed by the mayor and by grantee shall fail to agree upon the third appraiser within thirty (30) days after their appointment, the third appraiser, upon the application of either city or grantee, shall be appointed by the associate judge of the district court of Wagoner County, Oklahoma.

B. The fair market value of the cable television system shall be determined by the majority of the appraisers within ninety (90) days after the appointment of the third appraiser. City shall have ninety (90) days from the receipt of written notice of the decision of the appraisers within which to pay grantee in cash the appraised value of the cable television system pursuant to the terms of this permit, provided, that if between the date of the appraisal of the cable television system and the date of payment therefor, reasonable and necessary additions, betterments and replacements shall have been made by grantee to the cable television system, city shall pay in addition to the value established by the appraisers the reasonable cost of such additions, betterments and replacements. (Ord. No.459, 10/31/94)

SECTION 23 NON-DISCRIMINATION

A. Grantee shall not deny any person or group of potential cable subscribers access to cable service because of race, color, religion, national origin, age, gender, physical handicap or the income of residents in the local area in which a person or group resides.

B. Grantee shall not discriminate in the rates or charges for cable services or in making available cable services or facilities of the system. Grantee shall not extend any preference or advantage to any subscriber or potential subscriber to the system or to any user or potential user of the system., Grantee may conduct promotional campaigns to stimulate subscriptions to cable services or other lawful uses of the system and grantee may establish bulk billing rates and rate schedules for different classes of subscribers and cable service which any subscriber coming within such bulk billing group, rate or service classification shall be entitled.

C. Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, age, gender or national origin. Grantee shall comply with all applicable laws and regulations of the United States and of Oklahoma with respect to employment and personnel practices. (Ord. No.459, 10/13/94)

SECTION 24 MODIFICATION

The city, after notice and public hearing may modify this permit to provide for such standards and exercise such powers, functions, rights or privileges as may now or hereafter be permitted, delegated or mandated by federal or state law, rule or regulation regarding the cable system, cable service or other lawful service. (Ord. No.459, 10/31/94)

SECTION 25 MISCELLANEOUS PROVISIONS

A. Grantee shall keep books and records for periods of time reasonably established by the city to determine compliance with the terms of this permit. City, after reasonable notice, shall have the right to review the books and records, including any complaints, of grantee during normal business hours as is reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by grantee pursuant to the rules and regulations of the FCC. Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature; provided this exception shall not be construed to include financial records necessary to enable the city to determine compliance with grantee's fee

payment obligations. Subject to open meeting and record disclosure laws of the State of Oklahoma, city agrees to treat any information disclosed by grantee to it on a confidential basis and only to disclose it to employees, representatives and agents thereof that have a need to know, or in order to enforce the provisions hereof. The council may inspect the books and records of grantee as necessary to determine compliance with the terms of this permit, compel attendance of witnesses and may by ordinance revoke this permit as provided in Section 20 hereof for failure or refusal of grantee or any officer, employee or agent thereof to testify or to produce such books or records.

B. Copies of all petitions, applications, and communications submitted by grantee to the FCC, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting cable television operations authorized pursuant to this permit, shall be submitted to the city clerk upon request.

C. Grantee shall pay the cost of publication of this ordinance.

D. In the event city enters into a franchise, permit, license, authorization or other agreement of any kind with any person other than grantee or city for the purpose of constructing or operating a cable television system or providing cable service or other lawful service within the same service area, which contains terms more commercially or economically favorable with regard to government and educational channels and service, system operational service standards, fees to the city or rates to subscribers and users, or in the event city enters into a franchise, permit, license, authorization or other agreement of any kind with any person other than grantee for the purpose of constructing or operating a cable television system or providing cable service or other lawful service within the same service area, which contains terms more favorable to city with regard to government and educational channels and service, system operational service standards, fees to the city or rates to subscribers and users, then grantee and city shall meet, confer and, if deemed necessary by either, renegotiate in good faith the terms and conditions of this permit relating to government and educational channels and service, system operational service standards, fees to the city or rates to subscribers and users.

E. Notices or responses served upon city or grantee shall be in writing, and shall be deemed to have been duly given to the required party three (3) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a post office or branch thereof regularly maintained by the U.S. Postal Service.

F. All notices or responses between city and grantee shall be addressed and delivered by certified or registered mail as follows: if to the City, City Clerk, City of Coweta, P.O. Box 850, Coweta, Oklahoma 74429 with copies to the City Manager, and the City Attorney at the same address; if to grantee, TCI Cablevision of Oklahoma, Inc., 8421 E 61st St., Suite U, Tulsa, Oklahoma 74133; with a copy to TCI Cablevision of Oklahoma, Inc., Attn: Division Counsel, 4700 South Syracuse Street, Suite 1100, Denver, Colorado, 80237. Any notice given by grantee to the city clerk shall be accompanied by instructions to the clerk referencing this section and directing the clerk to file and maintain such notice with the original of this ordinance. City and grantee may designate other addressees or addresses from time to time by giving notice to the other. (Ord. No.459, 10/31/94)

SECTION 26 ACCEPTANCE BY GRANTEE

A. Grantee shall file with the city clerk of the city within thirty (30) days after passage, approval by the mayor and prior to publication of this ordinance, a written acceptance of this permit and the terms and conditions thereof as set out herein.

B. Grantee by the acceptance of this permit shall be deemed to have waived and released any claim the grantee might have against the city by reason of a declaration, ruling or judgment by a court as to the invalidity of this permit or any part thereof (Ord. No.459, 10/31/94)

SECTION 27 SEVERABILITY

If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof. (Ord. No.459, 10/31/94)

APPENDIX 5

COWETA PUBLIC WORKS AUTHORITY

(RESERVED)

APPENDIX 6

SELECTED PROVISIONS OF STATE LAW APPLICABLE TO CITY

(FROM TITLE 11 OF THE OKLAHOMA STATUTES, CITIES AND TOWNS)

8 Officers - General Provisions

10 Council-Manager Form of Government

14 Municipal Ordinances

16 Municipal Elections

17 Municipal Finances

22 General Powers of Municipalities

27 Courts

CITY OF COWETA DISPOSITION OF ORDINANCE TABLE

ORDINANCE NO	DISPOSITION
383	ANNEXATION—(SPECIAL)
384	ADOPTING CODE OF ORDINANCES
385	ILLEGAL DUMPING OF SOLID WASTE (10-216)
386	REZONE (SPECIAL)
387	ANNEXATION (SPECIAL)
388	CLOSES STREET (SPECIAL)
389	REZONING (SPECIAL)
398	ADOPTING SUBDIVISION REGULATIONS BY REFERENCE (12-401)
391	OPERATION OF MOTOR VEHICLES AND EXCESSIVE ACCELERATION (15-557)
392	3% USE TAX (7-501 TO 7-519)
393	REZONE (SPECIAL)
394	REZONE (SPECIAL)
395	REZONE (SPECIAL)
396	OFFICE OF TREASURER (2-404)
397	CITY CLERK-TREASURER OFFCE TO BE ABANDONED (2-406)
398	CITY MANAGER DESIGNATED ADMINISTRATIVE OFFICER TRASH & WEEKS (8-105)
399	EXTEND TIME PERIOD FOR FIREWORKS SALES (10-303)
400	GUIDELINES FOR OPEN BURNING (13-107)
401	REGULATES SALE OF USED VEHICLES (9-501 TO 9-504)
402	REGULATES REFUSE COLLECTION, TRANSPORTATION, DISPOSAL (17-101
403	BANS DESTRUCTION OF MAIL BOXES (10-215)
404	NOT USED
405	CERTAIN ANIMALS NOT BE KEPT WITHIN CITY (4-105)
406	REGULATES POOL HALLS AND FAMILY RECREATION CENTERS (9-601 -09-613)
407	REZONE (SPECIAL)
408	REZONE (SPECIAL)
409-	REZONE (SPECIAL)
410	REGULATES PARK FACILITIES (11-101 -11-105)
411	REGULATES SALE OF USED VEHICLES (9-501)
412	CREATES PARK AND RECREATION BOARD (11-111 – 11-115)
413	REGULATES SIZE OF ACCESSORY BUILDINGS IN RS DISTRICT (12-201)
414	ADOPTS MAJOR STREET AND HIGHWAY PLAN (14-301)
415	CREATES OFFICE OF LOCAL ENERGY OFFICER AND COMMITTEE (2-506)
416	BRIDLE TRAILS SEWER ASSESSMENT COSTS ASSESSED (SPECIAL)
417	VEHICULAR TRAFFIC IN DIVIDED LANE ROADWAYS (15-501)
418	DESIGNATES WARD NUMBERS AND BOUNDARIES (1-202)
419	BRIDLE TRAILS SEWER ASSESSMENT COSTS ASSESSED (SPECIAL)
420	JUNK MOTOR VEHICLES IN RESIDENTIAL DISTRICTS (12-201)
421	PROHIBITS TURNING LEFT OF CENTER TO PARK (15-910)
422	REGULATES ANIMAL CONTROL (4-101-4-121)
423	REZONE (SPECIAL)
424	INDUSTRIAL USERS DISCHARGE TO SANITARY SEWER REGULATED (17-101)
425	MODIFIES AMBULANCE RATES AND SERVICE (8-507-8-510)

426	MODIFIES SEWER RATES (17-101)
427	ANNEXATION (SPECIAL)
428	ADOPTS ADDRESSING SYSTEM (5-107)
429	PURCHASING AUTHORITY FOR CITY MANAGER (7-104)
430	POSSESSION OF DRUG PARAPHERNALIA A VIOLATION (10-418)
431	MODIFIES WATER AND SEWER RATES (17-101)
432	REZONE (SPECIAL)
433	REZONE (SPECIAL)
434	CONFISCATION, SALE, DESTRUCTION OF WEAPONS (10-312)
435	CITY TREASURER RESIDENCY REQUIREMENT (2-404)
436	ANNEXATION (SPECIAL)
437	CEMETERY RATES, COWETA CEMETERY FUND (11-301-11-302)
438	RURAL FIRE FUND CREATED (13-226)
439	BUILDING PERMIT FEES ESTABLISHED (5-106)
440	REGULATE USE OF PUBLIC RIGHTS-OF-WAY, SIGN PLACEMENT (10-311)
441	EXPAND SIZE OF PARKS AND RECREATION BOARD, TERM (11-112)
442	REZONE (SPECIAL)
443	SERVICE FEE FOR VISA, MASTERCARD CHARGES (7-111)
444	AMEND GENERAL PENALTY, JUDGE AUTHORITY FOR RESTITUTION (1-108)
445	NOT USED
446	PROHIBIT PARKING ON RESIDENTIAL STREET (15-717)
447	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
448	RETURN CHECK FEE (7-112)
449	ESTABLISH RURAL FIRE (13-225)
450	E911 5% SERVICE FEE (7-310 ET SEQ.)
451	ANNEXATION (SPECIAL)
452	MODIFY WATER AND SEWER RATES (17-101)
453	CREATE SELF-INSURANCE FUND (7-110)
454	CREATE ECONOMIC DEVELOPMENT FUND (7-109)
455	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
456	CREATE E911 FUND (7-113)
457	REGULATES CONSTRUCTION, REPAIR OF WATER SUPPLY SYSTEM (17-201, 17-202)
458	REZONE (SPECIAL)
459	CABLE TELEVISION PERMIT TO TCI CABLEVISION (APP 4)
460	ANNEXATION (SPECIAL)
461	MODIFY WATER, GARBAGE AND SEWER RATES (17-101)
462	ANNEXATION (SPECIAL)
463	REZONE (SPECIAL)
464	VACATE UTILITY EASEMENT (SPECIAL)
465	ISSUE G.O. BONDS (SPECIAL)
466	ISSUE G.O. BONDS (SPECIAL)
467	PSO FRANCHISE ELECTION (SPECIAL)
468	CREATE CITY AND PUBLIC WORKS DRUG TESTING PROCEDURES (2-507)
469	REZONE (SPECIAL)

469-A	MODIFY RURAL FIRE FUND (13-226)
470	REZONE (SPECIAL)
471	E911 5% TAX (7-310 TO 7-316)
472	CREATE MISSION BELL MUSEUM BOARD (11-401 TO 11-405)
473	CITY MANAGER PURCHASING AUTHORITY (7-104)
474	REZONE (SPECIAL)
475	HEARING PROCESS BEFORE CITY COUNCIL-STATE OR FEDERAL PROGRAMS (12-601)
476	CITY COUNCIL CONFLICTS OF INTEREST DISCLOSURE REQUREIMENTS (2-209)
477	1996 CODE OF ORDINANCES CODIFICATION (SPECIAL)
478	AMEND EMPLOYEE RETIREMENT (SPECIAL)
479	REZONE (SPECIAL)
480	REZONE (SPECIAL)
481	REZONE (SPECIAL)
482	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
483	AMEND EMPLOYEE RETIREMENT SYSTEM-LOAN PARTICIPATION (SPECIAL)
484	ANNEXATION (SPECIAL)
485	ANNEXATION (SPECIAL)
486	TAX INCENTIVE DISTRICT NUMBER 1 PROJECT PLANT (7-601)
487	REZONE (SPECIAL)
488	REZONE (SPECIAL)
489	OMRF JOINDER AGREEMENT (SPECIAL)
490	VACATE STREET IN MEKKO VILLAGE (SPECIAL)
491	REZONE (SPECIAL)
492	BUILDING PERMIT FEES (5-106)
493	MECHANICAL CONTRACTOR FEES (5-802 TO 5-804)
494	APPOINT CIVIL DEFENSE DIRECTOR (13-402)
495	AMEND FIREWORKS ORDINANCE (10-303)
496	ESTABLISH DOWNTOWN ADVISORY BOARD (12-601)
497	REZONE (SPECIAL)
498	PUD/STEVE MCCALL/HWY 51B (SPECIAL)
499	AMEND DILAPIDATED HOUSING ORDINANCE (8-601)
500	AMEND SEAT BELT ORDINANCE (15-556)
501	REZONE (SPECIAL)
502	PUD/DENNIS TROTT/HWY 51 & 275TH (SPECIAL)
503	REZONE (SPECIAL)
504	REZONE (SPECIAL)
505	PREVENTION OF NICOTINE ADDICTION AMONG YOUTH (10-419)
506	DOMESTIC ABUSE/WARRANTLESS ARREST (10-502)
507	ANNEXATION (SPECIAL)
508	INDUSTRIAL SEWER ORDINANCE REAPPROVED (10-301 TO 17-311)
509	REPEAL NO PARKING ON RESIDENTIAL STREETS (15-717)
510	ANNEXATION (SPECIAL)
511	REZONE (SPECIAL)
512	PUD/INDUSTRIAL PARK/HWY 51 AND 111TH (SPECIAL)

513	COUNCIL COMPENSATION (2-209)
514	REZONE (SPECIAL)
515	PUD/POST OAK AND POST OAK II (SPECIAL)
516	REZONE (SPECIAL)
517	E911 ADDRESSING (SPECIAL)
518	ANNEXATION (SPECIAL)
519	REZONE (SPECIAL)
520	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
521	AMEND CITY MANAGER PURCHASING AUTHORITY (7-104)
522	REZONE (SPECIAL)
523	REZONE (SPECIAL)
524	JUVENILE CODE (SPECIAL)
525	ANNEXATION (SPECIAL)
526	REZONE (SPECIAL)
527	PUD/PANDA PROPERTY (SPECIAL)
528	ANNEXATION (SPECIAL)
529	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
530	REZONE (SPECIAL)
531	GENERAL PENALTY INCREASED TO $500.00 (1-108)
532	REZONE (SPECIAL)
533	ANNEXATION (SPECIAL)
534	MODIFY COMPETITIVE BIDDING AMOUNT TO $12,500 (7-106)
535	REZONE (SPECIAL)
536	CITY MANAGER REIMBURSE CERTAIN AMBULANCE EXPENSES (8-516)
537	REZONE (SPECIAL)
538	DE-ANNEXATION (SPECIAL)
539	DE-ANNEXATION (SPECIAL)
540	ECONOMIC DEVELOPMENT FOR IDPLP (SPECIAL)
541	GARAGE SALES (9-701 TO 9-704)
542	ANNEXATION (SPECIAL)
543	PARK VIEW EAST SEWER SPECIAL ASSESSMENTS (SPECIAL)
544	ANNEXATION (SPECIAL)
545	ANNEXATION (SPECIAL)
546	REZONE (SPECIAL)
547	REZONE (SPECIAL)
548	ECONOMIC DEVELOPMENT ON CDBG (SPECIAL)
549	ANNEXATION (SPCIAL)
550	ANNEXATION (SPECIAL)
551	ANNEXATION (SPECIAL)
552	ANNEXATION (SPECIAL)
553	PIPELINE CAPACITY LEASE PERMIT (7-701)
554	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
555	VACATE UTILITY EASEMENT (SPECIAL)
556	NOT USED

557	REZONE (SPECIAL)
558	CITY MANAGER PURCHASING AUTHORITY (7-104)
559	ANNEXATION (SPECIAL)
560	MODIFY AMBULANCE ORDINANCE (8-501 TO 8-516)
561	ELIMINATE OUTDOOR ADVERTISING BILLBOARDS (SPECIAL)
562	AMEND SUBDIVISION REGULATIONS/CURB & GUTTER (SPECIAL)
563	NOT USED
564	ANNEXATION (SPECIAL)
565	NOT USED
566	NOT USED
567	ANNEXATION (SPECIAL)
568	ANNEXATION (SPECIAL)
569	AMEND COMPETITIVE BIDDING (7-106)
570	REZONE (SPECIAL)
571	ZONING CODE TEXT AMENDMENT/MOBILE HOMES (SPECIAL)
572	ZONING CODE TEXT AMENDMENT/ACCESSORY BUILDINGS(SPECIAL)
573	ZONING CODE TEXT AMENDMENT/TELECOMMUNICATION TOWERS (SPECIAL)
574	REZONE (SPECIAL)
575	ZONING CODE TEXT AMENDMENT/LANDSCAPE (SPECIAL)
576	NOT USED
577	ZONING CODE AMENDMENT/SITE PLAN REVIEW (SPECIAL)
578	ANNEXATION (SPECIAL)
579	COUNCIL WARD REDISTRICTING (1-202)
580	COUNCIL CODE OF CONDUCT (2-209)
581	REZONE (SPECIAL)
582	ZONING CODE AMENDMENT/BARS & TAVERNS (SPECIAL)
583	SEWER POP-OFF DEVICE (17-214)
584	REZONE (SPECIAL)
585	REZONE (SPECIAL)
586	ANNEXATION (SPECIAL)
587	ANNEXATION (SPECIAL)
588	AMEND COMPREHENSIVE PLAN (SPECIAL)
589	ANNEXATION (SPECIAL)
590	MOVERS PERMIT/OVERSIZE LOAD REQUIREMENTS (15-305)
591	ANNEXATION (SPECIAL)
592	ANNEXATION (SPECIAL)
593	ZONING CODE AMENDMENT/MANUFACTURED HOME PLACEMENT (SPECIAL)
594	AMENDMENT TO EMPLOYEE RETIREMENT PLAN (SPECIAL)
595	AMENDMENT TO EMPLOYEE RETIREMENT PLAN (SPECIAL)
596	REZONE (SPECIAL)
597	REZONE (SPECIAL)
598	REZONE (SPECIAL)
599	ANNEXATION (SPECIAL)
600	VACATE RIGHT-OF-WAY/FIRST BAPTIST CHURCH (SPECIAL)

601	ANNEXATION/COWETA FENCE LINE (SPECIAL)
602	ANNEXATION (SPECIAL)
603	DOWNTOWN FACADE IMPROVEMENTS GRANT PROGRAM (SPECIAL)
604	AMEND SUBDIVISION REGULATIONS/SIDEWALK DESIGN CRITERIA (SPECIAL)
605	ANNEXATION (SPECIAL)
606	ANNEXATION (SPECIAL)
607	PUD 03-01/TIMBERIDGE CROSSING I & II (SPECIAL)
608	NOT USED
609	ANNEXATION (SPECIAL)
610	DRUG PARAPHERNALIA AMENDMENT (10-418)
611	ANNEXATION (SPECIAL)
612	ANNEXATION & REZONE (SPECIAL)
613	REZONE (SPECIAL)
614	ANNEXATION (SPECIAL)
615	REZONE (SPECIAL)
616	RESZONE (SPECIAL)
617	REZONE (SPECIAL)
618	ANNEXATION (SPECIAL)
619	REZONE (SPECIAL)
620	REZONE (SPECIAL)
621	REZONE (SPECIAL)
622	ANNEXATION (SPECIAL)
623	GASOLINE PUMP THIEVERY (10-217)
624	SPECIFIC USE PERMITS (12-801)
625	ANNEXATION (SPECIAL)
626	REZONE (SPECIAL)
627	REZONE (SPECIAL)
628	NOT USED
629	ANNEXATION (SPECIAL)
630	AMEND ZONING CODE/SIGN ORDINANCE (SPECIAL)
631	ADOPT INTERNATIONAL BUILDING CODES (5-101 TO 5-108)
632	SEPTIC DISCHARGES (17-304)
633	ANNEXATION (SPECIAL)
634	REZONE (SPECIAL)
635	ANNEXATION (SPECIAL)
636	CITY CODE CODIFICATION (SPECIAL)
637	ZONING CODE AMENDMENT/OFF-SITE SIGNS (SPECIAL)
638	ZONING CODE AMENDMENT/STORAGE CONTAINERS (SPECIAL)
639	CIDA REACCEPTANCE OF BENEFICIAL INTEREST (SPECIAL)
640	JAKE BRAKES (15-307)
641	HOTEL/MOTEL TAX (7-801)
642	ANNEXATION (SPECIAL)
643	REZONE (SPECIAL)
644	REZONE (SPECIAL)

645	REZONE (SPECIAL)
646	ZONING CODE TEXT AMENDMENT/FLOODPLAIN ADMINISTRATOR(12-509)
647	ZONING CODE TEXT AMENDMENT/ACCESSORY STRUCTURES (SPECIAL)
648	ZONING CODE TEXT AMENDMENT/LOT SPLITS/MINOR SUBS (SPECIAL)
649	ZONING CODE TEXT AMENDMENT/LANDSCAPING (SPECIAL)
650	ANNEXATION (SPECIAL)
651	ZONING CODE/SUBDIVISION REGULATIONS UPDATE (SPECIAL)
652	VACATE EASEMENTS (SPECIAL)
653	JURY FEES (6-132)
654	TRIAL BY JURY (6-129)
655	AMEND PENALTY FEES (1-108)
656	REZONE (SPECIAL)
657	REZONE (SPECIAL)
658	REZONE (SPECIAL)
659	REZONE (SPECIAL)
660	PUD-C 06-01 (SPECIAL)
661	ZONING CODE AMENDMENT/EARTH CHANGE REGULATIONS (SPECIAL0
662	ANNEXATION (SPECIAL)
663	REZONE (SPECIAL)
664	REZONE (SPECIAL)
665	REZONE (SPECIAL)
666	ANNEXATION (SPECIAL)
667	PUD-R 07-01 (SPECIAL)
668	PUD-R 07-02 (SPECIAL)
669	VACATE EASEMENT (SPECIAL)
670	PURCHASING ORDINANCE (7-901 TO 7-908)
671	AMEND COUNCIL MEETING TIMES (2-202)
672	NOT USED
673	REZONE (SPECIAL)
674	REZONE (SPECIAL)
675	ANNEXATION (SPECIAL)
676	VACATE EASEMENT (SPECIAL)
677	ZONING CODE AMENDMENT/MINOR SUBS (SPECIAL)
678	SALES TAX ELECTION (SPECIAL)
679	NOT USED
680	ANNEXATION (SPECIAL)
681	REZONE (SPECIAL)
682	REZONE (SPECIAL)
683	INTERNATIONAL FIRE CODE (13-101)
684	REZONE (SPECIAL)
685	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
686	SPECIFIC USE PERMIT/MIXED-USE DEVELOPMENT (12-803)
687	VISABILITY TRIANGLE (14-119)
688	STORMWATER DISCHARGES (12-517)

689	CLOSE DRAINAGE EASEMENT/MISSION ACRES EAST (SPECIAL)
690	AMEND GENERAL PENALTY/JUVENILES (1-108)
691	ZONING CODE AMENDMENT/PUBLIC PARK PRINCIPAL USE IN R (SPECIAL)
692	REZONE (SPECIAL)
693	REZONE (SPECIAL)
694	ANNEXATION (SPECIAL)
695	REZONE (SPECIAL)
696	SAFETY FEATURES SWIMMING POOLS (8-801 TO 8-104)
697	ZONING CODE/CARPORTS (SPECIAL)
698	SPECIFIC USE PERMIT PROCESS (12-801 TO 12-805)
699	NOT USED
700	RIGHT-OF-WAY MAINTENANCE (12-801(A) & 12-801 (B)
701	REZONE (SPECIAL)
702	REZONE (SPECIAL)
703	NUISANCE, DANGEROUS, POTENTIALLY DANGEROUS DOGS (4-414)
704	MODIFY APPROVAL PROCESS OF CERTIFICATE OF ZONING FOR ABLE (3-108)
705	REZONE (SPECIAL)
706	REZONE (SPECIAL)
707	EMPLOYEE RETIREMENT SYSTEM AMENDMENT (SPECIAL)
708	AMEND PUBLIC NUISANCE SECTION (8-104)
709	ESTABLISH OFFENSE FOR ALLOWING MINORS TO CONSUME ALCOHOL (10-420)
710	REZONE (SPECIAL)
711	PREVENTION OF NICOTINE ADDICTION AMONG YOUTH (10-419)
712	REZONE (SPECIAL)
713	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
714	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
715	AMEND EMPLOYEE RETIREMENT SYSTEM (SPECIAL)
716	UPDATE ZONING CODE (12-201)
717	UPDATE SUBDIVISION REGULATIONS (12-401)
718	DEANNEX WHISPERING HILLS (SPECIAL)
719	DEANNEX DOBBINS KNOB SUBDIVISION (SPECIAL)
720	PLUMBING, ELECTRICAL CONTRACTORS, JOURNEYMEN (5-202)
721	FAIR HOUSING ORDINANCE (12-901 TO 12-915)
722	REZONE (SPECIAL)
723	AMEND REFUSE COLLECTION (17-401 TO 17-414)
724	REZONE (SPECIAL)
725	DILAPIDATED PERSONAL PROPERTY IN VIEW PROHIBITED (8-110-1)
726	ZONING CODE/WRECKER SERVICE & STORAGE (SPECIAL)
727	CHANGE CITY COUNCIL WARD BOUNDARIES AFTER CENSUS (1-202)
728	REZONE (SPECIAL)
729	REZONE (SPECIAL)
730	REZONE (SPECIAL)
731	AMEND REFUSE COLLECTION (17-206) *SECTION # CORRECTED BY ORD 737
732	FLOOD DAMAGE PREVENTION (12-501 TO 12-524)

733	ZONING CODE/SPECIFIC US LIST/CASINOS (12-803)
734	ANNEXATION/AMENDS ORD # 734 (SPECIAL)
735	ANNEXATION/AMENDS ORD #564 (SPECIAL)
736	GENERAL PENALTY CLAUSE (1-108)
737	REFUSE COLLECTION CORRECTION OF ORD #731 (17-406)
738	ALLOW CHICKENS IN CITY LIMITS(4-105)
739	ZONING CODE/PUD-C 12-02) (SPECIAL)