

TOWN OF KIOWA

CODE OF ORDINANCES

Containing all of the ordinances of the
Town of Kiowa, Oklahoma
of a general and permanent nature
passed
on September 27, 2010

ORDAINED AND PUBLISHED
BY AUTHORITY OF THE
MAYOR AND TOWN BOARD OF TRUSTEES
TOWN OF KIOWA

Town of Kiowa
P. O. Box 69
Kiowa, Oklahoma 74553
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Compiled and codified by with
assistance
and advice of the town officials of the
Town of Kiowa

Edited by Ginette M. Hicks

Town Officials

October 25, 2010

Mayor:

Janelle Beaver, Ward 2

Trustees:

Ward 1 - Amber Alexander

Ward 3 - Theresa Ortiz

Ward 4 - Mary Cearley

Ward 5 - Jim Ryan

Town Clerk:

Jomae Peck

Town Treasurer:

Lena Herron

Revision History

Version	Date	Author/Reviser	Changes/Justification	Last Req.
1.00-A00	10/20/10	Ginette Hicks	Upgrade Kiowa Ordinance Book/ Primary Implementation Phase	R00

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SECTION 1-101 DESIGNATION AND CITATION OF CODE
The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Town Code of Kiowa, Oklahoma," and may be so cited. The Code may also be cited as the Town Code or in the provisions which follow, as the "Code."

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

SECTION 1-102 RULES OF CODE CONSTRUCTION; DEFINITIONS	
A	In the construction of this code and all ordinances, the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the town board of trustees or the context clearly requires otherwise:
1	<ol style="list-style-type: none"> 1. "And/or" means "or," and "or" may be read "and" if the sense requires it; 2. "Board of Trustees" means the governing body of the town, the town board of trustees; 3. "Bond" means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event; 4. "Building" means any structure intended to have walls and a roof; 5. "Building Official" means the person appointed by the town and designated as the town's building official; 6. "Business" means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward;

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7. Clerk" means the town clerk
8. County" means Pittsburg County, Oklahoma;
9. "Definitions" given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided;
10. "Designee," following an official of the town, means the authorized agent, employee or representative of such official;
11. "Gender" Words importing the masculine gender include the feminine and neuter as well as the masculine;
12. "Health officer" means administrator of the cooperative department of the county and the town;
13. "Keeper" means one in possession of or who has the care, custody or superintendence of a thing, place or business whether or not the owner or proprietor, and includes any person, firm, association, corporation, club and co-partnership whether acting by themselves or by a servant, agent or employee;
14. "Law" means applicable federal law and court decisions, court decisions and provisions of the constitution and statutes of the state and ordinances of the town, and, when appropriate, any and all rules and regulations promulgated there under;
15. "May" is permissive and discretionary;
16. "Mayor" means the mayor of the town;
17. "Month'" means a calendar month;
18. "Number" Words used in the singular include the plural and the plural includes the singular;
19. "Oath" means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath;
20. "Occupant" means tenant or person in actual possession
21. "Operate" means carry on, keep, conduct, maintain, manage, direct or superintend;
22. "Ordinances" mean the ordinances of the town and all amendments and supplements thereto;
23. "Owner" means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, "owner" means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land;
24. "Person" means any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member,

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- director, officer or employee of any of them including an executor, clerk, trustee, receiver, or other representative appointed according to law.
25. "Personal property" means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership and every other species of property except real property;
26. "Preceding" and "following" means next before and next after, respectively;
27. "Proprietor" means an owner of the property or premises, including any person, firm, association, corporation, club, partnership or other group acting as a unit, whether acting by themselves or by a servant, agent or employee;
28. "Public place" means and includes any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building, or any other place commonly open to the public;
29. "Real property" means land together with all things attached to the land so as to become a part thereof; member, director, officer or employee of any of them including an executor, clerk, trustee, receiver, or other representative appointed according to law; so as to become a part thereof;
30. "Shall." The word "shall" is mandatory;
31. "Sidewalk" means that portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles;
32. "Signature and subscription" means the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him;
33. "State" means the State of Oklahoma
34. "Statutes" means the Oklahoma Statutes as they are now or as they may be amended to be;
35. "Street" means all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;
36. "Tenant" means any person occupying the premises, building

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	<p>or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others;</p> <p>37. "Tense" Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise;</p> <p>38. "Time" means the hour of the day according to the official time of the day;</p> <p>39. "Time of performance" means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded;</p> <p>40. "Town " means the Town of Kiowa, in the County of Pittsburg and State of Oklahoma;</p> <p>41. "Town limits" means within the town and includes not only the corporate limits of the town but also any property which it owns or which is under its jurisdiction;</p> <p>42. "Treasurer" means the town treasurer;</p> <p>43. "Watercourse" means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks;</p> <p>44. "Week" means seven (7) days;</p> <p>45. "Writing" and "written" means any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means;</p> <p>46. "Year" means a calendar year.</p>
B	<p>Words and phrases are construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law are construed and understood according to such meaning.</p>

<p>SECTION 1-103 AUTHORITY OF CODE</p>	
<p>This code is a revision and codification of the general ordinances of the town which have been enacted and published in accordance with the authority granted in Sections 14-108 and 14-109 of Title 11 of the Oklahoma Statutes.</p>	

<p>SECTION 1-104 CONFLICTING PROVISIONS</p>	
A	<p>If the provisions of different parts, chapters, articles or sections of this code conflict with or contravene each other, the provisions of each part, chapter, article or section shall prevail as to all matters and questions growing out of the subject matter of that part, chapter, article or section.</p>
B	<p>If clearly conflicting provisions are found in different sections</p>

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	of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that section.
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SECTION 1-105 REFERENCES INCLUDE AMENDMENTS; CONSTRUCTION	
A	Any reference in this code to an ordinance or provision of this code means such ordinance or provision as may now exist or is hereafter amended.
B	Any references in this code to parts, chapters, articles or sections shall be to the parts, chapters, articles or sections of this code unless otherwise specified.

SECTION 1-106 CATCHLINES AND HEADINGS; CONSTRUCTION	
All designations and headings of parts, chapters, articles and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such parts, chapters, articles or sections, whether printed in capital letters or bold face type. They shall not be deemed or taken to be any part or title of such parts, chapters, articles or sections; nor, unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this code.	

SECTION 1-107 CODE PROVISIONS AS CONTINUANCE OF EXISTING ORDINANCES	
The provisions appearing in this code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the town and existing at the effective date of this code, shall be considered as restatements and continuations thereof and not as new enactments.	

SECTION 1-108 GENERAL AND SPECIFIC PENALTIES; SUSPENSION OR REVOCATION OF LICENSE OR PERMIT	
A	Whenever in this code, in any ordinance of the town, or in any rule or regulation promulgated pursuant to this code, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided herein or therefore, the violation of any such provision of this code or any ordinance or rule shall be punished by a fine not exceeding One Hundred Dollars (\$100.00) except where another specific penalty is established in this code. If a penalty is limited by state law, such violations shall be punishable by not to exceed the maximum permitted by state law or the amount declared by the town, whichever is greater.
B	The suspension or revocation of any license, certificate or other privilege conferred by the town shall not be regarded as a penalty for the purposes of this code but shall be in addition thereto.

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State Law Reference: Maximum penalties, \$200.00 and 30 days, maximum fine in court with non-lawyer judge, \$ 50.00, 11 O.S. Sec. 14-111; Fines over \$200.00 or imprisonment by jury trial, 11 O.S. Sec. 27-119.

SECTION 1-109 EACH DAY OF VIOLATION OF CODE A SEPARATE OFFENSE

Each day any person is in violation of any provision of this code, and each day any such violation occurs or continues to exist, shall be a separate offense.

SECTION 1-110 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. CONCEALING

Whenever in this code any act or omission is made unlawful or prohibited, it shall causing, allowing, permitting, aiding, abetting or concealing the fact of such act or omission.

SECTION 1-111 CIVIL RELIEF FROM VIOLATIONS OF CODE OF ORDINANCES

No penalty imposed by or pursuant to Section 1-108 or any other section of this code or other ordinance of the town shall interfere with the right of the town to apply to the proper courts of the state for a writ of mandamus, an injunction or other appropriate relief in the case of violations of this code or other ordinances.

SECTION 1-112 TERRITORIAL APPLICABILITY

Except as provided otherwise, this code refers only to the commission or omission of acts within the territorial limits of the town and to that territory outside this town over which the town has jurisdiction, ownership or control by virtue of any constitutional or statutory provision, or any law.

SECTION 1-113 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN

All ordinances of the town now in effect within the town are hereby extended to all real property belonging to, or under the control of, the town outside the corporate limits of the town, and is in full effect therein, insofar as they are applicable. All ordinances of the town 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 town shall be deemed to mean and include also the outlying real property belonging to or under the control of, the town, unless the context clearly indicates otherwise.

SECTION 1-114 CODE SEVERABILITY

It is declared to be the intention of the board of trustees that the sections, subsections, paragraphs, sentences, clauses and words of this code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise

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invalid by the judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this code, since the sections or parts of sections would have been enacted by the board of trustees without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause or word being incorporated into this code.

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SECTION 1-201 WARD BOUNDARIES	
The town is divided into five (5) wards as follows:	
1	Ward One (1) consists of the area comprised within the boundaries of the Union Pacific Railroad on the west, 8th Street on the north, U. S. 69 Highway on the east and the town limits of the town on the south;
2	Ward Two (2) consists of the area comprised within the boundaries of 8th Street on the south, the Union Pacific Railroad on the west, U.S. 69 Highway on the east and the town limits of the town on the north;
3	Ward Three (3) consists of the area comprised within the boundaries of the Union Pacific Railroad on the east, the town limits of the town on the north and west, Grand Avenue and 8th Street on the south;
4	Ward Four (4) consists of the area comprised within the boundaries of the Union Pacific Railroad on the east, the town limits of the town on the south and west and Grand Avenue and 8th Street on the north;
5	Ward Five (5) consists of the area located east of U. S. Highway 69

State Law Reference: Review of wards after each federal census, 11 O.S. 20-101; changing wards, 11 O.S. 20-102 to 20-105.
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SECTION 2-101 FORM OF GOVERNMENT	
<p>The town is governed under the board of trustees' form of government. The board of trustees shall consist of five (5) trustees. All powers of the town shall be exercised in the manner prescribed by the town code, by state statute and in such manner prescribed by ordinances adopted by the town board of trustees.</p>	

SECTION 2-102 MEETINGS OF THE BOARD OF TRUSTEES	
A	Regular meetings of the board of trustees shall be held on the last Monday of every month at 7:00 p.m. at the town hall unless, in the case of an emergency, the board of trustees designates another place. If such a Monday falls on a town holiday, the regular meeting shall be held at that time on the next day which is not a holiday. Any adjourned meeting may be held at any other place in the town designated by the board of trustees.
B	The board of trustees may from time to time adopt rules to govern the proceedings of the board of trustees.

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

SECTION 2-103 MAYOR'S POWERS AND DUTIES	
<p>The mayor and acting mayor shall have all the powers and duties prescribed by state law, and as may be prescribed by ordinance.</p>	

SECTION 2-104 TOWN ELECTIONS	
A	Pursuant to Section 16-302 of Title 11 of the Oklahoma Statutes, the town hereby declares that it shall not be governed by the Oklahoma Town Meeting Act for electing its officers and deciding initiative and referendum questions.
B	The town shall elect its officers and decide initiative and referendum questions through elections conducted by the county

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	election board pursuant to Sections 16-101 et seq. of Title 11 of the Oklahoma Statutes.
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Amended SECTION 2-105 TOWN CLERK APPOINTMENT, DUTIES	
A	The town clerk is an officer of the town
B	As clerk, the town clerk shall: <ol style="list-style-type: none"> 1 Keep the journal of proceedings of the board of trustees; 2 Enroll all ordinances and resolutions passed by the board of trustees in a book or set of books kept for that purpose; 3 Have custody of documents, records, and archives as may be provided for by law or by ordinance, and have custody of the town seal; 4 Attest and affix the seal of the town to documents as required by law or ordinance; 5 Have such other powers, duties and functions related to the statutory duties of the clerk as may be prescribed by law or ordinance.
C	The pay period for the clerk shall be biweekly in such sum as set in Section 2-110 contingent upon the clerk's performance of the clerk's statutory duties.
D	The person serving as town clerk may be employed by the town to perform duties not related to the statutory duties of the clerk as an employee of the town. The additional duties shall be performed by the person serving as clerk or as otherwise provided by motion or other action of the town board. The person performing additional duties shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the board. The pay period for performing additional duties shall be the same as for other town employees and in accordance with any personnel policy or other policy of the town. The salary for performing additional duties shall not be subject to constitutional restrictions.
E	The purpose of this amendment is to simplify the description of duties of the City Clerk and to eliminate the duty of Municipal Court Clerk from the City Clerk's position. All previous ordinances or amendments to ordinances that describe the duties of City Clerk prior to the enacting of this ordinance are no longer effective.

Amended SECTION 2-106 TOWN TREASURER APPOINTMENT, DUTIES	
A	The town treasurer is an officer of the town. The treasurer shall: <ol style="list-style-type: none"> 1. Maintain accounts and books to show where and from what source all monies paid to the town have been derived and to whom and when any monies have been paid; 2. Deposit daily funds received for the town in depositories as the board of trustees may designate; 3. Have such other powers, duties and functions related to the statutory duties of the treasurer as may be prescribed by law or ordinance.
B	The person serving as town treasurer may be employed by the town

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	to perform duties not related to the statutory duties of treasurer as an employee of the town. The additional duties shall be performed by the person serving as treasurer or as otherwise provided by motion or other action of the town board. The person performing additional duties shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the board. The pay period for performing duties shall be the same as for other town employees and in accordance with any personnel policy or other policy of the town. The salary for performing additional duties shall not be subjected to constitutional restrictions.
C	The purpose of this amendment is to simplify the description of duties of the City Treasurer and to eliminate any duties of the City Treasurer that include Municipal Court Clerk or Deputy Court Clerk from the City Treasurer's position. All previous ordinances or amendments to ordinances that describe the duties of City Treasurer prior to the enacting of this ordinance are no longer effective.

Approved this 25th day of February, 2008

SECTION 2-107 TOWN ATTORNEY
The town attorney is an officer of the town, appointed by the Mayor with the confirmation of the board of trustees. The town attorney shall have such duties as are prescribed by the town board.

SECTION 2-108 ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES
There shall be such other administrative departments, agencies and officers as the board of trustees may establish.

SECTION 2-109 BONDS FOR TOWN OFFICERS AND EMPLOYEES
The town clerk, town treasurer and such officers and employees as are designated by the town board of trustees shall, before entering upon the discharge of their duties, execute and file with the town clerk surety bonds issued by a surety company authorized to operate in the state conditioned upon the faithful performance of their duties. The town shall pay the premium on such bonds.

SECTION 2-110 COMPENSATION
Compensation of elected officers of the town shall be provided by the ordinances of the town.
The compensation of other officers and employees shall be set by motion or resolution.

AMENDMENT-COMPENSATION
The pay for the Town Elected Officials for the Town of Kiowa shall be **amended** as follows:
Compensation of elected officers of the town shall be provided by the ordinances of the town. The compensation of other officers and employees shall be set by motion or resolution.

ADMINISTRATION AND GOVERNMENT

Compensation for elected officials is as follows:		
REGULAR MONTHLY PAY		
POSITION	AMOUNT	
MAYOR	\$300.00	
COUNCIL	\$150.00	
CLERK	\$300.00	
TREASURER	\$300.00	
SPECIAL OR EMERGENCY MEETINGS	\$50.00	\$35.00

Extra compensation will be for extra duties other than provided for in the Oklahoma State Statutes for clerk and treasurer of \$1476.00 per month. Compensation for extra duties can be changed by motion and majority vote of the Town Board of Trustees or by resolution.

ELECTED OFFICIALS will be reimbursed actual reasonable expenses accrued while on out-of-town classes or workshops, when receipts are submitted for said expenses.

The effective date of this ordinance shall be April 2009. Passed January 26th 2009.

Compensation shall only be rendered if officials report for all workshops and meetings (excluding excused absences, which then shall be deducted at a pro-rated percentage for given month.) Clerk & Treasurer shall be paid at a pro-rated daily amount based on 22 days per month for each day present. Additional pay will only be rendered to Clerk or Treasurer when actual hours (excluding meal periods) multiplied times National Minimum Wage exceeds Monthly Pay, at which point will be paid hours times minimum wage.

SPECIAL OR EMERGENCY MEETINGS are defined as any bulletined meeting other than the regular monthly meeting, excluding workshops and classes. A maximum of two meetings a month PAYABLE.

ELECTED OFFICIALS will be reimbursed actual reasonable expenses accrued while on out of town classes or workshops, when receipts are submitted for said expenses.

Section 2-111 BOOKS DELIVERED TO SUCCESSOR
 All books, vouchers, monies or other property belonging to the corporation in charge or possession of any officer of the same shall be delivered to his successor when qualified.

ADMINISTRATION AND GOVERNMENT

CHAPTER 2 RETIREMENT AND PENSIONS
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ARTICLE A - SOCIAL SECURITY	
SECTION	DESCRIPTION
2-201	Town officers and employees under federal social security

ARTICLE B - FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM	
SECTION	DESCRIPTION
2-211	System created
2-212	System to be operated in accordance with law

ARTICLE A - SOCIAL SECURITY

Section 2-201 Town officers and employees under federal social security	
A	It is hereby declared to be the policy of the town to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this section, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the Federal Social Security Act, and amendments thereto. In pursuance of this policy, the town shall take such action as may be required by applicable state or federal laws or regulations.
B	The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Human Services as agent or agency, to secure coverage of employees and officials as provided in Subsection A hereof.
C	Withholdings from salaries or wages of employees and officials for the purpose provided in Subsection A hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations.
D	There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state or federal agency designated by said laws or regulations.
E	The town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.
F	There is hereby excluded from this section any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.

ADMINISTRATION AND GOVERNMENT

G	There is hereby excluded from this section any authority to make an agreement with respect to any position or any employee or official, compensation for which is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations.
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ARTICLE B - FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

Section 2-211 - System created

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

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

Section 2-212 System to be operated in accordance with law

A	The fire fighters pension and retirement system as established by Sections 49-100.1 et seq. of Title 11 of the Oklahoma Statutes is hereby adopted by reference.
B	The local board of trustees of the fire fighters pension and retirement system, servicing the fire fighters of the town, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby.

ADMINISTRATION AND GOVERNMENT

CHAPTER 3 - TOWN RECORDS	
SECTION	DESCRIPTION
2-301	Appointment of official custodians
2-302	Designation of additional record custodians
2-303	Duties of custodians
2-304	Requests to be directed to custodians
2-305	Procedures regarding both inspection and copying of open public records
2-306	Procedures regarding inspection of open public records
2-307	Procedures regarding copies of open public records
2-308	Fees

SECTION 2-301 APPOINTMENT OF OFFICIAL CUSTODIANS	
The following town official is hereby appointed as official custodian for purposes of the Oklahoma Open Records Act and is charged with responsibility for compliance with that act with respect to the following listed public records:	
Town clerk All public records kept and maintained in the town clerk's office and all other public records not provided for elsewhere in this chapter.	

State Law Reference: Open Records Act, 51 O.S. Sections 24.A1 to 24.A18.

SECTION 2-302 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS	
A	Each of the official custodians appointed in Section 2-301 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.
B	Whenever an official custodian shall appoint another person as a record custodian, he shall notify the town clerk of such designation and the town clerk shall maintain a register of all such designations.

SECTION 2-303 DUTIES OF CUSTODIANS	
All town 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 town; 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 town for inspecting and copying open public records.	

SECTION 2-304 REQUESTS TO BE DIRECTED TO CUSTODIANS	
A	All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian

ADMINISTRATION AND GOVERNMENT

	charged with responsibility for the maintenance of the record sought to be inspected or copied.
B	Whenever any town 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 2-305 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS	
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A	The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:
	<ol style="list-style-type: none"> 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 is made. Fees are to be paid to the record custodian or town clerk; 8. The record custodian or town clerk shall demand full or partial prepayment of fees whenever the estimate or such fees exceeds the amount set out in Section 2-308 of this code; 9. No record search or copying fee shall be assessed against officers or employees of the town who make requests which are reasonably necessary to the performance of their

ADMINISTRATION AND GOVERNMENT

	<p>official duties;</p> <p>10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;</p> <p>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;</p> <p>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.</p>
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SECTION 2-306 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS	
A	The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:
	<ol style="list-style-type: none"> 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; 4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the town clerk.

SECTION 2-307 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS	
A	The following procedures apply regarding copies of records:
	<ol style="list-style-type: none"> 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 records; 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.

ADMINISTRATION AND GOVERNMENT

SECTION 2-308 FEES	
A	Where a request has been made for the inspection of an open public record, no fee shall be charged.
B	A fee per page as set by the board of trustees by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.
C	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 town, including the cost of labor, materials and equipment.
D	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 town of producing the record, including the cost of labor, materials and equipment.
E	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.

ALCOHOLIC BEVERAGES

PART 3 - ALCOHOLIC BEVERAGES

CHAPTER 1 ALCOHOLIC BEVERAGES	
SECTION	DESCRIPTION
3-101	Definition
3-102	Amount of tax
3-103	Application for license, conditions
3-104	Application for Certificate of zoning, code compliance
3-105	Compliance with state and town law
3-106	Sale to minors prohibited, minors prohibited from premises
3-107	Transportation of intoxicating beverages in vehicles; exception
3-108	General prohibition
3-109	Consumption of intoxicating beverages in public places
3-110	Misrepresentation of age
3-111	Employment of persons under age of twenty-one (21) prohibited
3-112	Persons under age twenty-one (21) in possession of intoxicating beverages in public prohibited
3-113	Location of retail package store and mixed beverage establishments, exceptions
3-114	Hours of Operation
3-115	Package store premises to be separated from premises where other business conducted
3-116	Sale or delivery prohibited on certain days

CHAPTER 2 ALCOHOLIC BEVERAGES	
SECTION	DESCRIPTION
3-201	Definition
3-202	State licenses
3-203	Retail dealer's license required; license fee
3-204	Application for license
3-205	Minors on premises prohibited, exceptions
3-206	Sale of intoxicating alcoholic beverages to minor prohibited
3-207	Employment of persons under eighteen (18) years; exceptions
3-208	Sale of intoxicating beverages prohibited during certain hours; exceptions
3-209	Transportation of intoxicating beverages in moving vehicles
3-210	Minors in possession of intoxicating alcoholic beverages prohibited while in public
3-211	Consumption of intoxicating alcoholic beverages in public places; penalty; exceptions
3-212	Misrepresentation of age by false or altered documentation
3-213	Inspections
3-214	Location of retail dealers

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3-114	Hours of Operation
3-115	Package store premises to be separated from premises where other business conducted
3-116	Sale or delivery prohibited on certain days

SECTION 3-101 DEFINITIONS	
A	Definition of terms used in this chapter shall be in conformity with those provided in Section 506 of Title 37 of the Oklahoma Statutes.
B	As used herein:
	<ol style="list-style-type: none"> 1. "ABLE Commission" means the Alcoholic Beverage Laws Enforcement Commission of the state; 2. Alcoholic beverage means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings, but does not include non- intoxicating beverages as that term is defined in Sec.3-201 of this chapter; 3. "Bottle club" means any establishment in a county which has not authorized the retail sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix serve, alcoholic beverages belonging to club members or club premises; it includes any association, person, firm or corporation, key club, locker club, pool club, or any other kind of club or association, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home.

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State Law Reference: Alcoholic Beverage Control Act, 37 O.S. Secs. 501 et seq.; town powers generally as to alcoholic beverages, 37 O.S. Sec. 503.

SECTION 3-102 AMOUNT OF TAXES																							
A	There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and pursuant to the provisions of Section 554.1 of Title 37 of the Oklahoma Statutes in the amount as set by the town board of trustees:																						
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">1. Brewer</td> <td style="text-align: right;">\$1,250.00</td> </tr> <tr> <td style="padding-left: 20px;">2. Distiller</td> <td style="text-align: right;">\$3,125.00</td> </tr> <tr> <td style="padding-left: 20px;">3. Winemaker</td> <td style="text-align: right;">\$625.00</td> </tr> <tr> <td style="padding-left: 20px;">4. Oklahoma winemaker</td> <td style="text-align: right;">\$75.00</td> </tr> <tr> <td style="padding-left: 20px;">5. Rectifier</td> <td style="text-align: right;">\$3,125.00</td> </tr> <tr> <td style="padding-left: 20px;">6. Wholesaler</td> <td style="text-align: right;">\$3,500.00</td> </tr> <tr> <td style="padding-left: 20px;">7. Class B Wholesaler</td> <td style="text-align: right;">\$625.00</td> </tr> <tr> <td style="padding-left: 20px;">8. Retail package store</td> <td style="text-align: right;">\$300.00</td> </tr> <tr> <td style="padding-left: 20px;">9. Mixed beverage establishment</td> <td style="text-align: right;">\$1000.00 initial \$900.00 renewal;</td> </tr> <tr> <td style="padding-left: 20px;">10. Caterer</td> <td style="text-align: right;">\$1000.00 initial</td> </tr> <tr> <td style="padding-left: 20px;">11. Special event, per day</td> <td style="text-align: right;">\$50.00</td> </tr> </table>	1. Brewer	\$1,250.00	2. Distiller	\$3,125.00	3. Winemaker	\$625.00	4. Oklahoma winemaker	\$75.00	5. Rectifier	\$3,125.00	6. Wholesaler	\$3,500.00	7. Class B Wholesaler	\$625.00	8. Retail package store	\$300.00	9. Mixed beverage establishment	\$1000.00 initial \$900.00 renewal;	10. Caterer	\$1000.00 initial	11. Special event, per day	\$50.00
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B	The occupation tax for those service organization which are exempt under Section 501 (c) (19) of the Internal Revenue Code for bottle club licenses shall be Five Hundred Dollars (\$500.00). The occupation tax for a brewer and a class "B" wholesaler is also the holder of a license from the state to manufacture or wholesale any non-intoxicating malt beverages as provided in Section 518 of Title 37 of the Oklahoma Statutes.																						
C	The occupation tax levied herein shall be paid in advance annually, on or before April 1, to the town clerk who shall issue a receipt therefore. The tax shall be prorated on a monthly basis for the year in which an occupation begins operations.																						
D	Upon payment of the occupation tax, the town clerk shall issue a receipt, signed by the town clerk, to the state licensee paying such occupational tax. The town clerk shall also record the name of the licensee and the address where the licensee engages in his occupation. Such record shall be duly filed and kept in the permanent files of the town for at least five (5) years. Thereafter, upon resolution by the board of trustees, it may be destroyed.																						
E	Any state licensee shall post his tax receipt in a conspicuous place on the premises wherein he carries on his occupation.																						
F	The occupation tax shall cover only the person paying the tax and no other of a successor thereof, and shall not be refundable.																						
G	The town clerk shall make and transmit to the ABLE commission an annual report showing the number and class of licenses subject to the tax and the amount of money received therefrom.																						
H	All sums due from any person by reason of occupation taxes imposed by this chapter and all penalties accruing from such																						

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	<p>person by reason of failure to pay such tax shall be recoverable at the suit of the town, brought against such person in any court of competent jurisdiction. In any suit, in addition to the tax and penalties, the plaintiff shall recover interest, at the rate of ten percent (10%) per annum, upon all sums due by way of tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including reasonable attorney's fees, all to be determined by the court. Persecution for an offense against the town, arising out of the failure to pay a tax levied by this chapter, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner to the collection of the tax and penalties, if any are due, as herein provided.</p>
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<p>State Law Reference: Cities may levy occupation tax not to exceed state fee, 37 O.S. Sec. 554.1; state license fee amounts, 37 O.S. Sec.518</p>

SECTION 3-103 APPLICATION FOR LICENSE CONDITION	
A	Every person desiring to obtain a license as provided for herein shall make application to the town clerk on forms to be provided setting forth the location of the business the names of all persons interested in the business, together with their addresses; If a corporation, the application shall include the name of the president and managing officer.
B	No licensee shall be issued a license without satisfactory showing that the applicant has:
	<ol style="list-style-type: none"> 1. Satisfied the conditions of the chapter; 2. Obtained all applicable state and county permits or licenses; and 3. Paid the tax as required therein.
C	No license shall be issued or valid unless the licensee meets the requirements of the town's zoning ordinances and regulations.

SECTION 3-104 APPLICATION FOR CERTIFICATE OF ZONING AND CODE COMPLIANCE	
A	Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the town required by Title 37 of the Oklahoma Statutes shall apply at the office of the town clerk by:
	<ol style="list-style-type: none"> 1. Filing a written application on forms prescribed by that office and 2. Paying a verification and certification fee in the amount as set by the board of trustees at the time of filing.
B	Upon receipt of an application for a certificate of compliance, the town clerk 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 or other safety codes applicable to it.
C	Upon finding that the premises of an applicant for a certificate

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	is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE commission.
D	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.
E	The town board shall act on such applications within twenty (20) days of receipt thereof. The above certificates of compliance shall be signed by the mayor.

SECTION 3-105 COMPLIANCE WITH STATE AND TOWN LAW	
No person shall own, operate or maintain a retail package store or mixed beverage establishment, or produce, manufacture, distribute, rectify, bottle or sell any beer, spirits, wine or other alcoholic beverages, without first obtaining valid licenses issued by the state and the town.	

SECTION 3-106 SALE TO MINOR PROHIBITED, MINORS PROHIBITED FROM PREMISES	
A	No person shall sell, deliver, furnish or give any alcoholic beverage to any person under the age of twenty-one (21) years, except that this sentence shall not apply to a parent or guardian as regards his child or children.
B	No licensee shall permit any person under twenty-one (21) years of age to enter, remain within or be about the premises of a retail package store or mixed beverage establishment.
C	No person under twenty-one (21) years of age shall enter, remain within or be about the premises of a retail package store or mixed beverage establishment.

SECTION 3-107 TRANSPORTATION OF INTOXICATING BEVERAGE IN VEHICLES; EXCEPTION	
A	No person shall knowingly transport alcoholic beverages in any vehicle upon any public highway, street or alley unless in the original container which is unopened, the seal unbroken and the original cap in place.
B	Subsection A of this section shall not apply if the opened container is in the rear trunk or compartment or the spare tire compartment in a vehicle commonly known as a station wagon or panel truck, or in any outside compartment which is inaccessible to the driver or any passenger while the vehicle is in motion.

State Law Reference: Similar provision, 37 O.S. Secs. 537

SECTION 3-108 GENERAL PROHIBITIONS	
A	No person shall:
	<ol style="list-style-type: none"> 1. Purchase any alcoholic beverage a retail or wholesale from any person other than a dealer licensed by the ABLE commission; 2. Except as otherwise permitted in this chapter, drink any

ALCOHOLIC BEVERAGES

	<p>alcoholic beverage in public except on the premises of a licensee who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place; or</p> <ol style="list-style-type: none"> 3. Open a container of intoxicating beverages or consume alcoholic beverages on the premises of a retail package store; or 4. Possess more than one quart of any alcoholic beverage unless the state tax has been paid thereon, except as may be otherwise provided by law.
B	No licensee shall:
	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 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 function 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.
C	No licensee shall:
	<ol style="list-style-type: none"> 1. Allow any person on the premises where non-intoxicating 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 simulates sexual acts; 3. Permit any person to use artificial devices or inanimate objects to depict any level activities; or 4. Permit the showing of films, still pictures, electronic

ALCOHOLIC BEVERAGES

	reproduction or other visual reproduction depicting any of the prohibited acts in this section.
D	No license shall permit any drink solicitation, or request from a patron to purchase any non-intoxicating or intoxicating alcoholic beverage for consumption on the premises of the licensee, as that term is defined in this chapter.

State Law Reference: Similar provision, 37 O.S. Secs. 537.

SECTION 3-109 CONSUMPTION OF INTOXICATING ALCOHOLIC BEVERAGE IN PUBLIC PLACES	
No person within the town shall drink intoxicating liquor in any public place, unless authorized by the Alcoholic Beverage Act, nor shall any person be intoxicated in a public place within the town.	

SECTION 3-110 MISREPRESENTATION OF AGE	
No person shall misrepresent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him alcoholic beverages.	

Cross References: Misrepresentation of age by false documents generally, Sec. 10-508; non-intoxicating beverages, see Sec. 3-212 of this code.

SECTION 3-111 EMPLOYMENT OF PERSONS UNDER AGE OF TWENTY-ONE (21) PROHIBITED	
No licensee shall employ, assist or aid in causing the employment of any person under the age of twenty-one (21) years in the selling, manufacture, distribution or other handling of alcoholic beverages. However, a mixed beverage, caterer, or special event licensee may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas.	

SECTION 3-112 PERSONS UNDER AGE TWENTY-ONE (21) IN POSSESSION OF INTOXICATING BEVERAGES IN PUBLIC PROHIBITED	
No person under age twenty-one (21) years of age shall be in possession of any alcoholic beverage while such person is upon any public street, road, highway or in any public place.	

SECTION 3-113 LOCATION OF RETAIL PACKAGE STORE AND MIXED BEVERAGE ESTABLISHS, EXCEPTIONS	
A	No person shall own, operate, maintain or have any interested in any retail package store which is located at a place in this town which is forbidden as a location for such store by state laws or town ordinances.
B	The location of retail package store or mixed beverage establishment 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

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hundred (300) feet of any licensed premises after such premises had been licensed, this shall not be a bar to renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force an effect. The distance 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 or mixed beverage establishment along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. A retail package store or mixed beverage establishment shall not be located on any town block where a church or school is located.

State Law Reference: Similar provision, 37 O.S. Secs. 518.2; Location as zoning classification, 37 O.S. Sec.528.2.

SECTION 3-114 HOURS OF OPERATION

- A No package store licensee shall set or keep a package store premises open for the purpose of selling any alcoholic beverages at any hour than between the hours of 10:00 A.M. and 9:00 P.M., Monday through Saturday.
- B No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a bottle club between the hours of 2:00 A.M. and 10:00 A.M. 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 bottle club between the hours of 2:15 A.M. to 10:00 A.M. No person having in his possession an open container, having as its contents an intoxicating alcoholic beverage, to remain in bottle club between the hours of 2:15 A.M. to 10:00 A.M. For the purpose of this section, an open container shall mean any receptacle containing non-intoxicating or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

SECTION 3-115 PACAGE STORE PREMISES TO BE SEPARATED FROM PREMISES WHERE OTHER BUSINESS CONDUCTED

No person shall maintain, operate, or assist in any manner in the maintenance or operation of a package store upon premises which are not separated from adjoining premises, on which any other goods, wares or merchandise are sold or services rendered, by non-transparent walls, broken only, if at all, by a passage to which the public is not admitted. No person shall take any alcoholic beverage through such passageway for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage.

State Law Reference: Similar provision, 37 O.S. Secs. 534.

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SECTION 3-116 SALE OR DELIVERY PROHIBITED ON CERTAIN DAYS	
A	No licensee shall engage in retail sale of alcoholic beverages on such days and times as prohibited by the state law.
B	No wholesale dealer in alcoholic beverage shall sell or deliver to any package store and no package store shall sell any amount of spirits or wines on Saturday or Sunday of any week or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day, or at any time while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county or town.

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CHAPTER 2 ALCOHOLIC BEVERAGES	
SECTION	DESCRIPTION
3-201	Definition
3-202	State licenses
3-203	Retail dealer's license required; license fee
3-204	Application for license
3-205	Minors on premises prohibited, exceptions
3-206	Sale of intoxicating alcoholic beverages to minor prohibited
3-207	Employment of persons under eighteen (18) years; exceptions
3-208	Sale of intoxicating beverages prohibited during certain hours; exceptions
3-209	Transportation of intoxicating beverages in moving vehicles
3-210	Minors in possession of intoxicating alcoholic beverages prohibited while in public
3-211	Consumption of intoxicating alcoholic beverages in public places; penalty; exceptions
3-212	Misrepresentation of age by false or altered documentation
3-213	Inspections
3-214	Location of retail dealers

SECTION 3-201 DEFINITIONS	
A	As used herein:
	<ol style="list-style-type: none"> 1. "Non-intoxicating beverage" means all beverages containing more than one-half of one (0.5) percent alcohol by volume, and not more than three and two-tenths (3.2) percent alcohol by weight; 2. "Minor" means a person who in accordance with state law, has not yet attained the age at which the consumption of non-intoxicating alcoholic beverages is permitted; and 3. "Retail dealer" means and includes any and all persons who sell, distribute or dispense any non-intoxicating alcoholic beverages at retail to the public for consumption or use, whether consumed on the premises or not.

State Law Reference: Manufacture and sale of non-intoxicating beverages, 37 O.S. Sec. 163.1, et seq.

SECTION 3-202 STATE LICENSES
No person shall engage in the business of selling, offering for sale or distributing any non-intoxicating beverages, at retail, for consumption or use, without first having obtained a state license to do so, and in cases where such beverages are consumed on the premises, a license as provides by the statutes of the state.

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SECTION 3-203 RETAIL DEALER'S LICENSE REQUIRED; LICENSE FEES	
A	No person shall sell, distribute or dispense any non-intoxicating beverages at retail to the public without first having obtained a license to do so from the town, and making payment in advance to the town clerk in the amount as provided herein.
B	The annual fee for a license under this chapter shall be Twenty Dollars (\$20.00) for retail dealers selling non-intoxicating beverages for consumption on or off the premises, and Ten Dollars (\$10.00) for retail dealers selling non-intoxicating beverages in original packages and not for consumption on the premises.
C	No license issued hereunder is transferable.
D	Licenses required by this chapter shall be issued by the town clerk upon payment of the required fee and compliance by the applicant with all applicable ordinances of the town, and upon a satisfactory showing that the applicant has obtained such state and county permits as are required by law.

State Law Reference: State licenses cities not to levy greater than state fee, 37 O.S. Sec. 163.7.

SECTION 3-204 APPLICATON FOR LICENSE	
An applicant for a retail dealer's license or renewal of such license shall deposit the required fee with the town clerk and submit an application on the form provided containing the information required by the town.	

SECTION 3-205 MINORS ON PREMISES PROHIBITED, EXCEPTIONS	
A	It is unlawful for any person who holds a license to sell and dispense non-intoxicating beverages 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 non-intoxicating beverages 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 non-intoxicating beverages, 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 exempt a licensee, agent, servant, or employee from the provisions of this section.
B	If the premises of a holder of a license to sell non-intoxicating beverages contain a separate or enclosed bar area which has as its main purpose the sale or serving of non-intoxicating beverages 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

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	than the sale or serving of non-intoxicating beverages, 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 non-intoxicating beverages anywhere on the premises; however, the incident 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.

State Law Reference: Similar provisions, 37 O.S. Sec. 241,243,246.

SECTION 3-206 SALE OF NON-INTOXICATING ALCOHOLIC BEVERAGES TO MINOR PROHIBITED

It is unlawful for any person who holds a license to sell and dispense non-intoxicating beverages, or any agent, servant or employee of the license holder, to sell, barter or give to any minor any non-intoxicating beverage. This section shall not apply to a parent as regard his own child or children.

State Law Reference: Similar provisions, 37 O.S. Sec. 241.

SECTION 3-207 EMPLOYMENT OF PERSONS UNDER EIGHTEEN (18) YEARS EXCEPTIONS

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 non-intoxicating beverages are 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 of a place where the main purpose of the area is the sale or consumption of non-intoxicating beverages. The provisions of this subsection shall not apply to any area which has as its main purpose some objectives other than the sale or serving of non-intoxicating 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 non-intoxicating beverages 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 excepted from the provisions of this section, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.
D	The provisions of Subsection A of this section shall not apply to any business or establishment where sales of the beverages do not exceed twenty-five percent (25%) of the gross sales of the business or establishment.

State Law Reference: Similar provisions, 37 O.S. Sec. 246.

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SECTION 3-208 SALE OF NON-INTOXICATING BEVERAGES PROHIBITED DURING CERTAIN HOURS: EXCEPTION	
A	No retail dealer licensed to sell non-intoxicating beverages shall sell such beverages for consumption on the premises between the hours of 2:00 A.M. and 7:00 A.M. on any day.
B	No retail dealer licensed to sell non-intoxicating beverages, as that term is defined in this chapter, for consumption on the premises, nor any operator, agent, or employee of the retail dealer, shall permit any person, who has in his possession an open container having as its content a non-intoxicating beverage, to remain in the premise between the hours of 2:15 A.M. to 7:00 A.M. No person having in his possession an open container having as its contents a non-intoxicating beverage shall remain in the premises between the hours of 2:15 A.M. to 7:00 A.M. For the purpose of this section, an open container shall mean any receptacle containing non-intoxicating or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

State Law Reference: Town powers to regulate hours, 37 O.S. Sec. 213.

SECTION 3-209 TRANSPORTATION OF INTOXICATING BEVERAGES IN MOVING VEHICLE	
No person shall knowingly transport in any moving vehicle upon a public highway, street or alley within the town non-intoxicating beverage except in the original container which shall have not been opened and from which the original cap or seal shall not have been removed, unless the open container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.	

State Law Reference: Similar provisions, 37 O.S. Sec. 537.

SECTION 3-210 MINORS IN POSSESSION OF INTOXICATING ALCOHOLIC BEVERAGES PROHIBITED WHILE IN PUBLIC	
No minor shall be in possession of any non-intoxicating beverages or beer while such person is upon any public street, building or place.	

SECTION 3-211 CONSUMPTION OF INTOXICATING ALCOHOLIC BEVERAGE IN PUBIC PLACES: PENALTY: EXCEPTION	
A	No minor shall consume or possess with intent to consume non-intoxicating beverages or beer while such person is upon any public street, building or place.
B	Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this code, or by appropriate community service not to exceed twenty (20) hours.

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C	The provisions of this section shall not apply when such persons are under the direct supervision of their parent or guardian; but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any places licensed to dispense beer as provided for in Section 163.11 and Title 37 of the Oklahoma Statutes.
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State Law Reference: Similar provisions, 37 O.S. Sec. 246.

SECTION 3-212 MISREPRESENTATION OF AGE BY FALSE OR ALTERED DOCUMENTATION

No person shall represent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him/her non-intoxicating beverages.

Cross Reference: Misrepresenting age by false documents generally, Sec. 10-508 of this code; intoxicating beverages, Sec 3-109 of this code.

SECTION 3-213 INSPECTION

Town officers may make inspections of all places of business where non-intoxicating beverages are sold, distributed, or dispensed at retail, for the purpose of enforcing the laws and for ascertaining whether the operators thereof are complying with the requirements of law relating to the handling of non-intoxicating beverages.

SECTION 3-214 LOCATION OF RETAIL DEALERS

No person shall own, operate, maintain or have any interest in any retail dealer which is located at a place in this town which is forbidden as a location for such store by state laws or town ordinances

State Law Reference: Similar provisions, 37 O.S. Sec. 518.2; Location as zoning classification, 37 O.S. Sec. 528.2

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PART 4 - ANIMALS

**CHAPTER 1
GENERAL PROVISIONS**

ARTICLE A - ANIMAL REGULATIONS

SECTION	DESCRIPTION
4-101	Definitions
4-102	Running at large, owners cited, enclosures
4-103	Control of animals required, regulations
4-104	Buildings, structures for animals, location
4-105	Noisy animals, nuisance, vicious animals
4-106	Pasturing in public areas illegal

ARTICLE B - LICENSING AND VACCINATION

SECTION	DESCRIPTION
4-121	Rabies vaccination required; certificate of vaccination; tags
4-122	Licenses required

ARTICLE C - IMPOUNDMENT REGULATIONS

SECTION	DESCRIPTION
4-131	Impoundment, disposition of animals
4-132	Breaking pound or interfering with impounding officers
4-133	Redemption, adoption, of animal

ARTICLE D - CRUELTY TO ANIMALS

SECTION	DESCRIPTION
4-141	Cruelty to animals
4-142	Poisoning animals
4-143	Encouraging animals to fight

ARTICLE E - ZONING ORDINANCE

SECTION	DESCRIPTION
4-151	Zoning ordinance to prevail

ARTICLE F - RABIES AND ANIMAL BITES

SECTION	DESCRIPTION
4-161	Animal bites, rabies examination; quarantine
4-162	Rabies diagnoses, quarantine of town; time limit
4-163	Killing or removing rabid animal prohibited
4-164	Reports of bite cases; report by veterinarian
4-165	Investigations for violation of chapter
4-166	Records

ARTICLE G - PENALTY

SECTION	DESCRIPTION
4-171	Penalty

CHAPTER 2 - (RESERVED)

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ARTICLE A - ANIMAL REGULATIONS	
SECTION	DESCRIPTION
4-101	Definitions
4-102	Running at large, owners cited, enclosures
4-103	Control of animals required, regulations
4-104	Buildings, structures for animals, location
4-105	Noisy animals, nuisance, vicious animals
4-106	Pasturing in public areas illegal

SECTION 4-101 DEFINITIONS	
A	As used in this chapter:
	<ol style="list-style-type: none"> 1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, turkey or any other animal or fowl; 2. At large" means: <ol style="list-style-type: none"> a. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, or b. Not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash not more than six (6) feet in length if off the premises of the owner; 3. "Fowl" means chickens, guineas, geese, ducks and pigeons; 4. "Owner" or "keeper" means any person, group of persons or corporation owning, keeping, maintaining or harboring. or having care or custody of, an animal or animals or fowl or birds; 5. "Provoke" or "provocation" means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person; 6. "Vicious animal" means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons when not unduly provoked; 7. "Without provocation" means that an animal was not teased, tormented or abused; and also means where the animal is not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.
B	All other words or phrases used herein shall be defined and interpreted according to their common usage.

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

SECTION 4-102 RUNNING AT LARGE, OWNERS CITED, ENCLOSURES	
A	No owner shall permit any animal, including fowl, owned, harbored or kept by him, to be at large within the town. It is unlawful for any animal to be at large within the town.

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B	Any animal running at large in the town may be: taken up and impounded at the animal shelter. The animal control officer may, at his discretion, cite the owner of such animal to appear in municipal court to answer charges of violation of this chapter.
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SECTION 4-103 CONTROL OF ANIMALS REQUIRED, REGULATIONS	
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A	It is unlawful for any owner or person to:
	<ol style="list-style-type: none"> 1. Fail to prevent any animal from running at large within the town. 2. Perform, do or carry out any inhumane treatment against any animal. 3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a health hazard as determined by the health officer or animal control officer; or 4. Turn any animal at large or release an animal, which is restrained or confined in an enclosure as required by this chapter.

SECTION 4-104 BUILDINGS, STRUCTURES FOR ANIMALS, LOCATIONS	
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A	Every building or place where any animal or fowl is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
B	No place where an animal is kept shall be kept closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept.
C	Every building where any animal is kept, if located within two hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and fly-tight receptacle for manure, of such size as to hold all accumulation of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.
D	The animal control officer or health officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may temporarily make a

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	complaint before the town court against any person for violation of any provision of this chapter or of any such reasonable order.
SECTION 105 NOISY ANIMALS, NUISANCE, VICIOUS ANIMALS	
A	No person shall keep any animal which causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.
B	No person shall keep any animal which is a nuisance or is vicious as defined in this code.

SECTION 4-106 PASTURING IN PUBLIC AREAS ILLEGAL	
It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property.	

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ARTICLE B - LICENSING AND VACCINATION	
SECTION	DESCRIPTION
4-121	Rabies vaccination required; certificate of vaccination; tags
4-122	Licenses required

SECTION 4-121 RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS	
A	No person shall own, keep or harbor any dog or cat within the town limits unless such dog or cat six (6) months of age or older is vaccinated for rabies annually.
B	Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense.
C	When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or check evidencing such vaccination and the year of vaccination.
D	It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection C to the dog or cat and it shall be unlawful for any person to remove such tag or check without the owner's consent.

State Law Reference: Town's power to regulate dogs, 11 O.S. Sec. 22-115
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SECTION 4-122 LICENSES REQUIRED	
A	No person shall own, keep, harbor or have custody of any animal over three (3) months of age without first obtaining a license from the town clerk and paying the required fee.
B	The annual license fee for animals shall be set by the town board by motion or resolution.
C	This section shall not apply to the keeping of small caged birds or to aquatic and amphibian animals kept solely as pets. This section shall not apply to the keeping of animals brought or kept within the town, nor to "seeing eye" dogs when such dog is actually used to aid a blind person.

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ARTICLE C - IMPOUNDMENT REGULATIONS	
SECTION	DESCRIPTION
4-131	Impoundment, disposition of animals
4-132	Breaking pound or interfering with impounding officers
4-133	Redemption, adoption, of animal

SECTION 4-131 IMPOUNDMENT,DISPOSITION OF ANIMALS	
A	The town may operate on its own or contract with an outside agency to serve as the town's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter.
B	Any animal found running at large shall be picked up and immediately impounded in the animal shelter and there confined in an humane manner. Fees for impoundment shall be as provided by the shelter or the town board. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

SECTION 4-132 BREAKING POUND OR INTERFERING WITH OFFICERS	
A	If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any town pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the town pound any animal liable to be impounded, he shall be guilty of an offense.
B	No person shall interfere with, or hinder, or molest any agent of the town in the performance of any duty of such agent, or seek to release any animal in the custody of the town or its agents, except as provided by law.

SECTION 4-133 REDEMPTION, ADOPTION OF ANIMAL	
An owner of an impounded animal or his agent may redeem the animal prior to its sale or destruction as provided for herein by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. If the owner or his agent has not redeemed the animal within the first five (5) days after the impoundment of the animal, the animal may be otherwise disposed of as provided for herein.	

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ARTICLE D - CRUELTY TO ANIMALS	
SECTION	DESCRIPTION
4-141	Cruelty to animals
4-142	Poisoning animals
4-143	Encouraging animals to fight

SECTION 4-141 CRUELTY TO ANIMALS
It is unlawful for any person, willfully and maliciously, to pour on, or apply to, any animal any drug or other thing which inflict pain on the animal; or to knowingly treat an animal in a cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-142 POISONING ANIMALS
It is unlawful for a person willfully to poison any dog or other animal except a noxious, non-domesticated animal, or to knowingly expose poison so that the same may be taken by an animal.

SECTION 4-143 ENCOURAGING ANIMALS TO FIGHT
It is unlawful for any person to instigate or encourage a fight between animals or to encourage one animal to attack, pursue or annoy another animal except a noxious, non-domesticated animal, or to keep a house, pit or other place used for fights between animals.

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ARTICLE E - ZONING ORDINANCE	
SECTION	DESCRIPTION
4-151	Zoning ordinance to prevail

SECTION 4-151 ZONING ORDINANCE TO PREVAIL
In case of any conflict between the provisions of this chapter and the zoning ordinance, the zoning ordinance shall prevail.

Cross Reference: See sections 12-201 et seq. on the zoning ordinance

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ARTICLE F - RABIES AND ANIMAL BITES	
SECTION	DESCRIPTION
4-161	Animal bites, rabies examination; quarantine
4-162	Rabies diagnoses, quarantine of town; time limit
4-163	Killing or removing rabid animal prohibited
4-164	Reports of bite cases; report by veterinarian
4-165	Investigations for violation of chapter
4-166	Records

SECTION 4-161 RABIES AND ANIMAL BITES	
A	Every animal that bites or scratches a person shall be reported within four (4) hours to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the town and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four-hour period herein will make him guilty of an offense.
B	The owner, upon demand by any town officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies.

SECTION 4-162 RABIES DIAGNOSIS, QUARANTINE OF TOWN, TIME LIMIT	
A	When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the property public health officer of reports of human contacts and diagnosis made of the suspected animal.
B	When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the town may recommend a town-wide quarantine for a period of six (6) months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the town without written permission of the animal control officer of the town.
C	During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.
D	In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months.

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

SECTION 4-163 KILLING OR REMOVING RABID ANIMAL PROHIBITED

A	No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove the animal from the town limits without written permission from the health officer of the town, or the animal control officer.
B	The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.
C	The animal control officer shall direct the disposition of any animal found to be infected with rabies.
D	No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense.

SECTION 4-164 REPORTS OF BITE CASES, REPORT BY VETERINARIAN

A	It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
B	It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

SECTION 4-165 INVESTIGATIONS FOR VIOLATION OF CHAPTER

A	For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored, and to demand the exhibition by the owner of such dog or cat or small animal.
B	The animal control or health officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal, and to take possession of such animal when, in his opinion, it requires humane treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal licenses at any time.

SECTION 4-166 RECORDS

The animal control officer shall keep or cause to be kept:	
A	An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody;
B	An accurate and detailed record of all bite cases reported to the town, with a complete report of the investigation of each case.

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ARTICLE G - PENALTY	
SECTION	DESCRIPTION
4-171	Penalty

SECTION 4-171 PENALTY	
A	Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code unless specified.
B	<ol style="list-style-type: none">1. Any owner who violates any provisions of this chapter, or who violates or refuses or neglects to carry out any reasonable order made by a health officer or a peace officer pursuant to this chapter shall upon conviction be guilty of a misdemeanor.<ol style="list-style-type: none">(a) First offense-Impound dog and written warning.(b) Second offense-Impound dog and written citation, fine not to exceed one hundred dollars (\$100.00).(c) Third offense-Impound dog and written citation, fine not to exceed five hundred dollars (\$500.00).2. A twenty five dollar (\$25.00) impound fee and a ten dollars (\$10.00) a day charge will be charged to the owner.3. The owner will be responsible for the required fee when the dog is euthanized.4. Every day's violation of any provision of this chapter or of such order of the health officer or peace officer shall constitute a separate offense.

ANIMALS

CHAPTER 2 - (RESERVED)

BUILDING REGULATIONS AND CODES

PART 5 - BUILDING REGULATIONS AND CODES

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BUILDING REGULATIONS AND CODES	
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5-102	Additions and changes to building code
5-103	Penalty
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CHAPTER 2	
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5-304	Electricians; registration; fees
5-305	Transfer of registration prohibited
5-306	Exception
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CHAPTER 1	
BUILDING REGULATIONS AND CODE	
SECTION	DESCRIPTION
5-101	Building code adopted
5-102	Additions and changes to building code
5-103	Penalty
5-104	Fire limits defined
5-105	Building permit required, fee

SECTION 5-101 BUILDING CODE ADOPTED

The BOCA National Building Code, the latest edition thereof, as published by the Building Officials and Code Administrators, International, Inc., is hereby adopted as the building code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the 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.

State Law Reference: Adoption of building codes, authorized codes, 11 O.S. Section 14-107; 74 O.S. Section 324.8.

SECTION 5-102 ADDITIONS AND CHANGES TO BUILDING CODE

The following sections of the town's building code are hereby revised:

1. Insert Town of Kiowa;
2. Insert that applicable fees are set by the town by motion or resolution;
3. Insert that offenses are punishable as provided in Section 1-108 of the town's code.

SECTION 5-103 PENALTY

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

SECTION 5-104 FIRE LIMITS DEFINED

The boundaries of the fire limits of the town shall be as established by the town board.

SECTION 5-105 BUILDING PERMIT REQUIRED, FEE

A It is unlawful for any person, firm, or corporation to construct, alter, or move a building or structure, or to begin to do the same, without securing from the town clerk a permit therefore.

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B	For a permit for the construction or alteration of a building or structure, the fee shall be as set by the board of trustees by motion or resolution.
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CHAPTER 2 PLUMBING REGULATIONS	
SECTION	DESCRIPTION
5-201	Plumbing code adopted
5-202	Additions, insertions and changes to plumbing code
5-203	Plumbers; registration; fees
5-204	Issuance of a permit, inspections
5-205	Exception
5-206	Application for permit
5-207	Lead piping prohibited
5-208	Penalty

SECTION 5-201 PLUMBING CODE ADOPTED
<p>A certain document, at least one (1) copy of which is on file in the office of the town clerk, being marked and designated as "The BOCA National Plumbing Code," the latest version thereof, and any revisions or amendments thereto, as published by the Building Officials and Code Administrators International, Inc. is hereby adopted as the plumbing code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this code, with additions, insertions and changes, if any, prescribed in this chapter.</p>

<p>State Law Reference: Plumbing regulations and licensing 59 O.S. Section 1001 et seq.</p>
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SECTION 5-202 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE
<p>The following sections are hereby revised as follows:</p>
<ol style="list-style-type: none"> 1. Insert Town of Kiowa; 2. Insert that applicable fees are set by the town by motion or resolution, 3. Insert that offenses are punishable as provided in Section 1-108 of the town's code of ordinances.

SECTION 5-203 PLUMBERS;REGISTRATION
<p>A No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber, or a plumber's apprentice unless he is registered as such with the plumbing inspector of the town as required in the town's plumbing code. The registration fees to be inserted in the code, and to be paid to the town clerk are as follows:</p> <ol style="list-style-type: none"> 1. Plumbing contractor; 2. Journeyman plumber; 3. Apprentice plumber.
<p>Payment of fee shall accompany the application. All registration certificates shall expire on the 30th day of June of each year. However, all plumbers presently holding paid-up licenses from the town shall be given credit pro rata for the unexpired portion thereof in the event they do register under the code within</p>

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	thirty (30) days from the effective date thereof. Otherwise, all original applicants for registration shall pay a full year's fee as hereinabove designated, save and except that those original applicants who are registered after January 1, upon the first renewal of the registration, be entitled to credit for the renewal year in an amount as will give them credit pro rata on the unused portion of their first year's registration.
B	Bond and insurance requirements of plumbing contractors shall meet the requirements established by state law prior to the issuance of a license or registration.
C	All fees provided for in this chapter shall be paid to the town clerk for deposit to the account of the town.

State Law Reference: State plumbing licenses required, cities may require registration, 59 O.S. Sections 1001 et seq.

SECTION 5-204 ISSUANCE OF A PERMIT; INSPECTIONS	
A	No plumbing work, unless excepted in this code, shall be undertaken prior to the issuance of a permit therefore by the plumbing inspector. A permit shall be issued to a registered plumbing contractor only, except as provided in this code.
B	Upon the completion of the installation of any plumbing device, or equipment, it shall be the duty of the person, firm or corporation installing same to notify the plumbing inspector and the inspector shall inspect the installation within twenty-four (24) hours after notice is given.
C	If upon inspection it is found that any part of the installation does not comply with the provisions of this chapter, the inspector shall give notice in writing of the violation to the person, firm or corporation to whom the permit is issued.

SECTION 5-205 EXCEPTIONS	
Any permit required by this chapter may be issued to any person to do any work required by this chapter in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the person is the bona fide owner of such dwelling and that the same will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. The plumbing inspector must inspect the work to see that it complies with this chapter and the owner shall pay the regular schedule fees for permits.	

SECTION 5-206 APPLICATION FOR A PERMIT	
Application for a permit for plumbing work shall be made on suitable forms provided by the plumbing inspector. The application shall be accompanied by fees in accordance with the schedule set by the town.	

SECTION 5-207 LEAD PIPING PROHIBITED	
Lead pipe and solder containing lead is prohibited for use in the town water system.	

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SECTION 5-208 PENALTY

A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

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CHAPTER 3 ELECTRICAL CODE	
SECTION	DESCRIPTION
5-301	National Electrical Code adopted
5-302	Permit required
5-303	Fees for permits and inspections
5-304	Electricians; registration; fees
5-305	Transfer of registration prohibited
5-306	Exception
5-307	Penalty

SECTION 5-301 NATIONAL ELECTRICAL CODE ADOPTED

The National Electrical Code, the latest edition thereof, as approved by the American Standards Association, for the installation of electrical wiring, devices and equipment is hereby adopted as the minimum standard for the installation of all electrical wiring, devices and equipment in the town, except as otherwise specifically provided in this chapter. The National Electrical Code is hereby made a part of this code as fully and to the same extent as if copied here in full, provided that the present or current issue of the National Electrical Code and any subsequent amendments thereto shall be considered as the National Electrical Code as that term is used herein. In the event of any conflict between the provisions of this chapter and the National Electrical Code, then in such event the provisions of this chapter shall govern.

SECTION 5-302 PERMIT REQUIRED

A	Before any electrical wiring, device or equipment, subject to the provisions of this chapter, is altered or repaired, a permit therefore must be obtained from the electrical inspector. The permit shall state the location of the work to be done, a description of the work and whether it will consist of a new installation, or addition or repair or alteration of an old installation, and the name of the owner or occupant of the building or premises. Unless the permit is for work exempted in this code, the permit shall be issued only in the name of a licensed electrical contractor upon the presentation of an application by the contractor in person. An agent or employee of the contractor shall not be allowed to act on behalf of the contractor.
B	The permit, when issued, shall be for such installation as described in the application and no deviation shall be made from the installation so described without the written approval of the electrical inspector.
C	If upon inspection, it is found that any part of the installation does not comply with the provisions of this chapter, the inspector shall give notice in writing, of the violation to the person, firm or corporation to whom the permit was issued.

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SECTION 5-303 FEES FOR PERMITS AND INSPECTIONS
Before any permit is granted for the installation, alteration or repair of any electrical wiring, devices or equipment, the person, firm or corporation making application for such permit shall pay to the town a fee in the amount set by the town. All fees provided for in this chapter shall be paid to the town clerk for deposit to the account of the town.

SECTION 5-304 ELECTRICIANS:REGISTRATION FEES	
A	No person shall practice or engage in the business, trade or electrical contractor, journeyman electrician or electrician's apprentice unless he holds a current license obtained from the state, and is registered as such with the electrical inspector of the town as required in the State Electrical License Act. The registration fees shall be as set by the town board as follows: 1 Electrical contractor 2 Journeyman electrician 3 Apprentice electrician
B	Payment of fee shall accompany the application. All registration certificates shall expire on the 30th day of June of each year. However, all electricians presently holding paid-up registration certificates from the town shall be given credit pro rata for the unexpired portion thereof in the event they do register under the code within thirty (30) days from the effective date thereof. Otherwise, all original applicants for registration shall pay a full year's fee as herein above designated, save and except that those original applicants who are registered after January 1, upon the first renewal of the registration, be entitled to credit for the renewal year in an amount as will give them credit pro rata on the unused portion of their first year's registration.
C	Bond and insurance requirements of electrical contractors shall meet the requirements established by state law prior to the issuance of a license or registration.

State Law References: State electrical licenses required, 59 O.S. Sections 1680 to 1696
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SECTION 3-305 TRANSFER OF REGISTRATION PROHIBITED
No registration issued in accordance with the provisions of this chapter shall be transferable. Any holder of a license who shall permit or allow same to be used by any other party to obtain a permit to do electrical work as specified in this chapter shall be subject to having such license revoked by the town board. All registrations expire on June 30 of each year and are subject to renewal on or before June 30 by paying the renewal registration fees as required by this chapter.

SECTION 3-306 EXCEPTION
Any permit required by this chapter may be issued to any person to do any work required by this chapter in a single family dwelling used exclusively for living purposes, including the usual accessory

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buildings and quarters in connection with such buildings, provided the person is the bona fide owner of such dwelling and that the same will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. The electrical inspector must inspect the work to see that it complies with this chapter and the owner shall pay the regular schedule fees for permits.

SECTION 5-307 PENALTY

A violation of this chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

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CHAPTER 4	
GAS PIPING CODE	
SECTION	DESCRIPTION
5-401	Code adopted
5-402	Penalty

SECTION 5-401 CODE ADOPTED
The National Fuel Gas Code, as issued by the National Fire Protection Association, the latest edition thereof, is hereby adopted, incorporated and made a part hereof as if fully set out in this code, with the insertions, deletions and changes if any prescribed in this chapter. State licensed plumbing and mechanical contractors and persons authorized to install gas piping under state licensing laws are authorized to do so under this code.

SECTION 5-402 PENALTY
Any person who shall do any act prohibited by this chapter or fail or refuse to comply therewith or fail or refuse to obey a lawful order of the inspector shall be punished by a fine as provided in Section 1-108 of this code.

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CHAPTER 5	
LIQUIFIED PETROLEUM GAS	
SECTION	DESCRIPTION
5-501	Persons must comply with code
5-502	Penalty

SECTION 5-501 PERSONS MUST COMPLY WITH CODE
The National Fire Protection Association Pamphlet No. 58 entitled Storage and Handling of Liquefied Petroleum Gases, also adopted by the Oklahoma Liquefied Petroleum Gas Board, is adopted and incorporated herein by reference and shall have full force and effect within this town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished accordingly.

State Law Reference: See 32 O.S. Sections 420.1 et seq. For provisions in state law.

SECTION 5-502 PENALTY
Any person, firm, or corporation who shall violate this ordinance, or any section or part of section thereof, is guilty of an offense, and upon conviction thereof shall be punished by a fine as provided in Section 1-108 of this code.

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CHAPTER 6	
MOVING BUILDINGS	
SECTION	DESCRIPTION
5-601	Permits required

SECTION 5-601 MOVING BUILDINGS
<p>It is unlawful for any person to move any house or building in, along, across or over, any street or alley in the town limits without first having obtained a permit from the board of trustees of the town. The board of trustees shall issue the permit upon approval of the proposed move and proper application of the person for a fee to be set by motion or resolution. The permits are good for a five-day period from date of issue. Any person moving such house or building shall plank all street crossings and sidewalks to prevent damage to the streets and sidewalks or protect them as required by the town. Town Police Department to be notified of any pending move of buildings or houses before any moving is done. Moving any buildings on skids prohibited unless on an appropriate trailer.</p>

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CHAPTER 7 MECHANICAL CODE	
SECTION	DESCRIPTION
5-701	Adoption of mechanical code
5-702	Additions, insertions and changes
5-703	Permit required
5-704	Fees for permits and inspections
5-705	Mechanical registrations; fees
5-706	Transfer of registration prohibited
5-707	Exception
5-708	Penalty

SECTION 5-701 ADOPTION OF MECHANICAL CODE
<p>The BOCA National Mechanical Code, the latest version thereof, as published by The Building Officials and Code Administrators, International, Inc., is hereby adopted as the mechanical code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the 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. At least one (1) copy of the code is kept on file in the town clerk's office.</p>

SECTION 5-702 ADDITIONS, INSERTIONS AND CHANGES
<p>The sections are hereby revised as follows:</p> <ol style="list-style-type: none"> 1. Insert Town of Kiowa 2. Insert that applicable fees shall be set by the town by motion or resolution. 3. Insert that offenses are punishable as provided in Section 1-108 of the town code of ordinances.

SECTION 5-703 PERMIT REQUIRED	
A	<p>It is unlawful for any person, firm or corporation to install, alter or repair any mechanical device or equipment, subject to the provisions of this chapter, without first securing a permit therefore from the town, stating the location of the work to be done, a description of the work and whether it will consist of a new installation, or addition thereto, and the name of the owner or occupant of the building or premises. The permit, when issued, shall be to such person.</p>
B	<p>The permits, when issued, shall be for such installation as described in the application and no deviation shall be made from the installations as described without the written approval of the town.</p>

SECTION 5-704 FEES FOR PERMITS AND INSPECTIONS
<p>Before any permit is granted for the installation, alteration or repair of any mechanical devices or equipment, the person, firm or</p>

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corporation making application for such permit shall pay to the town a fee as set by the town. All fees provided for in this chapter shall be paid to the town clerk for deposit to the account of the town.

SECTION 5-705 MECHANICAL REGISTRATION; FEES

A	No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical plumber, or a mechanical apprentice unless he is registered as such with the town as required in the town's mechanical code. The registration fees to be inserted in the code and to be paid to the town clerk shall be as set by the town board as follows: <ol style="list-style-type: none">1. Mechanical contractor;2. Mechanical journeyman;3. Mechanical apprentice.
	Payment of fee shall accompany the application. All registration certificates shall expire on the 30th day of June of each year. However, all mechanical registrants presently holding paid-up licenses from the town shall be given credit pro rata for the unexpired portion thereof in the event they do register under the code within thirty (30) days from the effective date thereof. Otherwise, all original applicants for registration shall pay a full year's fee as hereinabove designated, save and except that those original applicants who are registered after January 1, upon the first renewal of the registration, be entitled to credit for the renewal year in an amount as will give them credit pro rata on the unused portion of their first year's registration.
B	Bond and insurance requirements of mechanical contractors shall meet the requirements established by state law prior to the issuance of a license or registration.

State Law Reference: State mechanical licenses required, cities may require registration, 59 O.S. Sections 1850.1 et seq.

SECTION 5-706 TRANSFER OF REGISTRATION PROHIBITED

No registration issued in accordance with the provisions of this chapter shall be transferable. Any holder of a registration who shall permit or allow same to be used by any other party to obtain a permit to do mechanical work as specified in this chapter shall be subject to having such registration revoked by the town. All registrations expire on June 30 of each year and are subject to renewal on or before June 30 by paying the renewal registration fee as required by this chapter.

SECTION 5-707 EXCEPTIONS

Any permit required by this chapter may be issued to any person to do any work required by this chapter in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the person is the bona fide owner of such dwelling and that the same will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. The building inspector or plumbing inspector must inspect the work to see

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that it complies with this chapter and the owner shall pay the regular schedule fees for permits.

Section 5-708 PENALTY

A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

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CHAPTER 8 FAIR HOUSING	
SECTION	DESCRIPTION
5-801	Policy
5-802	Definitions
5-803	Unlawful practice
5-804	Discrimination in the sale or rental of housing
5-805	Discrimination in the financing or housing
5-806	Discrimination in the provision of brokerage services
5-807	Exemption
5-808	Administration
5-809	Education and conciliation
5-810	Enforcement
5-811	Investigation; subpoenas; giving of evidence
5-812	Enforcement by private persons
5-813	Interference, coercion, or intimidation
5-814	Prevention of intimidation in fair housing cases

SECTION 5-801 POLICY
It is the policy of the town to provide, within constitutional limitations, for fair housing throughout the town.

SECTION 5-802 DEFINITIONS
As used herein:
<ol style="list-style-type: none"> 1. "Discriminatory housing practice" means an act that is unlawful under Section 5-804 through Section 5-806; 2. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended or 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; 3. "Family" includes a single individual. 4. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries; and 5. "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.

SECTION 5-803 UNLAWFUL PRACTICE
Subject to the provisions of paragraph 2 of this section and Section 5-807, the prohibitions against discrimination in the sale or rental of housing set forth in Section 5-803 shall apply to:
<ol style="list-style-type: none"> 1. All dwellings except as exempted by paragraph 2 of this section; 2. Nothing in Section 5-804 shall apply to: <ol style="list-style-type: none"> a. Any single-family house sold or rented by an owner

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provided:

that such private individual owner does not own more than three(3) such single-family houses at any one time:

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 this subsection shall apply only with respect to one such sale within any twenty-four (24) month period:

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 or rental of, more than three (3) such single-family houses at any one time:

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:

- (1) 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 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
- (2) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of paragraph 3 of Section 5-804 of this chapter, but 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
 - a. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;
- (3) For the purposes of paragraph 2, a person shall be deemed to be in the business of selling or renting dwellings if:
 - a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;
 - b. He has, within the preceding twelve (12) months, participated as an agent, other than in the sale

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	of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.
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SECTION 5-804 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by Section 5-803 and except as exempted by paragraph 2 of Section 55803 and Section 5-807, it shall be unlawful:

	<ol style="list-style-type: none">1. 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, a dwelling to any person because of race, sex, color, religion, national origin, handicap, or familial status;2. To discriminate against any person in the terms, conditions, 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, national origin, handicap, or familial status;3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a 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;4. 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; or5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, or national origin, handicap, or familial status.
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SECTION 5-805 DISCRIMINATION IN THE FINANCING OR HOUSING

	It shall be unlawful for any bank, building and 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, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or their 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 the purposes of such loan or other financial
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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 paragraph 2 of Section 5-803.

SECTION 5-806 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or 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 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 5-807 EXEMPTION

Nothing in this chapter 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 dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, handicap or familial status. Nor shall anything in this chapter 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 5-808 ADMINISTRATION

A	The authority and responsibility for administering this chapter shall be in the chief executive officer of the town.
B	The chief executive officer may delegate any of these functions, duties, and powers to employees of the town or to boards of such employees, including functions, 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 chapter. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the town, to boards of officers or to himself, 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 chapter and shall cooperate with the chief executive officer to further such purposes.

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SECTION 5-809 EDUCATION AND CONCILIATION	
Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.	

SECTION 5-810 ENFORCEMENT	
A	Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured 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 in such form as the chief executive officer requires. Upon receipt of such a 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 (30) days after receiving a complaint, or within thirty (30) 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 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 chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be (upon conviction) punished as provided in Section 1-108 of this code.
B	A complaint under Subsection A shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations 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 (30) days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) 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.

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D	If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent names in the complaint to enforce the rights granted or protected by this chapter, 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	In 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 5-811 INVESTIGATION; 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 may examine, record, and copy such materials and take and 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 compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as 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 limitations 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 issued at his 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 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.
D	Any person, such person may petition the chief executive officer to Within five (5) days after services of a subpoena upon any revoke or modify the subpoena. The chief executive officer shall

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	grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which 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, or 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 punished as provided in Section 1-108 of this code. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be punished as provided in Section 1-108 of this code.
G	The town attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this chapter.

SECTION 5-812 ENFORCEMENT BY PRIVATE PERSONS

A	The rights granted by Sections 5-803 through 5-806 and may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: provided however, that the court shall continue such civil case brought pursuant to this section or Subsection D of Section 5-810 from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court: and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.
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

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	not more than One Thousand Dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorneys fees in the case of a prevailing plaintiff. Provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees.
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SECTION 5-813 INTERFERENCE, COERCION, OR INTIMIDATION

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on 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 5-803 through 5-806. This section may be enforced by appropriate civil action.

SECTION 5-814 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. Any person because of his race, color, religion, national origin, handicap or familial status and because he 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 or participating in any service, organization, or facility relating to the business of selling or renting dwellings;
2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - a. Participating, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in paragraph 1 of this section;
 - b. Affording another person or class of persons opportunity or protection so to participate; or
3. Any citizen because he is or 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, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in paragraph 1 of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be punished as provided in Section 1-108 of this code; and if bodily injury results shall be punished as provided in Section 1-108 of this code, and if death results shall be subject to punishment as provided in Section 1-108 of this code.

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CHAPTER 9	
MOBILE HOME REGULATIONS	
SECTION	DESCRIPTION
5-901	Mobile home regulations

SECTION 5-901 MOBILE HOME REGULATIONS	
The following mobile home regulations are adopted:	
	<ol style="list-style-type: none">1. Mobile homes must be placed on a lot not less than one hundred (100) by fifty (50) feet. For a double-wide mobile home, the lot must be at least one hundred (100) by seventy-five (75) feet;2. Only one mobile home is permitted per lot.3. Mobile homes must be tied down with long anchors, approximately five (5) feet long.4. Mobile homes must be skirted.5. Mobile homes must be inspected when being connected to town water and sewer lines.6. Mobile homes must have a fire lane between structures of at least thirty-five (35) feet.7. No travel trailer or recreational vehicle may be parked permanently on a mobile home lot;8. A permit is required for placing or installing a mobile home on any lot. Inspections will be performed at that time to determine code compliance. Approval is required prior to placing any mobile home on a lot in the town.

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CHAPTER 10	
PENALTY	
SECTION	DESCRIPTION
5-1001	Penalty
5-1002	Relief in the courts

Section 5-1001 Penalty
Any person who engages in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without first having a valid license, permit, certificate or 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 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 in this part, shall be guilty of an offense, punishable as provided in Section 1-108 of this code. Each day upon which a violation continues shall be deemed a separate offense.

SECTION 5-1002 RELIEF IN THE COURTS
No penalty imposed by and pursuant to this part shall interfere with the right of the town also to apply to the proper courts of the state for mandamus, an injunction, or other appropriate action against such person.

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PART 6 - COURT

CHAPTER 1	
COURT PROCEDURE	
SECTION	DESCRIPTION
6-101	<u>Definitions</u>
6-102	<u>Purpose</u>
6-103	<u>Jurisdiction</u>
6-104	<u>Change of venue; disqualification of judge</u>
6-105	<u>Chief of Police as principal officer of court</u>
6-106	<u>Clerk of Court; duties</u>
6-107	<u>Town attorney; powers and duties</u>
6-108	<u>Bond</u>
6-109	<u>Authority of judge to prescribe rules</u>
6-110	<u>Traffic violations bureau created; payment of fines, fines in lieu of appearance</u>
6-111	<u>Schedule of fines</u>
6-112	<u>Prosecutions; filing of complaint, defects raised only prior to trial</u>
6-113	<u>Ordinance violations; procedures for issuing citations; custody, arrest</u>
6-114	<u>Traffic bail bond act</u>
6-115	<u>Issuance of summons; failure to appear</u>
6-116	<u>Failure to appear according to terms of bond, bond forfeiture, bench warrant</u>
6-117	<u>Complainant, witnesses, failure to appear</u>
6-118	<u>Issuance of warrant</u>
6-119	<u>Procedures for bail or bond, bond schedule</u>
6-120	<u>Arraignment</u>
6-121	<u>Postponement of trial</u>
6-122	<u>Defendant's presence required at trial</u>
6-123	<u>Right to trial by jury, waiver</u>
6-124	<u>Procedure for trials not within scope of chapter</u>
6-125	<u>Judgment</u>
6-126	<u>Judgment of imprisonment</u>
6-127	<u>Suspension or deferment of judgment, powers</u>
6-128	<u>Payment of costs by defendant</u>
6-129	<u>Enforcement of fines and costs, imprisonment, work and community service</u>
6-130	<u>Same offense punishable by different sections of the code</u>
6-131	<u>Contempt of court</u>
6-132	<u>Penalty assessments</u>
6-133	<u>Fines, recoverable by civil action; failure to pay separate offense, imprisonment</u>

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CHAPTER 2	
JUDGE	
SECTION	DESCRIPTION
6-201	Judge; created; qualifications
6-202	Term of office of judge
6-203	Appointment of judge, alternate judge
6-204	Acting judge
6-205	Compensation
6-206	Removal of judge from office
6-207	Vacancy

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CHAPTER 1	
COURT PROCEDURE	
SECTION	DESCRIPTION
6-101	Definitions
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6-103	Jurisdiction
6-104	Change of venue; disqualification of judge
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6-107	Town attorney; powers and duties
6-108	Bond
6-109	Authority of judge to prescribe rules
6-110	Traffic violations bureau created; payment of fines, fines in lieu of appearance
6-111	Schedule of fines
6-112	Prosecutions; filing of complaint, defects raised only prior to trial
6-113	Ordinance violations; procedures for issuing citations; custody, arrest
6-114	Traffic bail bond act
6-115	Issuance of summons; failure to appear
6-116	Failure to appear according to terms of bond, bond forfeiture, bench warrant
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6-118	Issuance of warrant
6-119	Procedures for bail or bond, bond schedule
6-120	Arraignment
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6-124	Procedure for trials not within scope of chapter
6-125	Judgment
6-126	Judgment of imprisonment
6-127	Suspension or deferment of judgment, powers
6-128	Payment of costs by defendant
6-129	Enforcement of fines and costs, imprisonment, work and community service
6-130	Same offense punishable by different sections of the code
6-131	Contempt of court
6-132	Penalty assessments
6-133	Fines, recoverable by civil action; failure to pay separate offense, imprisonment

SECTION 6-101 DEFINITIONS	
As used in this chapter:	
	<ol style="list-style-type: none"> 1. "Chief of Police" means the peace officer in charge of the police force of the town. 2. "Clerk" means the court clerk as appointed by the town, including any deputy or member of the office staff of the

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	<p>clerk while performing duties of the clerk's office;</p> <ol style="list-style-type: none">3. "Court" means the municipal criminal court of this town;4. "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; and5. "This judicial district" means the district court judicial district of the state wherein the government of this town is situated.
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State Law Reference: Municipal Courts generally, 11 O.S. Secs.27-101 et seq.

SECTION 6-102 PURPOSE

This chapter shall govern the organization and operation of the municipal criminal court of the town, as put into operation by resolution duly passed and filed in accordance with law, as authorized by state statutes. To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of this town, the provisions of this chapter shall control.

SECTION 6-103 JURISDICTION

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

SECTION 6-104 CHANGE OF VENUE;DISQUALIFICATION OF JUDGE

In prosecutions before the court, no change of venue shall be allowed. The judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an acting judge, appointed as provided in this chapter.

SECTION 6-105 CHIEF OF POLICE AS PRINCIPAL OFFICER OF COURT

All writs or processes of the court shall be directed, in his official title, to the chief of police, who shall be the principal officer of the court.

SECTION 6-106 CLERK OF COURT DUTIES

A	The Chief municipal court officer shall be appointed by the town board of trustees and shall serve at the pleasure of the trustees.
B	The clerk shall: <ol style="list-style-type: none">1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;2. administer oaths required in proceeding before the court;3. Enter all pleadings, processes and proceedings before the courts;4. Perform such other clerical duties relating to the

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	proceedings of the court as the judge shall direct, and; 5. Receive any receipts for forfeitures, fees, deposits and sums of money payable to the court and as may be established by the court or the town board of trustees.
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Amended February 25, 2008

The clerk shall pay to the treasurer of the town all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the general fund of the town, or in such other fund as the board of trustees may direct.

SECTION 6-107 TOWN ATTORNEY; POWERS AND DUTIES

The town attorney or his duly designated assistant may be the prosecuting officer of the court. He may prosecute, in his discretion, all alleged violations of the ordinances of the town. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from this court to any other courts of the state, and to represent this town in all proceedings arising out of matters in this court.

SECTION 6-108 BOND

The clerk of the court shall be bonded in such sum as set by the board of trustees, in the form provided by state law. The bond shall be filed with the town clerk and retained in the municipal archives.

SECTION 6-109 AUTHORITY OF JUDGE TO PERSCRIBE RULES

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

SECTION 6-110 TRAFFIC VIOLATIONS BUREAU CREATED

This section null and void

SECTION 6-111 SCHEDULE OF FINES

A	<p>The town board of trustees may establish a minimum fine schedule. The minimum fine schedule when established shall provide for a minimum amount which a person may pay upon a plea of guilty or nolo contendere to the listed offenses. The minimum fine schedule shall include fine, court costs and any assessments set by state law within the specified amount. Upon plea of guilty or nolo contendere and payment of the required minimum fine prior to the date scheduled for court appearance, no further court appearance shall be required. The judge may authorize the court clerk to accept pleas of guilty and nolo contendere where the amount of the minimum fine is paid at the time of such plea and prior to the scheduled court appearance date.</p> <p>Cross Reference: See latest fine schedule on file with the clerk of the court.</p>
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B	<p>Deferred Sentence and Administrative Fee:</p> <ol style="list-style-type: none">1. The judge of the municipal court imposing a judgment and sentence, at the judge's discretion, is empowered to modify, reduce, suspend, or defer the imposition of a sentence or any part thereof and to authorize probation not to exceed six (6) months from the date of sentence under terms or conditions as the judge may specify. Upon completion of the terms of probation, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty, or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty.2. The judge of the municipal court may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from date of sentence, At the expiration of this period of time the judge may allow the municipal attorney to amend the charge to a lesser offense,3. If a deferred sentence is imposed, an administrative fee not to exceed five hundred dollars (\$500,00) may be imposed as costs in the case, in addition to any deferral fee otherwise authorized by law.
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Adopted April 24, 2006.

SECTION 6-112 PROSECUTIONS; FILING OF COMPLAINT, FEES	
All prosecutions for violation of ordinances of this town shall be styled "The Town of Kiowa, Oklahoma vs. (naming defendant or defendants)." Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint, and setting forth concisely the offense charged.	

SECTION 6-113 ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION, CUSTODY, ARREST	
A	If a resident of this town is arrested by a law enforcement officer for the violation of any traffic ordinance for which other provisions of this chapter do not apply, or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. However, the arresting officer need not release the person if it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.
B	If the arrested resident is not released by being permitted to sign a citation as provided in this subsection, he shall be

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	admitted to bail either before or after arraignment, or shall be released on personal recognizance.
C	If a nonresident of this town is arrested by a law enforcement officer for a violation of any ordinance for which Section 6-114 of this code does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.
D	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 this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsection A of this section.

SECTION 6-114 TRAFFIC BAIL BOND ACT	
A	<p>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:</p> <ol style="list-style-type: none"> 1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States which is a party to the Nonresident Violator Compact, or any party jurisdiction of the Nonresident Violator Compact; 2. The arresting officer is satisfied as to the identity of the arrested person; 3. The arrested person signs a written promise to appear as provided for on the citation; and 4. The violation does constitute: <ol style="list-style-type: none"> 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. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
B	<p>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:</p> <ol style="list-style-type: none"> 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;

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	<p>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.</p> <p>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.</p>
C	<p>Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere; payment of fines and costs, and requests for suspension of drivers license, shall be as required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.</p>
D	<p>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.</p>
E	<p>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:</p> <ol style="list-style-type: none"> 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 paid a fine, or made any other arrangement with the court to satisfy the citation; and 4. The citation has not been satisfied as provided by law.
F	<p>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</p>

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	<p>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:</p> <ol style="list-style-type: none">1. The defendant 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, or the transportation of hazardous materials; or4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.
G	<p>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 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.</p>

SECTION 6-115 ISSUANCE OF SUMMONS;FAILURE TO APPEAR

Any person who has been duly served with a summons or traffic citation and who has signed a written promise to appear in court as directed in the summons or the citation or as subsequently directed by the court, and who fails to appear pursuant to his written promise or as directed by the court shall be deemed guilty of an offense, which shall be punishable as provided in Section 1-108 of this code.

SECTION 6-116 FAILURE TO APPEAR ACCORDING TO TERMS OF BOND,BOND

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FORFEITURE	
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 judge may be lawfully required or ordered, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited.
B	The judge, without advancing court costs, may also cause the forfeiture to be certified to the district court of the county, 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 5 of the Oklahoma Statutes, and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 of the Oklahoma Statutes and Sections 1301 through 1340 of Title 5 of the Oklahoma Statutes.
C	Court costs shall be collectable from the proceeds of the bond.

State Law Reference: Similar provisions, 11 O.S. Sec. 27-118

SECTION 6-117 COMPLAINTANT, WITNESSES, FAILURE TO APPEAR
No person, having signed a complaint in the municipal court of the town alleging the violation of an ordinance or any other person in response to an order of the court, shall fail, refuse or neglect to appear for the purpose of testifying as a witness at the trial of the case, after having been notified of the time, date and place at which the case is set for trial.

SECTION 6-118 ISSUANCE OF WARRANT
No warrants will be issued by the town until further provision is made.

SECTION 6-119 PROCEDURES FOR BAIL OR BOND, BOND SCHEDULE	
A	Upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant may be eligible to be released upon giving bond 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 bond and release of the defendant charged. The judge is authorized, subject to conditions as may be prescribed by the judge, to release a resident of the municipality on personal recognizance.
B	The town's bond schedule setting forth specific offenses and bond amounts and procedures therefore, as amended from time to time, is hereby adopted and incorporated herein by reference.

State Law Reference: Acceptable methods of bail, 11 O.S. Sec. 27-117 (cash, guaranteed arrest bond certificate)

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SECTION 6-120 ARRAIGNMENT
Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the town attorney, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial the court may proceed to try the case, or may set it for hearing at a later date.

SECTION 6-121 POSTPONEMENT OF TRIAL
Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

SECTION 6-122 DEFENDANTS PRESENCE REQUIRED AT TRIAL
The defendant must be present in person at the trial of his case in court.

SECTION 6-123 PROCEDURE FOR TRIALS NOT WITHIN SCOPE OF CHAPTER
In all trials, as to matters not covered in this chapter, by the statutes relating to municipal criminal courts, or by rules duly promulgated by the state supreme court, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

SECTION 6-124 RIGHT TO TRIAL BY JURY, WAIVER	
A	In all prosecutions for violations of ordinances punishable by fine of more than One Hundred Dollars (\$100.00), 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 by 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 recharged so as again to demand trial by jury.

SECTION 6-125 JUDGEMENT	
	At the close of trial, judgment must be rendered without undue delay by the judge, who shall cause it to be entered in his docket: 1. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once;

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	<p>2. If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly; and</p> <p>3. A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied, as provided in Section 6-128 of this code.</p>
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SECTION 6-126 JUDGMENT OF IMPRISONMENT

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 officer. Such copy shall be sufficient warrant for execution of the sentence.

SECTION 6-127 SUSPENSION OR DEFERMENT OF JUDGMENT

A	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 town-owned or maintained projects, with proper supervision.
B	A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.
C	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 town attorney to amend the charge to a lesser offense.
D	If a deferred sentence is imposed, an administrative fee of One Hundred Dollars (\$100.00) 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.
E	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.

State Law Reference: Similar provisions, 11 O.S. Sec. 27-123

SECTION 6-128 PAYMENT OF COSTS BY DEFENDANT

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in the sum of thirty dollars (\$30.00); or

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the maximum sum permitted by state law, whichever is greater, plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine that may be imposed.

State Law Reference: Maximum amount of court costs, 11 O.S. Sec. 27-126; Penalty on assessment for police training, 20 O.S. Sec. 1313.1.

SECTION 6-129 ENFORCEMENT OF FINES AND COSTS. IMPRISONMENT. WORK AND COMMUNITY SERVICE

A All defendants on plea of guilty may be compelled, if their health permits, to work on community projects, the public streets, avenues or ways, public buildings or other public premises or property. For each day of work, the defendant shall be credited for one (1) day of community service toward any fine or until the same are satisfied.

B The town shall direct where the work shall be performed. The appropriate 'Officer shall oversee the work. If a guard is necessary, the chief of police shall make provision therefore.

State Law Reference: Similar provisions, 11 O.S. Sec. 27-122; Community service, powers to direct, liability of town limited, 57 O.S. Sec. 227, 228

SECTION 6-130 SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE CODE

In all cases where the same offense is made punishable or is created by different sections of this code, the town attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

Section 6-131 CONTEMPT OF COURT

Obedience to the orders, rules and judgments made by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state.

SECTION 6-132 PENALTY ASSESSMENTS

A Any person:
1. Convicted of an offense punishable by a fine of twenty Dollars (20.00) 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

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	assessment in the undertaking.
B	Upon conviction or bond forfeiture, the court shall collect the assessment and 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 month, the town shall deposit with the Oklahoma State Treasury the funds deposited in the law enforcement training funds and the AF.I.S. (automated fingerprint identification) Fund as required by law. The court clerk shall also furnish to the State Treasury reports required on the funds collected and penalty assessments imposed each month.

State Law Reference: Similar provisions, 20 O.S. Sec. 1313.1 through 1313.3.

SECTION 6-133 FINES RECOVERABLE BY CIVIL ACTION: FAILURE TO PAY SEPARATE OFFENSE, IMPRISONMENT	
A	All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law.
B	The failure to pay a fine levied pursuant to this code shall constitute a separate offense against the town, subject to a fine as provided in Section 1-108 of this code.
C	If a fine is not paid by the defendant, the fine may be collected by committing the defendant to community service where he shall remain until his fine and any costs assessed against him are discharged, either by payment or by community or by working in accordance with other provisions of this code or state law.

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CHAPTER 2 JUDGE	
SECTION	DESCRIPTION
6-201	Judge; created; qualifications
6-202	Term of office of judge
6-203	Appointment of judge, alternate judge
6-204	Acting judge
6-205	Compensation
6-206	Removal of judge from office
6-207	Vacancy

SECTION 6-201 JUDGE CREATED; QUALIFICATIONS

There shall be one judge of the court. A judge need not be a licensed attorney at law, but, if not, he must be a resident of this town of the age of twenty-one (21) years, possessed of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become subject of proceedings therein.

SECTION 6-202 TERM OF OFFICE OF JUDGE

The official term of the judge shall be two (2) years, expiring on the 1st day of June in each odd-numbered year.

SECTION 6-203 APPOINTMENT OF JUDGE, ALTERNATE JUDGE

A	Judges shall be appointed by the mayor with the consent of the town board of trustees. A proposed appointment shall be submitted in writing to the town board of trustees 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 town board of trustees may decide upon the proposed appointment by a majority vote of all the members of the board of trustees. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the board of trustees unless the mayor, in writing, withdraws the proposed appointment.
B	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 judge of the court in any case if the judge is absent from court, unable to act as judge, or disqualified from acting as judge in the case.

SECTION 6-204 ACTING JUDGE

If at any time there is no judge duly appointed and qualified available to sit as judge, a person possessing the qualifications required by this chapter for the judge shall be appointed as acting judge. The acting judge shall preside as acting judge over the court in the disposition of pending matters until such time as a judge or alternate judge shall be available.

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SECTION 6-205 COMPENSATION	
A judge shall receive such salary as may be established and shall be paid as established by the town.	

SECTION 6-206 REMOVAL OF JUDGE FROM OFFICE	
A	Judges shall be subject to removal from office by the board of trustees 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 the mayor, or twenty-five (25) or more qualified electors of this town. In the latter event, verification may be executed by one or more of the petitioners.
B	The board of trustees 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 representation by counsel, to present testimony and to cross-examine the witnesses against him, and to have all evidence against him presented in open hearing.
C	So far as can be made applicable, the provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, Sections 30-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder.
D	Judgment of removal shall be entered only upon individual votes, by a majority of all members of the board of trustees, in favor of such removal.

SECTION 6-207 VACANCY	
A	A vacancy in the office of judge shall occur if the incumbent: 1. Dies; 2. Resigns; 3. Ceases to possess the qualifications for the office; or 4. Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.
B	Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made.

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PART 7 - FINANCE AND TAXATION

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7-101	<u>Investments</u>
7-102	<u>Depositories designated, deposit of funds</u>
7-103	<u>Funds secured by unit collateral system</u>
7-104	<u>Purchasing procedure</u>
7-105	<u>When bidding not required</u>
7-106	<u>Disposition of surplus, obsolete materials, bidding</u>

CHAPTER 2	
SALES TAX	
SECTION	DESCRIPTION
7-201	<u>Citation of chapter</u>
7-202	<u>Definitions</u>
7-203	<u>Classification of taxpayers</u>
7-204	<u>Subsisting state permits</u>
7-205	<u>Purpose of revenues; disposition of proceeds</u>
7-206	<u>Tax rate; sales subject to tax</u>
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7-213	<u>Tax due and payable</u>
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7-105	When bidding not required
7-106	Disposition of surplus, obsolete materials bidding

SECTION 7-101 INVESTMENTS

The town treasurer or any other person authorized to invest public monies shall invest the same in those investments authorized by the town board of trustees or authorized by state law in a manner authorized by either or both such board of trustees and statutes.

SECTION 7-102 DEPOSITORIES DESIGNATED, DEPOSIT OF FUNDS

All banks and financial institutions as are designated by the town board of trustees shall be designated as depositories for the funds of the town. The town treasurer shall deposit daily all public funds received by him in these banks. Funds may be transferred from one depository to another upon direction of the treasurer.

SECTION 7-103 FUNDS SECURED BY UNIT COLLATERAL SYSTEM

The deposits of the town shall be secured by the unit collateral system provided by state law. The provisions of the state law on the unit collateral system, Sections 516.1 through 516.10 of Title 62 of the Oklahoma Statutes, are hereby adopted insofar as they are applicable to the town.

SECTION 7-104 PURCHASING PROCEDURE

A	All purchases of supplies, materials, equipment and contractual services for the town shall be made by the town board of trustees or pursuant to authorizations granted by it.
B	The town purchasing authority shall contract for and purchase all supplies, material and equipment for the offices, departments and agencies of the town. The purchasing authority may also transfer to or between offices, departments and agencies, or sell surplus or obsolete supplies, materials and equipment.
C	Before a contract shall be entered into, or any such purchase made involving the expenditure of more than Seven Thousand-Five Hundred Dollars (\$7,500), or any sale made of property the value of which is more than Seven Thousand Five Hundred Dollars (\$7,500.00), such contract or sale shall: <ol style="list-style-type: none"> 1. Be approved by the town board of trustees; 2. Be submitted for competitive bidding, except as provided in this chapter; 3. Have written notice given by the town purchasing authority for sealed bids for the furnishing of such supplies,

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	materials or equipment where competitive bidding is required hereunder.
D	The notice required in this section shall state the time and place for filing the bids, shall contain an ample description of the supplies, materials and equipment to be purchased or sold, the time and place the bids will be opened, and that all bids may be rejected. The bids shall be in writing and sealed and filed with the town clerk prior to the time they are to be opened. The bids may be rejected or the town may advertise again for bids, or after due consideration thereof, may award a contract to purchase such supplies, material or equipment from the lowest and best responsible bidder. However, the town purchasing authority may, at his option, purchase any such materials, supplies and equipment through central purchasing of the state.

State Law Reference: Public competitive bidding \$7,500, 61 O.S. Secs. 101 et seq.

SECTION 7-105 WHEN BIDDING NOT REQUIRED

A	The following may be purchased without giving an opportunity for competitive bidding:
	<ol style="list-style-type: none"> 1. Supplies, materials, equipment or contractual services where cost does not exceed Seven Thousand Five Hundred Dollars (\$7,500.00) in a single transaction; 2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer or a sole source vendor, or which have a uniform price wherever bought; 3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus, or purchased at auction at a price deemed below that obtainable elsewhere; 4. Contractual services (gas, electricity, telephone service, and the like) purchased from a public utility at a price or rate determined by the state corporation commission or other government authority; 5. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefore by the state purchasing agency or any other state agency authorized to regulate prices for things purchased by the state (whether such price is determined by a contract negotiated with a vendor or otherwise); 6. Contractual services of a professional nature, such as engineering, architectural, medical and legal services; or 7. When an emergency is declared to exist
B	The term "contractual services", for the purpose of this chapter, means services performed for the town by persons not in the employment of the town, and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. Contractual services includes travel; freight; express; parcel post; postage; telephone;

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	telegraph; utilities; rents; repairs, alterations, and maintenance of buildings, equipment, streets, and bridges, and other physical facilities of the town; and other services performed for the town by persons not in the employment of the town.
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SECTION 7-106 DISPOSITON OF SURPLUS, OBSOLETE MATERIALS, BIDDING	
A	No surplus or obsolete supplies, materials or equipment of a value of more than Seven Thousand Five Hundred Dollars (\$7,500.00) may be sold until the procedures outlined in this section have been followed.
B	The town purchasing authority may sell the following without giving an opportunity for competitive bidding: <ol style="list-style-type: none">1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed Seven Thousand Five Hundred Dollars (\$7,500.00) in a single transaction; or2. Supplies, materials or equipment when sold at a price at least as great as that paid by the town for the same; or3. Where the board of trustees has authorized the sale of surplus property at public auction under such terms, conditions and notice as the board of trustees may prescribe or as the town purchasing authority deems appropriate.

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CHAPTER 2 SALES TAX	
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7-202	Definitions
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7-204	Subsisting state permits
7-205	Purpose of revenues; disposition of proceeds
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7-221	Failure to file; fraudulent returns; penalties
7-222	Tax records confidential
7-223	Provisions cumulative
7-224	Amendments to chapter

SECTION 7-201 CITATION OF CHAPTER

This chapter shall be known and may be cited as the Town of Kiowa Sales Tax Ordinance.

State Law Reference: State sales tax provisions, 68 O.S. Secs. 1350, et seq.; Town powers, procedures to levy, 68 O.S. Secs. 2701 et seq.

Editor's Note: Ord. No. 10-83 levied a third cent sales tax effective March 1, 1984.

SECTION 7-202 DEFINITIONS

A	The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, 68 O.S. Section 1352, and Sections 596 and 793 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.
B	The term "tax collector," as used herein, shall mean the department of the town or the official agency of the state duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

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Editor's Note: Sections 596 and 793 of Title 37 define sales to include sales of ice or beverages for mixing with alcoholic beverages for consumption on premises.

SECTION 7-203 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 7-204 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 town permit for the same purpose.

SECTION 7-205 PURPOSE OF REVENUES; DISPOSITION OF PROCEEDS

It is hereby declared to be the purpose of the revenues generated by the sales taxes levied herein to provide revenues for the support of the functions of the municipal government of the town.

SECTION 7-206 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, motor transportation companies, taxicab companies, and all other means of transportation for hire;
4. Service by telephone 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 or otherwise duplicating written or printed matter in any manner.
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.
9. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for

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- 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 there from;
 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

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	<p>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;</p> <p>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;</p> <p>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:</p> <ul style="list-style-type: none">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; orh. Any other reasonable reason; <p>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</p> <p>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.</p>
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SECTION 7-207 EXEMPTIONS; SALES SUBJECT TO OUIER TAX	
	<p>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:</p> <ul style="list-style-type: none">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

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	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.
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SECTION 7-208 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
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	<p>admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheatres and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements here in before described;</p> <p>8. Sales of tangible personal property or services to the board of trustees organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A and the Campfire Girls shall be exempt from sales tax;</p> <p>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;</p> <p>10. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of 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 educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice 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;</p> <p>11. Tuition and educational fees paid to private institutions of</p>
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	<p>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</p> <p>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.</p>
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SECTION 7-209 EXEMPTIONS; GENERAL	
There are hereby specifically exempted from the tax levied by this chapter:	
A	Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;
B	Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;
C	Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not exceed five dollars (\$5.00). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;
D	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;
E	Sales of advertising space in newspapers and periodicals and billboard advertising service, and advertising through the electronic media, including radio, television and cable television;

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F	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;
G	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;
H	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;
I	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
J	Nothing herein shall be construed as limiting or prohibiting the town 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 town 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 7-210 EXEMPTIONS, AGRICULTURE

There are hereby specifically exempted from the tax levied by this chapter:

A	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: <ol style="list-style-type: none"> 1. Farm, orchard or garden products; 2. Dairy products sold by a dairyman or farmer who owns all the cows from which the daily products offered for sale are produced;
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	<p>3. Livestock sold by the producer at a special livestock sale; and</p> <p>4. 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;</p>
B	Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;
C	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;
D	<p>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:</p> <ol style="list-style-type: none"> 1. 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; 2. 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; 3. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies; 4. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs; 5. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and 6. 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;
E	<p>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:</p> <ol style="list-style-type: none"> 1. 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; 2. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or

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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;

3. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this 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;
4. 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;
5. 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, bacteria or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and
6. 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

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	offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; and
F	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 7-211 EXEMPTIONS; MANUFACTURERS

There are hereby specifically exempted from the tax levied by this chapter:

A	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;
B	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;
C	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;
D	Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when

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	<p>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;</p>
E	<p>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</p>
F	<p>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.</p>

SECTION 7-212 EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS

There are hereby specifically exempted from the tax levied in this chapter:

A	<p>The transfer of tangible personal property, as follows:</p> <ol style="list-style-type: none"> 1. From one corporation to another corporation pursuant to a reorganization. As used in this subparagraph the term "reorganization-means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation; 2. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation; 3. To 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; 4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership
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	and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or 5. From a partnership to the members thereof when made in kind in the dissolution of such partnership; and
B	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 7-213 TAX DUE AND PAYABLE	
The tax levied under this chapter shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the sales tax law of the state.	

SECTION 7-214 PAYMENT OF TAX; BRACKETS	
A	The tax herein levied shall be paid to the tax collector at the time in form and manner provided for payment of state sales tax under the sales tax law of the state.
B	The bracket system for the collection of the town sales tax by the tax collector shall be as the same is hereafter adopted by the agreement of the town and the tax collector, in the collection of both the town sales tax and the state sales tax.

SECTION 7-215 TAX CONSTITUTES PRIOR CLAIM	
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 7-216 VENOR'S DUTY TO COLLECT TAXES	
A	The tax levied hereunder shall be paid by the consumer or user to the vendor; and each and every vendor shall collect from the consumer or user the full amount of the tax levied, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
B	Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge; and, when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to the vendor until paid, and shall be recoverable at law in the same manner as other debts.
C	No vendor shall willfully or intentionally fail, neglect or refuse to collect the full amount of the tax levied; or willfully or intentionally fail, neglect or refuse to comply with the provisions of this chapter; or remit or rebate to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied; or make 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

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tax, or in any manner whatsoever.

State Law Reference: Vendor's duty to collect tax, 68 O.S. Sec. 1310.
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SECTION 7-217 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 required by the state sales tax code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for collection of state sales taxes.

SECTION 7-218 INTEREST AND PENALTIES; DELINQUENCY; DISCOUNT FORFEITURE
A Section 217 of Title 68 of the Oklahoma Statutes is adopted and made a part of this chapter.
B Interest and penalties at the rates and in amounts specified in the state statute cited in Subsection A herein are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter.
C 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.
D If such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

SECTION 7-219 WAIVER OF INTEREST AND PENALTIES
A The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes.
B To accomplish the purposes of this section, the applicable provisions of Section 220 of Title 68 of the Oklahoma Statutes are adopted by reference and made a part of this chapter.

SECTION 7-220 ERRONEOUS PAYMENTS; CLAIM FOR REFUND
A Refund or erroneous payment of the town sales tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes.
B To accomplish the purposes of this section, the applicable provisions of Section 227 of Title 68 of the Oklahoma Statutes are adopted by reference and made a part of this chapter.

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SECTION 7-221 FAILURE TO FILE; FRAUDULENT RETURNS; PENALTIES	
A	No person shall: 1. Intentionally fail or refuse to make tax reports and remittances as required under this chapter; or 2. Intentionally make false and fraudulent tax reports for the purpose of avoiding or escaping payment of any tax or portion thereof due under this chapter.
B	Any person required to collect and remit sales tax pursuant to the state sales tax code or the town code, and engaging in any of the callings, trades, avocations, professions, businesses or occupations for which a license is required by the town, and applying for such license, must submit proof as a condition precedent to issuing such license of a valid sales tax permit number issued by the State of Oklahoma.
C	Any license issued by the town to any person engaging in any of the callings, trades, avocations, businesses, professions or occupations for which a license is required by the town code may be suspended or revoked for failure to maintain a lawful sales tax license or collect and remit sales tax if and as required by the state sales tax code or the town code.
D	In addition to all civil penalties provided by this chapter, any violation of this section shall subject the offending taxpayer to the penalty set forth in Section 1-108 of this code. Each day of such violation shall be considered a separate offense and charged separately.

SECTION 7-222 TAX RECORDS CONFIDENTIAL
The confidential and privileged nature of the records and files concerning the administration of the town sales tax is legislatively recognized and declared; and to protect the same the provisions of Section 205 of Title 68 of the Oklahoma Statutes of the state sales tax code, and all subsections thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax as if here set forth in full.

SECTION 7-223 PROVISIONS CUMULATIVE
The provisions of this chapter shall be cumulative and in addition to any and all other taxing provisions of town ordinances.

SECTION 7-224 AMENDMENTS TO CHAPTER
The board of trustees, by ordinance duly enacted, is authorized to make such administrative and technical changes or additions in the method and manner of administration and enforcing this chapter as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the town as provided by law.

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CHAPTER 3	
TELEPHONE EXCHANGE FEE	
SECTION	DESCRIPTION
7-301	Inspection fee and service charge
7-302	Charge in lieu of other license tax

SECTION 7-301 INSPECTION FEE AND SERVICE CHARGE	
A	There is hereby levied an annual inspection fee and service charge upon each and every person operating a telephone exchange in the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of the telephone company in the town.
B	The amount of the inspection fee and service charge shall be 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 town.
C	The inspection fee and charge shall be due and payable to the town on or before the first day of May of each year and shall be paid into and appropriated and expended from the general revenue fund of the town. Payment shall be accompanied by a report showing the gross sales by service classification (residential, commercial, and industrial).

State Law Reference: Town powers to levy tax on utilities, 68 O.S. Sec. 2601 et seq.

SECTION 7-302 CHARGE IN LIEU OF OTHER LICENSE TAX
During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied by this chapter 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. This section is not intended to extinguish or abrogate any existing arrangement whereby the town is permitted to use the underground conduit, duct space or pole contracts of the company for the fire alarm and police call systems of the town, or either of them.

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CHAPTER 4 UTILITY FEE	
SECTION	DESCRIPTION
7-401	Utility fee levied
7-402	Fee to be in-lieu of franchise
7-403	Tax payable
7-404	Tax constitutes lien
7-405	Ouster for failure to pay

SECTION 7-401 UTILITY FEE LEVIED

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of electricity in the town, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the town, all as provided by Sections 2601 et seq. of Title 68 of the Oklahoma Statutes.

SECTION 7-402 FEE TO BE IN-LIEU OF FRANCHISE

The tax levied under this chapter shall, when levied, apply to all persons, firms, associations or corporations engaged in the business of furnishing electricity within the corporate limits of the town, except it shall not apply to any person, firm, association or corporation operating under a valid franchise from the town.

SECTION 7-403 TAX PAYABLE

The tax levied under this chapter shall remain in effect until repealed and shall be payable annually. The tax shall be placed in the general revenue fund of the town. Amounts not paid when due shall bear interest at the rate of ten percent (10%) per annum until paid.

SECTION 7-404 TAX CONSTITUTES LIEN

The tax so imposed in this chapter shall constitute a first a prior lien on all the assets located within the town of any person, firm or corporation engaged in the business of selling electricity within the town limits of the town.

SECTION 7-405 OUSTER FOR FAILURE TO PAY

Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from the town. In addition, thereto, an action may be maintained against such person, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney's fees.

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CHAPTER 5 USE TAX	
SECTION	DESCRIPTION
7-501	Citation and codification
7-502	Definitions
7-503	Excise tax on storage, use or other consumption of intangible, personal property levied
7-504	Purpose of revenues
7-505	Exemptions
7-506	Time when due, returns, payment
7-507	Tax constitutes debt
7-508	Collection of tax by retailer or vendor
7-509	Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state, permits
7-510	Revoking permits
7-511	Remunerative deductions allowed vendors or retailers of other states
7-512	Interest and penalties, delinquency
7-513	Waiver of interest and penalties
7-514	Erroneous payments, claim for refund
7-515	Fraudulent returns
7-516	Records confidential
7-517	Classification of taxpayers
7-518	Subsisting state permits
7-519	Provisions cumulative

SECTION 7-501 CITATION AND CODIFICATION

This chapter shall be known and may be cited as "Town of Kiowa Use Tax."

Ed. Note: Ord. 3-91 levied a 3% use tax effective April 25, 1991.

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 town 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

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storing, using or otherwise consuming within the town tangible, personal property purchased or brought into this town, an excise tax on the storage, use or other consuming within the town 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 town, tangible, personal property purchased or brought into the town. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the town and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the town., but which is stored in the town pending shipment outside the town or which is temporarily retained in the town for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the 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 town 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 town, and any and all revenues derived hereunder may be expended by the governing body of the town 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 town by a nonresident individual visiting in this town for his or her personal use or enjoyment while within the town;
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 Town of Kiowa Use Tax, has been paid by the person using such tangible, personal property in the town, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and Town of Kiowa 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 Town of Kiowa Use Tax, and

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- the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the town;
4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the town, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the town. 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 town. 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 town;
 6. In respect to the use of any article of tangible, personal property brought into the town by an individual with intent to become a resident of this town where such personal property is for such individual's personal use or enjoyment;
 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 town 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 town 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 town and location of any

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and all distribution or sales houses or offices or other places of business in the town.

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 maintain a place of business within this state but who makes sales of tangible, personal property for use in this town 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 town. 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 town. Such authority and permit may be canceled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this town. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this town by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable town sales tax at the point of delivery and the tax shall be collected and reported under 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 subject to the same discount as may be allowed by the code

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for the collection of state use taxes.

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 town 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 town use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, 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 town 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 town use tax as is herein set forth in full

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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 town 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 town ordinances.

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CHAPTER 6 HOTEL/MOTEL TAX	
SECTION	DESCRIPTION
7-601	Citation and Codification
7-602	Effective Date
7-603	Definitions
7-604	Impositions of Tax; Exemptions
7-605	Records to be Kept
7-606	Returns
7-607	Payment of Tax
7-608	Assessment and Determination of Tax
7-609	Refunds
7-610	Notices
7-611	Remedies Exclusive
7-612	Proceedings to Recover Tax
7-613	General Powers of the Tax Collector
7-614	Administration of Oaths and Compelling Testimony
7-615	Discount; Delinquent Taxes
7-616	Interest and Penalties
7-617	Confidential Records
7-618	Amendments
7-619	Provisions Cumulative
7-620	Purpose of Revenues
7-621	Special Fund for Hotel/Motel Tax Deposits

<p>SECTION 7-601 CITATION AND CODIFICATION</p> <p>This Ordinance shall be known and cited as the City of Kiowa Hotel Tax Ordinance and shall be codified in the Ordinances of the City of Kiowa.</p>

<p>SECTION 7-602 EFFECTIVE DATE</p> <p>This Ordinance shall become effective 1-1-2009, subject to approval of a majority of the registered voters of the City of Kiowa, Oklahoma, voting on the same in the manner prescribed by law.</p>
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<p>SECTION 7-603 DEFINITIONS</p> <p>Unless a different meaning clearly appears from the context, for the purposes of this chapter, the following words and phrases shall have the meanings given herein:</p>				
<table border="1"> <tr> <td>A</td> <td>Person shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a Court or otherwise, or any combination of the above acting as a unit.</td> </tr> <tr> <td>B</td> <td>Operator shall mean any person operating a hotel in this City, included, but not limited to, the owner, proprietor, lessee, sub lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.</td> </tr> </table>	A	Person shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a Court or otherwise, or any combination of the above acting as a unit.	B	Operator shall mean any person operating a hotel in this City, included, but not limited to, the owner, proprietor, lessee, sub lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.
A	Person shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a Court or otherwise, or any combination of the above acting as a unit.			
B	Operator shall mean any person operating a hotel in this City, included, but not limited to, the owner, proprietor, lessee, sub lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.			

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C	Occupant shall mean a person who, for a consideration, uses, possesses or has the right to the use or possession of any room or rooms in a hotel under any lease, concession, permit, right of access, license to use, or other agreement, or otherwise.
D	Occupancy shall mean the use or possession or the right to use or possession of any room or rooms in a hotel.
E	Hotel shall mean any building or buildings, trailer or other facility in which three (3) or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, dormitory space where bed space is rented to individuals or groups, apartments not occupied by "permanent residents," as that term is hereinafter defined, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. As defined herein, "hotel" shall not include hospitals, sanitariums or nursing homes.
F	Room shall mean any room or rooms of any kind in any part or portion of a hotel which is available for, let for the use of, or possessed for the purpose of lodging or sleeping.
G	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 occupancy, without any deduction there from whatsoever.
H	Permanent Resident shall mean any occupant who has or shall have the right of occupancy of any room or rooms in the same hotel for at least thirty (30) consecutive days during the current calendar year or preceding year.
I	Return shall include any return filed or required to be filed as herein provided.
J	Tax Collector shall mean the City Treasurer or such other Department of City Government duly designated by the City Council, to administer the collection of the tax herein levied.

SECTION 7-604 IMPOSITION OF TAX, EXEMPTIONS

A	There is hereby levied an excise tax of five percent (5%) upon the gross proceeds or gross receipts derived from the rent from 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 at the rate of Five Dollars (\$5.00) per day. This excise tax shall be in addition to any existing sales tax imposed by the City of Kiowa or the State of Oklahoma.
B	Operator shall mean any person operating a hotel in this City, included, but not limited to, the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.
C	No tax shall be imposed hereunder upon the United States insofar as it is immune from taxation, the State of Oklahoma, nor any

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	municipality or other political subdivision of the State.
D	The tax to be collected shall be stated and charged separately from the rent and shall be shown separately on any record thereof at the time when occupancy is arranged or contracted and charged for, and upon every evidence of occupancy or any bill, statement or charge made for such occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator as trustees for and on account of the City, and the operator shall be liable for the collection thereof and for the payment of the tax. The operator and any officer of any corporate operation shall be personally liable for the tax collected or required to be collected under this title, and the operator shall have the same right in respect to collecting the tax from the occupant or in respect to nonpayment of the tax by the occupant as If the tax were a part of the rent for the occupancy payable at the same time such tax shall become and owing, including rights of eviction, dispossession, repossession, and enforcement of innkeeper's lien that he may have in the event nonpayment of rent by the occupant; provided, however, that the City of Kiowa shall be joined as a party in action or proceeding brought by the operator to collect or enforce collection of the tax.
E	Such taxes, penalty and interest due hereunder at all times constitute a prior, superior and paramount claim as against claim of unsecured creditors and may be collected by suit as any other debt.
F	Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Chapter, then, in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the City, and it shall be the duty of the occupant to file a return thereof with the Tax Collector and to pay the tax imposed thereon to the Tax Collector, within fifteen (15) days after such tax was due.
G	The Tax Collector may, whenever he deems it necessary for the proper enforcement of this Chapter, provide by regulation that the occupant shall file returns and pay directly to the Tax Collector the tax herein imposed at such times as returns are required to be filed and payment over made by the operator.
H	The tax imposed by this section shall be paid upon any occupancy on or after 1-1-09, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to 1-1-09. Where rent is paid, charged, billed or falls due on either weekly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period after 1-1-09, and such payment, bill, charge or rent due shall be apportioned on the basis of the ration of the number of days falling within such portion to the total number of days covered thereby. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Tax Collector may, by regulation, provide for credit or refund of the amount of such tax upon application as provided herein.

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I	For the purpose of the proper administration of this Chapter, and to prevent evasion of the tax hereby imposed, it shall be presumed that all rentals are subject to the tax until facts to the contrary are established; and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant.
J	No operator shall advertise or hold out to the public in any manner, directly or indirectly, that the tax imposed by this Chapter is not considered as an element in the rent charged to the occupant.

SECTION 7-605 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 Tax Collector may, by regulation, require. Such records shall be available for inspection and examination at any time upon demand by the Tax Collector or a duly authorized agent or employee of the City and shall be preserved for a period of three (3) years, except that the Tax Collector may consent to their destruction within that period or may require that they be kept longer.

SECTION 7-606 RETURNS

A	Every operator, on or before the fifteenth day of each month, shall file with the Tax Collector a return of occupancy and of rents and of the taxes payable thereon for the preceding calendar month, The date of filing shall be the date of delivery to the Tax Collector.
B	The Tax Collector may permit or require returns to be made by shorter or longer periods and upon such dates as he may specify. The form of return shall be prescribed by the Tax Collector and shall contain such information as he may deem necessary for the proper administration of this code. The Tax Collector may require amended returns to be filed within twenty (20) days after notice, containing the information specified in the notice.
C	If a return required by this Chapter is not filed or if a return when filed is incorrect or insufficient on its face, the Tax Collector shall take the necessary steps to enforce the filing of a return or an amended return.

SECTION 7-607 PAYMENT OF TAX

At the time of filing a return of occupancy and of rents, each operator shall pay to the City the taxes imposed upon the rents included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Chapter. All taxes for the period for which a return is required shall be due and payable 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 correctly filed shows the amount of rents and the taxes due. If any operator has twice failed to pay taxes on or before the date fixed for payment of such taxes or if any operator refuses to pay the taxes of if the Tax Collector has reasonable grounds for

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<p>belief that the operator is about to cease business or leave the State or remove or dissipate assets, or if, for any similar reason he deems it necessary to protect revenues due hereunder, the Tax Collector may require an operator to file with the City either a performance and payment bond, as detailed herein, or in lieu of this bond, an escrow account or an irrevocable letter of credit as detailed herein. The performance bond, irrevocable letter of credit or escrow account shall be provided as follows:</p>	
A	<p>Performance and payment bond in a form acceptable to the City, naming the operator as obligee thereof, executed by a surety acceptable to the City and authorized to do business in the State of Oklahoma, in a sum equal to the City-wide average daily room rental rate, to be ascertained by the Tax Collector, times the number of rooms available for rent within the hotel multiplied by a factor of thirty (30) times five percent (5%); or</p>
B	<p>An irrevocable letter of credit in a form acceptable to the City, executed by the operator and a federally insured financial institution acceptable to the City, providing for a sum equal to the City-wide average daily room rental rate, to be ascertained by the Tax Collector, times the number of rooms available for rent within the hotel multiplied by factor of thirty (30), times five percent (5%); or</p>
C	<p>An escrow account held by the City in a sum equal to the City-wide average daily room rental rate, to be ascertained by the Tax Collector, times the number of rooms available for rent within the hotel multiplied by a factor of thirty (30), times five percent (5%).</p>

<p>SECTION 7-608 ASSESSMENT AND DETERMINATION OF TAX</p>	
<p>If a return required by this Chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the Tax Collector from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax, unless the person against whom is assessed, within ninety (90) days after the giving of such assessment, shall apply in writing to the Council of the City of Kiowa for a Hearing, or unless the Tax Collector, at his discretion, shall reassess the same. After such Hearing, the Council of the City of Kiowa shall give written notice of its determination to the person against whom the tax is assessed. If the taxes and interest due are not paid within ten (10) days of assessment or reassessment by the Tax Collector or determination by the Council, in addition to the taxes and interest, the operator shall pay a penalty equal to ten percent (10%) of the taxes due.</p>	

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SECTION 7-609 REFUNDS	
A	In the manner provided in this section, the Tax Collector shall refund or credit any tax erroneously, illegally or unconditionally collected if written application to the Tax Collector for such refund shall be made within two (2) years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative and the Order of the Tax Collector. Whenever a refund is made, the reasons therefore shall be stated in writing. Such application may be made by the person upon whom such tax was imposed and who has actually paid the tax. Such application may also be made by the person who has collected and paid such tax to the City, provided that the application is made within two (2) years of the payment by the occupant to the operator; but no refund of money shall be made to the operator until he shall first establish to the satisfaction of the Tax Collector, under such regulations as the Tax Collector may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The Tax Collector, in lieu of any refund required to be made, may allow credit therefore on payments due from the applicant.
B	An application for a refund or credit made, as herein provided, shall be deemed an application for a revision of any tax, penalty or interest complained of, and the Tax Collector may receive evidence with respect thereto. After making his determination, the Tax Collector shall give notice thereof to the applicant. Such determination shall be final unless the applicant, within ten (10) days after such notice of determination, shall apply in writing to the Council for a Hearing. After such Hearing, the Council shall give written notice of its determination to the applicant.
C	A person shall not be entitled to revision, refund or credit or a tax under this section if he has had a Hearing or an opportunity for a Hearing as provided in this Chapter and has failed to avail himself of the remedies therein provided.

SECTION 7-610 NOTICES	
Notices provided for under this Chapter shall be deemed to have been given when such notices have been delivered personally to the operator or deposited in the United States mail to the last known address of the operator.	

SECTION 7-611 REMEDIES EXCLUSIVE	
The remedies provided by Ordinance shall be exclusive remedies available to any person for the review of tax liability imposed by this Ordinance.	

SECTION 7-612 PROCEEDINGS TO RECOVER TAX	
A	Civil Remedies 1. Whenever any operator, occupant or other person shall fail to collect and/or pay over any tax, or to owe any tax,

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	<p>penalty or interest imposed by this Chapter as herein provided, the Tax Collector may file notice of liens on behalf of the City of Kiowa 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. Section 2701, and 68 O.S. Section 2704.</p> <p>2. 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 68 O.S. Section 2704.</p> <p>3. The Tax Collector shall notify the person owing the tax by personal service or by Certified Mail that the City of Kiowa will file such liens if any delinquent lodging taxes, interest and/or penalties are paid within fifteen (15) days of receiving such notice.</p> <p>4. The Tax Collector may also request the City Attorney to institute an action in personam and in rem to enforce payment and collect any delinquent lodging taxes, penalties and/or interest.</p>
B	<p>Criminal Penalties</p> <p>1. In addition to all civil penalties provided by this Chapter, the willful failure or refusal of any operator, occupant or other person to make reports and/or remittances as 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 operator, occupant or other person shall be punished by a fine of not more than the penalty set out in the Code of the City of Kiowa, excluding costs.</p>

<p>SECTION 7-613 GENERAL POWERS OF THE TAX COLLECTOR</p>	
<p>In addition to all other powers granted to the Tax Collector, he is hereby authorized and empowered:</p>	
A	<p>To make, adopt and amend rules and regulations appropriate to the carrying out of the provisions of this Chapter for the purposes thereof;</p>
B	<p>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;</p>
C	<p>To delegate his functions hereunder to a Deputy or other employee or employees of the City;</p>
D	<p>To assess, reassess, determine, revise and readjust the taxes imposed by this Chapter; and</p>
E	<p>To prescribe methods for determining the taxable and non-taxable rents.</p>

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SECTION 7-614 ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY	
A	The Tax Collector, or employees or agents of the City duly designated and authorized by him, shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Chapter. The Tax Collector shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Chapter, and to examine them in relation thereto.
B	Any person who shall refuse to testify or to produce books or records, or who shall testify falsely in any material matter pending before the Tax Collector shall be guilty of an offense punishable by a fine of not more than the penalty set out in the Code of the City of Kiowa, excluding costs.

SECTION 7-615 DISCOUNT, DELINQUENT TAXES	
A	At the time of filing the returns required under this Chapter with the Tax Collector, the operator shall remit therewith to the Tax Collector, except as hereinafter provided, ninety-seven percent (97%) of the tax due under the provisions of this Chapter; provided that the tax is delivered to the Tax Collector before the 15th of the month for the preceding calendar month's return, or if transmitted by mail, that the date of postmark by the U.S. Postal Service is before the 15th day of the month for the preceding month's return. In the event that payment of any tax due is not made before the 15th of the month, the operator forfeits his claim to the three percent (3%) discount and must remit to the Tax Collector one hundred percent (100%) of the taxes due. If the filing of the return and remittance of the taxes due are received by the Tax Collector after the fifteenth day of the month, the taxes are then delinquent and the operator shall pay, in addition to one hundred percent (100%) of the taxes due, interest and penalties as prescribed in Subsection 16A. of this Article.
B	The discount granted by this section shall remunerate the operator for keeping tax records, filing reports and remitting the tax when due as required by this Chapter.

SECTION 7-616 INTEREST AND PENALTIES	
A	<p>If an operator fails to file a return or remit the taxes due prior to the fifteenth day of the month, the operator shall pay, in addition to one hundred percent (100%) of the taxes due, the following interest and penalties.</p> <ol style="list-style-type: none">1. One and one-half percent (1 1/2 %) interest per month on the total amount of taxes due from the fifteenth day of the month to the date of filing; and2. A penalty of ten percent (10%) of the total amount of the taxes due.

FINANCE AND TAXATION

B	<p>In addition to the penalties provided herein, the following persons shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not more than the penalty set out in the Code of the City of Kiowa, excluding costs:</p> <ol style="list-style-type: none">1. Any operator or occupant who willfully fails to file a return as required by this Chapter, or who files or causes to be filed, or makes or causes to be made, or causes to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Chapter which is willfully false;2. Any operator who willfully fails to file a bond required by this Chapter or who willfully fails to file a registration certificate and such data in connection therewith as the Tax Collector may require, by regulation or otherwise, or who fails to display or surrender the license as required by this Chapter, or who assigns or transfers such license;3. Any operator who willfully fails to charge separately from the rent the tax herein imposed, or who willfully fails to state such tax separately on any evidence of occupancy and on any bill, statement or receipt of rent issued or employed by the operator, or who willfully fails or refuses to collect tax from the occupant;4. Any operator who willfully refers or causes reference to be made to this tax in a form or manner other than that required by this Chapter; and5. Any operator who willfully fails to keep the records required by this Chapter.
C	<p>The affidavit of the Tax Collector to the effect that at tax has not been paid, that a return, bond, or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this Chapter, shall be presumptive evidence thereof.</p>

SECTION 7-617 CONFIDENTIAL RECORDS

The confidential and privileged nature of the records and files concerning the administration of this tax is legislatively recognized and declared, and to protect the same, the provisions of 68 O.S., Section 205, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of this tax as if they were herein set forth in full.

SECTION 7-618 AMENDMENTS

The people of the City of Kiowa, Oklahoma, shall by their approval of this Chapter at the election herein provided, authorize the Council of the City of Kiowa, Oklahoma, by Ordinance duly enacted, to make such changes or additions in the method and manner of administration and enforcing this Chapter as may be necessary or proper for efficiency and fairness, except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the City of Kiowa as herein provided.

FINANCE AND TAXATION

SECTION 7-619 PROVISIONS CUMULATIVE

The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of the City.

SECTION 7-620 PURPOSE OF REVENUES

It is hereby declared to be the purpose of this Ordinance to provide revenues for the following specific purposes, and no others, to-wit:

A	1.67 % or 1.67 cents per dollar earmarked and dedicated to be utilized for the restricted purpose of the maintenance, care and improvement of the Kiowa Community Building for the benefit of the City of Kiowa.
B	1.67% or 1.67 cents per dollar earmarked and dedicated to be utilized for the maintenance, care and improvement of the Kiowa Cemetery Care Fund for the benefit of the City of Kiowa.
C	1.66% or 1.66 cents per dollar earmarked and dedicated to be utilized for the maintenance, care and improvement of the Kiowa Water Treatment Plant for the benefit of the City of Kiowa.

SECTION 7-621 SPECIAL FUND FOR HOTEL/MOTEL TAX DEPOSITS

Pursuant to Title 68 O.S. 2701 a limited purpose fund shall is hereby created. The municipal governing body shall create a limited-purpose fund and deposit therein any revenue generated by any tax levied pursuant to this subsection. Money in the fund shall be accumulated from year to year. The fund shall be placed in an insured interest-bearing account and the interest which accrues on the fund shall be retained in the fund. The fund shall be non-fiscal and shall not be considered in computing any levy when the municipality makes its estimate to the excise board for needed appropriations. Money in the limited-purpose tax fund shall be expended only as accumulated and only for the purposes specifically described in the taxing ordinance as approved by the voters.

Adopted August 29, 2008.

NUISANCES AND HEALTH GENERALLY

PART 8 - NUISANCES AND HEALTH GENERALLY

CHAPTER 1 NUISANCES AND HEALTH GENERALLY	
SECTION	DESCRIPTION
8-101	Definitions
8-102	Certain public nuisances defined
8-103	Nuisance prohibited
8-104	Person responsible for continuing nuisance
8-105	Time does not legalize nuisance
8-106	Remedies against public nuisances
8-107	Remedies against private nuisances
8-108	Town has power to define and summarily abate nuisance
8-109	Summary abatement of nuisances
8-110	Health nuisances; abatement
8-111	Town actions not to jeopardize private action
8-112	Unauthorized dumping, depositing or disposal of trash on property of another
8-113	Open burning prohibited
8-114	Abatement by suit in district court
8-115	Procedure cumulative
8-116	Toilet facilities required
8-117	Obstructing health or enforcement officer
8-118	Littering prohibited generally
8-119	Abandoned refrigerators
8-120	Junk yards prohibited
8-121	Salvage yards prohibited
8-122	Penalty

CHAPTER 2 WEEDS, GRASS AND TRASH	
SECTION	DESCRIPTION
8-201	Definitions
8-202	Accumulation of trash or weeds unlawful
8-203	Duty of owner, occupant to maintain private property
8-204	Reports of accumulation of grass, weeds or trash on property
8-205	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment

CHAPTER 3 DILAPIDATED BUILDINGS	
SECTION	DESCRIPTION
8-301	Definitions
8-302	Report to be made
8-303	Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment
8-304	Clearing up of premises from which buildings have been removed
8-305	Penalty

NUISANCES AND HEALTH GENERALLY

CHAPTER 4 HEALTH AND NUISANCES

ARTICLE A - FOOD SERVICE SANITATION	
SECTION	DESCRIPTION
8-401	Regulations adopted
8-402	Permit

ARTICLE B - MILK AND MILK PRODUCTS	
SECTION	DESCRIPTION
8-420	Regulations adopted
8-421	Penalty

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CHAPTER 1 NUISANCES AND HEALTH GENERALLY	
SECTION	DESCRIPTION
8-101	Definitions
8-102	Certain public nuisances defined
8-103	Nuisance prohibited
8-104	Person responsible for continuing nuisance
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8-108	Town has power to define and summarily abate nuisance
8-109	Summary abatement of nuisances
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8-112	Unauthorized dumping, depositing or disposal of trash on property of another
8-113	Open burning prohibited
8-114	Abatement by suit in district court
8-115	Procedure cumulative
8-116	Toilet facilities required
8-117	Obstructing health or enforcement officer
8-118	Littering prohibited generally
8-119	Abandoned refrigerators
8-120	Junk yards prohibited
8-121	Salvage yards prohibited
8-122	Penalty

SECTION 8-101 DEFINITIONS	
A	As used in this chapter, the following terms shall have the meanings respectively ascribed to them herein
B	As used herein
	<ol style="list-style-type: none"> 1. "Nuisance" means unlawfully doing an act, or omitting to perform a duty, or is anything or condition which either: <ol style="list-style-type: none"> a. Annoys, injures or endangers the comfort, repose, health or safety of others; b. Offends decency; c. Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or d. In any way renders other persons insecure in life or in the use of property; 2. Private nuisance" means every nuisance not included in paragraph 3 of this section; and 3. "Public nuisance" means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, or three (3) or more properties under separate ownership in the vicinity of such nuisance, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

NUISANCES AND HEALTH GENERALLY

State Law References: Nuisances generally, see Title 50 O.S. Sec. 1 et seq.; power of town to summarily abate, 50 O.S. Sec. 16.

Cross Reference: Animals, Sec. 4-101 et seq.

SECTION 8-102 DEFINITIONS

A A. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

B As used herein:

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 town; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the town;
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, punch-boards 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 public exposure of a person having a contagious disease;
8. The continued making of loud or unusual noises, music or sounds, or strong vibrations which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
9. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;
10. 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 ordinances;
11. 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 where mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
12. 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;

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13. 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;
14. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
15. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety
16. Any fire or explosion hazard which endangers the public safety;
17. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
18. Permitting foul, noxious or offensive odors to escape from premises; or unusual quantities of dust or other deleterious substances to escape or emanate across the property line upon which the same originates;
19. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation;
20. The keeping in violation of Sections 4-101 et seq. of any dog kennels within this town for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained;
21. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance;
22. Any pond, slop, trash, refuse, cobs, manure, decayed or decaying vegetable matter, left, kept or maintained in such condition as to endanger the public health;
23. The keeping of any hog pen within the limits of this town in violation of this code;
24. Every privy or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of this town;
25. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this town;
26. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this town; and
27. 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 town or its inhabitants from any cause.

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B	The enumeration in Subsection A hereof 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
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SECTION 8-103 NUISANCE PROHIBITED	
No person shall create or maintain a nuisance within the town or permit a nuisance to remain on premises under his control within the town.	

SECTION 8-104 PERSON RESPONSIBLE FOR CONTINUING NUISANCE	
Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefore in the same manner as the person who first created it.	

SECTION 8-105 TIME DOES NOT LEGALIZE NUISANCE	
No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right	

SECTION 8-106 REMEDIES AGAINST PUBLIC NUISANCES	
A	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 the person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or b. By the town in accordance with law or ordinance.

SECTION 8-107 REMEDIES AGAINST PRIVATE NUISANCES	
A	The remedies against a private nuisance are: 1. Civil action; or 2. Abatement: a. By the person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or b. By the town in accordance with law or ordinance.

SECTION 8-108 TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE	
As provided in Section 16 of Title 50 of the Oklahoma Statutes, the town is empowered to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the town 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.	

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SECTION 8-109 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 town or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
B	An officer of the town may submit a statement as to the existence of a nuisance as defined by the ordinances of the town or law, and a request or recommendation that it be abated.
C	The town or its designee shall determine if a nuisance exists as defined by the ordinances of the town or law. If a nuisance does in fact exist, town personnel shall direct the owner or other persons responsible for or causing the nuisance by: <ol style="list-style-type: none"> 1. Certified mail; or 2. By publication if the owner cannot be so served or found, to abate the nuisance within a specified time if the peace, health, safety, morals or welfare of the person or 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, or if the persons responsible authorize the town to abate the nuisance, the town shall direct the appropriate officer to abate the nuisance or have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts may be collected
D	The determination of the existence of a nuisance and order to abate it, as made by the town, may be appealed by the occupant or owner or person causing the nuisance by filing a request for hearing in writing with the town within the period of time specified in the notice for abatement of the nuisance. The town clerk shall cause the matter to be placed on the agenda of the town board of trustees for final determination with appropriate notice of the hearing provided to the person requesting the appeal

SECTION 8-110 HEALTH NUISANCES; ABATEMENT	
A	Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the town shall have the authority to order the owner or occupant of any private premises in the town to remove from such premises, at his own expense, any source of

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	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. 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 town 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 outside the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.
B	If the order is not complied with, the town may cause the order to be executed and complied with, and the cost thereof shall be certified and the cost of removing or abating such nuisance shall be charged to the owner or occupant, enforceable as a lien or any other method allowed by law or ordinance

SECTION 8-111 TOWN ACTIONS NOT TO JEOPARDIZE PRIVATE ACTION

Nothing herein contained shall be construed to abridge the rights of citizens of the town to bring and maintain actions in the proper courts for the abatement of private nuisances or those specially injurious to them.

SECTION 8-112 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER

A	It is unlawful to place, deposit, or leave any trash, debris, refuse or garbage on the property of another or on public property, including any public street, easement, and sidewalk or other public property, except where such disposal is expressly allowed by law.
B	It is unlawful for any person to place, deposit, leave or dispose of trash, garbage, refuse or debris in any dumpster or trash receptacle that is located on the property of another without the express consent of the person on whose property the dumpster or trash receptacle is located.

SECTION 8-113 OPEN BURNING PROHIBITED

It is unlawful to burn any fire outside of any enclosed building in the town for the purpose of burning grass, trash, leaves, weeds, papers, refuse, garbage or any other substance except in an approved incinerator and except in an approved incinerator, or by obtaining a permit and payment of such fee as set by the town, or by approval by the fire department as may be allowed by the town fire code and any applicable state or town regulations.

SECTION 8-114 ABATEMENT BY SUIT IN DISTRICT COURT

In cases where it is deemed impractical summarily to abate a nuisance, the town may bring suit in the district court.

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SECTION 8-115 PROCEDURE CUMULATIVE	
The procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the other. The town may elect to follow any such procedure which is applicable in abating any particular nuisance.	

SECTION 8-116 TOILET FACILITIES REQUIRED	
A	For the purposes of this section, the following terms shall have the meanings respectively ascribed to them herein:
	<ol style="list-style-type: none"> 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 with 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 town shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within one hundred fifty (150) feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.
C	All human excrement disposed of within this town shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the town in any other manner.
D	All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such 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

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	nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.
F	No residence, business or commercial building, nor any other premises in the town, if located within three hundred (300) feet of any public sewer later or main shall be connected to or in any manner served by a septic tank; no such person shall allow the installation, maintenance, operation or use of any septic tank in violation of this section.

SECTION 8-117 OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER
It is unlawful for any person to willfully obstruct or interfere with any health officer or other code enforcement officer charged with the enforcement of the health or nuisance laws of this town.

SECTION 8-118 LITERING PROHIBITED GENERALLY
No person shall throw, place, leave, drop, put or otherwise abandon litter upon any public property, private property or roadway except as otherwise specifically permitted in this code. "Litter" means trash, refuse, rubbish and all like material.

SECTION 8-119 ABANDONED REFRIGERATORS
It is unlawful for any person to leave in a place accessible to children any abandoned or discarded ice box, refrigerator or other container which has an air-tight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener.

SECTION 8-120 JUNK YARDS PROHIBITED
It is unlawful for any person to build or maintain a junk yard or to place on town lots, within the town, a junk yard or material commonly found in junk yards such as old car bodies, old vehicles, and wrecked vehicles, old second-hand materials commonly found in junk yards or similar places of business. It is unlawful to convert any lots which, as of September, 1969, were not so used, into such junk yard or for the purpose of placing thereon material as described above.

SECTION 8-121 SALVAGE YARDS PROHIBITED
It is unlawful for any person to build or maintain a salvage yard in the town.

SECTION 8-122 PENALTY
Any person who shall violate any of the provisions of this chapter shall upon conviction thereon be punished as provided in Section 1-108 of this code.

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CHAPTER 2	
WEEDS, GRASS AND TRASH	
SECTION	DESCRIPTION
8-201	Definitions
8-202	Accumulation of trash or weeds unlawful
8-203	Duty of owner, occupant to maintain private property
8-204	Reports of accumulation of grass, weeds or trash on property
8-205	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment

Note: This chapter incorporates state law powers to towns on weeds and trash.

SECTION 8-201 DEFINITION	
A	As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:
	<ol style="list-style-type: none"> 1. "Administrative officer" means the person so designated by the town board of trustees; 2. "Cleaning" means the removal of trash from property; 3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer; 4. "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; and 5. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which: <ol style="list-style-type: none"> 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 owned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use

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SECTION 8-202 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL	
A	It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow stands or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.
B	No owner or occupant of land or lots shall <ol style="list-style-type: none"> 1. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash, or 2. Permit such materials to remain on his premises for more than ten (10) days after being notified to remove them by the town or the county health department whether or not the owner or occupant knew of or permitted such throwing or depositing.
C	In addition to a penalty for violation of this section or Section 8-203, the town may abate as a public nuisance any condition prohibited herein pursuant to this chapter, any other law or ordinance, all of which shall be cumulative

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Sec. 22-110.

SECTION 8-203 DUTY OF OWNER, OCCUPANT TO MAINTAIN PRIVATE PROPERTY	
No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any refuse, rubbish, trash or similar material except dirt thereon; nor shall such person allow the accumulation of any such material; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given ten (10) days' notice by the town of the condition and an order to fully abate the alleged deficiency.	

SECTION 8-204 REPORTS OF ACCUMULATION OF GRASS. WEEDS OR TRASH ON PROPERTY	
A	Any officer or employee of the town 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 town, shall report the condition to the administrative officer if, as a result of the accumulation or growth, the premises appear to be: <ol style="list-style-type: none"> 1. Detrimental to the health, benefit and welfare of the public and the community; 2. A hazard to traffic; 3. A fire hazard to property; or 4. Any two (2) or more of these conditions

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Sec. 22-111.

NUISANCES AND HEALTH GENERALLY

SECTION 8-205 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, ABATEMENT, LIEN AND PAYMENT	
A	<p>The town administrative officer is authorized to cause property within the town to be cleaned of trash and weeds, or grass to be cut or moved, and the nuisance to be abated in accordance with the following procedure:</p>
	<ol style="list-style-type: none"> 1. The town administrative officer or his designee may determine whether the accumulation of 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 town and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the town; 3. At the time of mailing of notice to the property owner, the town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing 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 town 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 town; 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 town 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

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	<p>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;</p> <ol style="list-style-type: none">5. The owner of the property may give his written consent to the town 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 town;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 town administrative officer, except that if the town administrative officer conducts the initial hearing, then the right of appeal is to the town board of trustees. The appeal shall be taken by filing written notice of appeal with the town administrative officer 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:<ol style="list-style-type: none">a. By the town, provided the actual cost of the labor, maintenance and equipment required does not exceed Five Hundred Dollars (\$500.00); orb. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;c. The agents of the town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, cleaning and performance of necessary duties as a governmental function of the town. Immediately following the cleaning or mowing of the property, the town clerk shall file a notice of lien with the county clerk describing the property and the work performed by the town, and stating that the town claims a lien on the property for the cleaning and mowing costs, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;8. After the property has been cleaned, the administrative officer shall determine the actual cost of such cleaning and any other expenses as may be necessary in connection therewith, including the cost of the notice and mailing. The town clerk shall forward by mail to the property owner specified in this section a statement of the actual cost and demanding payment;9. If payment is not made within thirty (30) days from the date of the mailing of the statement, the town clerk shall forward a certified statement of the amount of the cost to
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	<p>the county treasurer of the county in which the property is located, and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. The cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer and shall continue until the cost shall be fully paid;</p> <p>10. At any time prior to the collection as provided herein the town may pursue any civil remedy for collection of the amount owing and the interest thereon. Upon receiving payment, if any, the town clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien or part thereof; and</p> <p>11. The provisions of this section shall not apply to any property used for agricultural purposes.</p>
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CHAPTER 3 DILAPIDATED BUILDINGS	
SECTION	DESCRIPTION
8-301	Definitions
8-302	Report to be made
8-303	Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment
8-304	Clearing up of premises from which buildings have been removed
8-305	Penalty

SECTION 8-301 DEFINITIONS	
A	For the purposes of this chapter:
	<ol style="list-style-type: none"> 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 the neglect of necessary repairs to a building or allowing it to fall into a state of decay or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or welfare of the general public; and 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.

State Law Reference: Similar provisions, Section 22-112, 22-112.1 of Title 11.

SECTION 8-302 REPORT TO BE MADE	
Any officer or employee of this town 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 8-303 CONDEMNATION, BOARDING AND SECURING OF DILAPIDATED BUILDINGS, NOTICE, REMOVAL, LIEN, PAYMENT	
A	The administrative officer may cause dilapidated buildings within the town limits to be torn down and removed, or boarded or secured, in accordance with the following procedure:
	<ol style="list-style-type: none"> 1. At least ten (10) days' notice shall be given to the owner of the property before the town 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

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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 town 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 town 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 town 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 town administrative officer, or if the order is rendered by the town administrative officer, then the right to appeal is to the town board of trustees. The appeal shall be filed in writing with the town 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 town, provided that the actual cost of the labor, maintenance, and equipment does not exceed Five Hundred Dollars (\$500.00);
 - 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

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	<p>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 town 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 town 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;</p> <p>7. If payment is not made within six (6) months from the date of the mailing of the statement, the town 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 town 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;</p> <p>8. When payment is made to the town for costs incurred, the town shall file a release of lien or part thereof;</p> <p>9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and</p> <p>10. Nothing in this section shall prevent the town from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.</p>
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State Law Reference: 11 O.S. Section 22-112, removal of dilapidated buildings.

SECTION 8-304 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED

A	In all cases in which:
	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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

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	<p>securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the town plumbing inspector and securely closed; and</p> <p>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</p>
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<p>SECTION 8-305 PENALTY</p>
<p>Any person who shall tear down or begin the tearing down of any house or building within the town limits of the town without having first procured permit therefore as herein provided shall be guilty of an offense against the town and upon conviction thereof shall be punished as provided in Section 1-108 of this code.</p>

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CHAPTER 4 HEALTH AND NUISANCES

ARTICLE A - FOOD SERVICE SANITATION	
SECTION	DESCRIPTION
8-401	Regulations adopted
8-402	Permit

ARTICLE B - MILK AND MILK PRODUCTS	
SECTION	DESCRIPTION
8-420	Regulations adopted
8-421	Penalty

ARTICLE A - FOOD SERVICE SANITATION	
SECTION	DESCRIPTION
8-401	Regulations adopted
8-402	Permit

SECTION 8-401 REGULATIONS ADOPTED
The latest edition of the "Oklahoma State Department of Health Rules and Regulations pertaining to Food Establishments" is hereby adopted and incorporated by reference in this code. 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 except in case of conflict with the provisions of this chapter, in which case the more restrictive terms shall prevail.

State Law Reference: Requirements of food establishments, 63, O.S. Secs. 1-1101 et seq.
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SECTION 8-402 PERMIT
Annual permits are required for operation of food service establishment. Fee for such permit shall be as set by the town board.

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ARTICLE B - MILK AND MILK PRODUCTS	
SECTION	DESCRIPTION
8-420	Regulations adopted
8-421	Penalty

SECTION 8-420 REGULATIONS ADOPTED	
A	The latest edition of the United States Public Health Service Recommendation "Grade A Pasteurized Milk Ordinance with Administrative Procedures" and the provisions of state law governing milk and milk products as set out in Sections 1-1301 to 1-1311 of Title 63 of the Oklahoma Statutes, as amended from time to time, are hereby adopted and incorporated by reference in this code and are enforceable by the town as fully as if they were set out at length herein. At least one copy of the milk ordinance and referenced state law shall be on file in the office of the town clerk. The milk ordinance and the referenced state law shall govern except in case of conflict with the provisions of this chapter, in which the more restrictive terms shall prevail.
B	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. In an emergency, however, 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."
C	All sampling, examining, grading and regarding of milk and milk products and all inspections, and issuing and suspension or revocation of permits shall be done by the health officer or his designee who shall be a registered professional sanitarian.

State Law Reference: Milk regulations 63 O.S. Secs. 1-1201 et seq., 2 O.S. Secs. 7-1 et seq. (milk manufacture).

SECTION 8-421 PENALTY
Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Such person may also be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

LICENSE AND BUSINESS REGULATIONS

PART 9 - LICENSE AND BUSINESS REGULATIONS

CHAPTER 1	
OCCUPATIONAL LICENSES GENERALLY	
SECTION	DESCRIPTION
9-101	License required
9-102	Issuance
9-103	License period
9-104	Payment of fees; pro-ration
9-105	Transfer
9-106	License display
9-107	Revocation or suspension of license, appeal
9-108	Exemptions
9-109	License fee schedule

CHAPTER 2	
ITINERANT VENDORS	
SECTION	DESCRIPTION
9-201	Definitions
9-202	License required, blanket license
9-203	Fee
9-204	Application for license
9-205	Investigation, approval or disapproval
9-206	Bond for license
9-207	Service of process
9-208	Sale of foods
9-209	Identification tag or badge, display
9-210	Exceptions
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CHAPTER 1 OCCUPATIONAL LICENSES GENERALLY	
SECTION	DESCRIPTION
9-101	License required
9-102	Issuance
9-103	License period
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9-105	Transfer
9-106	License display
9-107	Revocation or suspension of license, appeal
9-108	Exemptions
9-109	License fee schedule

SECTION 9-101 License and Business Regulations
 It is unlawful for any person, firm or corporation, either as principal, officer, agent, servant or employee, to engage in any of the callings, trades, professions or occupations for which a license is required, without first paying to the town the fee or tax required, and procuring from the town a license.

State Law Reference: Municipal powers to levy occupational license taxes, 11 O.S. Sections 22-106, 22-107.

SECTION 9-102 ISSUANCE
 All licenses shall be issued by the town clerk. No license shall be issued until all conditions prescribed by the ordinance have been complied with, and a certificate of examination or inspection filed with the town clerk, in those cases where examination or inspection is required by ordinance. Any applicant for a license shall make application upon such forms as may be prescribed by ordinance or may be prescribed by the town clerk.

SECTION 9-103 LICENSE PERIOD
 All licenses shall be issued for the current fiscal year and shall expire on June 30th of the year for which they are issued, unless a different date of expiration is provided by the ordinance providing for the particular license. Taxes are due annually on July 1.

SECTION 9-104 PAYMENT OF FEES; PRO-RATION
 All license fees shall be paid in advance for the license period for which issued. The license fee may be pro-rated for a new business in proportion to the amount of the year remaining during which time it will operate. However, at the direction of the town board, the town clerk may issue licenses to licensees, sending them statements for fees due, and if the same is not paid within sixty (60) days from the due date, the license shall thereupon become null and void.

SECTION 9-105 TRANSFER
 No license shall be sold or otherwise transferred.

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SECTION 9-106 LICENSE DISPLAY

It is the duty of any person, having obtained a license for any authorized purpose, to have the same placed or posted in a secure manner in some public place on the premises occupied and used for such business and where the license may be readily seen at any time by any person entering the place of business. Any licensee who does not occupy any certain premises for the conduct of such licensed business, shall carry his license on his person and shall display the same whenever requested.

SECTION 9-107 REVOCATION OR SUSPENSION OF LICENSE, APPEAL

All licenses issued by the town shall be subject to revocation by the duly authorized officer of the town board upon any breach of any condition prescribed by ordinance for the regulation of such licensed occupation or in the event such licensee operates such licensed occupation or business in violation of the laws of the town or the state, or in violation of any law or regulation of the United States Government. The duly authorized officer shall mean the town clerk in all instances except when some other person or board is given the authority by ordinance to revoke or suspend the particular license. The duly authorized officer shall either give written notice by personal service or by mail to the licensee, of the revocation of his license, or the suspension of the same, which notice, if mailed, shall be mailed to the address given on the application or license. The license shall stand revoked or suspended from the time of the giving of such notice. Any licensee, however, may appeal to the town board from such decision within ten (10) days after the aforesaid notice by filing a written request with the town clerk for a hearing. The hearing shall be held by the town board at the next regular meeting following the filing of the appeal, but may be continued from day to day. The appealing licensee may be represented by counsel. The hearing shall be conducted in an informal manner, but no license shall be revoked or suspended except upon a preponderance of the evidence. The board may affirm, modify or vacate the order of revocation or suspension, and its decision shall be final.

SECTION 9-108 EXEMPTIONS

The following shall be exempt of fees under the provisions of this chapter, but notification of city hall is required:

A	A farmer selling in town produce actually produced by him in this county;
B	All scientific or literary entertainers or lecturers;
C	All concerts, musicals or other entertainment given exclusively by the citizens of the town; and
D	All entertainments, the proceeds from which are to be devoted to charity or to public uses or improvements.
E	Arts and crafts selling items actually produced by him or her in this county.

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SECTION 9-109 LICENSE FEE SCHEDULE	
A	There is hereby assessed and levied a tax or license fee, which fee shall be set by the town board by motion or resolution, upon each of the following persons engaging in any of the following occupations, trades or businesses, for which such person shall first procure a license therefore. Any person who shall engage in more than one business, trade or occupation on which, any license fee is required by the town ordinances, so long as such businesses are operated under one roof and one ownership, shall pay only one license fee.
B	All businesses and occupations in the town are subject to license herein. Fees for each license are adopted by motion or resolution of the town board.

The amount of the general occupation license fee is set by the town board at \$20.00 annually except as otherwise established by this code or town board.

Cross Reference: See also Sections 9-201 et seq. of this code for license requirements for peddler and solicitors. See also Sections 5-101 et seq. on license/registration requirements for plumbers, electricians. See also Sections 3-101 et seq. for license fees for alcoholic beverage establishments and nonalcoholic beverage establishments.

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CHAPTER 2 ITINERANT VENDORS	
SECTION	DESCRIPTION
9-201	Definitions
9-202	License required, blanket license
9-203	Fee
9-204	Application for license
9-205	Investigation, approval or disapproval
9-206	Bond for license
9-207	Service of process
9-208	Sale of foods
9-209	Identification tag or badge, display
9-210	Exceptions
9-211	Provisions cumulative, revocation
9-212	Penalty

SECTION 9-201 DEFINITIONS	
For the purpose of this chapter, the following terms shall have the meaning respectively ascribed to them herein:	
A	"Commercial" means soliciting for a business purpose which is intended to be for profit and is not intended to be charitable, religious, not for profit or political;
B	"Itinerant" means having no regular place of doing business or soliciting in the town and includes but is not limited to making regular delivery or providing goods over an established route through the town;
C	"Peddler" means a person soliciting commercial orders [or goods or services which are to be provided from stocks or goods carried with the peddler or which are services provided by the peddler at the time the order is made;
D	"Soliciting" means all activities of peddlers, solicitors and vendors attempting to obtain business. Such activities may include, but are not limited to, distribution of handbills or leaflets to the public directly or by placing them in a mailbox, on a doorknob or otherwise on any property; coming personally onto any property for the purposes defined herein; calling the occupants of any property by telephone for the purposes herein defined; or calling or inviting any prospective customers to purchase or obtain merchandise, product or service;
E	"Solicitor" means a person soliciting commercial orders for goods or services which are to be provided or shipped to the consumer at a later date; and
F	"Vendor" means any person engaged in a business or occupation selling or offering to sell any merchandise, product or service, and includes but is not limited to peddlers and solicitors.

State Law Reference: State peddlers licenses, 47 O.S. Sec. 434; Ex-servicemen exempted if certified by district court, 72 O.S. Sec. 1.

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SECTION 9-202 LICENSE REQUIRED. BLANKET LICENSES	
A	Any itinerant vendor, solicitor or peddler shall obtain a license from the town prior to any soliciting in the town, unless exempted herein, to cover each person who will be soliciting and each location or separate place of business.
B	Owners or lessees of buildings in which itinerant vendors operate or locate must obtain a blanket license covering all itinerant vendors who will be established in the building controlled by the owner or lessee. Governmental agencies owning public buildings may arrange a letter of agreement with the town in lieu of a license if licensing is contrary to the regulations governing the governmental agency. In such a case, the letter of agreement will provide for the same requirements as are shown in this chapter and will provide that the town receive half the rental fee paid by the itinerant vendor until the town's receipts equal the amount required for a blanket license fee.

SECTION 9-203 FEE	
The fee for licenses herein required shall be as set by the town board of trustees by motion or resolution. The fees may be waived for educational, charitable, religious groups, qualifying as 501(c)(3) organizations who make house to house solicitations.	

SECTION 9-204 APPLICATION FOR LICENSE	
A	<p>Applicants for licenses shall file during regular business hours a written application signed by the applicant, if an individual, by all partners if a partnership, and by a qualified corporate officer, if a corporation, with the licensing officer, showing:</p> <ol style="list-style-type: none">1. Name and address of person or persons having the management or supervision of the applicant's business during the time that it is proposed to be carried on in the town; the location or address of such person or persons when engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act; the name and address of the person, firm or corporation for whose account the business will be carried on, if any, and if a corporation, under the laws of what state the same is incorporated;2. The place or places in the town within the proper zoning classification, where it is proposed to carry on the applicant's business and the length of time during which it is proposed that the business be conducted;3. Place or places, other than permanent place of business of the applicant, within the six (6) months next preceding the date of the application, where the applicant has conducted a transient business;4. The nature of the goods or products being sold, that is whether they are "seconds," rejects or first-line quality, and whether any warranty applies to the items being sold; if a warranty applies, the period of the warranty and the name and address of the warrantor and the procedures for filing

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	<p>for the adjustment of refund shall be specified;</p> <ol style="list-style-type: none"> 5. A statement that the applicant agrees to the requirement to pay all state and town sales taxes due on all items which are subject to sales taxes and recognizes that a copy of all applications will be provided to the local office of the Oklahoma Tax Commission; 6. Current state sales tax permit number; 7. Current license or permit, if any, which may be required by state law or ordinances of the town for the particular activity or business; 8. If a motor vehicle is to be used in the business, a description of the vehicle together with motor vehicle registration number and the license number for the vehicle, and: <ol style="list-style-type: none"> a. Proof of liability insurance required by state law; and b. Proof or verification from the insurance carrier that the town clerk will be provided at least ten (10) days notice of any cancellation; and 9. Proof of 501(c) (3) tax status if claiming exemption from the license fees.
B	<p>Applicants for a blanket itinerant vendor license shall file during regular business hours a written application signed by the applicant, if an individual, by all partners, if a partnership, and by a corporation officer, if a corporation, with the license and permits clerk showing:</p> <ol style="list-style-type: none"> 1. Name and address of person or persons having the management or supervision of the building in which itinerant vendor shall conduct business; 2. Name and address of the person or persons having the management or supervision of the applicant's business during the time that is proposed to be carried on in the town; the location or address of such person or persons when engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act; the name and address of the person, firm or corporation for whose account the business will be carried on, if any, and if a corporation, under the laws of what state the same is incorporated and licensed to operate in the state; 3. A general description of the products or services that will be sold by the itinerant vendor; 4. A statement that the applicant shall establish the following controls over itinerant vendors and shall maintain records concerning each itinerant vendor for one year after the engagement dates involving the itinerant vendors: <ol style="list-style-type: none"> a. The applicant shall determine the names and addresses of each salesperson involved locally for an itinerant vendor and determine the names and permanent addresses of the parent company, if any, controlling the itinerant vendor; b. The applicant shall determine the nature of the merchandise or product to be sold, determine whether it

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	<p>is a "reject" line or seconds, determine whether there are warranties of the product, and how any complaint is to be filed for warranty adjustment. The applicant shall require that the vendor display a sign prominent enough to disclose to all potential customers that the product consists of seconds, rejects or irregulars if such is the case;</p> <p>c. The applicant shall inform each vendor of the requirement to pay state and town sales taxes and shall forward the name, product involved, and dates of the vendor's engagement to the local office of the state tax commission. Further, the applicant will furnish the vendor with one copy of the state sales tax report form and require him to certify that he will submit a sales tax report at the conclusion of his engagement in the town;</p> <p>d. The applicant shall post proof of liability insurance policy in effect in amount of Twenty-five Thousand Dollars (\$25,000.00);</p> <p>e. The applicant shall provide copies of all ordinances, regulations, tax forms, etc., to itinerant vendor and provide the town with a statement signed by the vendor agreeing to comply with same; and</p> <p>f. The applicant shall post a notice with the town thirty (30) days in advance, listing each itinerant vendor establishing a business.</p>
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SECTION 9-205 INVESTIGATION. APPROVAL OR DISAPPROVAL	
A	All applications for licensing or registration shall be immediately referred for investigation as to the truth thereof, which investigation shall be conducted within ten (10) business days after the application and fee are deposited with the town.
B	If the town finds no past history of the applicant indicating violations of this code and that the application is properly made and truthful, a license shall be issued to the approved applicant upon payment of the fee therefore and the filing of the required bond.
C	In all matters of denial of the license or registration, the applicant shall be forthwith advised thereof. The applicant shall be advised that an appeal of a denied license may be submitted to the town board of trustees.

SECTION 9-206 BOND FOR LICENSE	
A	Before any license as provided by this chapter shall be issued, such applicant shall file a bond running to the town. A person engaging in business as an itinerant vendor shall file a bond in the sum set forth in the bond schedule, secured by the applicant as principal and two (2) sureties upon whom service of process may be made in the state.
B	All such bonds shall be approved by the town attorney and conditioned that:

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	<p>1. Applicant shall comply with all of the provisions of the ordinances of the town and the statutes of the state regulating and concerning the sale of goods or wares and merchandise; and</p> <p>2. Will pay all judgments rendered against the applicant for any violation of the ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deceptive practice by any person transacting such business with such applicant, whether such misrepresentation or deception were made or practiced by the owner or by their service, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Any action on the bond may be brought in the name of the town to the use of the aggrieved person.</p>
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SECTION 9-207 SERVICE OF PROCESS

Before any license for an itinerant vendor, as herein provided, shall be issued, such applicant shall file with the town an instrument nominating and appointing the town clerk his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transaction under the license and the bond given as required by this chapter, or for the performance of the conditions of the bond or for any breach thereof. The instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notices or process may be made upon the agent and when so made shall be taken and held to be as valid as if personally served on the person or persons applying for the license under this chapter, according to the laws of the state or any other state and waiving all claims or right of error by reason of such acknowledgement of service or manner of service. Immediately upon service of process upon the town clerk, as herein provided, the town clerk shall send to the licensee at his last-known address, by certified mail, a copy of the notice.

SECTION 9-208 SALE OF FOODS

A	All applicants for license to sell foods and merchandise for human or animal consumption shall have their application for license approved in accordance with the applicable state food establishment requirements before the licenses are issued.
B	The sale of foods requires an individual license not covered by blanket licenses.

Cross Reference: See also Section 8-601 et seq. on food regulations.

LICENSE AND BUSINESS REGULATIONS

SECTION 9-209 IDENTIFICATION TAG OR BADGE, DISPLAY	
A	At all times there shall be posted in a conspicuous place upon each:
	<ol style="list-style-type: none">1. Licensee if an individual;2. Vehicle or booth used by a licensee; or3. Building or premises as appropriate for blanket licenses, a badge, tag or card issued by the town as proof of issuance of a license. The card, tag or badge shall state the name of the licensee and the date of expiration of the license. Blanket licenses shall be displayed and readily available for inspection by the town. (New)

SECTION 9-210 EXCEPTIONS	
A	The following are exempt from the license requirements of this chapter:
	<ol style="list-style-type: none">1. Farmers and truck gardeners from lands owned, cultivated or controlled by them, who offer for sale or sell, or who solicit and sell from house to house, vegetables, butter, eggs and farm products produced and raised by the farmers and truck gardeners from such land or produced thereon;2. Needy ex-service persons holding a certificate duly issued by a district judge having jurisdiction as provided by law.
B	Any person who desires to be exempt from the license fees levied under this chapter due to engaging in interstate commerce shall provide sufficient data on transactions and proof to the town to establish the interstate commerce nature of his business and transactions. If the town refuses to issue an interstate commerce exemption for the license fees to a commercial business activity, then the applicant is entitled to a hearing before the town judge.

SECTION 9-211 PROVISIONS CUMULATIVE, REVOCATION	
The requirements of this chapter are cumulative to any provisions of state law or town ordinances regulating or governing any of the activities licensed herein. In the case of any conflict between the provisions of this chapter and those of any other town ordinance or state law, the more restrictive requirements shall apply.	

SECTION 9-212 PENALTY	
Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code.	

OFFENSES AND CRIMES

PART 10 - OFFENSES AND CRIMES

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10-102	Aiding in an offense
10-103	"Offense" defined
10-104	"Violation" defined
10-105	Penalty not to excuse offense
10-106	Capacity to commit offense
10-107	Intoxication, no defense
10-108	Witness, self incrimination
10-109	Nuisances
10-110	Conspiracy
10-111	Limitations of actions
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CHAPTER 2	
OFFENSES AGAINST PERSONS	
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10-201	Assault and battery
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10-203	Battery defined
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OFFENSES AGAINST PROPERTY	
SECTION	DESCRIPTION
10-301	Pettit larceny; embezzlement
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10-303	Altering keys
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10-305	Defrauding public accommodations; proof; exception
10-306	Concealing unpurchased merchandise, merchant's authority to detain
10-307	Failure to pay fare for public conveyance
10-308	False or bogus checks
10-309	Harmful deception
10-310	Defacing building, damaging property
10-311	Removing or breaking private property
10-312	Damaging private property
10-313	Public works under construction
10-314	Damaging or tampering with motor vehicle
10-315	Tampering with or damaging of utilities
10-316	Destroying trees and shrubbery
10-317	Trespassing prohibited notice, trespass prohibited
10-318	Congregating, parking on premises after hours
10-319	Unlawful intrusion on land

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10-320	Throwing or shooting at persons, property
10-321	Throwing out lighted substances or debris prohibited
10-322	Littering, deposits unlawful
10-323	Posting advertising matter on building of another
10-324	Posting advertising matter on utility poles or on or over streets and sidewalks
10-325	Interference with radio, television or telephone reception of others
10-326	False weights
10-327	Electric fences prohibited
10-328	Unlawful use of another's garbage or refuse containers
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10-612	<u>False statements, reports or complaints</u>
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OFFENSES AND CRIMES

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CHAPTER 1 GENERAL PROVISIONS	
SECTION	DESCRIPTION
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10-103	"Offense" defined
10-104	"Violation" defined
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10-106	Capacity to commit offense
10-107	Intoxication, no defense
10-108	Witness, self incrimination
10-109	Nuisances
10-110	Conspiracy
10-111	Limitations of actions
10-112	Lawful use of force

SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE

Every person who attempts to commit an offense against the ordinances of the town, 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.

SECTION 10-103 "OFFENSE" DEFINED

The word "offense," whenever used in this code or in any part, chapter, article or ordinance of the town means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the town.

SECTION 10-104 "VIOLATION" DEFINED

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this code or any part, chapter or article hereof, or future ordinances of the town, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the town and unlawful.

OFFENSES AND CRIMES

SECTION 10-105 PENALTY NOT TO EXCUSE OFFENSE

The imposition of one penalty for an offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue.

SECTION 10-106 CAPACITY TO COMMIT OFFENSE

A	All persons are capable of committing an offense as herein provided, except those belonging to the classes following: <ol style="list-style-type: none">1. Children under the age of seven (7) years;2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;3. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;5. Persons who committed the act charged without being conscious thereof, involuntarily; and6. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.
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SECTION 10-107 INTOXICATION, NO DEFENSE

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his being in such condition.

SECTION 10-108 WITNESS, SELF INCRIMINATION

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this code, or any ordinances hereafter enacted on the ground that his testimony might incriminate him, but the testimony which may be given by such witness shall in no case be used against him.

SECTION 10-109 NUISANCES

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premise or premises owned by him or under his control at any place within the corporate limits of the town.

Cross Reference: Nuisances, Sec. 8-101 et seq. of this code.

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SECTION 10-110 CONSPIRACY
Any two (2) or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefore against the property of the town or the person or property of another person shall be guilty of an offense.

SECTION 10-111 LIMITATIONS OF ACTIONS
The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit unless otherwise provided by the statutes of the state.

SECTION 10-112 LAWFUL USE OF FORCE	
A	To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the town in the following cases:
	<ol style="list-style-type: none">1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction;2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;3. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided, the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his person or property;4. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety;6. When committed by any person in preventing an idiot,

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	<p>lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person;</p> <p>7. In preventing or interrupting an intrusion upon the lawful possession of property; and</p> <p>8. To preserve the peace or prevent the commission of an offense.</p>
B	<p>Where force is permitted to effect a lawful purpose only that degree of force necessary to effect such purpose shall be used.</p>

OFFENSES AND CRIMES

CHAPTER 2	
OFFENSES AGAINST PERSONS	
SECTION	DESCRIPTION
10-201	Assault and battery
10-202	Assault defined
10-203	Battery defined
10-204	Reckless conduct

SECTION 10-201 ASSAULT AND BATTERY
No person shall commit an assault or battery, or both, upon the person of another.

State Law Reference: Assault and battery generally, 21 O.S. Sec. 641 et seq.; town's power to prevent, 11 O.S. Sec. 22-110.
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SECTION 10-202 ASSAULT DEFINED
An assault is any willful and unlawful attempt or offer with force or violence to do corporal hurt to another.

SECTION 10-203 BATTERY DEFINED
A battery is any willful and unlawful use of force or violence upon the person of another.

SECTION 10-204 RECKLESS CONDUCT	
A	Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.
B	It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver or other firearm.

Cross Reference: See also Sections 10-701 et seq. on weapons and firearms.

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CHAPTER 3 OFFENSES AGAINST PROPERTY
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SECTION	DESCRIPTION
10-301	Pettit larceny; embezzlement
10-302	Larceny by false pretense
10-303	Altering keys
10-304	Possession of stolen property
10-305	Defrauding public accommodations; proof; exception
10-306	Concealing unpurchased merchandise, merchant's authority to detain
10-307	Failure to pay fare for public conveyance
10-308	False or bogus checks
10-309	Harmful deception
10-310	Defacing building, damaging property
10-311	Removing or breaking private property
10-312	Damaging private property
10-313	Public works under construction
10-314	Damaging or tampering with motor vehicle
10-315	Tampering with or damaging of utilities
10-316	Destroying trees and shrubbery
10-317	Trespassing prohibited notice, trespass prohibited
10-318	Congregating, parking on premises after hours
10-319	Unlawful intrusion on land
10-320	Throwing or shooting at persons, property
10-321	Throwing out lighted substances or debris prohibited
10-322	Littering, deposits unlawful
10-323	Posting advertising matter on building of another
10-324	Posting advertising matter on utility poles or on or over streets and sidewalks
10-325	Interference with radio, television or telephone reception of others.
10-326	False weights
10-327	Electric fences prohibited
10-328	Unlawful use of another's garbage or refuse containers
10-329	Fireworks prohibited, exceptions, permits

SECTION 10-301 PETTIT LARCENY; EMBEZZLEMENT
No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of Fifty Dollars (\$50.00) or embezzle any money, personal property or effects of another under the value of Fifty Dollars (\$50.00). This section does not apply to taking property from the "person" of another.

State Law Reference: Larceny, 21 O.S. Sec. 1701 et seq.; embezzlement, 21 O.S. Sec. 1451 et seq.

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SECTION 10-302 LARCENY BY FALSE PRETENSE
No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value does not exceed Fifty Dollars (\$50.00), by any false representation or pretense, or in exchange for any false or bogus coin or check, draft or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest, or in consideration of refraining from reporting any unlawful act to any public official.

SECTION 10-303 ALTERING KEYS
No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

SECTION 10-304 POSSESSION OF STOLEN PROPERTY
No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property had been stolen or the possession thereof obtained unlawfully.

State Law Reference: Receiving stolen property, 21 O.S. Sec. 1713.

SECTION 10-305 DEFRAUDING PUBLIC ACCOMMODATIONS; PROOF; EXCEPTION	
A	No person shall obtain food, lodging or other accommodation in any hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, with the intent to defraud the owner or keeper.
B	Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.
C	No person shall refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same and no person shall hire any vehicle with intent to defraud the person from whom it is hired of the value of such service.
D	This section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 10-306 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT'S AUTHORITY TO DETAIN
Any person concealing unpurchased merchandise of any establishment, either on the premises or outside the premises of the establishment, shall be presumed to have so concealed the merchandise with the

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intention of committing a wrongful taking of such merchandise. Such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause [or the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his agent or employee; any such reasonable detention shall not be deemed to be unlawful nor render any such merchant, his agent or employee, criminally or civilly liable.

SECTION 10-307 FAILURE TO PAY FARE FOR PUBLIC CONVEYANCE

No person shall use or accept the use and services of any street car, taxi cab, omnibus, automobile or any other means or public conveyance or passengers, operating under the code, ordinance, franchise, permit or license of the town or state, and refuse or fail to pay to the operator of the conveyance the usual, customary, regulation or legal charge, or price as fare immediately upon the performance of the service.

SECTION 10-308 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 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 on account 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 10-309 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 10-310 DEFACING BUILDING, DAMAGING PROPERTY

A No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.

B No person shall:
1. Destroy, injure, deface, damage or molest any structure, building, work or other property, real or personal, belonging to another;
2. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or

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	3. Interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.
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State Law Reference: Destroying property generally, 21 O.S. Sec. 1760.

SECTION 10-311 REMOVING OR BREAKING PRIVATE PROPERTY
No person shall willfully, unlawfully or maliciously take and carry or cause to be taken and carried away any part of a house, barn, fence, gate or other structure, or maliciously break, tear down or destroy any part of a house, barn or other structure not his own.

SECTION 10-312 DAMAGING PRIVATE PROPERTY
No person shall willfully and wantonly damage or destroy the personal property of another.

SECTION 10-313 PUBLIC WORKS UNDER CONSTRUCTION	
A	Any person who removes, destroys, disturbs, or in any manner injures any grade stake, stone or other mark or monument set by or under authority of the town to designate or mark grades, lines, corners or bench marks on any public work in the town prior to the completion and acceptance of the contract for which such stakes or monuments are set, without lawful authority, is guilty of an offense.
B	Any contractor or other person constructing any public work in the town shall protect such work by barriers or obstructions. It is unlawful for any person to cross the barriers or to remove them until the work has been completed and opened by authority of the town.

SECTION 10-314 DAMAGING OR TAMPERING WITH MOTOR VEHICLE	
A	No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto.
B	No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended.

State Law Reference: Damaging motor vehicles, 21 O.S. Secs. 1787, 1788.
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SECTION 10-315 TAMPERING WITH OR DAMAGING OF UTILITIES	
A	No person shall alter, remove, tamper with, molest, damage or injure any wires, cable, appurtenance, structure, pipes or equipment of any utility of the town, or any public utility, or connect or tamper with the wires, cables or pipes of any

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	electric, water, sewer, cable television or gas utility or of the town without consent of the utility or town having been first obtained.
B	It is unlawful to open up any manhole or opening to a sewer unless authorized by the town, or to leave a manhole or other opening so opened without replacing the fixture or appliances thereto in their proper place and position.
C	No person except a member of the fire department or a person acting on lawful order or permit issued by the town shall open or use water from any fire hydrant or take off the caps or damage the same. No person may block the approach or access to a fire hydrant or attach, fasten, stand or brace anything against or on the hydrant.
D	No person shall in any manner whatsoever: <ol style="list-style-type: none"> 1. Cut into, attach to or intercept the wires, cables or pipes, of any electric, water, cable television or gas utility or of the town for the purpose of fraudulently taking therefrom electric current, water, transmissions or gas; 2. Cut into, attach to or intercept the wires, cables or pipes for the purpose of conducting around any meter electric current, water or gas in order to prevent the current, water or gas from being measured by the meter, or in such other manner so as to consumer or use the utility or cable service so as to evade payment therefore, with the unlawful intent to defraud the company or town out of the value of the service; or 3. By any device or manipulation whatsoever to cause current, transmissions, water or gas used upon any premises to be fraudulently conveyed upon any premises for the purposes of use thereof, and with the intent to defraud and cheat the utility or town from payment thereof.
E	Each day that any person maintains any such fraudulent connection with any wires, cables or pipes, or fraudulently takes from any such wires, cables or pipes either electric current, transmissions, water or gas shall constitute a separate offense.

Cross Reference: Utilities see Sec. 17-101 et seq. of this code.

SECTION 10-316 DESTROYING TREES AND SHRUBBERY	
A	No person shall willfully, maliciously and without lawful authority cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away therefrom, or in any way interfere therewith, any of the fruit thereof.
B	No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the town.

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SECTION 10-317 TRESPASSING PROHIBITED, NOTICE, SOLICITING, TRESPASS PROHIBITED	
A	It is unlawful and an offense for any person to commit a trespass within this town upon either public or private property.
B	Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express 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 mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer, although this sentence shall not apply to persons including employees whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.
C	<p>Any of the following acts by any person shall be deemed a violation of this section:</p> <ol style="list-style-type: none"> 1. The doing of an injury or misfeasance to the person of another; 2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied; 3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied; 4. . An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times; 5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof; 6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times; 7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a town official; 8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a town official; 9. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where

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	<p>such use is specifically prohibited;</p> <p>10. An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the town board of trustees or other public official which is lawfully authorized to give consent; or</p> <p>11. Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph 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 paragraph apply unless hours of business operation are posted upon such premises. Trespass also includes 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 paragraph.</p>
D	<p>For purposes of constituting a violation of this section, the exhibited notice required under paragraphs 4, 5, 6, 7 and 9 of Subsection C hereof shall meet the following criteria:</p> <ol style="list-style-type: none"> 1. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property; 2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and 3. If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under the town code.

SECTION 10-318 CONGREGATING, PARKING ON PREMISES AFTER HOURS	
A	No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the town after business hours without consent of the lawful owner, occupant, lessee or employee thereof.
B	No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant; the person violating this subsection shall be wholly responsible for payment of towage and storage charges.
C	No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking

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	or leaving a motor vehicle thereon, is subject to prosecution pursuant to the town code.
D	When used in this section, the term "after business hours" shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied. The term "place of business" means any private property upon which a building, house or other structure is used for commercial or public purposes, e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience stores, grocery stores, drug stores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions, manufacturing, professional services (medical, legal, accounting, insurance, consulting).
E	There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within thirty (30) minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.
F	If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.
G	The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in Section 1-108 of this code.
H	If a person violates Subsection A of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in Section 1-108 of this code.
I	The provisions of this section are cumulative of other applicable offenses enacted in this code or state law.

Cross Reference: See also Section 15-608 on vehicular trespass.

SECTION 10-319 UNLAWFUL INTRUSION ON LAND	
A	No person shall intrude or remain upon any lot or piece of land, or in any building within the town without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.
B	No person shall place, erect or occupy within the bounds of any

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	street, alley or avenue of the town any structure whatever unless such person is granted a license by the town to do so.
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SECTION 10-320 THROWING OR SHOOTING AT PERSONS OR PROPERTY

No person shall throw or shoot any object into or across any street or alley, or in any place where he is likely to hit another person wrongfully, or injure property, or to throw any object at any person, vehicle, structure, or property of another, whether public or private, except where such is done in defense of oneself or another person or property.

SECTION 10-321 THROWING OUT LIGHTED SUBSTANCES OR DEBRIS PROHIBITED

No person shall throw, drop, deposit or otherwise place in, upon or within the limits of any street, avenue, public ground, public waterway or town-owned property or waterway any lighted cigarette, cigar or other flaming or glowing substances, or any substance or thing which may cause a fire.

SECTION 10-322 LITTERING, DEPOSITS UNLAWFUL

It is unlawful to throw, deposit or discharge any item or waste material, liquid or solid, on any street or public place in the town or upon the property of another without express authority to do so.

SECTION 10-323 POSTING ADVERTISING MATTER ON BUILDING OF ANOTHER

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| A | No person shall place upon any building any advertising matter of any kind, nor print or exhibit printing on a building or any part thereof, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building. |
| B | No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device, advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof. |

SECTION 10-324 POSTING ADVERTISING MATTER ON UTILITY POLES OR ON OR OVER STREETS AND SIDEWALKS

It is unlawful for any person to place any advertising matter of any kind on any utility pole, or to place any advertising on the streets or sidewalks of the town or to place any advertising on any signs or banners stretched over the streets or sidewalks of the town. Nothing herein shall be construed to prevent any permanently located commercial or business establishment in the town from erecting and maintaining business or commercial signs in accordance with the ordinances of the town, nor to prohibit the granting of permission by the town to religious, charitable, patriotic or civic bodies to use banners across the streets of the town in such places as may be designated by the town clerk for the observance of holidays, charitable drives and the commemoration and celebration of other public or civic occasions.

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SECTION 10-325 INTERFERENCE WITH RADIO, TELEVISION OR TELEPHONE RECEPTION OF OTHERS

It is unlawful for any person, or any officer or employee of any person, to operate or use any citizen band radio, ham radio or other electrical apparatus or machine which materially and unduly interferes with radio, television or telephone reception of others.

SECTION 10-326 FALSE WEIGHTS

It is unlawful for any person to sell any commodity or article of merchandise and in the sale thereof knowingly make or give a false or short weight therefore or for any person owning or keeping or having in charge any scale used in weighing any animal, commodity or article to knowingly and willfully report any false or untrue weight whereby another person shall be defrauded or damaged.

SECTION 10-327 ELECTRIC FENCES PROHIBITED

It is unlawful for any person to erect, install or maintain any electrically charged fence within the town, except that the building official may issue a permit for an electrically-charged fence to retain animals upon proof that the fence will not be hazardous to life, and upon proof that the electric charge regulated by a controlling device.

Cross Reference: See also Part 5 of this code on building permits.

SECTION 10-328 UNLAWFUL USE OF ANOTHER'S GARBAGE OR REFUSE CONTAINER

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| A | It is unlawful and an offense for any person to dispose of garbage, refuse, rubbish or waste into any refuse container, dumpster or other receptacle for the deposit of same belonging to or leased by another, whether by rental agreement, lease or agreement with the town or a public or private trash, garbage or refuse hauling service, without the permission of the owner, lessee or other person entitled to the possession or use thereof. |
| B | It is unlawful and an offense to use the town's dumpsters for dumping without an issued permit therefore. |

SECTION 10-329 FIREWORKS PROHIBITED, EXCEPTIONS, PERMITS

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| A | For the purpose of this section, "fireworks" shall have the same meaning as in state law, Section 1621 et seq. of Title 68 of the Oklahoma Statutes. |
| B | The manufacture, use or discharge of fireworks shall be unlawful within this City, except supervised public display of fireworks shall be permitted as provided in the City Codes. Further exception is allowed by permit by the City Council at designated public or private locations while under adult supervision. |

RETAIL SALES

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| A | Retail Sales of fireworks will be permitted within this City under the following conditions: |
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	<ol style="list-style-type: none">1. A permit must be approved by the Council and a fee of \$5 .00 collected for said permit.2. Applicant must be 18 years of age or older.3. Fireworks may not be sold from home or other business.4. Fireworks must be sold from permanent or portable structure enclosed on at least three sides with solid floor and roof.5. Portable buildings must be set at least 100 feet from any pre-existing open business.6. Due to public safety and accessibility, firework stands may only be placed on thoroughfares of four lanes or more. Customers will not be allowed to obstruct open streets or private drive.7. Established City Sales Tax must be assessed on all sales.8. Workable fire extinguisher must be on the premises.
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CHAPTER 4	
OFFENSES AGAINST PUBLIC PEACE	
SECTION	DESCRIPTION
10-401	Disturbing the peace
10-402	Disturbing funerals
10-403	Disorderly conduct
10-404	Unnecessary noise prohibited
10-405	Parades and public assemblies

SECTION 10-401 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	<p>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</p> <ol style="list-style-type: none"> 1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct; 2. Appearing in an intoxicated condition; 3. Engaging in a fistic encounter; 4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby; 5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise; 6. Holding 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; 7. Interrupting 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; 8. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place; 9. Obstructing, molesting or interfering with any person lawfully in a public place; 10. Making unnecessarily loud, offensive noises; 11. Disturbing 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; or 12. Committing any other act in such a manner calculated as to unreasonably disturb, interfere or alarm the public or the comfort and repose of any person.
C	Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Subsection A

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	herein, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place; and any who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.
D	This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

SECTION 10-402 DISTURBING FUNERALS	
No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any person engaged in accompanying any funeral to a place of burial.	

SECTION 10-403 DISORDERLY CONDUCT	
A	person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, alarm or recklessly creating the risk thereof he: <ol style="list-style-type: none">1. Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;2. Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;3. Endangers the lawful pursuits of another by acts of violence, angry threats and abusive conduct;4. Jostles or crowds or pushes any person in any public place;5. Uses "fighting words" directed toward any person and thus creates a turmoil;6. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or7. By acts of violence interferes with another's pursuit of a lawful occupation.

State Law Reference: Power of town relating to disorderly conduct, 11 O.S. 22-110.

SECTION 10-404 UNNECESSARY 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 either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the town.
B	Permits may be granted by the town for certain activities and events which are exempt from the provisions of this section.

State Law Reference: Town's power to restrain and prohibit unnecessary noise, 11 O.S. Sec. 22-110.

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SECTION 10-405 PARADES AND PUBLIC ASSEMBLIES	
A	As used in this section, "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the town.
B	No person shall use any street, alley, public way, park or other property owned or controlled by the town, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the town clerk under such conditions as deemed appropriate.
C	Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this code are complied with.
D	Not less than two (2) weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the town. The time requirements may be waived by the town clerk at his discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the town. The application shall provide such other information as requested.
E	<p>The town clerk shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:</p> <ol style="list-style-type: none"> 1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route; 2. The conduct of the parade will not require the diversion of so great a number of police officers of the town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town; 3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than that to be occupied by the proposed line of march and areas contiguous thereto; 4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas; 5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire; 6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and 7. The parade is scheduled to move from its point of origin to

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	its point of termination expeditiously and without unreasonable delays en route.
F	The town clerk, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the town harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.
G	Without regard to the above provision of this division, the town clerk, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.
H	The town clerk, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five (5) days after notice of the action of the town clerk. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

State Law Reference: Power of local authorities to regulate assemblies, 47 O.S. Sec. 15-102.

Cross Reference: Funeral processions, Sec. 15-524.

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CHAPTER 5	
OFFENSES AGAINST THE PUBLIC	
SECTION	DESCRIPTION
10-501	Public intoxication
10-502	Marijuana prohibited
10-503	Drug paraphernalia
10-504	Sniffing glue, paint and other substances
10-505	Curfew for minors
10-506	False representation as blind, crippled or physically defective to obtain money, aid
10-507	Prowling on premises
10-508	Misrepresenting age by false documents
10-509	Obscene, threatening or harassing telephone calls
10-510	Disorderly house
10-511	Nudity, improper dress, indecent exposure
10-512	Gambling and gambling devices
10-513	Prostitution prohibited
10-514	Offenses near schools
10-515	Sleeping in places, property
10-516	Contributing to delinquency of a minor
10-517	Tobacco to minors prohibited

SECTION 10-501 PUBLIC INTOXICATION

No person shall be in any public place in a state of intoxication. A state of intoxication means the condition in which a person is under the influence of drugs, intoxicating liquors or non-intoxicating beverage to such an extent as to deprive the person of his full mental or physical power or be unable to exercise care for his own safety or the safety of others.

State Law Reference: Drunkards and drunkenness generally, 63 O.S. Sec. 2101, et seq.; intoxication in a public place or at a public gathering, 37 O.S. Sec. 8.

Cross Reference: Drinking in public place, see Secs. 3-109 and 3-212 of this code; alcoholic beverages generally, Secs. 3-101 et seq. of this code.

SECTION 10-502 MARIJUANA PROHIBITED

A It is unlawful for any person:

1. To appear or be upon or 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 town;
3. To use marijuana in any place within the town except as legally prescribed by a physician licensed to practice in the state; or

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	4. To be 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, fibre produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extracted therefrom), fibre, oil or cake, or the sterilized seed of such plant which is incapable of germination.

State Law Reference: Controlled Dangerous Substances Act, 63 O.S. Sec. 2-101, et seq.

SECTION 10-503 DRUG PARAPHERNALIA	
A	For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq. of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the act," and adopted by reference herein. It includes, but is not limited to:
	<ol style="list-style-type: none"> 1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances; 3. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances; 4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances; 5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances; 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances; 7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana; 8. Blenders, bowls, containers, spoons and mixing devices used,

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	<p>intended for use, or designed for use in compounding controlled substances;</p> <p>9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;</p> <p>10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;</p> <p>11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and</p> <p>12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:</p> <ul style="list-style-type: none"> a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; b. Water pipes; c. Carburetion tubes and devices; d. Smoking and carburetion masks; e. Roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand; f. Miniature cocaine spoons, and cocaine vials; g. Chamber pipes; h. Carburetor pipes; i. Electric pipes; j. Air-driven pipes; k. Chillums; l. Bongs; or m. Ice pipes or chiller.
B	<p>In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:</p>
	<ul style="list-style-type: none"> 1. Statements by an owner or by anyone in control of the object concerning its use; 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance; 3. The proximity of the object, in time and space, to a direct violation of the act; 4. The proximity of the object to controlled substances; 5. The existence of any residue of controlled substances on the object; 6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of the act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the act shall not

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	<p>prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;</p> <p>7. Instructions, oral or written, provided with the object concerning its use;</p> <p>8. Descriptive materials accompanying the object which explain or depict its use;</p> <p>9. National and local advertising concerning its use;</p> <p>10. The manner in which the object is displayed for sale;</p> <p>11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;</p> <p>12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;</p> <p>13. The existence and scope of legitimate uses for the object in the community; and</p> <p>14. Expert testimony concerning its use.</p>
C	It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
D	It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
E	It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

State Law Reference: Similar provisions, 63 D.S. Sec. 2-101.1

SECTION 10-504 SNIFFING GLUE, PAINT AND OTHER SUBSTANCES

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication

SECTION 10-505 CURFEW FOR MINORS

A	For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:
	<p>1. "Custodian" is any person over the age of twenty-one (21) years who is in loco parentis to a minor;</p> <p>2. "Guardian" is any person other than a parent who has legal</p>

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	<p>guardianship of a minor;</p> <p>3. "Minor" is any person under the age of sixteen (16);</p> <p>4. "Parent" is the natural or adoptive parent of a minor; and</p> <p>5. "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.</p>
B	<p>It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the town between the hours of midnight and 5:00 AM. in the morning unless:</p> <ol style="list-style-type: none"> 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; or 3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.
C	<p>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.</p>
D	<p>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 town between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:</p> <ol style="list-style-type: none"> 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 town police department.
E	<p>The board of trustees may permit by resolution or motion procedures for advance notice or registration with the town of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The board of trustees may also prescribe the procedures for taking into custody minors found in violation of this section.</p>

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F	A parent, guardian or custodian, of such minor, may file a written application directed to the chief of police of the town 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 town clerk of the town.
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 town 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 10-506 FALSE REPRESENTATION AS BLIND, CRIPPLED OR PHYSICALLY DEFECTIVE TO OBTAIN MONEY, AID

No person shall falsely represent himself as blind, deaf, dumb, crippled or physically defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

State Law Reference: Offense against public morals being a misdemeanor, 21 O.S. Sec. 22; public decency generally, 21 O.S. Sec. 22.851, et seq.

SECTION 10-507 PROWLING ON PREMISES

No person shall be upon the property or premises of another with the intent to peer or peep into the window or door of the dwelling.

State Law Reference: Peeping toms generally, 21 O.S. Sec. 1171.

SECTION 10-508 MISREPRESENTING AGE BY FALSE DOCUMENTS

No person shall, for the purpose of violating any statutes of the state or any ordinances of the town, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his own.

State Law Reference: Misrepresentation of age by false documents, 21 O.S. Sec. 1518-1520.

Cross Reference: Misrepresentation of age by false or altered documentation for purpose of obtaining alcoholic and non-intoxicating beverage Sec. 3-109 and 3-213.

OFFENSES AND CRIMES

SECTION 10-509 OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS	
A	No person shall by means of a telephone, willfully:
	<ol style="list-style-type: none"> 1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent; 2. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number; 3. Permit any telephone under his control to be used for any purpose prohibited by this section; or 4. In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number.
B	Use of a telephone facility under this section shall include all uses made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

State Law Reference: Telephone calls, 21 O.S. Sec. 1172.

SECTION 10-510 DISORDERLY HOUSE	
A	<p>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:</p> <ol style="list-style-type: none"> 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 town or statutes of this state regulating the sale, distribution, possession or use of alcoholic and non intoxicating beverages as defined by law; 3. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution; or 4. The violation of any state statute or town ordinance prohibiting gambling.
B	No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
C	No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

OFFENSES AND CRIMES

D	No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the town 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.
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State Law Reference: Municipal power to regulate disorderly houses and indecencies, 11 O.S. Sec. 22-109.

Cross Reference: See also Sec. 10-513 on prostitution.

SECTION 10-511 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE

A	It is unlawful for any person to:
	<ol style="list-style-type: none"> 1. Appear in any public place in the town in a state of nudity; 2. Appear in any public place in the town in any offensive, indecent or lewd dress; or 3. Make an indecent public exposure of his or her person.

State Law Reference: Similar provisions, 21 O.S. Sec. 1021.

SECTION 10-512 GAMBLING AND GAMBLING DEVICES

A	Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game, is guilty of an offense.
B	Any person who bets on or plays at any of the prohibited games mentioned in Subsection A above, or otherwise gambles, is guilty of an offense.
C	It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel or other article or apparatus designed for or used for gambling purposes.
D	It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest.
E	It is unlawful for any person to play any prohibited game described in this section.
F	It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the town, in which building, or any part of or room in any such

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	building, any table, cards, dice, roulette wheel or other article or apparatus designed for or being used for gambling purposes are exhibited or exposed to view.
G	The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.
H	It is unlawful for any person to be 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.
I	Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations; provided the organizations are properly licensed and operated in accordance with law.

State Law References: Gambling generally, 21 O.S. Sec. 941 et seq.; punishment for betting on or playing prohibited game, 21 O.S. Sec. 942, bingo generally, 21 O.S. Sec. 995.1 et seq.; Oklahoma Horseracing Act, 3A O.S. Sec. 200 et seq.; disposition of equipment used for gambling, 21 O.S. Sec. 943; search and seizure of equipment used for gambling, 21 O.S. Sec. 916; 22 O.S. Secs. 1261 et seq.

SECTION 10-513 PROSTITUTION PROHIBITED	
A	As used in this section, "prostitution" means and includes the getting or receiving of the body for sexual intercourse for hire and includes the giving or receiving of the body for indiscriminate sexual intercourse without hire.
B	It is unlawful: <ol style="list-style-type: none"> 1. To engage in prostitution, lewdness or assignation; 2. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or 3. To aid, abet or participate in the doing of any or the acts herein prohibited.
C	No person shall in any way or manner whatever, keep, harbor or house any prostitute.
D	No person shall entice or attempt to entice any female into a house of prostitution, or have illicit sexual intercourse with any female under the age of eighteen (18) years of age.
E	No person shall keep or maintain a house of prostitution or house of assignation.
F	No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the town, or knowingly permit the same to be so used.
G	No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in

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	prostitution.
H	No person shall offer, or offer to secure another for the purpose of prostitution, or for any other lewd or indecent act.
I	No person shall direct, take or transport, or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.
J	It is unlawful for a person to be present in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such a purpose is manifested are: That such person is a known prostitute or procurer; that such person repeatedly beckons to, stops or attempts to stop or engage passersby in Conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
K	For the purpose of this section, a "known prostitute or procurer" is a person who, within one year prior to the date of the suspected violation of this section has, within the knowledge of the arresting officer, been convicted of a violation of this section or has been convicted of violating any statute or ordinance of any jurisdiction which makes prostitution or soliciting for the purpose of prostitution unlawful.

State Law Reference: Definition of prostitution, 21 O.S. Sec. 1030; Soliciting, 21 O.S. 1029; pimping, 21 O.S. 1081.

SECTION 10-514 OFFENSES NEAR SCHOOLS

A	No person shall engage in any of the conduct or acts hereinafter set forth around, in or near any school or school grounds or streets and alleys adjacent to any school:
	<ol style="list-style-type: none"> 1. Any conduct that would disturb the orderly conduct of the school; 2. Annoying or molesting any student or employee of the school; 3. Lewd or wanton conduct in, near or around any of the schools or school grounds or streets and alleys adjacent to the schools; 4. Moving or parking any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school; or 5. Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

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SECTION 10-515 SLEEPING IN PLACES, PROPERTY

It is unlawful for any person, without lawful reason, between the hours of 12:00 midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the expressed or tacit consent of the owner or person in charge of such place.

SECTION 10-516 CONTRIBUTING TO DELINQUENCY OF A MINOR

A	"Any person" as used in this section means any human being, without regard to the legal or natural relationship to a minor, as well as legal or corporate entity. "Minor" means any person under the age of eighteen (18) years.
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B	Any person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by state law, shall be guilty of an offense.
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State Law Reference: Contributing to delinquency of minors, 21 O.S. 856 et seq.

SECTION 10-517 TOBACCO TO MINORS PROHIBITED

It is unlawful and an offense for any person to sell, barer, give or otherwise furnish cigarettes, cigars or tobacco in any form to a minor, or to permit such minor to frequent any premises owned, held or managed by him for the purpose of using or procuring cigarettes, cigars or tobacco in any form.

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CHAPTER 6 OFFENSES AGAINST PUBLIC AUTHORITY	
SECTION	DESCRIPTION
10-601	Escaping custody
10-602	Conveying instruments to assist escape
10-603	Assisting prisoner to escape
10-604	Delivery of articles to person in confinement
10-605	Assaulting police officer or firefighter
10-606	Resisting a police officer
10-607	Citizens' duty to assist
10-608	Obedience to orders of police and firefighter
10-609	Eluding police officer by motor vehicle
10-610	Use of siren or whistle
10-611	Impersonating a police officer or any town officer
10-612	False statements, reports or complaints
10-613	False alarms
10-614	Removal of barricades
10-615	Resisting public officials
10-616	Duties of the public at fires, emergencies
10-617	Tampering with signs, equipment

SECTION 10-601 ESCAPING CUSTODY

No person lawfully in custody or confined in the town jail, before or after conviction for any violation of the ordinances of the town, or held in custody going to the town jail, or working upon the streets or other public grounds of the town or in custody of any officer of the town, shall break or attempt to break such town jail or custody, and escape or attempt to escape therefrom.

SECTION 10-602 CONVEYING INSTRUMENTS TO ASSIST ESCAPE

No person shall convey into the town jail any disguised instrument or anything proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the town jail for any violation of the town ordinances, for any criminal offense, or lawfully detained or imprisoned therein, whether such escape is effected or attempted or not.

SECTION 10-603 ASSISTING PRISONER TO ESCAPE

No person shall in any way aid, remove or assist any person to resist or escape from custody of any police officer or from any lawful confinement in the town.

State Law Reference: Assisting prisoner to escape, 21 O.S. Sec. 437, 441.

SECTION 10-604 DELIVERY OF ARTICLES TO PERSON IN CONFINEMENT

No person shall deliver any article or thing to any person under arrest without the consent of the officer having charge' and custody of the prisoner.

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SECTION 10-605 ASSAULTING TOWN OFFICER

No person shall knowingly commit any assault, battery, or assault and batter any town official or police officer or firefighter while in the performance of their duties.

State Law Reference: Assaulting law officer, 21 O.S. Sec. 649, 650.

SECTION 10-606 RESISTING A POLICE OFFICER

A	It is unlawful to resist, oppose or assault, prevent, fail to cooperate with 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 town.
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: <ol style="list-style-type: none">1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

SECTION 10-607 CITIZENS' DUTY TO ASSIST

It is the duty of all persons in the town when called upon by any police officer to promptly aid and assist him in the execution of his duties.

SECTION 10-608 OBEDIENCE TO ORDERS OF POLICE AND FIREFIGHTER

No person shall fail to heed a reasonable order of a police officer or firefighter while such officer is in the discharge of an official duty in maintaining the public safety or welfare.

SECTION 10-609 ELUDING POLICE OFFICER BY MOTOR VEHICLE

No operator of a motor vehicle who has received a visual or audible signal, a red light or a siren from a police officer driving a motor vehicle, showing the same to be an official police, sheriff or highway patrol car directing the operator to bring his vehicle to a stop,

OFFENSES AND CRIMES

shall willfully increase his speed or extinguish his lights to elude or attempt to elude such police officer, or attempt in any other manner to elude the police officer.

SECTION 10-610 USE OF SIREN OR WHISTLE

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| A | No person shall use any police whistle or any other instrument used by police officer to give signals to each other, or imitate any signal given by one police officer to another or any special signal used by police officers, for the purpose of improperly or causelessly attracting the attention of the police. |
| B | No person, except members of police department, fire department or ambulance services, shall ring, use or otherwise sound any gong, siren, whistle or any other device for making similar noise. |

SECTION 10-611 IMPERSONATING A POLICE OFFICER OR ANY TOWN OFFICER

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| A | No person, other than police officers of the town, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the police officers of the town. |
| B | No person shall do or attempt any act to impersonate a police officer. |
| C | It is unlawful to falsely impersonate any officer or employee of the town, or falsely represent himself to be an officer or employee of the town, by any kind of representation, pretense, insignia, sound" clothing or conduct, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the town without being authorized to do so. |

State Law Reference: Impersonating public officers, 21 O.S. Sec. 263, 264, 1533.

SECTION 10-612 FALSE STATEMENTS, REPORTS OR COMPLAINTS

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| A | No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the town, or on any official application or to commit perjury before any tribunal of the town. |
| B | No person shall willfully and without probable cause make a false report to any person of any crime, violation of the town's ordinances, or circumstances indicating the possibility of crime or violation having been committed, including but not limited to the unlawful taking of personal property, which report causes or encourages the exercise of police or other official action or investigation. |

OFFENSES AND CRIMES

SECTION 10-613 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, police department or any other emergency personnel, or summon 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 or unnecessary run to any part of the town or outside the town.

SECTION 10-614 REMOVAL OF BARRICADES
It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the town to keep traffic off any pavement, street, curb, sidewalk or other area.

SECTION 10-615 RESISTING PUBLIC OFFICIALS	
A	It is unlawful for any person knowingly or willfully to:
	<ol style="list-style-type: none"> 1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the town in the discharge of his official duties; 2. Obstruct, threaten or otherwise intimidate or attempt to intimidate any 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 10-616 DUTIES OF THE PUBLIC AT FIRES, EMERGENCIES	
A	All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.
B	No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the fire chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.
C	Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The fire chief or an assistant fire chief or any police officer shall have the power to designate persons to guard any goods.
D	No person shall follow or block the way of any emergency vehicle engaged in an emergency run, or knowingly interfere with officers at the location of any fire or emergency.

OFFENSES AND CRIMES

State Law Reference: Interfering with firefighters 21 O.S. Sec. 127.

SECTION 10-617 TAMPERING WITH SIGNS, EQUIPMENT

It is unlawful for any person to tamper with any signs, signal equipment or other device placed, operated and maintained by the town in connection with the administration of its code provisions, ordinances, regulations, services, functions or performance of duties thereto.

Cross Reference: See also tampering with public utilities, Section 10-314.

PARKS, RECREATION AND CEMETERY

PART 11 - PARKS, RECREATION AND CEMETERY

CHAPTER 1
PARKS, RECREATION AND CEMETERY

SECTION	DESCRIPTION
11-101	Cemetery established, board, rules, fees
11-102	Perpetual Care Fund
11-103	Motel Tax
11-104	Rules and Regulations

CHAPTER 2
(RESERVED)

PARKS, RECREATION AND CEMETERY

PARKS, RECREATION AND CEMETERY

CHAPTER 1 PARKS, RECREATION AND CEMETERY	
SECTION	DESCRIPTION
11-101	Cemetery established, board, rules, fees
11-102	Perpetual Care Fund
11-103	Motel Tax
11-104	Rules and Regulations

SECTION 11-101 CEMETERY ESTABLISHED, BOARD, RULES, FEES
\$25.00 of each lot sole is to be placed in a savings toward land purchase.

SECTION 11-102 PERPETUAL CARE FUND	
A	Such a fund will be created and all monies will be held in a trust bearing account with the Bank NA, McAlester, OK separate and segregated from all other cemetery funds. The fund will hold monies donated deposited and or made by bequest for the special care of specified lots, monuments or mausoleums in any city owned cemetery or any other related purpose specified by the donor.
B	The principal amounts held in the fund may not be accessed. Only interest derived from the investments made into the fund shall be used. (Approved: August 25, 2008)

SECTION 11-103 MOTEL TAX	
A	Hotel/motel tax was passed by the voters in 2008. 1/3 of the 5% of the hotel/motel tax collected is to be put into the cemetery fund. Effect date (August 29, 2008)

SECTION 11-104 RULES AND REGULATIONS	
A	The cemetery rules and regulations are as follows:
	<ol style="list-style-type: none"> 1. Each lot will by 6' by 20' 2. No above ground lot markers, other than the standard type of head stone grave markers 3. No above ground border markers, steel pipe, chain, poles, or fences 4. If a lot is sold it will be sold back to the Town of Kiowa at cost 5. No donations for cleaning of specified lots will be accepted 6. No person will be buried in the cemetery or headstone set without permission from City Hall 7. Old flowers will be removed as needed for mowing within 60 days after Memorial Day 8. Temporary markers will be removed after headstones are set. You can pick these up at City Hall 9. No trees, shrubs or bushes are to be planted on or around graves 10. No decorative rock or gravel is to be placed on or near graves (Effective date: June 26, 2000)

PARKS, RECREATION AND CEMETERY

PARKS, RECREATION AND CEMETERY

CHAPTER 2
(RESERVED)

PLANNING, ZONING AND DEVELOPMENT

PART 12 - PLANNING, ZONING, AND DEVELOPMENT

CHAPTER 1
PLANNING, ZONING, AND DEVELOPMENT

ARTICLE A	
PLANNING COMMISSION	
SECTION	DESCRIPTION
12-101	Planning commission created, membership
12-102	Organization, meetings, officers and employees
12-103	Powers and duties
12-104	Powers of zoning commission

ARTICLE B	
BOARD OF ADJUSTMENT	
(RESERVED)	

CHAPTER 2	
ZONING REGULATIONS	
SECTION	DESCRIPTION
12-205	Residential Area
12-206	Public Hearing

CHAPTER 3 ZONING REGULATIONS (RESERVED)

CHAPTER 4
SUBDIVISION REGULATIONS (RESERVED)

CHAPTER 5
FLOOD PLAIN REGULATIONS (RESERVED)

PLANNING, ZONING AND DEVELOPMENT

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1 PLANNING, ZONING, AND DEVELOPMENT
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ARTICLE A	
PLANNING COMMISSION	
SECTION	DESCRIPTION
12-101	Planning commission created, membership
12-102	Organization, meetings, officers and employees
12-103	Powers and duties
12-104	Powers of zoning commission

SECTION 12-101 PLANNING COMMISSION CREATED, MEMBERSHIP
A town planning commission is hereby created for the town. It shall consist of five (5) appointive members, all of whom shall be electors of the town and the mayor and town engineer as ex officio members. The five (5) appointive members shall be nominated by the mayor and appointed by the board of trustees, and shall serve for terms of three (3) years. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The board of trustees may remove members of the town planning commission for cause.

SECTION 12-102 ORGANIZATION, MEETINGS, OFFICERS AND EMPLOYEES
The planning commission shall elect a chairman, a vice-chairman and a secretary who shall serve for one year terms. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings. The chairman, the mayor or any three (3) members may call special meetings of the commission.

SECTION 12-103 POWERS AND DUTIES
The planning commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by any other provisions of town.

SECTION 12-104 POWERS OF ZONING COMMISSION	
A	The planning commission is also appointed as the zoning commission of the town. The planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board, known as the town planning commission.
	Exercising the powers of a zoning commission, the town planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by state law and all powers which now or in the future may be granted by applicable state law to such authorities.

PLANNING, ZONING AND DEVELOPMENT

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 2	
ZONING REGULATIONS	
SECTION	DESCRIPTION
12-205	Residential Area
12-206	Public Hearing

SECTION 12-205 RESIDENTIAL AREAS
Any new commercial enterprises planned for residential areas must have approval from the board of trustees of the town of Kiowa prior to start of construction.

SECTION 12-206 PUBLIC HEARING
A public hearing shall be held for residents input before any approval is granted to the commercial entity.

PLANNING, ZONING AND DEVELOPMENT

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 3 ZONING REGULATIONS (RESERVED)

PLANNING, ZONING AND DEVELOPMENT

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 4
SUBDIVISION REGULATIONS (RESERVED)

PLANNING, ZONING AND DEVELOPMENT

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 5

FLOOD PLAIN REGULATIONS (RESERVED)

PUBLIC SAFETY

PART 13 - PUBLIC SAFETY

CHAPTER 1

FIRE CODE AND PREVENTION

SECTION	DESCRIPTION
13-101	Adoption of fire prevention code
13-102	Modifications
13-103	New materials, processes, or occupancies which may require permits
13-104	Appeals
13-105	Penalties

CHAPTER 2

FIRE SERVICES

ARTICLE A

FIRE DEPARTMENT

SECTION	DESCRIPTION
13-201	Fire department
13-202	Volunteer department
13-203	Fire Chief
13-204	Duties of the Assistant Chief
13-205	Company officers
13-206	Secretary-treasurer
13-207	Membership, new members
13-208	By-Laws
13-209	Rules and regulations
13-210	Social officers
13-211	Use of fire equipment
13-212	Authority of firefighters at fires
13-213	Right of entry

ARTICLE B

CALLS OUTSIDE LIMITS

SECTION	DESCRIPTION
13-221	Power to contract
13-222	Contracts for service
13-223	Authority to answer calls
13-224	Charges for calls made outside town
13-225	Firefighters serving in regular line of duty
13-226	Department considered agent of state

CHAPTER 3

POLICE SERVICES

SECTION	DESCRIPTION
13-301	Police department created; chief
13-302	Duties
13-303	Officers

PUBLIC SAFETY

CHAPTER 4 CIVIL DEFENSE	
SECTION	DESCRIPTION
13-401	Purpose of chapter
13-402	Department
13-403	Responsibilities and duties of director, deputies
13-404	Emergency powers of civil defense director and other personnel

CHAPTER 5 UNCLAIMED PROPERTY	
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13-502	Disposition of personal property, general procedures
13-503	Seized property related to gambling, report and disposition
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CHAPTER 1	
FIRE CODE AND PREVENTION	
SECTION	DESCRIPTION
13-101	Adoption of fire prevention code
13-102	Modifications
13-103	New materials, processes, or occupancies which may require permits
13-104	Appeals
13-105	Penalties

SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE
<p>There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as Fire Prevention Code recommended by the National Fire Protection Association, and that certain code known as the Life Safety Code recommended by the National Fire Protection Association, being particularly the latest editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this code. At least one copy of the Fire Prevention Code and the Life Safety Code are on file in the office of the town clerk. The Fire Prevention Code and the Life Safety Code are hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this code shall take effect, the provisions thereof shall be controlling within the limits of the town.</p>

Cross Reference: See Sections 5-601 et seq. of this code for other provisions on liquefied petroleum gases

SECTION 13-102 MODIFICATIONS	
A	The town board of trustees shall have power to modify any of the provisions of the Fire Prevention Code and the life safety 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 fire chief and board of trustees thereon shall be entered upon the records of the board of trustees, and a signed copy shall be furnished the applicant.
B	The limits in the fire prevention code in which storage of flammable liquids in above-ground tanks, new bulk plants for flammable liquids, bulk storage of LPG and storage of explosives and blasting agents, are prohibited are the town limits.

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SECTION 13-103 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The town board of trustees may 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 said code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 13-104 APPEALS

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town board of trustees within thirty (30) days from the date of the decision appealed.

SECTION 13-105 PENALTIES

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|---|---|
| A | Any person who violates any of the provisions of the codes hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the town board of trustees 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. |

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CHAPTER 2 FIRE SERVICES

ARTICLE A	
FIRE DEPARTMENT	
SECTION	DESCRIPTION
13-201	Fire department
13-202	Volunteer department
13-203	Fire Chief
13-204	Duties of the Assistant Chief
13-205	Company officers
13-206	Secretary-treasurer
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13-209	Rules and regulations
13-210	Social officers
13-211	Use of fire equipment
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SECTION	DESCRIPTION
13-221	Power to contract
13-222	Contracts for service
13-223	Authority to answer calls
13-224	Charges for calls made outside town
13-225	Firefighters serving in regular line of duty
13-226	Department considered agent of state

ARTICLE A
FIRE DEPARTMENT

SECTION 13-201 FIRE DEPARTMENT	
A	There is a fire department of the town, the head of which is the chief of the fire department.
B	It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures on elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings.

SECTION 13-202 VOLUNTEER DEPARTMENT	
A	The fire department of the town is a volunteer department which has in its service not more than two (2) full time salaried firefighters and not less than six (6) nor more than twenty (20) volunteer firefighters.

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B	For the purpose of this chapter, a volunteer firefighter is considered as one who is enrolled as a member of the fire department and who serves in the capacity without receiving a regular salary.
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SECTION 13-203 FIRE CHIEF	
A	The chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the town, and the rules and regulations adopted in this chapter.
B	The chief shall have the following powers and duties, and he may assign duties to other members of the department: <ol style="list-style-type: none">1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the town board;2. The chief may inspect or cause to be inspected by members of the department the fire hydrants, cisterns and other sources of water supply at least twice each year;3. The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure the preservation of all possible evidence for future use in the case;7. The chief is authorized to enter any building or premises in the town at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and8. 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 town board as he may require. The chief shall keep the town informed regarding the fire department and its needs.

SECTION 13-204 DUTIES OF THE ASSISTANT CHIEF	
In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the department and be appointed by the chief, with approval of the town board.	

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SECTION 13-205 COMPANY OFFICERS	
A	Company officers shall be selected by the chief based on the following criteria:
	<ol style="list-style-type: none">1. Knowledge of fire firefighting;2. Leadership ability; and3. Knowledge of firefighting equipment

SECTION 13-206 SECRETARY TREASURER	
A	One member elected by the members of the fire department, subject to approval of the chief, shall be a secretary-treasurer.
B	His duties shall consist of the following:
	<ol style="list-style-type: none">1. Calling the roll at the opening of each meeting;2. Keeping the minutes of each meeting; and3. Collecting any money due the department by the members

SECTION 13-207 MEMBERSHIP, NEW MEMBERS	
A	Membership of the department shall consist of such persons as may be appointed by the chief and shall be persons residing within the town. Determination of whether candidates for appointment are capable of performing their duties shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the town board.
B	New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department, the chief and the town board.

SECTION 13-208 BY-LAWS	
A	The by-laws of the department shall include the following:
	<ol style="list-style-type: none">1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;3. At least one regular business meeting of the members shall be held each month;4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;5. Any member leaving the town for an extended period of time is required to notify the chief;6. Any member refusing to attend training classes provided for members of the department will be dropped;7. Any member of the fire department may be dropped from the rolls for the following offenses:<ol style="list-style-type: none">a. Conduct unbecoming a firefighter;b. Any act of insubordination;

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	<ul style="list-style-type: none">c. Neglect of duty;d. Any violation of rules and regulations governing the fire department;e. Conviction of a felony; orf. By a majority vote of the members of the company and approval of the chief
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SECTION 13-209 RULES AND REGULATIONS
The town board of trustees, by motion or resolution, may adopt and change regulations relating to the fire department, its organization, operation and compensation.

SECTION 13-210 SOCIAL OFFICERS
The department may elect a president, vice-president, secretary or treasurer to be known as social officers. Such officers may be elected in any manner and for any term the members may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the members. The functions and duties of the social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department.

SECTION 13-211 USE OF FIRE EQUIPMENT
A The department shall be equipped with such apparatus and other equipment as maybe required from time to time to maintain its efficiency and properly protect life and property from fire.
B Recommendations of apparatus and equipment needed shall be made by the chief, purchased after approval as other town purchases.
C All equipment of the department shall be safely and conveniently housed in such places as may be designated by the town board.
D Suitable arrangements and equipment shall be provided for people to turn in alarms and to notify members of the department so that they may promptly respond.
E 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.

SECTION 13-212 AUTHORITY OF FIREFIGHTERS AT FIRES
The fire chief, assistant fire chiefs or other fire department officers in charge shall have complete charge and control at all fires. Fire orders shall be obeyed. The chief or his officers may prescribe limits in the vicinity of a fire which no persons except those residing or owning property therein shall be permitted to enter except on the order of the officer in command. Police officers may aid in carrying into effect the provisions of this section.

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SECTION 13-213 RIGHT OF ENTRY

The chief of the fire department and his designee may at all reasonable hours enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter and other provisions of this code, he may deem necessary to make.

ARTICLE B

CALLS OUTSIDE LIMITS

SECTION 13-221 POWER TO CONTRACT

The town is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or military installations or commands, or political subdivisions of the state for fire protection outside the corporate limits of the town, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

State Law Reference: Fire services outside town, town powers, 11 O.S. Secs. 29-105 et seq.

SECTION 13-222 CONTRACTS FOR SERVICE

Any contract entered into by the town, with an individual owner, a firm, private corporation, association or political subdivision, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, association or political subdivision for such service, equipment or personnel in an amount reached through negotiation by the parties.

SECTION 13-223 AUTHORITY TO ANSWER CALLS

The fire department is authorized to answer all calls outside the town limits if first approved by the fire chief on duty. The fire chief shall determine that the equipment and personnel to be dispatched for such calls are not needed for other purposes within the town.

SECTION 13-224 CHARGES FOR CALLS MADE OUTSIDE TOWN

The town may enter into a contract with persons, organizations or associations to provide fire protection service outside the town limits. Such contracts shall be conditioned upon the determination of the fire chief that the property in question is within a reasonable distance from the town and that prior to any fire protection equipment being dispatched for any fire call for such property, the fire chief on duty shall first approve such call and determine that the equipment and personnel to be dispatched are not needed for other purposes within the town. The charges for such calls shall be as specified in the fee schedule.

Ed. Note: \$200.00 is minimum fee for call outside limits, which may be amended by motion or resolution.

SECTION 13-225 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY

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All firefighters attending and serving at fires or doing fire prevention work outside the corporate limits of the town, 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 town. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the town.

SECTION 13-226 DEPARTMENT CONSIDERED AGENT OF STATE

The fire department when answering any fire alarm or call or performing any fire prevention services outside the corporate limits of the town shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the town shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

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CHAPTER 3	
POLICE SERVICES	
SECTION	DESCRIPTION
13-301	Police department created; chief
13-302	Duties
13-303	Officers

SECTION 13-301 POLICE DEPARTMENT CREATED; CHIEF

There shall be a police department, the head of which is the chief of police, or the police chief, appointed by the town board of trustees and removable by the town board. The police chief is an officer of the town and has supervision and control of the police department. All police officers are officers of the town.

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 violators of the ordinances of the town; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state laws as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

SECTION 13-303 OFFICERS

Police officers shall be appointed by the police chief subject to approval of the board of trustees of the town. Police officers shall perform such duties as shall be required of them by the police chief, the town ordinances, federal, state or county laws or regulations, and other actions required in the maintenance of good order and public peace.

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CHAPTER 4 CIVIL DEFENSE	
SECTION	DESCRIPTION
13-401	Purpose of chapter
13-402	Department
13-403	Responsibilities and duties of director, deputies
13-404	Emergency powers of civil defense director and other personnel

SECTION 13-401 PURPOSE OF CHAPTER

The purpose of this chapter is to create an emergency management and civil defense organization for the town to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the town. The duty of such civil defense organization shall be the protection of the lives and health of the citizens of the town and the property and property rights, both private and public, and to perform all functions necessary and incident thereto.

SECTION 13-402 DEPARTMENT

The purpose of the civil defense department (hereinafter "department") is to prepare for, and function in the event of, emergencies endangering the lives and property of the citizens of the town. The department is headed by a director, appointed by the town board of trustees for such compensation and under such terms as the town board of trustees may establish. The director serves at the pleasure of the town board of trustees.

SECTION 13-403 RESPONSIBILITIES AND DUTIES OF DIRECTOR, DEPUTIES

A	The director of the department shall be the administrative head of the department and shall be responsible for carrying out the emergency management and civil defense program of the town in coordination with the civil defense advisory committee. He shall have such further duties and responsibilities to cooperate with all emergency services and civil defense agencies of other governmental units including the state and the federal government.
B	The town board of trustees or the director, when empowered by the town board of trustees, may designate some person as deputy director or assistant director and shall prescribe the duties of the deputy or assistant from time to time as necessary for the carrying out of the emergency management and civil defense program of the town. The deputy director shall perform all duties of the director upon the death, disability or illness, or separation from service of the director. In addition to the foregoing duties, the deputy or assistant shall render such aid and assistance and perform such duties under the emergency management and civil defense program of the town as may be required by the director.

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SECTION 13-404 EMERGENCY POWERS OF CIVIL DEFENSE ORGANIZATION	
A	In the event of an enemy-caused emergency or emergency resulting from natural causes, the director, after due authorization from the mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management and civil defense and, if necessary, to 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 other governmental agencies, emergency management services and civil defense organizations.
B	The director, other members of the department and members of any emergency services and the civil defense organization established herein shall have the power and authority to enforce the laws of the state and ordinances of the town during the period of emergency, and shall at such time have the further power of make arrests for violations of such laws or ordinances.

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CHAPTER 5 UNCLAIMED PROPERTY	
SECTION	DESCRIPTION
13-501	Delivery required; records
13-502	Disposition of personal property, general procedures
13-503	Seized property related to gambling, report and disposition
13-504	Seized property related to alcoholic beverages, disposition
13-505	Property of deceased persons
13-506	Exchange of unclaimed or confiscated weapons
13-507	Recovery by owner

SECTION 13-501 DELIVERY REQUIRED: RECORDS	
A	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 police chief. The police chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and the name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.
B	For the purpose of this chapter, "police chief" means the police chief or his designee.

State Law Reference: Disposition of personal property by police chief, procedures, application to destroy, 11 O.S. Sec. 34-104; Uniform unclaimed property disposition act, 60 O.S. Sec. 655; relating to finders of lost goods, 15 O.S. Secs. 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. Secs. 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. Secs. 1261 et seq.; alcoholic beverages seized in violation of law, 37 O.S. Sec. 539

SECTION 13-502 DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES	
A	The police chief is authorized to sell personal property, other than animals, money or legal tender of the United States, except as provided in Subsection B of this section, which has come into his possession in any manner if:
	<ol style="list-style-type: none"> 1. The owner of the personal property is unknown or has not claimed the property; 2. The property has been in the custody of the police chief for at least six (6) months; or 3. The property or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation

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	4. Any owner, to recover or claim property, must be able to satisfactorily prove ownership to the police chief.
B	Any property found by a person other than public official which shall be delivered to any police officer for "identification" and registration, 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. However, in all other cases, only property in which the finder relinquishes any future claim to its ownership will be stored in the town police property room.
C	The police chief shall file an application in the district court of the county requesting the authority of the court to conduct a sale of such personal property or money or legal tender which has a fair market value of more than its face value. The police chief shall attach to his application a list describing such property or money or legal tender including any identifying numbers and marks, the date the property or money or legal tender came into his possession, and the name of the owner and his address, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.
D	In any instance where the property has an actual or apparent value of more than Twenty-five Dollars (\$25.00), at least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified mail to each owner at his address as listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the town. The notice shall contain a brief description of the property or money or legal tender of the owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of town notices, and at two (2) other public places in the town.
E	If no owner appears and establishes ownership to the property or money or legal tender at the hearing, the court shall enter an order authorizing the police chief to sell the personal property or money or legal tender for cash to the highest bidder at an auction sale, after at least five (5) days notice of the sale has been published. The police chief shall thereafter make a return of the sale, and the order of the court confirming the sale shall vest title to the property or money or legal tender in the purchaser. The money received from the sale of the personal property or money or legal tender shall be deposited in the town's general fund after first paying court costs and other expenses.
F	All money or legal tender of the United States, except as provided in Subsection B of this section, which has come into the possession of the police chief pursuant to the circumstances provided for in Subsection A of this section, shall be transferred by the police chief to the town clerk for deposit in

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	<p>the general fund. Prior to any such transfer, the police chief shall file an application in the district court requesting the court to enter an order authorizing him to transfer the money for deposit in the general fund. The application shall describe the money or legal tender, any serial numbers, the date the same came into his possession, and the name of the owner and his address, if known. Upon filing the application which may be joined with an application as described in Subsection B of this section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the application. Notice of the hearing shall be given as provided for in Subsection C of this section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order the same to be deposited in the general fund. The notice may be combined with a notice to sell personal property as provided for in Subsection B of this section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the general fund as provided in this subsection.</p>
G	<p>The provisions of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law, nor to any property for which a specific procedure is otherwise established by law, ordinance or proper order. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.</p>
H	<p>Property authorized to be destroyed herein or by state or other law, of which cannot be sold or used by the town, shall be destroyed on order of the police chief. The destruction of personal property must be witnessed by at least three (3) members of the police department who must sign a certificate of destruction listing all property destroyed, a general description of same, the date, time, place and manner of such destruction.</p>

State Law Reference: Similar provisions 11 O.S. Sec. 34-104

<p>SECTION 13-503 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITON</p>	
A	<p>If any personal property used for the purpose of violating any of the gambling laws of this state, shall be seized by any officer or person with or without a search warrant, such officer or person is hereby required within five (5) days of the seizure to make a written report under oath and file the same with the county clerk, which report shall in detail state the name of the officer or person making the seizure, the place where seized and an inventory of the property or articles so taken into possession. Within five (5) days after seizing such property, the officer shall deliver the property to the sheriff of the county and take the sheriff's receipt therefore, in duplicate, and the sheriff shall retain the same and all thereof until the same</p>

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	shall be destroyed pursuant to the orders of the court.
B	In computing the time, five (5) days, Sundays and holidays shall be excluded and not counted.
C	A duplicate copy of the receipt shall be filed with the county clerk, who shall keep a record of same. However, the sheriff and his deputies shall be required to make the affidavit and issue the receipt and otherwise comply with the provisions of this section. The sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him under the provisions of this section.

State Law Reference: Similar provisions, 22 O.S. Sec. 1261

SECTION 13-504 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION

A	If town police officers seize:
	<ol style="list-style-type: none">1. Any apparatus, equipment, vehicle or instrumentality used for, or intended for use in manufacturing or transporting any alcoholic beverages in violation of the state alcoholic beverage control laws; or2. Any alcoholic beverages possessed, sold, transported, manufactured, kept or stored in violation of the state alcoholic beverage control laws, and if the court finds from a preponderance of the evidence that the property seized was lawfully subject to seizure, then the court shall render judgment accordingly and order the property forfeited to the town in which the seizure of the property took place.

State Law Reference: Similar provisions, 37 O.S. Sec. 539

SECTION 13-505 PROPERTY OF DECEASED PERSONS

The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally appointed representative of his estate. If the personal property is claimed by the legally appointed representative of the estate of the deceased, a certified copy of the order of the district court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit to the effect that he is the person entitled to possession of the property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this chapter.

SECTION 13-506 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS

A	Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the police chief or his designee, for new weapons for use by the police department. The unclaimed
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	or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the police chief or his designee, are reputable
B	In trading such unclaimed or confiscated weapons, the police chief or his designee shall advertise for bids for such trade. Such advertisement for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the town.
C	The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value of the new weapons received in such trade.

SECTION 13-507 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 therefore shall be returned to the purchaser, upon verified claim being submitted and approved by the police chief.

STREETS, ALLEYS, AND SIDEWALKS

PART 14 - STREETS, ALLEYS, AND SIDEWALKS

CHAPTER 1	
GENERAL PROVISIONS	
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14-101	Obstructions generally
14-102	Interfering with street, free flow of traffic
14-103	Removal of trees, shrubs, obstructing view of traffic
14-104	Display of sale of goods, wares and merchandise
14-105	No structures on or over streets and sidewalks
14-106	Playing prohibited
14-107	Water on streets, water not to drain from washing vehicle
14-108	Unlawful to injure trees, shrubbery
14-109	Signs obstructing view, in sight triangle, prohibited
14-110	Duties of owners and occupants of adjacent property relative to sidewalk obstructions, hazards
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CHAPTER 2
CURB AND STREET CUTS

ARTICLE A	
STREET CUTS	
SECTION	DESCRIPTION
14-201	Unlawful to cut without permit
14-202	Permit
14-203	Fee
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14-205	No delays

ARTICLE B	
CURB CUTS	
SECTION	DESCRIPTION
14-211	Permit for curb cuts
14-212	Fee
14-213	Inspection
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STREETS, ALLEYS, AND SIDEWALKS

STREETS, ALLEYS, AND SIDEWALKS

CHAPTER 1	
GENERAL PROVISIONS	
SECTION	DESCRIPTION
14-101	Obstructions generally
14-102	Interfering with street, free flow of traffic
14-103	Removal of trees, shrubs, obstructing view of traffic
14-104	Display of sale of goods, wares and merchandise.
14-105	No structures on or over streets and sidewalks
14-106	Playing prohibited
14-107	Water on streets, water not to drain from washing vehicle.
14-108	Unlawful to injure trees, shrubbery
14-109	Signs obstructing view, in sight triangle, prohibited
14-110	Duties of owners and occupants of adjacent property relative to sidewalk obstructions, hazards
14-111	Penalty

SECTION 14-101 OBSTRUCTIONS GENERALLY
It is unlawful for any person to obstruct in any manner any street, alley, sidewalk or other public way by leaving or permitting to remain thereon or therein any vehicle, object, material, structure, fence or other obstruction of any kind.

SECTION 14-102 INTERFERING WITH STREET, FREE FLOW OF TRAFFIC	
A	It is unlawful to:
	<ol style="list-style-type: none"> 1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or 2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.
B	When any person cause or commits any of the conditions enumerated in Subsection A herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disburse, or to remove any obstructions. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

SECTION 14-103 REMOVAL OF TREES, SHRUBS, OBSTRUCTING VIEW OF TRAFFIC	
A	The owner of every lot or parcel of land in the town upon which any trees, shrubs or plants are growing, or upon which any obstruction has been placed, shall remove such trees, shrubs,

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	plants or obstruction, or parts thereof, if they are so situated as to constitute a traffic hazard by obstructing the view of any driver of any vehicle on the streets of the town to the extent that the driver is unable to observe the approach of other vehicles on streets and alleys and at intersections.
B	The owner of any premises abutting on any street 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, sight and travel along the streets, sidewalks and alleys. If premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinbefore 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.
C	Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in this section, after receiving five (5) day notice from the town clerk or his designee to do so, is guilty of an offense against the town. In addition to any fine or punishment as an offense, the town may act to abate the nuisance. Every day that the owner or occupant fails, refuses or neglects to trim such trees or shrubbery after the expiration of the five (5) day notice shall be a separate offense.

Cross Reference: General procedure for abatement of nuisances caused by weeds or grass constituting a traffic hazard, see Part 8 of this code.

SECTION 14-104 DISPLAY OF SALE OF GOODS, WARES AND MERCHANDISE	
A	Except as otherwise provided in this code, it is unlawful for any person to display any goods, wares or merchandise for sale, or to sell the same, on any street, alley or sidewalk, or from any vehicle parked thereon, in the corporate limits of the town. Each separate sale or offer to sell in violation hereof shall constitute a separate offense.
B	Any vehicle parked on the streets, alleys or sidewalks for the purpose of making merchandise available for sale by the methods prohibited by this section shall be promptly moved by the driver upon order of the police of the town, and if not promptly moved, the same shall be towed from such location upon order of the police department, and the driver or custodian of the vehicle shall also be deemed guilty of an offense.
C	In each instance where an individual is guilty of an offense under the provisions of this section, the person for whom such individual is acting in the capacity of an agent or employee shall be guilty of a separate offense.

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SECTION 14-105 NO STRUCTURES ON OR OVER STREETS AND SIDEWALKS	
A	It is unlawful for any person to erect or construct, or cause to be erected or constructed, any cellar or basement way, stairway, door, awning post, canopy or any other kind of structure projecting into, upon or over, and adjoining any street or sidewalk within the town, except that the building official may, in his discretion, authorize the same to be done, where the public health, safety and necessity demand, by granting a permit therefore.
B	Upon the granting of a permit under this section, conditions as to the erection of the structure through, upon or over any street or sidewalk may be fixed by the town, and a contract shall be entered into as to the maintenance of the structure and as indemnifying agreement secured, indemnifying and saving the town harmless from any loss, costs or damage by reason of the structure projecting into, upon or over, and adjoining any street or sidewalk within the fire limits of the town.

SECTION 14-106 PLAYING PROHIBITED	
It is unlawful for any person to engage in any sport, game, amusement or to play in, on or across the main-traveled portion of any sidewalk, street, avenue or alley of the town except as may be authorized by ordinance.	

Cross Reference: Play streets authorized; see Section 15-57 of this code.

SECTION 14-107 WATER ON STREETS, WATER NOT TO DRAIN FROM WASHING VEHICLE	
It is unlawful for any person to wash or drain into any street, alley or other public place in the town any water from his house or premises or to allow any filth or water to escape from his premises upon any of the places above mentioned or upon property contiguous thereto. No auto or other vehicle shall be washed at any place within the town where the water, dirt, or other substances removed therefrom will drain into any street or sidewalk of the town.	

SECTION 14-108 UNLAWFUL TO INJURE TREES, SHRUBBERY	
It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town. This section shall not prohibit the lawful and proper care and removal of such trees and shrubbery.	

SECTION 14-109 SIGNS OBSTRUCTING VIEW, IN SIGHT TRIANGLE, PROHIBITED	
A	It is unlawful for any person to otherwise place any object, vehicle or structure on or so near to any street right-of-way such that same constitutes a traffic or safety hazard for either pedestrians or vehicular traffic traveling on or onto the street.
B	It is unlawful and an offense for any person to erect, construct, locate, maintain or allow to remain on his property any sign, fence or structure within an area known as the sight triangle, which is defined as that area formed by measuring from the point

STREETS, ALLEYS, AND SIDEWALKS

	of intersection of two (2) lot lines a distance of twenty-five (25) feet along each lot line and connecting the points so established to create a triangle with sides abutting street right-of-way. Any sign, fence or structure placed or located in the area is hereby determined to be a public nuisance, and the town is authorized to cause the structure, fence or sign to be removed.
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SECTION 14-110 DUTIES OF OWNERS AND OCCUPANTS OF ADJACENT PROPERTY RELATIVE TO SIDEWALK OBSTRUCTIONS, HAZARDS

A	It is unlawful for any person to allow any obstruction of any kind to accumulate in the sidewalk: in front of his premises. All owners and occupants of property are required to keep their premises and the sidewalks, gutters, streets and alleys adjacent thereto free from weeds, trash and all obstructions and to remove such weeds, trash and obstructions from such places.
B	It is unlawful to deposit, throw or sweep into or upon a street, alley, parking or sidewalk of the town any trash, weeds, tree trimmings, dirt or any other refuse of any kind.
C	It is unlawful for the owner or occupant of property abutting upon a sidewalk: or sidewalk: area to permit the sidewalk: or sidewalk: area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.

SECTION 14-111 PENALTY

Any person who violates any provision of this chapter 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 a violation continues shall constitute a separate offense.

STREETS, ALLEYS, AND SIDEWALKS

**CHAPTER 2
CURB AND STREET CUTS**

**ARTICLE A
STREET CUTS**

SECTION	DESCRIPTION
14-201	Unlawful to cut without permit
14-202	Permit
14-203	Fee
14-204	Notification of completion of work
14-205	No delays

**ARTICLE B
CURB CUTS**

SECTION	DESCRIPTION
14-211	Permit for curb cuts
14-212	Fee
14-213	Inspection
14-214	Penalty

**ARTICLE A
STREET CUTS**

SECTION 14-201 UNLAWFUL TO CUT WITHOUT PERMIT

It is unlawful for any person to cut the pavement or curb in or on any of the streets, sidewalks, avenues or alleys in the town for the purpose of laying pipe or other connections for utilities, or to cut or otherwise injure the pavement or curb on any of the streets, sidewalks, avenues or alleys for any purpose whatsoever without a permit therefore as provided by this chapter.

SECTION 14-202 PERMIT

Every person who desires to lay pipes or lines for the purpose of making and preparing any connections to utilities which will require the cutting of the pavement to make such connections shall make application for and procure from the town a written permit to cut such pavement or curb and make such installations for the proposed purpose or otherwise. No person shall have any right or authority to construct or install any pipes or lines or otherwise cut the pavement or curbs without first having secured such permit.

Cross Reference: Building code 5-101 et seq.

SECTION 14-203 FEE

Any person desiring to cut the pavement or other hard surface on any street or sidewalk in the town shall pay a fee for the permit. The fee shall be in such amount as set by the town board by motion or resolution.

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SECTION 14-204 NOTIFICATION OF COMPLETION OF WORK
All permittees, when they have completed the work for which such cut has been made, shall notify the town of the completion of such work in order that the same may be inspected and approved.

SECTION 14-205 NO DELAYS
Any permittee cutting pavement by virtue of a permit as authorized herein shall perform the excavation or other work without delay or interruption.

**ARTICLE B
CURB CUTS**

SECTION 14-211 PERMIT FOR CURB CUTS

A	It is unlawful for any person to cut, break, tear out or remove the curbing or any part thereof along the street in the town for any purpose except in accordance with this article. Any person desiring to cut any curbing in the town shall first obtain a permit from the town before doing so. Application for such permit shall be in writing to the town and shall state the time and place that applicant desires to break the curbing. The application shall contain such other information as is required by the town.
B	The town may, in its discretion, refuse to approve any permit to cut any curbing along the streets of the town when the cutting of the curbing shall constitute a traffic hazard, or interfere in any way with the safety of the public in the use of the street or adjacent sidewalk, or in any way deteriorate or damage the street or interfere with the use thereof by the public. Only such portions of any curbing may be cut or removed as in the opinion of the building officer may be consistent with and not detrimental to the general public welfare.

SECTION 14-212 FEE
A fee as set by the town board of trustees by motion or resolution shall be paid to the town prior to obtaining the permit required in this article.

SECTION 14-213 INSPECTION
The removing of such curbing, the construction of the driveway and all other parts of the work in connection therewith shall be subject to the inspection and approval of the town.

SECTION 14-214 PENALTY
Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.

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PART 15 - TRAFFIC AND VEHICLES

CHAPTER 1 GENERAL PROVISIONS	
SECTION	DESCRIPTION
15-101	Citation
15-102	Definitions
15-103	Security verification form
15-104	Vehicle owner not to permit or authorize violation of law or this chapter
15-105	Parent or guardian not to authorize or permit child or ward to violate chapter
15-106	Adoption of state vehicle laws
15-107	Jurisdiction

CHAPTER 2 TRAFFIC-CONTROL DEVICES	
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15-201	Authority to install traffic-control devices
15-202	Design and construction of traffic-control devices; manual of specifications
15-203	Traffic signs required for enforcement
15-204	Obedience to official traffic-control devices
15-205	Traffic control signal legend
15-206	Pedestrian-control signals
15-207	Flashing signals
15-208	Pedestrian-activated school crossing signals
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CHAPTER 3 EQUIPMENT	
SECTION	DESCRIPTION
15-301	Equipment required; use of equipment
15-302	Muffler required; cutouts
15-303	Width, height, length, weight and load
15-304	Windshields to be unobstructed; wipers required
15-305	Voided
15-306	Vehicles to be registered; display of tags

CHAPTER 4 CERTAIN VEHICLES PROHIBITED	
SECTION	DESCRIPTION
15-401	Vehicles injurious to streets; metal tires prohibited
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CHAPTER 5	
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SECTION	DESCRIPTION
15-501	<u>Driving on right side of roadway; exception</u>
15-502	<u>Passing vehicles proceeding in opposite direction</u>
15-503	<u>Passing vehicle on left</u>
15-504	<u>Passing vehicle on right</u>
15-505	<u>Passing requirements, duty of overtaken vehicle</u>
15-506	<u>Passing prohibited</u>
15-507	<u>Designation of no-passing zones</u>
15-508	<u>School buses; markings; passing regulations</u>
15-509	<u>Driving on laned roadways, marking traffic lanes</u>
15-510	<u>Driving on divided highways</u>
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15-512	<u>Restricted-access roadways</u>
15-513	<u>Driving through service drives</u>
15-514	<u>Reckless driving</u>
15-515	<u>Careless or negligent driving</u>
15-516	<u>Driving over fire hose</u>
15-517	<u>Following fire or emergency apparatus</u>
15-518	<u>Procedure on approach of emergency vehicles</u>
15-519	<u>Actual physical control of vehicle while intoxicated</u>
15-520	<u>Driving under the influence of intoxicating liquor or drugs; driving while impaired; evidence; penalty</u>
15-521	<u>Driver's license required</u>
15-522	<u>Driving while license suspended; use of false license</u>
15-523	<u>Permitting unlicensed person to drive</u>
15-524	<u>Driving through funeral processions</u>
15-525	<u>Driving in funeral procession</u>
15-526	<u>Identification of funeral processions</u>
15-527	<u>Use of roller skates, coasters, skateboards on roadway</u>
15-528	<u>Play streets authorized</u>
15-529	<u>Use of play streets by motor vehicles</u>
15-530	<u>Obstructing intersection or crosswalk</u>
15-531	<u>Driving on sidewalk prohibited</u>
15-532	<u>Driving in public parks restricted, driving on property without permission</u>
15-533	<u>Starting stopped or parked vehicles</u>
15-534	<u>Backing of vehicle</u>
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15-536	<u>Obstructions to driver's view; number in front seat</u>
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15-541	<u>Child passenger restraint system or seat belt required; exceptions; penalty</u>
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15-543	<u>Obedience to signal indicating approach of train</u>
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CHAPTER 6 STOPPING, STANDING AND PARKING

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15-602	Handicapped parking restrictions
15-603	Parking not to obstruct traffic or signs
15-604	Parking for certain purposes prohibited
15-605	Parking more than seventy-two hours
15-606	Standing or parking on left side of roadway
15-607	Parking on private property; impounding of vehicle
15-608	Unattended vehicles
15-609	Authority to restrict parking time
15-610	Parking in private parking spaces without permission of owner
15-611	Prohibiting parking within fire lanes on certain private property
15-612	Limiting parking to authorized emergency vehicles
15-613	Presumption in prosecutions for standing or parking violations

ARTICLE B MANNER OF PARKING

SECTION	DESCRIPTION
15-620	Distance from curb
15-621	Brakes to be set; motor not to be running; securing animals
15-622	Angle parking
15-623	Parking within marked spaces
15-624	Parking to be such as to leave ten (10) feet of roadway available for traffic
15-625	Double parking prohibited

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15-801	Right-of-way at intersections
15-802	Right-of-way at intersections, vehicles arriving at same time
15-803	Left turn at intersection
15-804	Designation of through streets
15-805	Signs at through streets
15-806	Determination of stop and yield intersections
15-807	Vehicles entering stop intersections

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15-808	Vehicle entering yield intersection
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15-810	Emerging from alley or driveway
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15-903	Authority to restrict turning; obedience required
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15-905	Turning or stopping movements; signals required
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15-907	Method of giving hand signals

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15-1201	Accidents involving death or personal injury
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15-1301	Operation of motorcycle
15-1302	Equipment required
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CHAPTER 14 BICYCLES	
SECTION	DESCRIPTION
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15-1404	Manner of riding bicycle
15-1405	Riding on roads and bicycle paths
15-1406	Speed restrictions
15-1407	Carrying articles
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15-1410	Lights and brakes
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15-1505	When pedestrians shall yield
15-1506	Prohibited crossing
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15-1601	Authority of police and fire officials
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15-1606	Authorized emergency vehicles
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15-1701	Purpose and effect
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15-1706	Vehicles parked in prohibited zone
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15-1709	Unlicensed vehicles
15-1710	Arrest and detention of driver of vehicle
15-1711	Place of impoundment
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15-1801	Penalty
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15-101	Citation
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15-106	Adoption of state vehicle laws
15-107	Jurisdiction

SECTION 15-101 CITATION
This part shall be known and may be cited as the town's traffic code.

Cross Reference: See also Part 10 of this code on Offenses.
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SECTION 15-102 DEFINITIONS	
A	As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:
	<ol style="list-style-type: none"> 1. "Alley" means any narrow public passageway or street ordinarily located in the interior portion of platted blocks, having no legal or official name other than alley, as herein defined, and ordinarily open to traffic and used for service or delivery purposes to the rear of stores, dwellings or buildings; 2. "Arterial street" means any U.S. or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways; 3. "Authorized emergency vehicle" means a vehicle of the fire department, police department or other law enforcement agencies, state and national, ambulances, and such other emergency vehicle of municipal departments or public service corporations as are authorized by the chief of police, and all of which are equipped with sirens and with red lights displayed openly on the front when engaged in emergency runs; 4. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) tandem wheels; 5. "Boulevard" or "through street" means any street or highway or portion thereof designated by ordinances of the town which require vehicles to come to a full and complete stop before entering such street or highway from intersecting streets or highways; 6. "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,

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	<p>designed and used for the transportation of persons for compensation;</p> <ol style="list-style-type: none">7. "Bus loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers;8. "Business district" means the territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations or 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;9. "Commercial chauffeur" and "chauffeur" means:<ol style="list-style-type: none">a. "Commercial chauffeur" means every person who operates a motor vehicle while in use as a common carrier of persons or property; andb. "Chauffeur" means every person who is employed by another for the principal purpose of operating a motor vehicle and every person who operates a motor vehicle of one ton or more rated capacity that is required by law to have a commercial tag attached thereto and every person who operates a school bus transporting schoolchildren to and from school;10. "Commercial vehicles" means vehicles designed primarily for the transportation of persons or property for hire;11. "Crosswalk" 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 roadway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;12. "Curb loading zones" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, freight or materials;13. "Curbs" means the edge of a roadway marked or understood as such;14. "Daytime" means one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. Nighttime means any other time;15. "Double park" means the standing or stopping of a vehicle, whether occupied or not, on the roadway;16. "Driver" means every person who drives or is in actual physical control of a vehicle;17. "Emergency" means a condition suddenly created, requiring immediate action for the preservation of public peace, health or safety, and among other things particularly means any fire, unusual storm, death, riot or unusual traffic condition;
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18. "Explosives" means any chemical compound, mixture or device, including "fireworks," the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the Interstate Commerce Commission. The term "explosives classified by the Interstate Commerce Commission" includes but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse lighters, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, igniter cords, igniters, and some special fireworks. "Commercial explosives" are those which are intended to be used in commercial or industrial operations;
19. "Flammable liquid" means liquid which has a flash point of seventy (70) degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device and having a vapor pressure not exceeding forty (40) psi at one hundred (100)degrees Fahrenheit;
20. "Intersection" means:
 - a. The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
 - b. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection;
21. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
22. "License to operate a motor vehicle" means any operator's commercial chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:
 - a. Any temporary license or instruction permit;
 - b. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; or
 - c. Any nonresident's operating privilege as defined herein;
23. "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material;
24. "Motor vehicle" means every vehicle which is self-propelled and every vehicle not operated upon rails;

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25. "Motor vehicle accident" is defined and classified as in "Manual on Classification of Motor Vehicle Traffic Accidents" prepared by the Committee on Uniform Traffic Accident Statistics, Traffic Conference, and distributed by the National Safety Board of trustees;
26. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;
27. "Motor-driven cycle" means every motorcycle, including every motor scooter or bicycle, equipped with a motor which produces not to exceed five (5) brake horsepower at full throttle without a governor as determined by a dynamo meter test and designed to travel on not more than three (3) wheels in contact with the ground;
28. "Muffler" means a device designed for the use on a particular internal-combustion engine and properly affixed thereto for the purpose of reducing the exhaust noise of such engine to an unobjectionable level;
29. "Official traffic-control devices" means all signs, barricades, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic which conforms to the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways," published by the U.S. Department of Transportation, a copy of which is on file;
30. "Operator" means every person, other than a commercial chauffeur or chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;
31. "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;
32. "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;
33. "Passenger" means a rider in any vehicle other than the driver;
34. "Pedestrian" means any person afoot;
35. "Police officer" means every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic

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	<p>regulations;</p> <p>36. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;</p> <p>37. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;</p> <p>38. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;</p> <p>39. "Registration" means the registration certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles;</p> <p>40. "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business;</p> <p>41. "Revocation of driver's license" means the termination by formal action of the department of a person's driver's license or privilege to operate a motor vehicle on the public highways;</p> <p>42. "Right-of-way" means the privilege of the immediate use of the roadway;</p> <p>43. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;</p> <p>44. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular traffic, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein refers to any such roadway separately but not to all such roadways collectively;</p> <p>45. "Safety zone" or "island" means an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected at all times while set apart as a safety zone or island;</p> <p>46. "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school. This definition shall not include buses normally used in town transit which may be used part-time for transportation of schoolchildren within the town during some portion of the day;</p> <p>47. "Semitrailer" means every vehicle with or without motive power other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests or is carried by another vehicle;</p>
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48. "Shoulder" means the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses;
49. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;
50. "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;
51. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers;
52. "Stop", when required, means complete cessation from movement;
53. "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 of the directions of a police officer or signal;
54. "Street" or "highway" means all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other parkways or thoroughfares in this town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;
55. "Suspension of driver's license" means the temporary withdrawal by formal action of the department of a person's driver's license or privilege to operate a motor vehicle on the public highways;
56. "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire and having a seating capacity of less than six (6) persons and not operated on a fixed route;
57. "Through street or highway" means every street or highway or portion thereof on which vehicle traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter;
58. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either single or together, while using any highway for purposes of travel;
59. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop, proceed or proceed with caution;

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	<p>60. "Traffic lane" means the portion of the traveled way for the movement of a single line of vehicles;</p> <p>61. "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;</p> <p>62. "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;</p> <p>63. "U-turn" means turning a vehicle around so as to proceed in the opposite direction;</p> <p>64. "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 of a mile or more;</p> <p>65. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; and</p> <p>66. "Yield" means the yielding of the right-of-way to all vehicles or pedestrians approaching from the right or left intersecting street which are so close as to constitute an immediate hazard.</p>
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SECTION 15-103 SECURITY VERIFICATION FORM	
A	The owner of a motor vehicle registered in this state shall carry in such vehicle, at all times, a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the Department of Public Safety and shall produce such form upon request for inspection by any law enforcement officer or representative of the Department of Public Safety, and, in the case of collision, the form shall be shown upon request to any person affected by such 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 of Public Safety during operation of the vehicle:
	<ol style="list-style-type: none"> 1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof; 2. Any vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior, and which is in compliance with provisions of Sections 7-600 through 7-607 of Title 47 of the Oklahoma Statutes, according to the records of the State Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy; 3. Any vehicle authorized for operation pursuant to a permit number issued by the Interstate Commerce Commission or the Corporation Commission; 4. Any licensed taxicab; and 5. Any vehicle owned by a licensed motor vehicle dealer.

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C	<p>For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:</p> <ol style="list-style-type: none"> 1. "Owner's Policy" means an owner's policy of liability insurance which: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes; b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; 4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and 5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.
D	<p>Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the town'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</p>

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	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 1-119 of this code and court costs.
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.

State Law Reference: Similar provisions, . 47 O.S. Secs. 7-601 et seq.

SECTION 15-104 VEHICLE OWNER NOT TO PERMIT OR AUTHORIZE VIOLATION OF LAW OR THIS CHAPTER

It is unlawful for any person to authorize or knowingly permit a motor vehicle owned by him, or under his control, to be driven upon any street in the town by any person who is not authorized to drive a motor vehicle under the laws of the state, or to be driven or to stand or to be parked in violation of any provision of this part.

SECTION 15-105 PARENT OR GUARDIAN NOT TO AUTHORIZE OR PERMIT CHILD OR WARD TO VIOLATE CHAPTER

It is unlawful for a parent of a child or the guardian of a ward to authorize or knowingly permit any such child or ward to violate any provision of this part.

SECTION 15-106 ADOPTION OF STATE VEHICLE LAWS

There is hereby adopted and incorporated herein by reference the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the State "Rules of the Road", Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, and all other misdemeanor traffic and motor vehicle violations in Title 47 of the Oklahoma Statutes, as now exist and as may be from time to time amended. Such state laws as adopted herein by reference shall be fully enforceable by the town within the town limits as fully as if set out at length herein.

SECTION 15-107 JURISDICTION

The provisions of this part shall apply and be enforced on all roads, streets and highways within the town and on all roads, streets and highways forming the boundary lines of the town.

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CHAPTER 2	
TRAFFIC-CONTROL DEVICES	
SECTION	DESCRIPTION
15-201	Authority to install traffic-control devices
15-202	Design and construction of traffic-control devices; manual of specifications
15-203	Traffic signs required for enforcement
15-204	Obedience to official traffic-control devices
15-205	Traffic control signal legend
15-206	Pedestrian-control signals
15-207	Flashing signals
15-208	Pedestrian-activated school crossing signals
15-209	Display of unauthorized signs or signals
15-210	Defacing or removing traffic-control devices
15-211	Designation of crosswalks and safety zones

SECTION 15-201 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES

The town personnel, subject to direction of the board of trustees, shall have placed and maintained traffic-control signs, signals and devices when and as required under the traffic ordinances of this town to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic-control signs, signals and devices as it may deem necessary to regulate traffic under the traffic ordinances of this town or under state law or to guide or warn traffic. The town personnel may have traffic-control devices tested under actual conditions of traffic.

State Law References: Traffic-control devices generally, 47 O.S. Sec. 11-201 et seq.; power of town to maintain traffic-control devices, 47 O.S. Sec. 16-106.

SECTION 15-202 DESIGN AND CONSTRUCTION OF TRAFFIC-CONTROL DEVICES; MANUAL OF SPECIFICATIONS

All traffic-control signs, signals and devices shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" as published by the Oklahoma Department of Transportation, All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the town. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

State Law Reference: Uniform manual adopted by state, state approval required on state highways, 47 O.S. Sec. 15-104 to 15-106.

SECTION 15-203 TRAFFIC SIGNS REQUIRED FOR ENFORCEMENT

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign was not in proper position and

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sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

SECTION 15-204 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a police officer, subject to the exceptions granted in this chapter to the driver of an authorized emergency vehicle.

SECTION 15-205 TRAFFIC SONTROL SIGNAL LEGEND

A	<p>Whenever traffic is controlled by traffic-control signals exhibiting the word "Go," "Caution" or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used, and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follow:</p> <ol style="list-style-type: none">1. Green alone or "Go":<ol style="list-style-type: none">a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign or barricade at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited; andb. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;2. Steady yellow alone:<ol style="list-style-type: none">a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited; andb. Pedestrians facing such signal are thereby advised that there is sufficient time to cross the roadway, and any pedestrian then starting to cross shall yield right-of-way to all vehicles;3. Steady red alone or "Stop":<ol style="list-style-type: none">a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until green or "Go" is shown alone. However, vehicles in the right traffic lane after making a stop as above required may enter the intersection cautiously and make a right turn unless "No Turn On Red" signs are posted to prohibit right turns; but such vehicle shall yield the right-of-way to any pedestrian or other traffic in the intersection, and such turn shall not be made so as to
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	<p>interfere with traffic proceeding on a green signal indication on the cross street; and</p> <p>b. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone or until authorized so to do by a pedestrian "Walk" signal; and</p> <p>4. Steady red with green arrow:</p> <p>a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection:</p> <p>b. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone or until authorized so to do by pedestrian "Walk" signal; and</p> <p>c. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made. In the absence of any such sign or marking, the stop shall be made at the signal.</p>
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State Law Reference: Obeying traffic-control devices, 47 O.C. Sec. 11-201; Signal Legend, 47 O.S. Sec. 11-202.

SECTION 15-206 PEDESTRIAN-CONTROL SIGNALS	
A	Whenever special pedestrian-control signals exhibiting the term "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:
	<p>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</p> <p>2. Wait, Don't Walk: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island while the "Wait" signal is showing.</p>

SECTION 15-207 FLASHING SIGNALS	
A	Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
	<p>1. Flashing red (stop signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, than before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and</p>

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	2. Flashing yellow (caution signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
B	This section shall not apply at railroad grade crossings.

SECTION 15-208 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS	
A	Whenever a pedestrian-actuated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:
	<ol style="list-style-type: none"> 1. Flashing yellow: <ol style="list-style-type: none"> 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 actuate 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: <ol style="list-style-type: none"> a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "Stop" signal is exhibited; 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: <ol style="list-style-type: none"> a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or, if none, then before passing the signal or entering the intersection, and shall remain standing until flashing yellow is shown alone; and b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the driver of all vehicles; and 4. Steady red and steady yellow combined: <ol style="list-style-type: none"> 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.

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SECTION 15-209 DISPLAY OF UNAUTHORIZED SIGNS OR SIGNALS	
A	No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal which attempts to direct the movement of traffic which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
B	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 or other advertising.
C	This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
D	No sign or advertising shall be placed in a street right-of-way except official signs or devices placed by authority of this code or state law.
E	Every such prohibited sign, signal, marking or device is declared to be unlawful and a public nuisance; the town is empowered to remove the same without notice.

SECTION 15-210 DEFACING OR REMOVING TRAFFIC CONTROL DEVICES	
No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, change the position of or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.	

Cross Reference: See also Part 10 on removal of barricades.
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SECTION 15-211 DESIGNATION OF CROSSWALKS AND SAFETY ZONES	
A	The town personnel, subject to direction by the board of trustees, is authorized to:
	<ol style="list-style-type: none"> 1. Designate and have maintained 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.

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CHAPTER 3	
EQUIPMENT	
SECTION	DESCRIPTION
15-301	Equipment required; use of equipment
15-302	Muffler required; cutouts
15-303	Width, height, length, weight and load
15-304	Windshields to be unobstructed; wipers required
15-305	Inspection of vehicles; safety stickers
15-306	Vehicles to be registered; display of tags

SECTION 15-301 EQUIPMENT REQUIRED; USE OF EQUIPMENT	
A	Every vehicle operated upon the streets of the town shall be equipped as required by Title 47 of the Oklahoma Statutes. No person shall operate a vehicle upon a street of the town which is not equipped as required by state law.
B	No person shall fail to use such equipment in the manner required by the state law, or use it in a manner prohibited by state law.

State Law Reference: Equipment required on vehicles, 47 O.S. Secs. 131 et seq.

SECTION 15-302 MUFFLER REQUIRED; CUTOUTS	
Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.	

State Law Reference: Similar Provisions, 47 O.S., Sec. 12-402.

SECTION 15-303 WIDTH, HEIGHT, LENGTH, WEIGHT AND LOAD	
A	No person shall drive or convey through any street or bridge any vehicle the width, height, length, weight or load of which exceeds that authorized by state law, or which vehicle exceeds the width, height, length, weight or load limits established by the town, county or state as indicated by appropriate signs erected on the street, road or bridge, unless a permit or approval has been granted therefore by the state or town police chief.
B	A maximum weight limit of twenty (20) tons is applicable on Harpers Valley Road.

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SECTION 15-304 WINDSHIELDS TO BE UNOBSTRUCTED; WIPERS REQUIRED	
A	No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the street or highway or any intersecting street or highway.
B	The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. Such device shall be so constructed as to be controlled or operated by the driver of the vehicle. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

SECTION 15-305 VOIDED

SECTION 15-306 VEHICLES TO BE REGISTERED; DISPLAY OF TAGS	
A	No person shall operate a vehicle of any kind upon a street of the town without a state vehicle license or tag as may be required by law.
B	No person shall fail to display the state vehicle license or tag as required by law or attach any trailer hitch or other device in a manner as to cover or partially cover the vehicle license.

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CHAPTER 4	
CERTAIN VEHICLES PROHIBITED	
SECTION	DESCRIPTION
15-401	Vehicles injurious to streets; metal tires prohibited
15-402	Obstructive and dangerous vehicles; covering of loads

SECTION 15-401 VEHICLES INJURIOUS TO STREETS; METAL TIRES PROHIBITED
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 15-402 OBSTRUCTIVE AND DANGEROUS VEHICLES; COVERING OF LOADS	
A	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 town and in accordance with the terms of such permit.
B	No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, 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 such roadway.
C	No person shall operate on any street 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 materials susceptible to blowing or escaping by reason of wind shall have such load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.
D	This section shall not apply to trucks loaded with livestock, poultry or agricultural products only, except baled agricultural products; however, any such trucks shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

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CHAPTER 5	
DRIVING, OVERTAKING AND PASSING	
SECTION	DESCRIPTION
15-501	Driving on right side of roadway; exception
15-502	Passing vehicles proceeding in opposite direction
15-503	Passing vehicle on left
15-504	Passing vehicle on right
15-505	Passing requirements, duty of overtaken vehicle
15-506	Passing prohibited
15-507	Designation of no-passing zones
15-508	School buses; markings; passing regulations
15-509	Driving on laned roadways, marking traffic lanes
15-510	Driving on divided highways
15-511	Following too closely
15-512	Restricted-access roadways
15-513	Driving through service drives
15-514	Reckless driving
15-515	Careless or negligent driving
15-516	Driving over fire hose
15-517	Following fire or emergency apparatus
15-518	Procedure on approach of emergency vehicles
15-519	Actual physical control of vehicle while intoxicated
15-520	Driving under the influence of intoxicating liquor or drugs; driving while impaired; evidence; penalty.
15-521	Driver's license required
15-522	Driving while license suspended; use of false license
15-523	Permitting unlicensed person to drive
15-524	Driving through funeral processions
15-525	Driving in funeral procession
15-526	Identification of funeral processions
15-527	Use of roller skates, coasters, skateboards on roadway
15-528	Play streets authorized
15-529	Use of play streets by motor vehicles
15-530	Obstructing intersection or crosswalk
15-531	Driving on sidewalk prohibited
15-532	Driving in public parks restricted, driving on property without permission
15-533	Starting stopped or parked vehicles
15-534	Backing of vehicle
15-535	Opening and closing vehicle door
15-536	Obstructions to driver's view; number in front seat
15-537	Clinging to vehicle
15-538	Boarding or alighting from moving vehicle
15-539	Riding outside vehicle compartment
15-540	Driving through safety zone
15-541	Child passenger restraint system or seat belt required; exceptions; penalty
15-542	Seat belts required for front seat passengers; exceptions

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15-543	Obedience to signal indicating approach of train
15-544	Certain vehicles to stop at all railroad grade crossings

SECTION 15-501 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTION	
A	Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:
	<ol style="list-style-type: none"> 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 sign-posted for one-way traffic.
B	Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available to traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Driving and passing regulations, 47 O.S. Secs. 11-301 et seq.

SECTION 15-502 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTION	
Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the traveled portion of the roadway as nearly as possible.	

SECTION 15-503 PASSING VEHICLE ON LEFT	
A	The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:
	<ol style="list-style-type: none"> 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and 2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 15-504 PASSING VEHICLE ON RIGHT	
A	The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

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	<ol style="list-style-type: none"> 1. When the vehicle overtaken is making or about to make a left turn and has so properly signaled for a left turn; 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked with lines for two (2) or more lanes of traffic in each direction; and 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) more lines of moving vehicles.
B	4. 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 15-505 PASSING REQUIREMENTS DUTY OF OVERTAKEN VEHICLE	
A	No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle must return to the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.
B	Except as provided elsewhere in this chapter, the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
C	Every driver who intends to pass another vehicle proceeding in the same direction, which requires movement of his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.
D	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 15-506 PASSING PROHIBITED	
A	No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
	<ol style="list-style-type: none"> 1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; 2. When traversing an intersection or railroad grade crossing; or

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	3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.
B	It is a violation to pass on the left by going to the left of the center of the roadway across a double-marked center line for the purpose of passing a vehicle traveling in the same direction.
C	This section shall not apply upon a one-way roadway.

SECTION 15-507 DESIGNATION OF NO-PASSING ZONES	
A	The Oklahoma Department of Transportation as regards state and federal highways, and the town personnel, subject to direction of the board of trustees, as regards all other streets, are authorized to determine those portions of a highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway have the beginning and end of such zones indicated. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
B	Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement stripping designed to mark such no-passing zone through its length.

SECTION 15-508 SCHOOL BUSES; MARKINGS; PASSING REGULATIONS	
A	The driver of a vehicle upon any street or highway in the town upon meeting or overtaking from either direction any school bus on which the red loading signals are in operation and which has stopped for the purpose of receiving or discharging any schoolchildren and other occupants shall stop the vehicle before it reaches the school bus. The driver may then proceed to pass such school bus at a speed which is reasonable and prudent and with due caution for the safety of such school children and other occupants after the loading signals are deactivated.
B	Every school bus used for the transportation of schoolchildren shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight (8) inches in height and, in addition, shall be equipped with visual signs meeting the requirements of state law which shall be actuated by the driver of the school bus whenever, but only whenever, such vehicle is stopped on a street or highway for the purpose of receiving or discharging school children.
C	The driver of a vehicle upon a street or highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is part of or adjacent to such street or highway and where pedestrians are not permitted to cross the roadway.

State Law Reference: Similar provisions, 47 O.S. Sec. 11-705.
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SECTION 15-509 DRIVING ON LANED ROADWAYS, MARKING TRAFFIC LANES	
A	The town personnel, subject to direction of the board of trustees, are authorized to have traffic lanes marked upon the roadway or any street where a regular alignment of traffic is necessary.
B	Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:
	<ol style="list-style-type: none"> 1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety and has properly signaled his intentions to do so; 2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign posted to give notice of such allocation; and 3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.
C	Where traffic lanes have been marked, no operator of any vehicle shall fail or refuse to keep the vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making lawful turning movement or otherwise authorized by ordinance.

SECTION 15-510 DRIVING ON DIVIDED HIGHWAYS	
Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated divided section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway. No vehicle shall be driven over, across or within any such dividing space barrier or section, except through an opening in such physical barrier, dividing section or space or at a crossover or intersection established by public authority.	

SECTION 15-511 FOLLOWING TO CLOSELY	
The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and the condition of the highway. Such driver following too closely shall be deemed negligent.	

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SECTION 15-512 RESTRICTED ACCESS ROADWAYS
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No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

SECTION 15-513 DRIVING THROUGH SERVICE DRIVES
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No vehicle shall be driven through any service drive or parking area except for the purpose of attaining service or merchandise or for the purpose of parking thereon.
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SECTION 15-514 RECKLESS DRIVING
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It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property.
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State Law Reference: Similar provisions, 47 O.S. Sec 11-901.

SECTION 15-515 CARELESS OR NEGLIGENT DRIVING

A	No person shall drive, use, operate, park, cause to be parked, or stop any vehicle:
	<ol style="list-style-type: none">1. In a careless manner;2. In a negligent manner;3. In such a manner as to endanger life, limb, person or property, or4. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.
B	Every driver shall remain alert and give full attention to the safe control and operation of his vehicle while it is in motion. Every driver of a motor vehicle shall, upon stopping, or upon stopping and leaving the vehicle, park the same in a careful and prudent manner and place so as not to interfere with the operation of other vehicles or with pedestrians or other traffic. Failure to comply with these requirements shall be deemed careless driving in violation of this section.
C	Any driver who engages in any activity or does any act while driving that interferes with the safe operation and control of his vehicle, or who continues to operate his vehicle when any other person riding thereon or therein engages in any activity or does any act which interferes with his operation thereof, is guilty of careless driving.
D	A driver of a motor vehicle who collides with another vehicle or with any person or property because of driving error or inattention is guilty of careless driving.

SECTION 15-516 DRIVING OVER FIRE HOSE
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Whenever any hose of the fire department is laid upon any street, avenue, alley, bridge or vacant lot in the town, no person shall drive any automobile, truck, locomotive, railroad car or any other vehicle over the same unless the hose shall have been protected by wooden

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railings or other device laid along the side thereof, and then only at the places so protected unless otherwise directed by a town official.

SECTION 15-517 FOLLOWING FIRE OR EMERGENCY APPRATUS

The driver of any vehicle other than on official business shall not follow any emergency or fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where emergency apparatus has stopped in answer to a fire alarm.

Cross Reference: See also Chapter 6, Part 10 of this code on interference with officials at fires, false alarms, and other offenses.

SECTION 15-518 PROCEDURE ON APPROACH OF EMERGENCY VEHICLES

A	Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
B	This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State Law Reference: Similar provisions, 47 O.S. Sec 11-405.

SECTION 15-519 ACTUAL PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED

No person who is under the influence of alcoholic beverage, non-intoxicating beverage or drug, as defined in this code and in Section 15-519, shall be in actual physical control of any motor vehicle within the town.

Cross Reference: See also transporting open container, Part 3 of this code.

SECTION 15-520 DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; DRIVING WHILE IMPAIRED; EVIDENCE; PENALTY

A	No person shall drive or operate a motor vehicle in the town who is:
	<ol style="list-style-type: none">1. Under the influence of an alcoholic beverage or intoxicating beverage;2. Under the combined influence of alcohol or any other intoxicating substance as provided in paragraph 3; or3. Under the influence of any other intoxicating substance to a degree which renders such person incapable of safely driving or operating a motor vehicle,

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B	No person shall drive or operate a motor vehicle while his ability to operate the motor vehicle is impaired by the consumption of alcoholic beverage or non-intoxicating beverage within the town.
C	No person who is an habitual user of or under the influence of any narcotic drug barbiturate, amphetamine or marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, shall operate a motor vehicle within the town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana or other drug shall not constitute a defense against any charge of violating this subsection.
D	As used in this section, "other intoxicating substance" or "drug" means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor or functions.
E	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, evidence of the amount of alcohol or intoxicating liquor in the person's blood as shown by a chemical analysis of his blood or breath is admissible. For the purpose of this section:
	<ol style="list-style-type: none"> 1. Evidence that there was five-hundredths of one percent (.05 of 1%) but less than eight-hundredths of one percent (.08 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 (.05 of 1%) but less than eight-hundredths of one percent (.08 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. No person shall be convicted of the offense of operating a motor vehicle 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 (.05 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; 3. Evidence that there was eight-hundredths of one percent (.08 of 1%) or more by weight of alcohol in his blood shall be admitted as prima facie evidence that the person was under

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	<p>the influence of alcohol or intoxicating liquor;</p> <p>4. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood; and</p> <p>5. To be admissible, such evidence must first be qualified by establishing that such specimen was obtained from the subject within not more than two (2) hours of the arrest of the subject.</p>
F	Every person who is convicted of a violation of this section for operating a motor vehicle under the influence of alcohol or intoxicating liquor shall be punished as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, 47 O.S. Sec 756; 47 O.S. Sec 11-902.

SECTION 15-521 DRIVER'S LICENSE REQUIRED	
No person shall drive or operate any motor vehicle on any public roadway within the town unless such person has a current, not suspended or revoked, valid driver's or chauffeur's license as required by state law.	

SECTION 15-522 DRIVING WHILE LICENSE SUSPENDED; USE OF FALSE LICENSE	
A	No person shall:
	<ol style="list-style-type: none"> 1. Display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, photostatic or fraudulently altered operator's or chauffeur's license; 2. Lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another; 3. Display or represent as his own any operator's or chauffeur's license not issued to him; or 4. Permit any unlawful use of an operator's or chauffeur's license issued to him.
B	No person shall drive a motor vehicle on any public street within the town at a time when his privilege to do so is canceled, suspended or revoked.

SECTION 15-523 PERMITTING UNLICENSED PERSON TO DRIVE	
No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street in the town by any person who is not authorized or licensed to drive a motor vehicle under the laws of the state or under the laws of the state of the driver's residence of record.	

SECTION 15-524 DRIVING THROUGH FUNERAL PROCESSIONS	
A	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.

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B	This section shall not apply at intersections where traffic is controlled by police officers.
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SECTION 15-525 DRIVING IN FUNERAL PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable except when otherwise directed or escorted by a police officer. Each driver shall follow the vehicle ahead as closely as is practicable and safe and at a speed as designated by the escort for the procession.

SECTION 15-526 IDENTIFICATION OF FUNERAL PROCESSIONS

A funeral composed of a procession of vehicles shall be identified by headlights turned on or by the display upon the outside of each vehicle an identifying insignia or by such other method as may be determined and designated by the police department.

SECTION 15-527 USE OF ROLLER SKATES, COASTERS, SKATE BOARDS ON ROADWAY

No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any roadway except while crossing a street in a crosswalk. While so crossing, such person shall be granted all of the rights and 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 authorized by ordinance.

SECTION 15-528 PLAY STREETS AUTHORIZED

The town personnel, subject to direction by the board of trustees, if any, shall have authority to declare any street or part thereof a play street and have placed appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 15-529 USE OF PLAY STREETS BY MOTOR VEHICLES

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 such drivers shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 15-530 OBSTRUCTING INTERSECTION OR CROSSWALK

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 vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

SECTION 15-531 DRIVING ON SIDEWALK PROHIBITED

The driver of a vehicle shall not drive upon a sidewalk or within any sidewalk area except at a permanent or temporary driveway.

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State Law Reference: Power of town to prohibit driving on sidewalks, 11 O.S. Sec 20-117.

SECTION 15-532 DRIVING IN PUBLIC PARKS RESTRICTED, DRIVING ON PROPERTY WITHOUT PERMISSION

A	No person shall drive, operate or propel a motor vehicle or motor-driven cycle, including a motor scooter or motor-driven bicycle, in any park, public property or right of way or easement, within or owned by the town, except upon established roadways or roadways designed for vehicular traffic. A vehicle may be driven a reasonable distance from the roadway for the purpose of going to and from a parking place.
B	No person shall drive, operate or propel a motor vehicle or motor-driven cycle past any barrier, sign or other device indicating that vehicular traffic is prohibited in, upon or through any area upon which vehicular traffic is prohibited.
C	No person shall drive a motor vehicle of any size on any private property unless the operator has obtained the permission of the owner of the private property.
D	Emergency vehicles are exempt from the provisions of this section.

Cross Reference: Park and recreation rules, Part 11 of this code.

SECTION 15-533 STARTING STOPPED OR PARKED VEHICLES

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

SECTION 15-534 BACKING OF VEHICLE

The driver of a vehicle shall not back the same unless such movement can be made without interfering with other traffic. When a vehicle is backed more than thirty (30) feet, such movement shall be deemed unsafe.

SECTION 15-535 OPENING AND CLOSING VEHICLE DOOR

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. No person shall leave a door open on the side of a motor vehicle available to moving traffic to load or unload passengers.

SECTION 15-536 OBSTRUCTIONS TO DRIVER'S VIEW; NUMBER IN FRONT SEAT

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.

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SECTION 15-537 CLINGING TO VEHICLE
No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

SECTION 15-538 BOARDING OR ALIGHTING FROM MOVING VEHICLE
No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 15-539 RIDING OUTSIDE VEHICLE COMPARTMENT
No person shall ride on any vehicle upon any portion thereof not designed or intended for use of passengers. This section 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 15-540 DRIVING THROUGH SAFETY ZONE
No vehicle shall at any time be driven through or within a safety zone or island.

SECTION 15-541 CHILD PASSENGER RESTRAINT SYSTEM OR SEAT BELT REQUIRED; EXCEPTIONS; PENALTY	
A	As used in 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.
B	Every driver when transporting a child under six (6) years of age in a motor vehicle operated in this town shall properly secure the child in a child passenger restraint or in a seat belt in the rear of the motor vehicle. Regardless of child's seating position in a vehicle, children under six (6) years of age shall be protected in a properly installed child passenger restraint system, and children six (6) through twelve (12) years of age must be protected by the use of either a properly installed child passenger restraint system or a safety belt.
C	This section shall not apply to: <ol style="list-style-type: none"> 1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to town ordinance, state statute, or federal law; 2. The driver of an ambulance or emergency vehicle; or 3. A driver of a vehicle if all of the seat belts in the vehicle are in use; and 4. The transportation of children who for medical reasons are unable to be placed in such devices with a signed written verification from a physician.
D	A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the

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	provisions of this section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.
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E	A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.
F	Any person convicted of violating this section shall be punished by a fine of as set in the fine schedule, or the maximum amount allowed by state law, whichever is greater, and shall pay court costs. The fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. The fine need not be suspended if the child was being transported in a motor vehicle already equipped with a child passenger restraint system.

Cross Reference: See also Sec. 1-108 for general penalty section.
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SECTION 15-542 SEAT BELTS REQUIRED FOR FRONT SEAT PASSENGERS; EXCEPTIONS	
A	Every operator and front seat passenger of a passenger car operated in this town shall wear a properly adjusted and fastened safety seat 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 not include trucks, truck-tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use and licensed pursuant to state law, Section 1134 of Title 47 of the Oklahoma Statutes.
B	This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety seat belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system.
C	This section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.
D	Any person convicted of violating this section shall be punished by a fine of Twenty Dollars (\$20.00), or the maximum amount allowed by state law, whichever is greater, and shall pay court costs.

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Cross Reference: See also Sec. 1-108 for general penalty section.

SECTION 15-543 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:
	<ol style="list-style-type: none"> 1. A clearly visible electrical 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 15-544 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 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.

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CHAPTER 6 STOPPING, STANDING AND PARKING

ARTICLE A PARKING REGULATIONS	
SECTION	DESCRIPTION
15-601	Stopping, standing or parking prohibited in certain places.
15-602	Handicapped parking restrictions
15-603	Parking not to obstruct traffic or signs
15-604	Parking for certain purposes prohibited
15-605	Parking more than seventy-two hours
15-606	Standing or parking on left side of roadway
15-607	Parking on private property; impounding of vehicle
15-608	Unattended vehicles
15-609	Authority to restrict parking time
15-610	Parking in private parking spaces without permission of owner
15-611	Prohibiting parking within fire lanes on certain private property
15-612	Limiting parking to authorized emergency vehicles
15-613	Presumption in prosecutions for standing or parking violations

ARTICLE B MANNER OF PARKING	
SECTION	DESCRIPTION
15-620	Distance from curb
15-621	Brakes to be set; motor not to be running; securing animals
15-622	Angle parking
15-623	Parking within marked spaces
15-624	Parking to be such as to leave ten (10) feet of roadway available for traffic
15-625	Double parking prohibited

ARTICLE A PARKING REGULATIONS
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SECTION 15-601 STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN PLACES	
A	No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with law or ordinance or the directions of a police officer or traffic-control device, in any of the following places:
	<ol style="list-style-type: none"> 1. On a sidewalk; 2. In front of a public or private driveway; 3. Within an intersection; 4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked; 5. On a crosswalk; 6. Within twenty (20) feet of a crosswalk at an intersection except in a parking space officially marked;

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	<p>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;</p> <p>8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the town indicates the different length by signs or markings;</p> <p>9. Within fifty (50) feet of the nearest rail of a railroad crossing;</p> <p>10. Within twenty (20) feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of such entrance when properly signposted;</p> <p>11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;</p> <p>12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;</p> <p>13. Upon any bridge or other elevated structure upon a highway or within a highway underpass; and</p> <p>14. At any place where official signs prohibit stopping, standing or parking;</p> <p>15. At any other place prohibited by this code or law.</p>
B	<p>No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is lawful.</p>

State Law Reference: Requirements for stopping, standing and parking, 47 O.S. Secs. 11-1001 et seq.

SECTION 15-602 HANDICAPPED PARKING RESTRICTIONS

No person shall be permitted to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such vehicle is eligible for a detachable insignia of a physically disabled person issued by the State Department of Public Safety as provided for in Section 15-112 of Title 47 of the Oklahoma Statutes, as amended, and such insignia is displayed as provided in accordance with state law or regulations adopted pursuant thereto. The provisions of this section shall apply to any such designated and posted reserved area on public property or private property accessible to the public and where the public is invited. Any person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code, subject to the maximum penalty allowed by state law. In addition thereto, any person so convicted shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any motor vehicle unlawfully parked hereunder removed from the property and stored.

State Law Reference: Handicapped parking restrictions, 47 O.S. Secs. 11-1007, 11-1008.

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SECTION 15-603 PARKING NOT TO OBSTRUCT TRAFFIC OR SIGNS	
A	No person shall park a vehicle within a street or alley in such a manner or under such conditions as to prohibit the free movement of authorized emergency vehicles or vehicular traffic.
B	No person shall stop, stand or park a vehicle within a street or alley in such a position as to block the driveway entrance to any abutting property.
C	No person shall at any time stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, in compliance with the directions of a police officer or traffic control device or in case of emergency within any alley except for the purpose of and while actually engaged in loading or unloading merchandise, with the maximum time permitted for loading or unloading being one hour; however, such vehicle must be headed in the proper direction in the alley and it must be parked on the right half of one way alleys.
D	Any vehicle parked upon the public streets or right-of-way shall be parked so as not to obstruct the view of any flashing beacon, stop sign or traffic-control signal by oncoming traffic.

SECTION 15-604 PARKING FOR CERTAIN PURPOSES PROHIBITED	
A	No person shall park his vehicle upon any street or highway for the principal purpose of:
	<ol style="list-style-type: none"> 1. Displaying the vehicle for sale; 2. Displaying advertising or displaying merchandise; 3. Washing, greasing or repairing the vehicle except repairs necessitated by an emergency; and 4. Selling merchandise or any other thing from vehicles without appropriate permit or license from the town.

Cross Reference: Business, itinerant vendors, Part 9 of this code.

SECTION 15-605 PARKING MORE THAN SEVENTY-TWO HOURS	
No vehicle may be parked on a town or state road or highway for more than seventy-two (72) hours. Such vehicles will be given a notice that the vehicle must be removed or it will be removed by agents of the town as provided in this code.	

SECTION 15-606 STANDING OR PARKING ON LEFT SIDE OF ROADWAY	
A	Town personnel, subject to direction of the board of trustees, may determine when standing or parking may be permitted upon the left-hand side of anyone-way roadway and to have signs or marks placed giving notice thereof.
B	In the event 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 such one-way roadway unless signs or marks are placed to permit such standing or parking.

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SECTION 15-607 PARKING ON PRIVATE PROPERTY; IMPOUNDING OF VEHICLE	
A	No person shall park a vehicle on the private property of another without the consent of the owner of the property, his agent or tenant.
B	Any unoccupied vehicle parked in violation of this section may, upon complaint of the property owner, his agent or tenant; may be towed and impounded, and the vehicle owner must pay removal, storage and impounding fees.

SECTION 15-608 UNATTENDED VEHICLES	
The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the street.	

State Law Reference: Similar provisions, 47 O.S., Sec. 11-1101.
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SECTION 15-609 AUTHORITY TO RESTRICT PARKING TIME	
A	The town board of trustees, by resolution, may establish parking time limits, or prohibit parking, on designated streets by having appropriate signs placed thereon.
B	When such signs are in place, no person shall park a vehicle in violation thereof.

SECTION 15-610 PARKING IN PRIVATE PARKING SPACES WITHOUT PERMISSION OF OWNER	
A	The parking, leaving or keeping of vehicles, either with or without occupants, upon real property owned or leased for use of hotels or business establishments as private parking places, without permission of the owner or lessee, as the case may be, is hereby prohibited.
B	Any vehicle parked or left in violation of subsection A shall, upon the complaint of the owner or lessee of the property, be removed from the premises by the police or on the order of any police officer, at the expense of the owner of the vehicle. Such removal may be accomplished by the police department or by a police department order directing any person operating a towing service to pull the vehicle to his garage or place of business, where it shall be held in the custody of the police department until the towing charges and the fine and costs, if any, are paid.

SECTION 15-611 PROHIBITING PARKING WITHIN FIRE LANES ON CERTAIN PRIVATE PROPERTY	
Town personnel, when the public safety shall require, is authorized and directed to prohibit parking upon private property used for shopping centers, schools, hospitals, nursing homes, restaurants and places of public entertainment within zones to be clearly designated and defined by appropriate sign, when the same is necessary for the establishment of fire lanes to avoid obstruction of free passage and access. No person shall stop, stand or park a vehicle, except an	

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authorized emergency vehicle, within such prohibited fire lanes, except on direction and by authority of a police officer.

SECTION 15-612 LIMITING PARKING TO AUTHORIZED EMERGENCY VEHICLES

Town personnel, subject to any directions which the town board of trustees may give, is authorized to designate streets or portions thereof where parking is limited to authorized emergency vehicles. When signs are in place giving notice of such limitation, it shall be unlawful for' any person to park any vehicle, except an authorized emergency vehicle, upon any such street or portion thereof.

SECTION 15-613 PRESUMPTION IN PROSECUTIONS FOR STANDING OR PARKING VIOLATIONS

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 such law or regulation, together with proof that the defendant named in the complaint was, at the time of such violation, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

State Law Reference: Removal of illegally stopped vehicles, 47 O.S. Sec. 11-1002.

Cross Reference: See also Sections 15-1701 et seq. on impoundment of illegally stopped and other vehicles.

**ARTICLE B
MANNER OF PARKING**

SECTION 15-620 DISTANCE FROM CURB

Except as otherwise provided in this section, every vehicle stopped or parked upon roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb. Every vehicle stopped and 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 15-621 BRAKES TO BE SET: MOTOR NOT TO BE RUNNING: SECURING ANIMALS

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. Animals left or parked on the streets shall be securely hitched.

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SECTION 15-622 ANGLE PARKING	
A	Town personnel, subject to direction of the board of trustees, may determine upon what streets and parts of streets angle parking will be permitted and authority shall continue until changed permitting angle parking on any such street or part of street and the angle parking markings or signs are amended.
B	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.
C	Angle parking is not permitted on any state or federal-aid highway unless the state department of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

SECTION 15-623 PARKING WITHIN MARKED SPACES	
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 delineating a space.	

SECTION 15-624 PARKING TO BE SUCH AS TO LEAVE TEN (10) FEET OF ROADWAY AVAILABLE FOR TRAFFIC	
No person shall park a vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of roadway for the free movement of vehicular traffic.	

SECTION 15-625 DOUBLE PARKING PROHIBITED	
A	No vehicle shall be double parked on any street within the town limits except in compliance with the direction of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.
B	Delivery vehicles, either loading or unloading, may double park in the right-hand lane while in the process of loading or unloading and making delivery to local business establishments; provided that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved. Such double parking shall be permitted only so long as both traffic lanes are not blocked.

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CHAPTER 7	
SPEED REGULATIONS	
SECTION	DESCRIPTION
15-701	Speed limits
15-702	Minimum speed

SECTION 15-701 SPEED LIMITS	
A	Notwithstanding a maximum speed limit enumerated in this code, no person shall drive a vehicle upon any alley, highway, roadway, street or public parking area at a speed greater than or less than is reasonable or prudent under the conditions then existing, considering visibility, amount of traffic, condition of roadway surface, presence of pedestrians, obstruction of view and other similar facts.
B	No person shall drive any vehicle upon a street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.
C	Except when a special hazard exists that requires lower speed for compliance with Subsection A of this section, the limits specified in this chapter or established as authorized shall be maximum lawful speeds. No person shall drive a vehicle on it highway at a speed in excess of such maximum limits as follows:
	1. Twenty-five (25) miles per hour on any street unless otherwise provided herein;
	2. Miles per hour as posted in school zones.
D	Town personnel have authority to post lower speed limits than those prescribed in this chapter where special hazards exist.
E	The fact that the speed of a vehicle is lower than the designated limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow winding roadway, or when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle or on entering the roadway in compliance with legal requirement and the duty of all persons to use due care and precaution.

State Law Reference: Power of town to set maximum speed limits, 47 O.S. Sec. 11-803.

Cross Reference: Penalty for violation of any provision of this Part 15, Section 15-1801, Section 1-108.

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SECTION 15-702 MINIMUM SPEED

It is unlawful for any person to drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation. Police officers are hereby authorized to enforce this provision by directions to drivers and in the event of willful disobedience to this provision or refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be unlawful and constitute a blocking of traffic and a violation of this section.

State Law Reference: Similar provisions, 4 O.S. Sec 11-804

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CHAPTER 8 RIGHT-OF-WAY	
SECTION	DESCRIPTION
15-801	Right-of-way at intersections
15-802	Right-of-way at intersections, vehicles arriving at same time
15-803	Left turn at intersection
15-804	Designation of through streets
15-805	Signs at through streets
15-806	Determination of stop and yield intersections
15-807	Vehicles entering stop intersections
15-808	Vehicle entering yield intersection
15-809	School zones and crosswalks
15-810	Emerging from alley or driveway
15-811	Obstructing intersection or crosswalk

SECTION 15-801 RIGHT-OF-WAYS AT INTERSECTIONS	
A	The driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.
B	When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
C	The right-of-way rules declared in Subsections A and B are modified at through highways and otherwise as stated in this chapter.
D	The driver of a vehicle approaching a "T" intersection, traveling down the base of the "T" intersection approaching a dead end must yield the right-of-way to all traffic.

State Law Reference: Right-of-way regulations, 47 OS Secs. 11-401 et seq.

SECTION 15-802 RIGHT-OF-WAY AT INTERSECTIONS, VEHICLE ARRIVING AT SAME TIME	
A	Where two (2) or more vehicles face stop, slow, Warning or caution signs or signals on two (2) or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way.
B	The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway; provided that the driver of a vehicle

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	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.
C	Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution, shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way.

SECTION 15-803 LEFT TURN AT INTERSECTION	
The driver of a vehicle within an intersection intending to turn to the left shall give a signal and 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. However, the driver, having so yielded and having given a signal when and as required by this chapter may make such left turn, and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.	

State Law Reference: Similar provisions, 47 O.S. Sec. 11-402.

SECTION 15-804 DESIGNATION OF THROUGH STREETS	
The town personnel, subject to direction of the board of trustees, may designate any street or part of street as a through street.	

SECTION 15-805 SIGNS AT THROUGH STREETS	
Whenever the town personnel designates and describes a through street, the town personnel shall have placed and maintained a stop sign, or if deemed more appropriate at any intersection a yield sign, on each and every street intersection such 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 personnel if deemed desirable.	

SECTION 15-806 DETERMINATION OF STOP AND YIELD INTERSECTIONS	
A	The town personnel, subject to direction by the board of trustees, are authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:
	<ol style="list-style-type: none"> 1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or 2. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Section 15-807, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

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B	Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
C	Every stop sign shall bear the word "Stop" in letters not less than eight (8) inches in height. Every yield sign shall bear the word "Yield" in letters not less than seven (7) inches in height. Every stop sign and every yield sign shall, at nighttime, be rendered luminous by internal illumination, or by a floodlight project on the face of the sign, or by efficient reflecting elements in the face of the sign.

SECTION 15-807 VEHICLES ENTERING STOP INTERSECTIONS	
A	Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but, if none, then, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
B	Such driver, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard. The driver having so yielded may proceed only when it is prudent and apparently safe to do so.

SECTION 15-808 VEHICLE ENTERING YIELD INTERSECTION	
A	The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary and yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. If such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.
B	The driver of a vehicle approaching a yield sign, is required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway.

SECTION 15-809 SCHOOL ZONES AND CROSSWALKS	
A	The town personnel, subject to direction by the board of trustees, are authorized to erect signs to designate school zones and school zone crosswalks.
B	No person may drive a vehicle past a school sign or through a school zone at a speed greater than that posted per hour as

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	stated on school days. Drivers proceeding in a school zone shall stop and yield the right-of-way to pedestrians in school zone crosswalks when so directed by a school safety patrol member or when such crosswalk is occupied by pedestrians between the hours posted on school days.
C	Any driver involved in a school zone crosswalk collision with a pedestrian after failing to slow and yield the right-of-way to such pedestrian shall be deemed prima facie in violation of this section.

SECTION 15-810 EMERGING FROM ALLEY OR DRIVEWAY

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-at-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Sec. 11-704.

SECTION 15-811 OBSTRUCTING INTERSECTION OR CROSSWALK

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 vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

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CHAPTER 9 TURNING MOVEMENTS	
SECTION	DESCRIPTION
15-901	Method of turning generally and at intersections
15-902	Authority to place turning markers
15-903	Authority to restrict turning; obedience required
15-904	Limitations on turning, U-turns
15-905	Turning or stopping movements; signals required
15-906	Signals; method required
15-907	Method of giving hand signals

SECTION 15-901 METHOD OF TURNING GENERALLY AND AT INTERSECTIONS	
A	The driver of a vehicle intending to turn at an intersection shall do so as follows:
	<ol style="list-style-type: none"> 1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; 2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection; and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; and 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 such vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
B	4. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by this section, 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.

State Law Reference: Similar provisions, 47 O.S. Sec. 11-601.

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SECTION 15-902 AUTHORITY TO PLACE TURNING MARKERS	
A	The town personnel, subject to direction by the board of trustees, is authorized to have placed markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. Such course to be traveled shall be indicated.
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 15-903 AUTHORITY TO RESTRICT TURNING; OBEDIENCE REQUIRED	
A	Town personnel, subject to direction by the board of trustees, may determine those intersections at which drivers of vehicles shall not make a right turn, left turn or U-turn, and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours.
B	Whenever authorized signs are erected indicating that no right turn, left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SECTION 15-904 LIMITATIONS ON TURNING, U-TURNS	
A	Except as hereinafter provided, no person shall operate a vehicle so as to turn more than ninety degrees (90) on any street or highway.
B	Persons excepted are those who can safely execute that turn if at an intersection, but it is unlawful for the driver of a vehicle to make such a turn at any intersection:
	1. Where traffic-control signals are installed;
	2. Where a police officer is directing traffic except at the latter's direction; or
	3. Where an official no U-turn sign has been placed and is maintained.

SECTION 15-905 TURNING OR STOPPING MOVEMENTS; SIGNALS REQUIRED	
A	No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by ordinance, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, 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 turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
B	A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.
C	No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided

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	herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
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State Law Reference: Similar provisions, 47 O.S. Sec. 11-604.
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SECTION 15-906 SIGIALS; METHOD REQUIRED	
A	Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in Subsection B.
B	Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

SECTION 15-907 METHOD OF GIVING HAND SIGNALS	
A	All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner:
B	<ol style="list-style-type: none">1. Left turn: Hand and arm extended horizontally;2. Right turn: Hand and arm extended upward; and3. Stop or decrease speed: Hand and arm extended downward.

State Law Reference: Similar provisions, 47 O.S. Sec. 11-605, 11-606.
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CHAPTER 10	
TRUCK ROUTES AND PARKING	
SECTION	DESCRIPTION
15-1001	Truck routes, map
15-1002	Truck parking restricted in residential subdivisions

SECTION 15-1001 TRUCK ROUTES, MAP	
A	The board of trustees, by motion or resolution, may prescribe routes through the town for the use of trucks in general or trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles passing through the town. The town shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes.
B	When such signs are so erected and in place as provided in Subsection A hereof, the driver of a truck or other vehicle for which a route has been prescribed as provided herein, while passing through the town, 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 town and not merely through the town.
C	Town personnel shall keep and maintain accurate maps setting out the truck routes designated by the town.

Cross Reference: See also applicable weight limits, 15-303.

SECTION 15-1002 TRUCK PARKING RESTRICTED IN RESIDENTIAL SUBDIVISIONS	
A	As used in this section:
	<ol style="list-style-type: none"> 1. "Bus" means any vehicle designed for carrying more than eighteen (18) 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 excluding school buses owned and operated by public or private schools or school districts and church buses from 6:00 AM. to 6:00 P.M.; and 2. "Truck" means any truck above one ton capacity or truck-tractor with or without semitrailer or pole trailer attached or any other combination of vehicles.
B	It is unlawful for any truck or bus to be parked or stored on public or private property within a residential area or within three hundred (300) feet of residential subdivisions except for purposes of loading and unloading.
C	The following trucks or buses are exempt from the three-hundred foot restriction in Subsection B hereof:
	<ol style="list-style-type: none"> 1. Those used in businesses lawfully established within the town's commercial or industrial zoning districts; 2. Those used for farming by the owner or occupant in agricultural zoning districts; or 3. Buses operated by schools & churches within residential zones.

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CHAPTER 11 LOADING ZONES	
SECTION	DESCRIPTION
15-1101	Authority to designate curbs loading zones
15-1102	Parking or standing in passenger loading zone restricted
15-1103	Standing or parking in freight loading zones
15-1104	Permit to back to curb for loading or unloading

SECTION 15-1101 AUTHORITY TO DESIGNATE CURB LOADING ZONES
Town personnel, subject to direction of the board of trustees, may determine the location of passenger and freight curb loading zones, and shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

SECTION 15-1102 PARKING OR STANDING IN PASSENGER LOADING ZONE RESTRICTED
No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for period not to exceed three (3) minutes.

SECTION 15-1103 STANDING OR PARKING IN FREIGHT LOADING ZONES	
A	No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed thirty (30) minutes.
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 motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

SECTION 15-1104 PERMIT TO BACK TO CURB FOR LOADING OR UNLOADING	
A	Town personnel are 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 traffic engineer 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 permit issued under this section.

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CHAPTER 12	
ACCIDENTS	
SECTION	DESCRIPTION
15-1201	Accidents involving death or personal injury
15-1202	Accidents involving damage to property
15-1203	Duty to give information and render aid
15-1204	Duty upon striking unattended vehicle
15-1205	Duty upon striking fixtures upon a highway
15-1206	Immediate notice of accident
15-1207	When driver unable to report

SECTION 15-1201 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY	
<p>The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 15-1203 of this code.</p>	

SECTION 15-1202 ACCIDENTS INVOLVING DAMAGE TO PROPERTY	
A	<p>The driver of any vehicle involved in an accident resulting only in apparent damage to property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible. The driver shall remain at the scene of such accident until he has fulfilled the requirements of Section 15-1203 of this code. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with the requirements under such circumstances shall be guilty of a misdemeanor.</p>
B	<p>If the damage resulting from such accident is to the property of the driver only, with no damage to the person or property of another, the driver need not stop at the scene of the accident but shall make report of the damage resulting.</p>

SECTION 15-1203 DUTY TO GIVE INFORMATION AND RENDER AID	
<p>The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request and if available exhibit his operator's or chauffeur's license and his security verification form, as defined in this code, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.</p>	

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State Law Reference: Similar provisions, 47 O.S. Sec. 10-104.
Cross Reference: Security verification form, See Sec. 15-103 of this code.

SECTION 15-1204 DUTY UPON STRIKING UNATTENDED VEHICLE

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide the operator or owner with information from his security verification form, as defined in this code, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by this code, and a statement of the circumstances thereof.

SECTION 15-1205 DUTY UPON STRIKING FIXTURES UPON A HIGHWAY

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and his security verification form, as defined in this code, and shall make report of such accident when and as required in Section 15-1207 of this code.

SECTION 15-1206 IMMEDIATE NOTICE OF ACCIDENT

The driver of a vehicle involved in any accident shall immediately, by the quickest means of communication, give notice of such accident to the police department, on forms provided by the police department, after complying with the requirements of Section 15-1203 of this code. A report shall be made on forms provided by the department. Where personal injury or death occurs, the driver or drivers of the vehicles shall remain at the scene of the accident until police officers arrive, except in cases of personal injury requiring immediate attention.

Cross Reference: False reports, penalty for making, see Part 10 of this code.

SECTION 15-1207 WHEN DRIVER UNABLE TO REPORT

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| A | An accident report is not required under this chapter from any person who IS physically incapable of making report during the period of such incapacity. |
| B | Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Section 15-1206 of this code and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver. |

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CHAPTER 13 MOTORCYCLES	
SECTION	DESCRIPTION
15-1301	Operation of motorcycle
15-1302	Equipment required
15-1303	Headgear required
15-1304	License required

SECTION 15-1301 OPERATION OF MOTORCYCLE	
A	No person shall operate a motorcycle or motor-driven cycle, including a motor scooter or motor-driven bicycle, on a street in this town during a time when state law prohibits the operation of such vehicle.
B	No driver of a three-wheel motor vehicle or motor driven bicycle shall carry any other person on, upon or within such vehicle on any street in the town, except as hereinafter provided. If any two-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 side car attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger. A demonstration ride by a licensed dealer or his employee is excepted from the provisions hereof.
C	No motorcycle or motor scooter shall be ridden upon any sidewalk.
D	Handlebars on motorcycles and motor scooters shall not exceed twelve (12) inches in height, measured from the crown or point of attachment.
E	No rider of a motorcycle or motor scooter shall hold to any moving vehicle for the purpose of being propelled.
F	No driver of a motorcycle, motor scooter or bicycle shall pass other vehicles between lanes of traffic traveling in the same direction, authorized emergency vehicles excepted.
G	No person shall operate any motorcycle or any motor scooter at a speed greater than the speed limit legally posted. In no event or at any time may an operator under the age of sixteen (16) years operate a motorcycle or motor scooter at a speed greater than thirty-five (35) miles per hour.
H	A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached thereto.

State Law Reference: Similar provisions 47 O.S. Sec. 11-805, 11-1103.

SECTION 15-1302 EQUIPMENT REQUIRED	
A	The following equipment shall be required on all motorcycles and all motor scooters on actual trail rides conducted outside of public streets, roads and highways:
	1. Rear-view mirrors: All vehicles covered under this chapter shall be equipped with two (2) mirrors, containing a

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- reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;
2. Windshield: All vehicles covered under this section shall be equipped with a windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield the operator shall wear goggles or face shield of material and design to protect him from foreign objects;
 3. Brakes: All vehicles covered under this chapter shall be equipped with brakes adequate to control the movement of same to stop and hold such vehicles, including two (2) separate means of applying the brakes, one of which is effective to apply the brakes to the front wheel and one of which is effective to apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service brake;
 4. Speedometer: All vehicles covered under this chapter shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for the vehicle;
 5. Fender: All vehicles covered under this chapter shall be equipped with a fender over each wheel. All fenders shall be of the type provided by the manufacturer;
 6. Lights: All vehicles covered under this chapter shall carry at least one lighted head lamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the same are proceeding, and one tail lamp mounted in the rear which, when lighted, shall omit a red light plainly visible from at least three hundred (300) feet to the rear; and such lights required by this chapter shall be burning whenever such vehicles are in motion during the period from one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead;
 7. All vehicles covered under this section shall carry on the rear thereof, either as a part of the tail light or separately, at least one red reflector which shall be of such size and characteristics as to be visible at night from all distances within three hundred fifty (350) feet to one hundred (100) feet from the vehicle when directly in front of lawful upper beams of headlights on motor vehicles;

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	8. Muffler. No person shall operate a vehicle covered under this section with an exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturer of the vehicle.
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State Law Reference: Equipment required, 47 O.S. Sec. 12-203, 12-205, 12-206, and 12-301.
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SECTION 15-1303 HEADGEAR REOUired
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No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this chapter unless such person is equipped with and wearing on the head a crash helmet of a type and design manufactured for such use. 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.

SECTION 15-1304 LICENSE REOUired

All operators of motorcycle or motor-driven cycle shall have a current, valid license issued by the state and conform to any specific restriction contained thereon.
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CHAPTER 14 BICYCLES	
SECTION	DESCRIPTION
15-1401	Effects of regulations; parent's duty
15-1402	Applicability of traffic laws
15-1403	Obedience to traffic-control devices
15-1404	Manner of riding bicycle
15-1405	Riding on roads and bicycle paths
15-1406	Speed restrictions
15-1407	Carrying articles
15-1408	Parking
15-1409	Riding on sidewalk prohibited
15-1410	Lights and brakes
15-1411	Rider not to cling to other vehicle
15-1412	Signal devices
15-1413	Emerging from alley, driveway or building
15-1414	Penalty

SECTION 15-1401 EFFECTS OF REGULATIONS: PARENT'S DUTY	
A	The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.
B	These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to the exceptions stated herein.

State Law Reference: Operating bicycles on streets, 47 O.S. Sec. 11-1201 et seq.

SECTION 15-1402 APPLICABILITY OF TRAFFIC LAWS	
Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules and or road 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 can have no application.	

SECTION 15-1403 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 that no right turn, left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign except where such person dismounts from the bicycle to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.

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SECTION 15-1404 MANNER OF RIDING BICYCLE	
A	A person propelling a bicycle shall not 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.
C	A person shall ride a bicycle only in the manner in which it is designed and equipped to carry the person.

SECTION 15-1405 RIDING ON ROADS AND BICYCLE PATHS	
A	Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
B	Persons riding bicycles upon a roadway shall not ride more than two (2) persons abreast except on paths or parts of roadways set aside exclusively for the use of bicycles.
C	Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

SECTION 15-1406 SPEED RESTRICTIONS	
No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.	

SECTION 15-1407 CARRYING ARTICLES	
No person operating a bicycle shall carry any package, bundle or parcel which prevents the rider from keeping at least one hand upon the handlebars.	

SECTION 15-1408 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 a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.	

SECTION 15-1409 RIDING ON SIDEWALK PROHIBITED	
A	No person shall ride a bicycle upon a sidewalk in the business district.
B	Whenever a 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 the pedestrian.
C	The town personnel may erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon. When such signs are in place, no person shall disobey them.

SECTION 15-1410 LIGHTS AND BRAKES	
A	A Every bicycle 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

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	from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.
B	Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SECTION 15-1411 RIDER NOT TO CLING TO OTHER VEHICLE

No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

State Law Reference: Similar provisions, 47 D.S. Sec. 11-1204.

SECTION 15-1412 SIGNAL DEVICES

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, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

SECTION 15-1413 EMERGING FROM ALLEY. DRIVEWAY OR BUILDING

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

SECTION 15-1414 PENALTY

Every person convicted of a violation of any provision of this chapter shall be punished as provided in Section 1-108 of this code.

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CHAPTER 15 PEDESTRIANS	
SECTION	DESCRIPTION
15-1501	Subject to traffic-control signals
15-1502	Right-of-way at crosswalks
15-1503	Pedestrians to use right half of crosswalk
15-1504	Crossing at right angles
15-1505	When pedestrians shall yield
15-1506	Prohibited crossing
15-1507	Obedience to railroad signals
15-1508	Walking along roadway
15-1509	Hitchhiking; soliciting business
15-1510	Drivers to exercise care
15-1511	Playing in streets

SECTION 15-1501 SUBJECT TO TRAFFIC-CONTROL SIGNALS
Pedestrians shall be subject to traffic-control signals as declared in this chapter. At all other places, pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

State Law References: Pedestrians' rights and duties, 47 O. S. Sec. 11-501 et seq.; power of town to require obedience to traffic-control signals, 47 O.S. Sec. 15-107.
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SECTION 15-1502 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 the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
B	No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

SECTION 15-1503 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK
Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

SECTION 15-1504 CROSSING AT RIGHT ANGLES
No pedestrian shall cross a roadway at any place other than by route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

SECTION 15-1505 WHEN PEDESTRIANS SHALL YIELD	
A	Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an intersection shall yield the right-of-way to all vehicles upon the roadway.

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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	This section shall not apply under the conditions stated in Section 15-1506 of this code when pedestrians are prohibited from crossing at certain designated places.

SECTION 15-1506 PROHIBITED CROSSING

Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

SECTION 15-1507 OBEDIENCE 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.

SECTION 15-1508 WALKING ALONG ROADWAY

A	Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway.
B	Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and shall yield to approaching vehicles.

State Law Reference: Similar provisions, 47 O.S., Sec. 11-506.

SECTION 15-1509 HITCHHIKING; SOLICITING BUSINESS

A	No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.
B	No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

SECTION 15-1510 DRIVERS TO EXERCISE CARE

Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

SECTION 15-1511 PLAYING IN STREETS

A	No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk. When so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.
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B	This section shall not apply upon any street while set aside as a play street as authorized by this code.
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CHAPTER 16 ENFORCEMENT	
SECTION	DESCRIPTION
15-1601	Authority of police and fire officials
15-1602	Authority to direct traffic
15-1603	Emergency and experimental regulations
15-1604	Obedience to police and fire officials required
15-1605	Applicability to public employees
15-1606	Authorized emergency vehicles
15-1607	Persons working on streets exempted
15-1608	Closing streets for repairs; barricades required; use of street restricted
15-1609	Riding animals and animal-drawn vehicles

SECTION 15-1601 AUTHORITY OF POLICE AND FIRE OFFICIALS	
A	It is the duty of all police officers of the police department to enforce the street traffic regulations of this town and the state, to make arrests for the traffic violations, and to investigate accidents.
B	Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, mechanical signals or signs in conformance with the provisions of this chapter. In the event of a fire or other emergency as herein defined, or other unusual traffic conditions, to expedite traffic or safeguard pedestrians, officers of the police department or fire department may direct and take control of traffic as conditions may require, and as near as practicable, follow the general provisions of this chapter.
C	Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

SECTION 15-1602 AUTHORITY TO DIRECT TRAFFIC	
All traffic in the town shall be controlled by ordinances of the town and the laws of the state relating thereto. No person shall direct or attempt to direct traffic except police officers and other officers authorized by the town.	

SECTION 15-1603 EMERGENCY AND EXPERIMENTAL REGULATIONS	
A	The town personnel is empowered to make effective the provisions of the traffic ordinances of this town 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 town may have traffic-control devices tested under actual conditions of traffic.

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SECTION 15-1604 OBEEDIENCE TO POLICE AND FIRE OFFICIALS REQUIRED	
No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.	

State Law Reference: Similar provisions, 470.S. Sec. 11-103.

Cross Reference: See also Part 10 of this code on obedience, cooperation and noninterference with police and fire officials.

SECTION 15-1605 APPLICABILITY TO PUBLIC EMPLOYEES	
A	This chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, town or other governmental unit or agency, as well as to other vehicles. No such driver shall violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.
B	This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

SECTION 15-1606 AUTHORIZED EMERGENCY VEHICLES	
A	The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
B	The driver of an authorized emergency vehicle may: <ol style="list-style-type: none">1. Park or stand irrespective of the provisions of this chapter;2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;3. Exceed the maximum speed limits so long as he does not endanger life or property; and4. Disregard regulations governing direction of movement or turning in specific directions.
C	The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
D	The operator of every authorized emergency vehicle, prior to commencing an emergency run, must report to the police department and advise the police department of his destination; and if such a hazard exists as would endanger the public, the police department shall have the authority to prohibit the emergency run.

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E	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 protect the driver from the consequences of his reckless disregard for all the safety of others.
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State Law Reference: Similar provisions, Sec. 11-106; required emergency vehicle signals, procedures, 47 O.S. Sec. 12-218.

SECTION 15-1607 PERSONS WORKING ON STREETS EXEMPTED

A	Unless specifically made applicable, the provisions of this chapter 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 highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen.
B	This section shall not relieve any driver exempted by this section from the duty to drive with due regard for the safety of all persons, nor from the consequences of driving while intoxicated.

State Law Reference: Similar provisions, 47 O.S. Sec. 11-105.

SECTION 15-1608 CLOSING STREETS FOR REPAIRS: BARRICADES REQUIRED: USE OF STREET RESTRICTED

A	Town personnel or contractors, while repairing or improving or repairing lines or other utility facilities in the streets, are authorized as necessary, subject to control of the chief of the traffic division, to close any street or section thereof to traffic during such repair, maintenance or construction. In exercising such authority, such person 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, no person shall drive any vehicle through, under, over or around such traffic-control devices or barricades, or otherwise enter the closed area. This subsection shall not apply to persons while engaged in such construction, maintenance and repair or to persons entering therein for the protection of lives or property. 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 town personnel, contractor, utility company concerned shall erect or cause to be erected traffic-control devices to warn and guide

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the public. Every person using such street shall obey all signs, signals, markings flagmen or other traffic-control devices which are placed to regulate, control and guide traffic through the construction or maintenance area.

SECTION 15-1609 RIDING ANIMALS AND ANIMAL-DRAWN VEHICLES

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.
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State Law Reference: Similar provisions, 47 O.S. Sec. 11-104.
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CHAPTER 17 IMPOUNDMENT	
SECTION	DESCRIPTION
15-1701	Purpose and effect
15-1702	Police granted authority to impound vehicles
15-1703	Disabled vehicles
15-1704	Vehicle constitutes traffic hazard
15-1705	Illegal trespass by vehicle
15-1706	Vehicles parked in prohibited zone
15-1707	Vehicles parked in intersection
15-1708	Stolen vehicles, recovery by police
15-1709	Arrest and detention of driver of vehicle
15-1710	Unlicensed vehicles
15-1711	Place of impoundment
15-1712	Duration of impoundment

SECTION 15-1701 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS
<p>The impoundment of vehicles under authority 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 nuisance arising from traffic law violations, protection of the public rights in the use of town streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.</p>

SECTION 15-1702 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES
<p>Members of the police department are hereby authorized within the authority granted by Section 15-1701 to impound vehicles under the provisions of this chapter. No impoundment shall be valid unless made under order of an authorized police officer.</p>

SECTION 15-1703 DISABLED VEHICLES	
A	A disabled vehicle upon a street or highway may be impounded under the following circumstances:
	<ol style="list-style-type: none"> 1. If left unattended and improperly parked on street or highway; 2. If left unattended longer than seventy two (72) hours on the shoulder of any highway; 3. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal.

SECTION 15-1704 VEHICLE CONSTITUTES TRAFFIC HAZARD
<p>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.</p>

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SECTION 15-1705 ILLEGAL TRESPASS BY VEHICLE	
A	An unattended vehicle trespassing on property of another may be impounded when the required complaint has been properly made and filed as provided in this section.
B	If 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 a trespass has occurred, the property owner or legal occupant of the property may cause the vehicle to be impounded from the property and placed in storage. The police department may also cause such vehicle to be impounded where the police department determines that the location of the vehicle constitutes a threat to the public health or safety or is a public traffic hazard.

SECTION 15-1706 VEHICLES PARKED IN PROHIBITED ZONE
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 15-1707 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 15-1708 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 or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle maybe 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 may be impounded.

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SECTION 15-1709 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 15-1710 UNLICENSED VEHICLES
Any vehicle on public roads, streets or other public places which do not have a current state license tag may be impounded by the police, after more than ninety (90) past due.

SECTION 15-1711 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 chief of police, and to no other place.

SECTION 15-1712 DURATION OF IMPOUNDMENT	
A	Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held until an order for its release is received from an officer of the traffic violations bureau or municipal court or other proper police officer.
B	The order of release of an impounded vehicle shall be conditioned upon the payment of by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

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CHAPTER 18	
PENALTIES AND ARREST PROCEDURE	
SECTION	DESCRIPTION
15-1801	Penalty
15-1802	Citation tags on parked vehicles

SECTION 15-1801 PENALTY	
A	No person shall do any act forbidden or fail to perform any act required in this part.
B	No parent of a child or the guardian of a ward shall authorize any child or ward to violate any provisions of this part.
C	No person shall authorize or knowingly permit any vehicle registered in his name to be driven, or to stand, or to be parked in violation of any provisions of this part.
D	Any person who violates any provision of this part, or performs any unlawful act as defined in this part, or fails to perform any act required in this part is guilty of an offense and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

SECTION 15-1802 CITATION TAGS ON PARKED VEHICLES	
In cases where vehicles without drivers are parked or stopped in violation of this part, police officers and other persons appointed by the chief of police shall affix citation tags to the vehicles. A violator of any provision of this part who has been given a citation tag fails to appear in accordance with the instructions of such tag shall be subject to a separate offense as provided in Section 1-108.	

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PART 16 - TRANSPORTATION

CHAPTER 1 RAILROADS	
SECTION	DESCRIPTION
16-101	Speed limit for trains
16-102	Obstructing passage of trains
16-103	Trains obstructing crossings
16-104	Maintenance of tracks, roadbed and right-of-way, sidewalks
16-105	Climbing on trains
16-106	Crawling under trains

CHAPTER 2 (RESERVED)

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CHAPTER 1 RAILROADS	
SECTION	DESCRIPTION
16-101	Speed limit for trains
16-102	Obstructing passage of trains
16-103	Trains obstructing crossings
16-104	Maintenance of tracks, roadbed and right-of-way, sidewalks
16-105	Climbing on trains
16-106	Crawling under trains

SECTION 16-101 SPEED LIMIT FOR TRAINS
It is unlawful for any person to operate, drive or propel, or cause to be operated, driven or propelled, any railway engine, train or car at a greater speed than forty-five (45) miles per hour when entering an intersecting street within the town.

SECTION 16-102 OBSTRUCTING PASSAGE OF TRAINS
Any person who willfully or maliciously places any obstruction, or any other thing on the track of any railroad within the limits of the town, or who tears up, removes, burns or destroys any part of such railroad, or the works thereof, with intent to obstruct the passage of any engine or car thereon, or to throw them off the track, is guilty of an offense, punishable as provided in this code.

SECTION 16-103 TRAINS OBSTRUCTING CROSSINGS
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 15 minutes. This provision shall not apply to trains or cars in motion, other than those engaged in switching. If the railway train, locomotive or railway car is left blocking a crossing for an extended period of time and not moved upon request by an officer or a town official, a citation may be issued as provided by Sec 1-108 of this code.

SECTION 16-104 MAINTENANCE OF TRACKS, ROADBED AND RIGHT-OF-WAY, SIDEWALKS	
A	It is the duty of every owner of railroad tracks to maintain the railroad tracks, roadbed, and right-of-way in a good condition for use by the public when the railroad tracks and roadbed cross or intersect any public street within the town.
B	When a railway occupies any portion of a street with its tracks running in a general direction of the street, either on or adjacent thereto, the railway shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is, or has been, improved, or with such satisfactory materials as the town may approve. In case any railway company shall occupy an alley with its track or tracks, the company shall improve, gutter, drain and grade such

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	alley, and shall surface or pave it with the same material which is, or has been, used on the alley, or with such other satisfactory material as the town may approve.
C	When the tracks of a railway cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track and two (2) feet on each side, using the same material as is, or has been, used on the street, or such other satisfactory material as the town may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railway company shall grade, gutter, drain and curb the street area between its tracks and surface of pave it with the same material which the town will use or has used on the street.
D	Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as is practicable under the circumstances. The railway company shall construct sidewalks on both sides of the streets when both sides are used by pedestrians.
E	Railway companies shall keep all such improvements made by them in a good state of repair at all times.
F	The failure to perform such duties as are herein required after thirty (30) days written notice from the council of the town shall be a violation, and each day thereafter that the tracks and roadbed shall remain in an unsatisfactory condition shall constitute a separate offense.

State Law Reference: Similar provisions, 11 O.S. Sec. 36-116.

SECTION 16-105 CLIMBING ON TRAINS

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive or railway car while within the town, unless such person is acting in the line of duty. It is unlawful for any person to board any train or railroad car except with a proper ticket or the permission of the person in charge of the train or car or in the line of duty.

SECTION 16-106 CRAWLING UNDER TRAINS

It is unlawful for any person to crawl under any railway train, locomotive or railway car while it is within the town, unless such person is acting in the line of duty.

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CHAPTER 2
(RESERVED)

UTILITIES

PART 17 - UTILITIES

CHAPTER 1

GENERAL PROVISIONS

SECTION	DESCRIPTION
17-101	Lease of utilities to authority
17-102	Authority rules adopted by reference, penalty

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WATER SYSTEM AND SERVICES

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WATER SERVICE

17-201	Section water system as public utility
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ARTICLE B

WATER SHORTAGES

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17-222	Emergency conditions
17-223	Proclamation
17-224	Publication
17-225	Proclamation to last thirty days
17-226	Appeals
17-227	Penalty
17-228	Theft of potable water

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SEWER SYSTEM AND SERVICES

ARTICLE A

GENERAL PROVISIONS

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WASTEWATER USERS

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17-324	Definitions
17-325	Prohibited discharge standards
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REFUSE COLLECTION SERVICES

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17-403	Collection of garbage
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17-406	Duty to request refuse service
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CHAPTER 1 GENERAL PROVISIONS	
SECTION	DESCRIPTION
17-101	Lease of utilities to authority
17-102	Authority rules adopted by reference, penalty

SECTION 17-101 LEASE OF UTILITIES TO AUTHORITY

The town hereby consents and agrees to the lease of the town's water, sanitary sewerage and refuse systems and facilities and all future additions thereto to the Kiowa Public Works Authority as authorized by statute, to be effective at the time and upon the terms and conditions specified in a certain "Lease" prepared under the direction of the town board of trustees and filed in the office of the town clerk on this date. The mayor of the town hereby is authorized and directed, on behalf of the town, to execute and deliver the lease of the Kiowa Public Works Authority.

Cross Reference: see also Town of Kiowa Public Works Authority Rules and Regulations.

SECTION 17-102 AUTHORITY RULES ADOPTED BY REFERENCE, PENALTY

Rules and regulations adopted by the Kiowa Public Works Authority are hereby adopted and incorporated herein by reference, applicable as if set out in full herein. Any violation of the rules and regulations of the Authority shall be punishable as provided in Section 1-108 of this code.

Ed. Note: See the minutes and resolutions of the Authority board of trustees and the Town of Kiowa Public Works Authority Rules and Regulations for regulations governing utilities, rates and payment procedures for municipal utilities by the Authority.

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CHAPTER 2 WATER SYSTEM AND SERVICES
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17-228	Theft of potable water

ARTICLE A	
WATER SERVICE	
17-201	Section water system as public utility

SECTION 17-201 WATER SYSTEM A PUBLIC UTILITY
The water system of the town is hereby declared to be a public utility. Rates and rules shall be established by the Kiowa Public Works Authority or the town.

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WATER SHORTAGES	
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17-223	Proclamation
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17-225	Proclamation to last thirty days
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17-227	Penalty
17-228	Theft of potable water

SECTION 17-221 AUTHORITY OF MAYOR IN EMERGENCIES
Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure to equipment or material, the Mayor is hereby authorized to restrict or prohibit the use of water from the town's water system.

SECTION 17-222 EMERGENCY CONDITIONS
An emergency exists whenever the mayor reasonably determines that the town's water system is unable to or will within sixty (60) days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

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SECTION 17-223 PROCLAMATION	
A	Upon the determination that such an emergency exists, the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the town system. Such order may:
	1. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and 2. Prohibit usages not essential to public health and safety.
B	The order may be revised from time to time as the mayor deems necessary.

SECTION 17-224 PUBLICATION	
A	The proclamation required by the preceding section shall be published in a newspaper of general circulation in the town, or if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the town. The emergency proclamation shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to affect the proclamation.
B	Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. If any such means is other than that required in Subsection A of this section, the proclamation shall be republished in accordance with Subsection A within twenty-four (24) hours of the first notice.

SECTION 17-225 PROCLAMATION TO LAST THIRTY DAYS	
	A duly proclaimed emergency shall continue and the terms of the proclamation shall be in full force for thirty (30) days or until such time as the mayor or the town board of trustees shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the town board of trustees by resolution approved by a majority of all its members extends the proclamation.

SECTION 17-226 APPEALS	
	Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the town board of trustees or to any emergency session called to discuss the water emergency. The town board of trustees may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the town board of trustees by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the town board of trustees, all water users shall be bound by the proclamation.

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SECTION 17-227 PENALTY

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Each separate day of water use in violation of such proclamation shall constitute a separate offense. Violations of this chapter shall be punishable as provided in Section 1-108 of this code.

SECTION 17-228 THEFT OF POTABLE WATER

Any person obtaining potable water without payment to the town is guilty of a violation of this code. Any individual shall not remove a lock placed on his meter for non-payment nor attach any device intended to bypass the meter. Violations of this chapter shall be punishable as provided in Section 1-108 of this code.
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SECTION 17-301 DECLARATION OF PUBLIC UTILITY
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The sanitary sewer system of the town is declared to be a public utility, a proper source of revenue for the upkeep and maintenance of the system, for the financing of the system and for other purposes.
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SECTION 17-302 DEFINITIONS

For the purpose of this chapter "sewage" is all matter and material placed in the sanitary sewer system of the town.
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SECTION 17-303 SANITARY SEWER CONNECTIONS REQUIRED
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The owner of any house, building or property used for human occupancy, employment recreation or other purpose situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer line of the town, is hereby required to install a suitable toilet and sewage disposal facilities therein and to connect such facilities directly with the public sanitary sewer system in accordance with the provisions of this code.
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SECTION 17-304 PRIVATE DISPOSAL SYSTEMS PROHIBITED
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At such time as a public sanitary sewer line becomes available to a property served by a private sewer disposal system (or within five hundred (500) feet of such property) a direct connection shall be made to the public sanitary sewer system in compliance with this chapter and any septic tank, cesspool and any similar private sewage disposal facility shall be abandoned and filled with suitable materials. No septic tank or cesspool shall be permitted to discharge into the public sanitary sewer system.

SECTION 17-305 PENALTY FOR FAILURE TO CONNECT

The owner of any residence, public building, commercial or industrial building who fails to connect with such facilities within thirty (30) days after such sewer facilities become available, within five hundred (500) feet of such property, shall be subject to a fine as provided in Section 1-108 of this code until such connection is made. The exception to this section: If not enough fall can be obtained within
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the five hundred (500) feet an exception can be granted on the discretion of the board of trustees.

SECTION 17-306 PERMIT REQUIRED FOR SEWER CONNECTIONS

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sanitary sewer line or appurtenance thereof and before commencement of the construction of any connection with the public sanitary sewer system the owner of any dwelling, public building, commercial or industrial building shall obtain a written permit signed by the town. The application for such permit shall be made on a form furnished by the town and connection shall be inspected by a person designated by the board of trustees.

SECTION 17-307 OWNER TO BEAR EXPENSE FOR SEWER CONNECTION

All costs and expenses incident to the installation and connection of any building with the public sanitary sewer system shall be borne by the owner. The owner of any such building shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation or connection of such building with the public sanitary sewer system. Sewer tap consists of tap and twenty feet of pipe, all other materials will be charged to the owner of the property.

SECTION 17-308 SEWER RATES

The town shall make the sewer charges for each residential sewer connection, business sewer connection, and school system as determined by resolution or motion of the board of trustees. These charges shall be billed to each customer monthly and all of such charges shall be paid to the town.

Ed. Note: Town adopted sewer user charge regulations on August 30, 2010. Copies are on file at the town hall.

SECTION 17-309 CERTAIN DISCHARGES PROHIBITED

A	No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:
	<ol style="list-style-type: none">1. Injure or interfere with wastewater treatment processes or facilities;2. Constitute a hazard to humans or animals;3. Cause a violation of effluent or water quality limitations in the receiving waters of the wastewater treatment plant effluent;4. Preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal. All discharges shall be prohibited except those that meet the criteria for "Domestic wastewater". BOD concentration shall not exceed 300 mg/l, which is the maximum limit for average domestic wastewater.

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B	All industrial discharges are prohibited. At the present time there are no industrial users in the town. If an industrial user should desire to locate in the town and make use of the sewage system, an industrial user system will be initiated in accordance with EPA and state regulations at that time to compensate for his use of the system.
C	Any new connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited.

SECTION 17-310 SPECIAL AGREEMENTS FOR DISPOSAL OF INDUSTRIAL WASTES

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore by the industrial concern. Currently there are no industrial sewer uses in the town.

Cross Reference: See Sections 17-321 et seq. of this chapter on wastewater users.

SECTION 17-311 VIOLATIONS

A	Any person violating any provision of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit of the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.
B	Any person, who shall continue any violation beyond the time limit provided in Subsection A of this section shall be guilty of a misdemeanor and upon conviction thereof, be fined as provided in Section 1-108 of this code. Each day in which any such violation shall continue shall be deemed a separate offense.
C	Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.

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SECTION 17-321	PURPOSE
<p>This article sets forth uniform requirements for direct or indirect contributors into the wastewater collection and treatment system of the town and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403.5).</p>	

SECTION 17-322	OBJECTIVES
A	To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
B	To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
C	To protect both Publicly Owned Treatment Works personnel who may be affected by the wastewater and sludge in the course of their employment and the general public;
D	To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works; and
E	To enable the town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other state and federal laws to which the Publicly Owned Treatment Works is subject.

<p>This article applies to all users of the Publicly Owned Treatment Works.</p>
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SECTION 17-323 ABBREVIATIONS	
A	BOD - Biochemical Oxygen Demand
B	CFR - Code of Federal Regulations
C	COD - Chemical Oxygen Demand
D	EPA - U.S. Environmental Protection Agency
E	mg/l - milligrams per liter
F	NPDES - National Pollutant Discharge Elimination System
G	POTW - Publicly Owned Treatment Works
H	USC - United States Code

SECTION 17-324 DEFINITIONS	
A	Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:
	<ol style="list-style-type: none"> 1. "Act" or "The Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC Sections 1251 et seq.; 2. "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade, usually expressed as a concentration (e.g., mg/l); 3. "Environmental Protection Agency" or "EPA" means the U. S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of the agency; 4. "Interference" means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operation or the sludge processes, use or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operation or the sludge processes, use or disposal; and therefore, is the cause of a violation of the town's NPDES permit, including an increase in magnitude or duration of the violation, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act; 5. "Pass through" means a discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the town's NPDES permit,

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	<p>including an increase in the magnitude or duration of a violation;</p> <p>6. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions measured in grams per liter of solution and expressed in standard units (SU);</p> <p>7. "Pollutant" means dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor);</p> <p>8. "Pretreatment standards" or "standards" means prohibited discharge standards, categorical pretreatment standards and local limits;</p> <p>9. "Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; and those prohibited in this article;</p> <p>10. "Publicly Owned Treatment Works" or "POTW" means a "treatment works" as defined in Section 212 of the Act (33 USC Section 1292) which is owned by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant;</p> <p>11. "Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.);</p> <p>12. "Superintendent" means the person designated by the town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article or a duly authorized representative; and</p> <p>13. "User" or "Industrial user" means a source of indirect discharge.</p>
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SECTION 17-325 PROHIBITED DISCHARGE STANDARDS	
A	No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
B	No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
	<p>1. Pollutants which create fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using methods specified in 40 CFR Section 261.21;</p> <p>2. Pollutants which will cause corrosive structural damage to the POTW or equipment, but in no case discharges with a pH lower than 5.0;</p>

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	<ol style="list-style-type: none">3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;5. Heat in amounts which will inhibit biological activity in the POTW resulting interference, but in no case heat in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40 degrees Centigrade);6. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;7. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems;8. Any trucked or hauled pollutants except at discharge points designated by the POTW.
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SECTION 17-326 EMERGENCY SUSPENSIONS

The superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with operation of the POTW, or which presents or may present, an endangerment to the environment. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of the user's failure to immediately comply voluntarily with the suspension order, the superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the superintendent that the period of endangerment has passed. If any waters or wastes are discharged to the POTW which waters contain the above named substances or possess the characteristics enumerated in Section 17-325 and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or otherwise create a hazard to life or constitute a public nuisance, the superintendent will either a, b, or c and will apply d; (a) reject the wastes, (b) require pretreatment to an acceptable condition for discharge to the POTW, (c) require control over the quantities and rates of discharge, (d) require payment to cover the added cost of handling and testing the wastes.

UTILITIES

SECTION 17-327 INTERCEPTORS REQUIRED

Grease, oil, and sand interceptors shall be provided when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable waste, sand or any other harmful ingredients; except that such interceptors shall be a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be installed by the owner at his expense.

SECTION 17-328 PROTECTION OF SYSTEM FROM DAMAGE

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct

SECTION 17-329 RESTRICTIONS

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer

SECTION 17-330 PENALTY

Any violation of this article is punishable as provided in Section 1-108 of this code unless stated otherwise. Each day an offense occurs shall be considered a separate offense (Amended April 28, 2003)

UTILITIES

UTILITIES

CHAPTER 4	
REFUSE COLLECTION SERVICES	
17-401	Definitions
17-402	Accumulations of garbage and refuse
17-403	Collection of garbage
17-404	Disposal
17-405	Fees
17-406	Duty to request refuse service
17-407	Penalty

SECTION 17-401 DEFINITIONS	
A	For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them herein unless the context clearly requires otherwise:
	<ol style="list-style-type: none">1. "Garbage" means all putrescible waste, except sewage and body wastes, including all meat, vegetable and fruit refuse and carcasses of small animals and fowl from any premises within the town;2. "Premises" means land, buildings or other structures, vehicles, watercraft or parts thereof, upon or in which refuse is stored;3. "Refuse" means all solid wastes, including garbage and rubbish4. "Rubbish" means tin cans, bottles, papers, tree limbs, leaves, and similar materials from any premises within the town; and5. "Rubble" means brushwood, cardboard boxes and other bulky earthen, wooden or metal refuse-like materials, longer, larger or heavier than refuse.

SECTION 17-402 ACCUMULATION OF GARBAGE AND REFUSE	
It is the duty of every person owning, managing, operating, leasing, occupying or renting any premises or any place where refuse accumulates, to provide, and at all times maintain in good order and repair, on the premises, a portable container or containers for refuse. The container shall be rodent-proof and fly-proof and be of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the refuse that may accumulate between collections except where approved type bulk containers are in use. All such containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes or any other insects. All refuse shall be transported to, and emptied into, the bulk containers where they are provided.	

SECTION 17-403 COLLECTION OF GARBAGE, REFUSE AND RUBBISH	
A	Every person owning, managing, operating, leasing, occupying or renting any premises shall provide a metal or other satisfactory weather-proof container for the disposal of garbage, refuse and

UTILITIES

	rubbish in the town. The container shall be limited to pounds as determined by the town and its contractor. The containers shall be equipped and maintained with tight-fitting lids and side handles. The containers shall be placed at curbside for collection on the regular collection days in a location mutually convenient to the resident and the refuse collector.
B	Commercial and institutional establishments shall use containers as are necessary to keep the premises in a sanitary condition and such as may be approved by the town board of trustees.
C	The town board of trustees may, from time to time, adopt regulations governing the pickup of other items of debris not provided for herein.
D	The town or its agents shall collect garbage, trash, debris, rubbish and refuse as provided herein over routes approved by the town when such refuse is placed in proper containers as prescribed by the town

SECTION 17-404 DISPOSAL
The disposal of garbage and rubbish shall be by landfill and daily cover;

SECTION 17-405 FEES	
A	Fees shall be established by motion or resolution for the refuse service provided by the town. The fees shall be included with the utility bills
B	An owner, lessee or agent who is maintaining water service on unoccupied property shall not be required to pay a monthly charge for refuse collection service if such collection is not necessary

SECTION 17-406 DUTY TO REQUEST REFUSE SERVICE
It is the duty of every person occupying or having control of the occupancy of any premises in the town to notify the town at the beginning of such occupancy and request, accept and use the refuse collection service of the town. Failure of any owner, rental agent or occupant of premises to make such request shall not prevent nor impair or impede the town from adding that person's name to the refuse collection records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed.

SECTION 17-407 PENALTY
Any violation of this chapter shall be punishable as provided in Section 1-108 of this code. Each day such violation occurs shall be a separate offense. (Note: The town currently contracts for refuse pickup and disposal)

APPENDIX 1

APPENDIX 1 SCHEDULE OF FEES AND CHARGES								
	OFFENSE	TOTAL	COURT FINE	COURT COST	AFIS	CLEET	FORENSICS	DRUG FEE
1	AFFIXING AN UNAUTHORIZED LICENSE PLATE TO VEHICLE	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
2	ALLOWING AN EMPLOYEE TO OPERATE WITHOUT A REGULAR DRIVER LICENSE	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
3	ALTER LICENSE PLATE	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
4	ATTEMPTING TO ELUDE OFFICER	\$360.00	\$326.00	\$15.00	\$5.00	\$9.00	\$5.00	
5	BOGUS DECAL	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
6	CARELESS DRIVING	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
7	CROSSING CENTER LINE	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
8	DISPLAY FICTITIOUS ID DOCUMENT	\$200.00	\$166.00	\$15.00	\$5.00	\$9.00	\$5.00	
9	DRIVE IN LEFT LANE OF MULTILANE	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
10	DRIVING WITH EXPIRED DL	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
11	DUI-DRIVING UNDER INTOXICATION	COUNTY	\$ -	\$ -	\$ -	\$ -	\$ -	
12	DUS-DRIVING UNDER SUSPENSION	\$235.00	\$201.00	\$15.00	\$5.00	\$9.00	\$5.00	
13	DUS-DRIVING UNDER SUSPENSION 2ND OFFENCE	\$500.00	\$466.00	\$15.00	\$5.00	\$9.00	5.00	
14	DWI-DRIVING WHILE ABILITY INPAIRED	\$235.00	\$201.00	\$15.00	\$5.00	\$9.00	\$5.00	
15	EQUIPMENT VIOLATION-HEADLIGHTS	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
16	EXPIRED TAG	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	

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17	FAIL TO COMPLY WITH COMPULSORY INSURANCE LAW	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
18	FAIL TO MOVE LEFT FOR EMERGENCY VEHICLE	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
19	FAIL TO OBEY LAWFUL COMMAND	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
20	FAIL TO KEEP RIGHT	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$ 5.00	
21	FAIL TO STOP FOR SCHOOL BUS	\$145.00	\$111.00	\$15.00	\$5.00	\$9.00	\$5.00	
22	FAILURE TO CARRY INSURANCE VERIFICATION/ SECURITY FORM	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
23	FAILURE TO DIM LIGHTS WHEN MEETING ONCOMING TRAFFIC	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
24	FAILURE TO DISPLAY RED TAIL LAMPS	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
25	FAILURE TO DISPLAY TAG	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
26	FAILURE TO HAVE DL IN IMMEDIATE POSSESSION	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
27	FAILURE TO NOTIFY DPS OF ADDRESS CHANGE	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
28	FAILURE TO OBTAIN AN OKLAHOMA DL	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
29	FAILURE TO PROPERLY COVER A LOAD SUSCEPTIBLE TO BLOWING	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
30	FAILURE TO PROPERLY MARK <EXPLOSIVE/FLAMABLE> LOAD	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	

APPENDIX 1

31	FAILURE TO SECURE LOAD	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
32	FAILURE TO SIGNAL FOR LANE CHANGE	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
33	FAILURE TO STOP AT STOP SIGN	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
34	FAILURE TO STOP/IMPROPER STOP AT RAILROAD CROSSING	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
35	FAILURE TO USE CHILD RESTRAINT IN AUTOMOBILE	\$229.00	\$195.00	\$15.00	\$5.00	\$9.00	\$5.00	
36	FAILURE TO WEAR SAFETY BELT	\$20.00	\$15.00	\$5.00	\$ -	\$ -	\$ -	
37	FAILURE TO YIELD FROM PRIVATE DRIVEWAY	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
38	FAILURE TO YIELD RIGHT OF WAY	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
39	FAILURE TO YIELD TO ONCOMING TRAFFIC	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
40	FALSE REPORT TO A POLICE OFFICER	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
41	FOLLOWING TOO CLOSELY	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
42	IMPEDING FLOW OF TRAFFIC	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
43	IMPROPER BACKING	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
44	IMPROPER LANE USE	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$ 5.00	
45	IMPROPER LEFT TURN	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
46	IMPROPER LIGHT ILLUMINATION/FOG	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
47	IMPROPER PARKING	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	

APPENDIX 1

48	IMPROPER RIGHT TURN	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
49	IMPROPER TAG	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
50	IMPROPER TOWING/ VEHICLE OR TRAILOR	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
51	IMPROPER TURN <DIRECT COURSE>	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
52	IMPROPER TURN <WRONG LANE>	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
53	INTERFERE WITH PEACE OFFICER	\$210.00	\$176.00	\$15.00	\$5.00	\$9.00	\$5.00	
54	LEAVE THE SCENE OF ACCIDENT <DAMAGE OR INJURY>	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
55	LOUD NOISE PROHIBITED/ COMPRESSION BRAKE	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
56	NO CURRENT NUMBER PLATE	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
57	NO PERSON UNDER 16 YEARS OF AGE SHALL OPERATE A GOLF OR ALL TERAİN VEHICLE AT ANY TIME ON CITY STREETS AND ROADS	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
58	NO TAG LIGHT	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
59	NO TAIL LIGHTS	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
60	OPERATING ATV AFTER DARK	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
61	OPERATIONG A MOTOR VEHICLE IN A MANNER NOT PROPER AND REASONABLE	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
62	OPERATING A MOTOR VEHICLE WITH EXPIRED LICENSES PLATE	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	

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63	OPERATING A MOTOR VEHICLE WITH IMPROPER EXHAUST	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
64	OPERATING A MOTOR VEHICLE WITHOUT A VALID DL	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
65	OPERATING A MOTOR VEHICLE IN UNSAFE CONDITION	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
66	PARKING VEHICLE WHERE PROHIBITED	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
67	PASSING ON THE SHOULDER	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
68	PERMITTING UNAUTHOURZED MINOR TO DRIVE VEHICLE	\$145.00	\$111.00	\$15.00	\$5.00	\$9.00	\$5.00	
69	PERMITTING UNAUTHORIZED PERSON TO DRIVE MOTOR VEHICLE	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
70	PETTIT LARCENY	\$160.00	\$126.00	\$15.00	\$5.00	\$9.00	\$5.00	
71	PHYSICAL CONTROL OF MOTOR VEHICLE UNDER INFLUENCE OF INTOXICATIONG DRUGS	\$145.00	\$111.00	\$15.00	\$5.00	\$9.00	\$5.00	
72	RECKLESS DRIVING (FIRST OFFENCE)	\$375.00	\$341.00	\$15.00	\$5.00	\$9.00	\$5.00	
73	RECKLESS DRIVING (SECOND OR SUBSEQUENT OFFENCE)	\$425.00	\$391.00	\$15.00	\$5.00	\$9.00	\$5.00	
74	SCHOOL ZONE VIOLATION	\$125.00	\$91.00	\$15.00	\$5.00	\$9.00	\$5.00	
75	SPEEDING OUTSKIRTS	\$25.00	\$5.00	\$15.00	\$ -	\$ -	\$ -	
76	SPEEDING 1-10	\$120.00	\$86.00	\$15.00	\$5.00	\$9.00	\$5.00	
77	SPEEDING 11-14	\$147.00	\$113.00	\$15.00	\$5.00	\$9.00	\$5.00	

APPENDIX 1

78	SPEEDING 15	\$147.00	\$113.00	\$15.00	\$5.00	\$9.00	\$5.00	
79	SPEEDING 16-20	\$162.00	\$128.00	\$15.00	\$5.00	\$9.00	\$5.00	
80	SPEEDING 21-25	\$202.00	\$168.00	\$15.00	\$5.00	\$9.00	\$5.00	
81	SPEEDING 26-30	\$262.00	\$228.00	\$15.00	\$5.00	\$9.00	\$5.00	
82	SPEEDING 31-35	\$34.00	\$ -	\$15.00	\$5.00	\$9.00	\$5.00	
83	SPEEDING 36-40	\$34.00	\$ -	\$15.00	\$5.00	\$9.00	\$5.00	
84	SPEEDING 41 AND OVER	\$34.00	\$ -	\$15.00	\$5.00	\$9.00	\$5.00	
85	SPEEDING IN CONSTRUCTION 1-10	\$147.00	\$113.00	\$15.00	\$5.00	\$9.00	\$5.00	
86	SPEEDING IN CONSTRUCTION 11-14	\$167.00	\$133.00	\$15.00	\$5.00	\$9.00	\$5.00	
87	SPEEDING IN CONSTRUCTION 15	\$167.00	\$133.00	\$15.00	\$5.00	\$9.00	\$5.00	
88	SPEEDING IN CONSTRUCTION 16-20	\$197.00	\$163.00	\$15.00	\$5.00	\$9.00	\$5.00	
89	SPEEDING IN CONSTRUCTION 21-25	\$277.00	\$243.00	\$15.00	\$5.00	\$9.00	\$5.00	
90	SPEEDING IN CONSTRUCTION 26-30	\$397.00	\$363.00	\$15.00	\$5.00	\$9.00	\$5.00	
91	SPEEDING IN CONSTRUCTION 31-35	\$437.00	\$403.00	\$15.00	\$5.00	\$9.00	\$5.00	
92	SPEEDING IN CONSTRUCTION 36-40	\$537.00	\$503.00	\$15.00	\$5.00	\$9.00	\$5.00	
93	SPEEDING IN CONSTRUCTION 41 AND OVER	\$34.00	\$ -	\$15.00	\$5.00	\$9.00	\$5.00	
94	TAXES DUE TO STATE	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
95	TRANSPORTING A LOADED FIREARM	\$70.00	\$36.00	\$15.00	\$5.00	\$9.00	\$5.00	
96	TRANSPORTING OPEN CONTAINER <BEER 3.2>	\$140.00	\$106.00	\$15.00	\$5.00	\$9.00	\$5.00	

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97	TRANSPORTING OPEN CONTAINER <LIQUOR>	\$155.00	\$121.00	\$15.00	\$5.00	\$9.00	\$5.00	
98	UNAUTHORIZED USE OF A MOTOR VEHICLE	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
99	UNSAFE MOVE OF VEHICLE FROM STANDING POSITION	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
100	UNSAFE MOVE RIGHT	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
101	URINATING IN PUBLIC	\$120.00	\$86.00	\$15.00	\$5.00	\$9.00	\$5.00	
102	VIOLATION OF LICENSE RESTRICTION	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
103	WINDOWS TINTED <BLACKED OUT>	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
104	ANY VIOLATION RELATING TO THE TRANSPORTATION OF HAZARDOUS MATERIALS	\$582.00	\$548.00	\$15.00	\$5.00	\$9.00	\$5.00	
105								
106	PERSONS, ANIMAL AND PROPERTY							
107								
108	ASSULT AND BATTERY	COUNTY	\$ -	\$ -	\$ -	\$ -	\$ -	
109	CARRYING A CONCEALED FIREARM	\$125.00	\$91.00	\$15.00	\$5.00	\$9.00	\$5.00	
110	CONTRIBUTING TO THE DELINQUENCY OF A MINOR	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	
111	CRUELTY TO ANIMALS	\$200.00	\$166.00	\$15.00	\$5.00	\$9.00	\$5.00	
112	DESTROYING CITY PROPERTY	\$500.00	\$466.00	\$15.00	\$5.00	\$9.00	\$5.00	
113	DISCHARGING FIREARM WITHIN CITY LIMITS	\$125.00	\$91.00	\$15.00	\$5.00	\$9.00	\$5.00	
114	DISTURING THE PEACE	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	

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115	ERECTING AND MAINTAINING SIGNS OBSTRUCTING OFFICIAL TRAFFIC SIGNS	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
116	FAILURE TO OBEY OFFICIAL DEVICE	\$132.00	\$98.00	\$15.00	\$5.00	\$9.00	\$5.00	
117	FAILURE TO PREVENT ANIMAL FROM RUNNING AT LARGE	\$100.00	\$66.00	\$15.00	\$5.00	\$9.00	\$5.00	
118	LITTERING	\$145.00	\$111.00	\$15.00	\$5.00	\$9.00	\$5.00	
119	MALICIOUS INJURY TO PERSONAL PROPERTY	\$310.00	\$276.00	\$15.00	\$5.00	\$9.00	\$5.00	
120	MINOR IN POSSESSION OF BEER	\$125.00	\$91.00	\$15.00	\$5.00	\$9.00	\$5.00	
121	POSSESSION OF FICTICIOUS ID DOCUMENT	\$177.00	\$143.00	\$15.00	\$5.00	\$9.00	\$5.00	

ORDINANCE

ORDINANCE NO. FY 11-02-28
 AN ORDINANCE OF THE TOWN
 OF KIOWA REVISING APPENDIX 1
 SCHEDULE OF FINES AND TRAFFIC VIOLATIONS
 FOR THE TOWN OF KIOWA, OKLAHOMA

RECEIVED AND FILED
 IN DISTRICT COURT
 PITTSBURG COUNTY, OKLA

2011 MAR -3 AM 8:54

CINDY ELLER

BY _____
 DEPUTY

WHEREAS, the schedule of fines and traffic violations are as follows:

0	OFFENSE	TOTAL
		COST
1	AFFIXING AN UNAUTHORIZED LICENSE PLATE TO VEHICLE	\$ 192.00
2	ALLOWING AN EMPLOYEE TO OPERATE WITHOUT A REGULAR DRIVER LICENSE	\$ 250.00
3	ALTER LICENSE PLATE	\$ 192.00
4	ATTEMPTING TO ELUDE OFFICER	COUNTY
5	BOGUS DECAL	\$ 192.00
6	CARELESS DRIVING	\$ 275.00
7	CROSSING CENTER LINE	\$ 247.00
8	DISOBEY LAWFUL COMMAND FROM OFFICER	\$ 192.00
9	DISPLAY FICTITIOUS ID DOCUMENT	\$ 215.00
10	DRINKING IN PUBLIC	\$ 147.00
11	DRIVE IN LEFT LANE OF MULTILANE	\$ 115.00
12	DRIVING WITH EXPIRED DL	\$ 160.00
13	DUI-DRIVING UNDER INTOXICATION	COUNTY
14	DUS-DRIVING UNDER SUSPENSION	\$ 250.00
15	DUS-DRIVING UNDER SUSPENSION 2ND OFFENCE	\$ 515.00
16	DWI-DRIVING WHILE ABILITY IMPAIRED	COUNTY
17	EQUIPMENT VIOLATION-HEADLIGHTS	\$ 147.00
18	EXPIRED TAG	\$ 147.00
19	FAIL TO CARRY VEHICLE REGISTRATION	\$ 147.00
20	FAIL TO COMPLY WITH COMPULSORY INSURANCE LAW	\$ 192.00

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21	FAIL TO MOVE LEFT FOR EMERGENCY VEHICLE	\$ 192.00
22	FAIL TO OBEY LAWFUL COMMAND	\$ 115.00
23	FAIL TO REGISTER VEHICLE	\$ 150.00
24	FAILED TO KEEP RIGHT	\$ 147.00
25	FAILED TO STOP FOR SCHOOL BUS	\$ 260.00
26	FAILURE TO CARRY INSURANCE VERIFICATION/SECURITY FORM	\$ 147.00
27	FAILURE TO DIM LIGHTS WHEN MEETING ONCOMING TRAFFIC	\$ 147.00
28	FAILURE TO DISPLAY RED TAIL LAMPS	\$ 192.00
29	FAILURE TO DISPLAY TAG	\$ 147.00
30	FAILURE TO HAVE DL IN IMMEDIATE POSSESSION	\$ 160.00
31	FAILURE TO NOTIFY DPS OF ADDRESS CHANGE	\$ 160.00
32	FAILURE TO OBTAIN AN OKLAHOMA DL	\$ 160.00
33	FAILURE TO PROPERLY COVER A LOAD SUSCEPTABLE TO BLOWING	\$ 147.00
34	FAILURE TO PROPERLY MARK <EXPLOSIVE/FLAMABLE> LOAD	\$ 500.00
35	FAILURE TO SECURE LOAD	\$ 147.00
36	FAILURE TO SIGNAL FOR LANE CHANGE	\$ 147.00
37	FAILURE TO STOP AT STOP SIGN	\$ 147.00
38	FAILURE TO STOP/IMPROPER STOP AT RAILROAD CROSSING	\$ 147.00
39	FAILURE TO USE CHILD RESTRAINT IN AUTOMOBILE	\$ 50.00
40	FAILURE TO WEAR SAFETY BELT	\$ 20.00
41	FAILURE TO YIELD FOR EMERGENCY VEHICLE	\$ 147.00
42	FAILURE TO YIELD FROM PRIVATE DRIVEWAY	\$ 147.00
43	FAILURE TO YIELD RIGHT OF WAY	\$ 147.00
44	FAILURE TO YIELD TO ONCOMING TRAFFIC	\$ 147.00
45	FALSE REPORT TO A POLICE OFFICER	\$ 192.00
46	FALSIFYING TAG INFORMATION/ REGISTRATION	\$ 192.00
47	FOLLOWING TOO CLOSELY	\$ 147.00
48	IMPEDING FLOW OF TRAFFIC	\$ 147.00
49	IMPROPER BACKING	\$ 147.00
50	IMPROPER LANE USE	\$ 147.00
51	IMPROPER LEFT TURN	\$ 147.00

APPENDIX 1

52	IMPROPER LIGHT ILLUMINATION/FOG	\$ 147.00
53	IMPROPER PARKING	\$ 147.00
54	IMPROPER RIGHT TURN	\$ 147.00
55	IMPROPER TAG	\$ 192.00
56	IMPROPER TOWING/ VEHICLE OR TRAILOR	\$ 147.00
57	IMPROPER TURN <DIRECT COURSE>	\$ 147.00
58	IMPROPER TURN <WRONG LANE>	\$ 147.00
59	INTERFERE WITH PEACE OFFICER	COUNTY
60	LEAVE THE SCENE OF ACCIDENT <DAMAGE OR INJURY>	COUNTY
61	LEAVE VEHICLE UNATTENDED WHILE RUNNING	\$ 147.00
62	LOUD NOISE PROHIBITED/COMPRESSION BRAKE	\$ 115.00
63	NO CURRENT NUMBER PLATE	\$ 147.00
64	NO PERSON UNDER 16 YEARS OF AGE SHALL OPERATE A GOLF OR ALL TERRAIN VEHICLE AT ANY TIME ON CITY STREETS AND ROADS	\$ 147.00
65	NO TAG LIGHT	\$ 115.00
66	NO TAIL LIGHTS	\$ 192.00
67	OPERATING ATV AFTER DARK	\$ 147.00
68	OPERATIONG A MOTOR VEHICLE IN A MANNER NOT PROPER AND REASONABLE	\$ 192.00
69	OPERATING A MOTOR VEHICLE WITH EXPIRED PLATE	\$ 147.00
70	OPERATING A MOTOR VEHICLE WITH IMPROPER EXHAUST	\$ 147.00
71	OPERATING A MOTOR VEHICLE WITHOUT A VALID DL	\$ 192.00
72	OPERATING A MOTOR VEHICLE IN UNSAFE CONDITION/NOT REASONABLE AND PROPER	\$ 147.00
73	PARKING VEHICLE WHERE PROHIBITED	\$ 192.00
74	PASSING ON THE SHOULDER	\$ 147.00
75	PERMITTING UNAUTHOURZED MINOR TO DRIVE VEHICLE	\$ 160.00
76	PERMITTING UNAUTHORIZED PERSON TO DRIVE MOTOR VEHICLE	\$ 115.00
77	PETTIT LARCENY	\$ 192.00
78	PHYSICAL CONTROL OF MOTOR VEHICLE UNDER INFLUENCE OF INTOXICATING DRUGS	COUNTY
79	RECKLESS DRIVING (FIRST OFFENSE ONLY)	\$ 390.00
80	RECKLESS DRIVING (SECOND OR SUBSEQUENT OFFENSE)	\$ 440.00
81	SCHOOL ZONE VIOLATION	\$ 249.00
82	SPEEDING OUTSKIRTS	\$ 25.00
83	SPEEDING 1-10	\$ 135.00

APPENDIX 1

84	SPEEDING 11-14	\$ 162.00
85	SPEEDING 15	\$ 162.00
86	SPEEDING 16-20	\$ 177.00
87	SPEEDING 21-25	\$ 217.00
88	SPEEDING 26-30	\$ 249.00
89	SPEEDING 31-35	\$ 249.00
90	SPEEDING 36-40	\$ 249.00
91	SPEEDING 41 AND OVER	\$ 249.00
92	SPEEDING IN CONSTRUCTION 1-10	\$ 221.00
93	SPEEDING IN CONSTRUCTION 11-14	\$ 275.00
94	SPEEDING IN CONSTRUCTION 15	\$ 275.00
95	SPEEDING IN CONSTRUCTION 16-20	\$ 305.00
96	SPEEDING IN CONSTRUCTION 21-25	\$ 385.00
97	SPEEDING IN CONSTRUCTION 26-30	\$ 449.00
98	SPEEDING IN CONSTRUCTION 31-35	\$ 449.00
99	SPEEDING IN CONSTRUCTION 36-40	\$ 449.00
100	SPEEDING IN CONSTRUCTION 41 AND OVER	\$ 449.00
101	TAXES DUE TO STATE	\$ 160.00
102	TRANSPORTING A LOADED FIREARM	\$ 275.00
103	TRANSPORTING OPEN CONTAINER <BEER 3.2>	\$ 205.00
104	TRANSPORTING OPEN CONTAINER <LIQUOR>	\$ 220.00
105	TRANSPORTING 6.3 BEER ACROSS STATE LINE	\$ 175.00
106	UNLAWFUL POSSESSION OF INTOXICATING BEVERAGE UNDER 21	\$ 170.00
107	UNAUTHORIZED USE OF A MOTOR VEHICLE	\$ 192.00
108	UNSAFE MOVE OF VEHICLE FROM STANDING POSITION	\$ 147.00
109	UNSAFE MOVE RIGHT	\$ 147.00
110	URINATING IN PUBLIC	\$ 135.00
111	VIOLATION OF LICENSE RESTRICTION	\$ 147.00
112	WINDOWS TINTED <BLACKED OUT>	\$ 115.00
113	ANY VIOLATION RELATING TO THE TRANSPORTATION OF HAZARDOUS MATERIALS	\$ 597.00

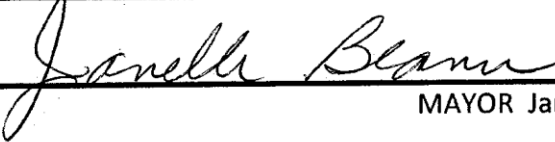
APPENDIX 1

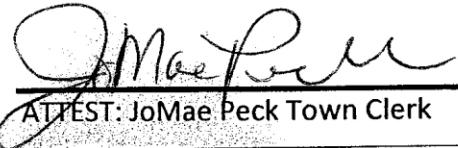
PERSONS, ANIMAL AND PROPERTY

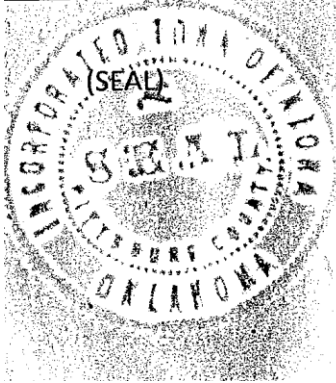
114	ASSAULT AND BATTERY	COUNTY
115	CARRYING A CONCEALED FIREARM	\$ 275.00
116	CONTRIBUTING TO THE DELINQUENCY OF A MINOR	\$ 242.00
117	CRUELTY TO ANIMALS	\$ 215.00
118	DESTROYING CITY PROPERTY	\$ 515.00
119	DISCHARGING FIREARM WITHIN CITY LIMITS	\$ 140.00
120	DISTURBING THE PEACE	\$ 147.00
121	ERECTING AND MAINTAINING SIGNS OBSTRUCTING OFFICIAL TRAFFIC SIGNS	\$ 147.00
122	FAILURE TO OBEY OFFICIAL DEVICE	\$ 147.00
123	FAILURE TO PREVENT ANIMAL FROM RUNNING AT LARGE	\$ 115.00
124	ILLEGAL DUMPING	\$ 192.00
125	LITTERING	\$ 160.00
126	MALICIOUS INJURY TO PERSONAL PROPERTY	\$ 325.00
127	MINOR IN POSSESSION OF BEER	\$ 190.00
128	MINOR IN POSSESSION OF TOBACCO	\$ 147.00
129	POSSESSION OF FICTICIOUS ID DOCUMENT	\$ 192.00
130	POSSESSION OF CDS	COUNTY
131	POSSESSION OF CDS WITH OUT VALID PRESCRIPTION	COUNTY
132	POSSESSION OF MARIJUANA	\$ 600.00
133	POSSESSION OF PARAPHERNALIA	\$ 600.00
134	POSSESSION OF PRESCRIPTION DRUGS WITHOUT A VALID PRESCRIPTION	\$ 197.00
135	PUBLIC INTOXICATION	COUNTY
136	RESISTING ARREST	COUNTY
137	TAMPERING WITH A PUBLIC UTILITY	\$ 135.00
138	TRESPASSING	\$ 192.00
139	UNLAWFUL POSSESSION OF INTOXICATING BEVERAGE BY A PERSON UNDER 21	\$ 190.00

LATE FEE FOR FAILURE TO APPEAR ON ALL VIOLATIONS \$30.00
IF A LETTER IS MAILED OUT/RECEIPT (OTHER THAN COURTESY)
A \$10.00 FEE WILL BE ADDED PER LETTER/RECEIPT
IF A FAX IS REQUESTED A FEE OF \$5.00 IS ADDED
ALL OFFENSES AND CRIMES NOT LISTED ABOVE ARE
SUBJECT TO THE FINE OF \$147.00 AS PROVIDED IN SECTION 1-108
OF THE ORDINANCE OF THE TOWN OF KIOWA, OKLAHOMA

PASSED by the **BOARD OF TRUSTEES** and SIGNED by the Mayor this 28th day of
February, 2011


MAYOR Janelle Beaver


ATTEST: JoMae Peck Town Clerk



APPENDIX 2

APPENDIX 2
ELECTRIC FRANCHISE

(RESERVED)

APPENDIX 1

APPENDIX 3

**APPENDIX 3
GAS FRANCHISE**

Ordinance No. 8-88, adopted 8/29/1988, grants a 25 year gas franchise to Arkansas Louisiana Gas Company for a two percent franchise fee.

APPENDIX 3

APPENDIX 4

**APPENDIX 4
CABLE FRANCHISE**

Ordinance No. 9-85, adopted 9/30/1985, granted a cable permit to Indian Nation Cable Company. Ordinance 2-88, adopted 2/8/1988, approved assignment of the permit to Cablevision of Texas II; Ord. No. 11-88, adopted 11/28/1988, approved assignment of the permit to Mission Cable Company, L.P.

APPENDIX 4

APPENDIX 5

APPENDIX 5
PUBLIC WORKS AUTHORITY

APPENDIX 5

APPENDIX 6

RESOLUTION 09-07-27

THE TRUSTEE'S OF THE KIOWA PUBLIC WORKS AUTHORITY: PITTSBURG COUNTY, OKLAHOMA. MET IN REGULAR SESSION ON THIS 27TH DAY OF JULY, 2009, AT KIOWA TOWN HALL AT 6:30PM. PRESENT: MARY CEARLEY, DONALD BATTS, SHERRY STONE, JIM RYAN, LENNA HERRON, JOMAE PECK AND JANELLE BEAVER.

ABSENT: NONE

THE CHAIRMAN INTRODUCED A RESOLUTION WHICH WAS READ BY THE BOARD OF TRUSTEE'S. MAYOR JANELLE BEAVER MADE THE MOTION THAT THE RESOLUTION 09-07-27 BE ADOPTED AND VICE MAYOR SHERRY STONE SECONDED THE MOTION.

THE MOTION PREVAILED BY THE FOLLOWING VOTE:

YES: CEARLEY, BATTS, STONE, RYAN, HERRON, PECK AND BEAVER.

NO: NONE

THE RESOLUTION AS ADOPTED IS AS FOLLOWS: A RESOLUTION SETTING RESIDENTIAL WATER AND WHOLESALE WATER.

THE TRUSTEE'S OF THE KIOWA PUBLIC WORKS AUTHORITY: PITTSBURG COUNTY, OKLAHOMA. MET IN SPECIAL SESSION ON THIS 3RD DAY OF AUGUST, 2009, AT KIOWA TOWN HALL AT 6:30PM. PRESENT: MARY CEARLEY, DONALD BATTS, SHERRY STONE, JIM RYAN, LENNA HERRON, JOMAE PECK AND JANELLE BEAVER.

ABSENT: NONE

THE CHAIRMAN INTRODUCED BULK WATER RATES TO BE CHANGED ON THE RESOLUTION WHICH WAS READ BY THE BOARD OF TRUSTEE'S. MAYOR JANELLE BEAVER MADE THE MOTION THAT THE RESOLUTION 09-07-27 BE ADOPTED AND DONALD BATTS SECONDED THE MOTION.

THE MOTION PREVAILED BY THE FOLLOWING VOTE:

YES: BATTS, STONE, HERRON AND BEAVER.

NO: CEARLEY, RYAN AND PECK.

THE RESOLUTION AS ADOPTED IS AS FOLLOWS: THE INCREASE IN BULK WATER RATES.

NOW THEREFORE, BE IT RESOLVED BY THE TRUSTEE'S OF THE TOWN OF KIOWA PUBLIC WORKS AUTHORITY.

SECTION 1: THE MONTHLY RATE SCHEDULES SET FORTH BELOW ARE HEREBY ADOPTED AND PUT IN FULL FORCE AND EFFECT:

STATE OF OKLAHOMA
PITTSBURG COUNTY
FILED OR RECORDED

2009 AUG -4 PM 1:43

112
DEBBIE BURCH
COUNTY CLERK

SECTION 2:

**THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECTIVE AFTER DATE
HEREOF.**

ADOPTED AND APPROVED THIS 27TH DAY OF JULY, 2009.



Janelle Beaver

CHAIRMAN MAYOR

Janelle Beaver

ATTEST:

JoMae Peck

CLERK JoMae Peck

APPENDIX 6

APPENDIX 6							
RATES CODES AND SCHEDULES							

RATE CODE	STARTS	ENDS	MIN USAGE	MIN CHARGE	BASIS	RATE/GALLON	MULTIPLIER	
T8	01/01/00	01/01/99		93.06	F		1	
4 YD ONCE A WEEK				RATE SCHEDULE	MIN	MAX	FIXED	Per/1000

RATE CODE	STARTS	ENDS	MIN USAGE	MIN CHARGE	BASIS	RATE/GALLON	MULTIPLIER	
T9	01/01/03	01/01/99		182.68	F		1	
				RATE SCHEDULE	MIN	MAX	FIXED	Per/1000

RATE CODE	STARTS	ENDS	MIN USAGE	MIN CHARGE	BASIS	RATE/GALLON	MULTIPLIER	
T1	01/01/09	01/01/00		12.10	F		1	
1 RES. POLY CART				RATE SCHEDULE	MIN	MAX	FIXED	Per/1000

RATE CODE	STARTS	ENDS	MIN USAGE	MIN CHARGE	BASIS	RATE/GALLON	MULTIPLIER	
W0	01/01/00	01/01/99			U		1	
VACANT HOUSES				RATE SCHEDULE	MIN	MAX	FIXED	Per/1000

RATE CODE	STARTS	ENDS	MIN USAGE	MIN CHARGE	BASIS	RATE/GALLON	MULTIPLIER		
W1	08/11/09	09/01/99			U		1		
WATER RESIDENTIAL				RATE SCHEDULE	MIN	MAX	FIXED	Per/1000	
						1000	20.50		
						1000	2000	20.50	4.4500
						2000	3000	24.95	4.5000
						3000	4000	29.45	4.5500
						4000	5000	34.00	4.6000
						5000	6000	38.60	4.6500
						6000	7000	43.25	4.7000
						7000	8000	47.95	4.7500
						8000	999MIL	52.70	4.8000

RATE CODE	STARTS	ENDS	MIN USAGE	MIN CHARGE	BASIS	RATE/GALLON	MULTIPLIER		
W2	08/11/09	10/01/20	1000	50.00	U		1		
WATER COMMERCIAL				RATE SCHEDULE	MIN	MAX	FIXED	Per/1000	
						1000	50.00		
						1000	2000	50.00	4.4500
						2000	3000	54.45	4.5000
						3000	4000	58.95	4.5500
						4000	5000	63.50	4.6000
						5000	6000	68.10	4.6500
						6000	7000	72.75	4.7000
						7000	8000	77.45	4.7500
						8000	999MIL	82.20	4.8000

RATE CODE	STARTS	ENDS	MIN USAGE	MIN CHARGE	BASIS	RATE/GALLON	MULTIPLIER		
W2	01/01/00	01/01/99	2000	12.50	U		1		
WATER COMMERCIAL				RATE SCHEDULE	MIN	MAX	FIXED	Per/1000	
						2000	12.50		
						2000	3000	12.50	1.6500
						3000	10000	14.15	1.8000
						10000	999MIL	26.75	2.5000

APPENDIX 6

FROM THIS DAY FORWARD MONTHLY CHARGES FOR RESIDENTIAL WATER SERVICE

NEW RATES EFFECTIVE 9/4/2009

RESIDENTIAL RATES	MINIMUM AMOUNT	MAXIMUM AMOUNT	AMOUNT FOR MINIMUM	RATE PER UNIT ABOVE MIN.
	1,000	2,000	\$20.50	
	2,000	3,000	\$34.00	
	3,000	4,000	\$38.60	
	4,000	5,000	\$43.25	
	5,000	6,000	47.95	
	7,000	8,000	52.70	
	\$4.80 PER \$1,000 GALLONS FOR ALL OVER 8,000			

COMMERCIAL RATES	MINIMUM AMOUNT	MAXIMUM AMOUNT	AMOUNT FOR MINIMUM	RATE PER UNIT ABOVE MIN.
	0	1,000	\$50.00	.00
	1,000	2,000	\$54.45	4.45
	2,000	3,000	\$58.95	4.50
	3,000	4,000	\$63.50	4.55
	4,000	5,000	\$68.10	4.60
	5,000	6,000	72.75	4.65
	7,000	8,000	82.20	4.75
	\$4.80 PER \$1,000 GALLONS (NO CHANGE)			

WHOLESALE WATER RATE	\$2.73 PER 1,000 GALLONS (NO CHANGE)
BULK WATER	\$20.00 PER 1,000

APPENDIX 6

FROM THIS DAY FORWARD MONTHLY CHARGES FOR RESIDENTIAL WATER SERVICE

RESIDENTIAL RATES	MINIMUM AMOUNT	MAXIMUM AMOUNT	AMOUNT FOR MINIMUM	RATE PER UNIT ABOVE MIN.
	0	1,000	\$20.50	.00
	1,001	2,000	\$24.95	4.45
	2,001	3,000	\$29.45	4.50
	3,001	4,000	\$34.00	4.55
	4,001	5,000	\$38.60	4.60
	5,001	6,000	\$43.25	4.65
	6,001	7,000	\$47.95	4.70
	7,001	8,000	52.70	4.75
	\$4.80 PER \$1,000 GALLONS FOR ALL OVER 8,001			

RESIDENTIAL RATES	MINIMUM AMOUNT	MAXIMUM AMOUNT	AMOUNT FOR MINIMUM	RATE PER UNIT ABOVE MIN.
	0	1,000	\$50.00	.00
	1,001	2,000	\$54.45	4.45
	2,001	3,000	\$58.95	4.50
	3,001	4,000	\$63.50	4.55
	4,001	5,000	\$68.10	4.60
	5,001	6,000	\$72.75	4.65
	6,001	7,000	\$77.45	4.70
	7,001	8,000	82.20	4.75
	\$4.80 PER \$1,000 GALLONS FOR ALL OVER 8,001.			

WHOLESALE WATER RATE	\$2.73 PER 1,000 GALLONS (NO CHANGE)
BULK WATER	\$20.00 PER 1,000

APPENDIX 6

APPENDIX 6

**RESOLUTION:
RESOLUTION NO. 8-30-2010
INCREASE SEWER RATE**

WHERE AS IT IS NECESSARY TO INCREASE THE SEWER RATE FOR THE TOWN OF KIOWA IN ORDER TO DO IMPROVEMENTS TO THE WASTE WATER SYSTEM.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEE'S OF THE KIOWA PUBLIC WORKS AUTHORITY THAT WASTE WATER RATES BE RAISED TO THE FOLLOWING RATE SCHEDULE (SEE ATTACHMENT).

BE IT FURTHER RESOLVED THAT THIS AN EMERGENCY AND NEW RATES WILL BE IN EFFECT BY SEPTEMBER 15, 2010.

ADOPTED BY THE BOARD OF TRUSTEE'S OF THE KIOWA PUBLIC WORKS AUTHORITY, KIOWA OKLAHOMA, THIS 30TH DAY OF AUGUST, 2010.


CHAIRMAN OF THE BOARD OF TRUSTEE'S




SECRETARY KIOWA PUBLIC WORK'S AUTHORITY

JOMAE PECK

APPENDIX 6

APPENDIX 6

PROPOSED SEWER RATE RESIDENTIAL	
MINIMUM (1,000) GALLONS	\$8.50
NEXT 1,000 GALLONS	\$1.00
NEXT 1,000 GALLONS	\$1.25
NEXT 1,000 GALLONS	\$1.50
NEXT PLUS 1,000 GALLONS	\$1.75

PROPOSED SEWER RATE COMMERCIAL	
MINIMUM (1,000) GALLONS	\$10.50
NEXT 1,000 GALLONS	\$1.00
NEXT 1,000 GALLONS	\$1.25
NEXT 1,000 GALLONS	\$1.50
NEXT PLUS 1,000 GALLONS	\$1.75