

FT. TOWSON TOWN CODE 1996

**CONTAINING ALL OF THE ORDINANCES
OF THE TOWN OF FT. TOWSON, OKLAHOMA
OF A PERMANENT AND GENERAL NATURE
PASSED PRIOR TO
1996
AND STILL IN EFFECT ON THAT DATE**

**COMPILED AND CODIFIED
BY
KIAMICHI ECONOMIC DEVELOPMENT DISTRICT OF OKLAHOMA**

**PRINTED FOR
THE TOWN OF FT. TOWSON, OKLAHOMA
AS A MEMBER ENTITY OF
KIAMICHI ECONOMIC DEVELOPMENT DISTRICT OF OKLAHOMA**

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ORDINANCE 108

AN ORDINANCE ADOPTING A CODE OF ORDINANCES FOR THE TOWN OF FT. TOWSON, OKLAHOMA; AND REPEALING PERMANENT AND GENERAL ORDINANCES NOT INCLUDED IN THE CODE.

Be it ordained by the Town Council of the Town of Ft. Towson, Oklahoma:

Sec. 1. Code Adopted; How Cited.

The code of ordinances entitled "Ft. Towson Town Code, 1996", compiled, arranged and codified by the Kiamichi Economic Development District of Oklahoma, is hereby adopted for the Town of Ft. Towson, Oklahoma, and shall go into effect at the same time this ordinance goes into effect. Said code may be cited as "Ft. Towson Town Code 1996", "Ft. Towson Town Code", or other appropriate designation.

Sec. 2. Ordinance Provisions Adopted.

All of the ordinance provisions included in the said code are hereby adopted and enacted, and shall be in full effect, whether (1) such provisions are included in the form as originally adopted, or (2) are included therein in amended form, or (3) are composed wholly or partially of new materials as authorized by law.

Sec. 3. Permanent and General Ordinances Not Included are Repealed.

All ordinances and parts of ordinances of a permanent and general nature in effect at the time this code is adopted but not included in this code, are hereby repealed as of the time when this code goes into effect.

Sec. 4. Temporary And/Or Special Ordinances Continue in Effect. Although Omitted From the Code.


The continuance in effect of temporary and/or special ordinances or parts of ordinances, although omitted from this code, shall not be affected by such omission therefrom; and the adoption of this code shall not repeal or amend any such ordinance or part of any such ordinance omitted therefrom. Among the temporary and/or special ordinances not repealed or amended by the paving and sewer districts and special assessments; vacating, opening and dedicating specific streets and alleys; relating to specific bond issues; annexing territory to, or excluding it from the

Town; relating to grade and alignment of specific streets; granting railroads use of specific streets and alleys; naming or changing the name of, specific streets; abating specific nuisances; and all other temporary and/or special ordinances. Ordinances granting franchises shall not be repealed or amended by the adoption of this code.

Sec. 5. Emergency Section.

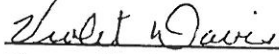
For the immediate preservation of the peace, health and safety of the Town of Ft. Towson, Oklahoma, and for the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof it is necessary that this ordinance shall go into full effect and be in force immediately upon its passage.

Passed and approved 11. 4. 97.

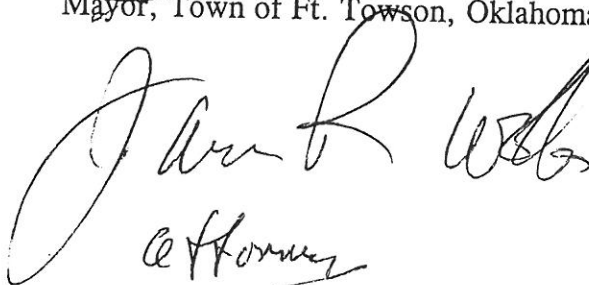



Mayor, Town of Ft. Towson, Oklahoma

ATTEST:



Town Clerk

C. H. Hopper

S E A L

ORDINANCE NO. 07-01

AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, TOWN OF FORT TOWSON, OKLAHOMA BY SETTING THE DATES AND SCHEDULE OF THE MEETINGS OF THE TOWN COUNCIL .

Article 2. Town Council

SECTION 1-2 Meeting Place.

Is amended to read:

Every meeting of the council shall be held the first Thursday of the month in the Council Chamber of the Town Hall unless, in case of emergency, the mayor or the council members calling a special meeting designates another meeting place in the town for the holding of the special meeting: provided that any adjourned meeting may be held at any other place within the town designated by the council.

SECTION 1-3 Time

Is amended to read:

The council of the Town of Fort Towson, Oklahoma, shall hold a regular meeting at 6:00 o'clock P.M. on the first Thursday of every month; provided that, if such a Thursday falls on a holiday , the regular meeting shall be held on the next day which is not a holiday.

This ordinance shall be posted to and filed as a part of Chapter 1 of the Town Codes of the Town of Fort Towson Oklahoma and shall take effect immediately upon signing. Sections of Chapter 1 not revised or amended by this ordinance shall remain in full effect.

PASSED AND APPROVED BY THE MAYOR AND TRUSTEES OF THE TOWN OF FORT TOWSON, OKLAHOMA THIS 4th DAY OF DECEMBER 2007.



Mayor

ATTEST:



Town Clerk/Treasurer

CHAPTER 1

AGENCIES, OFFICERS AND EMPLOYEES

Article 1. Elective Officers

Sec. 1-1. Elective Officers of the Town.

1. In accordance with HB 1746, Second Session, 34th Legislature, O.S. 1971, Title 11, Section 23rd, is repealed and the following officers of the Town shall be elected by the qualified electors of the Town:

- (a) One (1) councilmen from each of the wards of the Town.
- (b) One (1) Town clerk/Treasurer.

2. A general election shall be held on the first Tuesday in April, and each four years thereafter, at which time there shall be elected for the Town at large Town clerk/Town treasurer shall be elected for a four (4) year term in 1999 and each four years thereafter.

3. On the first Tuesday in April, and each four (4) years thereafter, one (1) councilman shall be elected from each ward. On the first Tuesday in April, and each four (4) years thereafter, one (1) councilman shall be elected from each ward. Odd wards (1, 3, & 5) elected in 1997. Even wards (2 & 4) elected in 1999.

4. The Town council may submit to a vote of the qualified electors of the Town the question of appointment of the chief of police, clerk, treasurer, or clerk-treasurer by the mayor and Town council.

Article 2. Town Council

Sec. 1-2. Meeting Place.

Every meeting of the council shall be held the first Tuesday of the month in the Council Chamber of the Town Hall unless, in case of an emergency, the mayor or the councilmen calling a special meeting designate another place in the Town for the holding of the special meeting; provided that any adjourned meeting may be held at any other place within the Town designated

by the council.

Sec. 1-3.

Time.

See Ord 07-01

The council of the Town of Ft. Towson, Oklahoma, shall hold a regular meeting at 7:00 o'clock P.M. on the first Tuesday of every month; provided that, if such a Tuesday falls on a holiday, the regular meeting shall be held at that time or the next day which is not a holiday. (11O.S., 1971, Sec. 641.)

Sec. 1-4.

Powers and Duties of the Council.

The mayor and council shall have the care, management and control of the Town and its finances, and shall have power to enact, ordain, alter, modify or repeal any and all ordinances not repugnant to the laws of the United States and the Constitution and laws of the State of Oklahoma, as they shall deem expedient and for the good government of the Town, the preservation of the peace and good order, the suppression of vice and immorality, and the benefit of trade and commerce, and the health of the inhabitants thereof, and such ordinances, rules and regulations as may be necessary to carry such power into effect.

Article 3. Mayor

Sec. 1-5.

Mayor: Powers and Duties.

The mayor shall preside at all meetings of the Town council and shall have a casting vote when the council is equally divided, and shall have the superintendency control of all the officers and affairs of the Town, and shall take care that the ordinances of the Town are complied with. The mayor shall also have whatever specific responsibilities that the council shall provide by ordinances or resolutions, and also the obligations provided by state statutes. The Mayor can spend up to \$100.00 on purchases without a vote of the Town Council.

Article 4. Town Clerk

Sec. 1-6.

Town Clerk: Powers and Duties.

The Town clerk, after being duly elected, shall serve as an officer of the Town and shall have the responsibility of keeping the journal of the proceedings of the council; shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; and shall perform

such other duties as the council may require; or required by state statutes.

Article 5. Town Treasurer

Sec. 1.7. Town Treasurer: Powers and Duties.

The Town treasurer, after being duly elected, shall serve as an officer of the Town and shall have the responsibilities of keeping the Town funds in proper order. The Town treasurer shall deposit daily all funds coming into his hands in such depositories as the council may designate; and shall disburse such funds in the manner provided applicable by law or ordinance. The Town treasurer shall provide to the council a financial statement whenever required by the council.

Article 6. Compensation

Sec. 1-8. Salaries of Elected Officials.

The salary of the following officers shall be:

- | | | |
|----|----------------------|----------------|
| 1. | Mayor | \$20.00 month |
| 2. | Town Clerk/Treasurer | \$794.00 month |
| 3. | Council Members | \$20.00 month |
| 4. | Chief of Police | \$_____ month |

Article 7. Removal from Office

Sec. 1-9. Removal of Officers.

The council may, by a vote of a majority of all the members to be entered upon the journal, remove for cause any officer except the mayor. (11 O.S., 1971, Sec. 572).

Sec. 1-10. Removal of Elected Officers.

Any officer not subject to impeachment may be removed for the following causes:

1. Habitual or willful neglect of duty.
2. Gross partiality in office.

3. Oppression in office.
4. Corruption in office.
5. Extortion or willful overcharge of fees in office.
6. Willful maladministration.
7. Habitual drunkenness.
8. Failure to produce and account for all public funds and property in his hands, at any settlement or inspection authorized or required by law. (22 O.S., 1971, Sec. 1181).

Sec. 1-11. Procedures for Removal of Elected Officers.

The manner and procedure for the removal of any elected official of the Town shall be those set forth in 22 O.S., 1971, Chapter 23.

Article 8. Police Department

Sec. 1-12. Marshal, Assistant Marshal, Etc.

There shall be a Town marshal, otherwise known as chief of police. He shall be selected in the manner set forth in Sec. 1-1. The mayor, with approval of the council, shall appoint an assistant marshal, otherwise known as the assistant chief of police, and such other policemen as the mayor and council deem necessary, as provided by 11 O.S., 1971, Sec. 631.

Sec. 1-13. Duties.

It shall be the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the Town; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of policemen. The police department shall have control and operation of the Town jail; provided that the council may make arrangements with the Board of County Commissioners for use of the county jail for Town purposes. (11 O.S., 1971, Sec. 575.)

Sec. 1-14. Assistance to Another Community.

Approval is hereby given for service of members of the regular police department of this

Town as police officers of any other Town or town, in an emergency situation, in Oklahoma not more than forty-five (45) miles distance from the Town, when such service is requested by the mayor or chief of police of said Town or town, in accordance with Enrolled Senate Bill No. 345, Thirty-Second Oklahoma Legislature, First Regular Session.

Sec. 1-15. Vehicular Pursuits Considerations.

The pursuit should be considered only when a felony has been committed and suspect exhibits behavior which indicates an attempt to avoid contact with the police.

It is the duty of the officer to make every reasonable effort to apprehend the driver and/or occupants of a fleeing vehicle as described in the above caption in accordance with the following guidelines and considerations:

- A. Nature and type of the violation.
- B. Time of day.
- C. Weather conditions.
- D. Road conditions.
- E. Geographic location.
- F. Population density.
- G. Familiarity with the area.
- H. Vehicle capability and reliability.
- I. Non-police commissioned personnel in vehicle.
- J. Knowledge of the identity of the violator.

Sec. 1-16. Reimbursement Required.

Any municipality requesting and receiving service by members of the police department of this Town shall reimburse this Town for the cost of the transportation to and from such municipality of the officers so serving and the pro rata cost of their salaries, insurance and other benefits attributable to their service in such municipality.

Sec. 1-17. Contract Required except in Public Emergency.

Except in cases of extreme public emergency, no services shall be rendered hereunder to any municipality unless such municipality has entered into a contract with this Town, providing for such service in accordance with the terms of this ordinance. The mayor hereby is authorized to negotiate and execute contracts with the proper contracting officers of such municipalities, which shall be on a reciprocal basis, thereby securing to this Town the service of members of the police departments of such municipalities should an emergency arise necessitating such service

here. All such contracts shall be submitted to the Town council for approval before effective.

Article 9. Fire Department

Sec. 1-18. Nature of Department.

1. The purpose of the Town Volunteer Fire Department is to comply with Chapter 1, Article 29, 201 and following of Title 11, Oklahoma Statutes 1991 in providing for a uniform system of fire protection for the lives and property of the people of the Town.

2. The words and phrases termed Volunteer Firemen shall be defined as one who is enrolled as a member of the Fire Department of the Town and who serve in said capacity without receiving a regular salary.

3. The size of the Volunteer Fire Department of the Town shall be composed of not less than twelve (12) nor more than twenty (20) members.

Sec. 1-19. Duties of Chief.

1. The chief shall be at the head of the department, subject to the laws of the state of Oklahoma, ordinances of this Town, and the rules and regulations herein adopted.

2. The chief shall be held 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.

3. 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.

4. The chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.

5. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.

6. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.

7. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve

all possible evidence for future use in the case.

Sec. 1-20.

Duties of Other Officers and Members.

1. 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.
2. The company officers shall be selected upon their ability to meet the following requirements:
 - (a) Their knowledge of fire fighting.
 - (b) Their ability to lead men.
 - © Their knowledge of fire fighting equipment.
3. One member elected by the fire department shall be secretary/treasurer. His duties shall consist of the following:
 - (a) Call the roll at the opening of each meeting.
 - (b) Keeping the minutes of each meeting.
 - © Collecting any money due the department by the members.
4. All new members shall be on probation for one year after their appointment.
5. New volunteer members, upon completion of their probation period, must be approved by the majority of the fire department.
6. Employees of the fire department and volunteers (ten percent (10%) of volunteers may live outside the Town limits) shall be residents.

Sec. 1-21.

By-Laws of the Department.

1. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies.
2. He is required to be present at all regular meetings, called meetings and schools presented for the benefit of the fire fighters.
3. There shall be at least one regular business meeting each month.
4. Any volunteer fire fighter having two unexcused absences in succession or three

unexcused absences in a period of three months will be dropped from the fire department rolls.

5. Volunteer fire fighters leaving town for an extended period of time will be required to notify the chief.

6. Any volunteer fire fighter refusing to attend training classes provided for him will be dropped.

7. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:

- (a) Conduct unbecoming a fire fighter.
- (b) Any act of insubordination.
- © Neglect of duty.
- (d) Any violation of rules and regulations governing fire department.
- (e) Conviction of a felony.

Sec. 1-22. Assistance to Another Community or Group.

The Town of Ft. Towson is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or political subdivisions of the State of Oklahoma for fire protection outside the corporate limits of said Town and to contract to provide fire protection jointly with other organizations and municipal sub-divisions of the state.

Sec. 1-23. Fee for Assistance.

Any contract entered into by the Town of Ft. Towson, Oklahoma, with an individual owner, firm, corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment of said owner, firm, private corporation, or association, or political subdivision at the rate of \$ -0- per truck per call for initial call and \$0.00 per truck per hour, or fraction thereof. All moneys received from said calls shall be turned over to the general fund of the Town of Ft. Towson, sub-divided Fire Department.

Sec. 1-24. Authority for Fire Chief to Answer Calls.

The fire department of the Town of Ft. Towson is hereby authorized and directed to answer all outside calls outside the corporate limits of the Town of Ft. Towson, at the discretion of the fire chief; the exceptions to be in the opinion of the fire chief if it is not expedient to do so on account of fire in the Town, broken apparatus, impassable or dangerous highways, or other physical conditions.

Sec. 1-25. Firemen's Benefits.

All volunteer firemen belonging to the Town of Ft. Towson Fire Department attending and servicing at fires or doing fire prevention work outside the corporate limits of the Town of Ft. Towson, 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 of Ft. Towson, and said firemen shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the Town of Ft. Towson. Said firemen who fight fire or do fire prevention work outside the corporate limits of said Town shall be paid -0- dollars (\$0.00) for each call, provided they are directed by the fire chief to make the said call.

Sec. 1-26. Town Not Liable for Damages.

The fire department of the Town of Ft. Towson, answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the Town of Ft. Towson shall be considered as an agent of the State of Oklahoma, and acting solely and alone in a governmental capacity, and said municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of Sections 1-22, 1-23, 1-24, and 1-25 above.

Article 10. Firemen's Pensions

Sec. 1-27. Board of Trustees of Fund.

There is hereby created a board of trustees of the Firemen's Relief and Pension Fund of this municipality, with membership, organization, powers, duties, and functions as prescribed by Oklahoma Statutes, 1971, Title 11, Sections 361-384, and any other sections of law.

Note: For the membership and organization of the board of trustees of the Firemen's Relief and Pension Fund, see Oklahoma Statutes, 1971, Title 11, Section 361-363.

Sec. 1-28. Fund Operations.

The Firemen's Relief and Pension Fund shall be operated in accordance with State law relating to the fund, and pensions and other benefits shall be paid as provided by state law.

Sec. 1-29. Deductions from Compensation of Firemen.

From and after the effective date of this ordinance, it shall be the duty of the Town treasurer to deduct from salaries or wages of each member of the fire department of the Town an amount equal to ___ per centum (___%) of the annual salaries or compensation paid by said Town to such members of the fire department. The deductions shall be made at the time such firemen are paid, and when so deducted shall be deposited in the "Firemen's Relief and Pension Fund". All such deductions so made shall be set forth on each payroll in a legible manner so that each member of the fire department contributing to said fund may be able to ascertain the exact amount which he is contributing. Effective _____, ___, the percentage shall increase to ___ per centum (___%) and to four per centum (4%) on _____ (SB 482 Second Session, Thirty-Fourth Oklahoma Legislature).

Sec. 1-30. Retirement Pay for Retired Volunteer Firemen.

Section 1: All retired volunteer firemen, Town of Ft. Towson retirement pay is hereby set at an amount of \$ -0- per month wherein said pay was formerly \$ -0- per month.

Section 2: That one fireman as of the date of this ordinance has retired on one-half pay and the same rate is applicable, to wit: On all retired firemen on half pay the retirement is hereby raised from \$ -0- per month to \$ -0- per month.

Article 11. Salaries for Firemen

Sec. 1-31. Salaries for Volunteer Firemen.

Salary for the volunteer fire fighters shall be -0- dollars (\$0.00) for house fires and -0- dollars (\$0.00) for grass fires.

Article 12. Department of Law

Sec. 1-32. Town Attorney.

There shall be a Department of Law, the head of which shall be the Town Attorney after nomination by the mayor and given a majority vote by the Town council. Removal of the Town attorney shall be at the discretion of the mayor and council. The Town attorney shall be an officer of the Town, and shall have supervision and control of the Department of Law.

Sec. 1-33. Duties.

The Town attorney shall be the chief legal adviser of the council, all officers, departments and agencies of the Town government in matters relating to their official powers and duties. He shall represent the Town in proceedings in the courts. He shall perform all services incident to his position which may be required by law or ordinances.

Article 13. Public Works Department

Sec. 1-34. Superintendent.

There shall be a public works department, the head of which shall be the superintendent of public works appointed by the mayor for an indefinite term, and removable by the Town council. The superintendent of public works shall be an officer of the Town, and shall have supervision and control of the public works department.

Sec. 1-35. Duties.

It shall be the duty of the public works department, insofar as the Town government performs these functions with its own personnel:

1. To construct, improve, maintain and clean streets (including alley and other public ways), bridges and sidewalks; to install and maintain street lights, traffic control signs, markings, signals and devices; to erect and maintain street name signs; and to supervise the use of streets by privately owned utilities.
2. To construct, improve, maintain and operate storm and sanitary sewers and sewage disposal facilities.
3. To maintain all buildings and grounds used by the Town.
4. To maintain and operate all parks, playgrounds, swimming pools, and other recreational facilities operated by the Town.
5. To maintain and operate all Town-owned cemeteries.
6. To maintain Town-owned motor equipment.
7. To maintain and operate the water system and any other Town-owned utilities and public services.
8. To perform such other functions relating to the maintenance, repair, improvement

and operation of the physical facilities owned or used by the Town government as the Town may prescribe consistent with the Town ordinances.

Article 14. Sanitation Department

Sec. 1-36. Superintendent.

There shall be a sanitation department, the head of which shall be the superintendent of the sanitation department appointed by the mayor for an indefinite term, and removable by the council. He shall be an officer of the Town, and shall have supervision and control of the sanitation department.

Sec. 1-37. Duties.

It shall be the duty of the sanitation department, among others, to collect garbage and other refuse and to dispose of it.

Note: As regards collection and disposal of garbage and other refuse, see Chapter 20 of this Code.

Article 15. Health Department

Sec. 1-38. Superintendent.

There shall be a department of public health, the head of which shall be the Town superintendent of public health appointed by the mayor for an indefinite term, and removable by the council. He shall be a regularly licensed practicing physician in good standing and of good moral character, and a resident of the Town. Any mention of the ordinances of the Town of the "Superintendent of Health", "superintendent of public health", or "health officer", shall be deemed to refer to the Town superintendent of public health unless otherwise indicated by the context in which such words may be found. He shall be an officer of the Town, and shall have supervision and control of the department of public health.

Nothing in this section shall prohibit the creation and operation of a cooperative Town-county health department as is now or may be provided by law.

Sec. 1-39. Duties.

The Department of Public Health shall perform such duties, and have such powers, as may

be prescribed by ordinance, law and the rules and regulations of the State Department of Health.

Article 16. Civil Defense

Sec. 1-40. Nature of Department.

There shall exist under the executive branch of the government of the Town a Department of Civil Defense 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 of the property and property rights, both private and public, and to perform all functions necessary and incident thereto.

Sec. 1-41. Civil Defense Advisory Committee.

This Committee shall consist of the mayor as chairman and five members appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. It shall hold such meetings as are directed by the mayor and its functions shall be to act in an advisory capacity as needed or requested by the mayor or the director of civil defense.

Sec. 1-42. Director.

There shall be a Director of Civil Defense who shall be nominated by the mayor and given a majority vote by the mayor and council. Removal of the director shall be at the discretion of the mayor and council. The director shall be an officer of the Town, and shall have the power necessary to enforce the duties herein stated. (63 O.S., 1971, Sec. 683.11.)

Sec. 1-43. Duties.

1. The director of civil defense shall be the executive head of the department of civil defense and shall be responsible for carrying out the civil defense program of the Town. He shall serve without compensation, but may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the director of civil defense to perfect an organization to carry out the purposes set forth and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have such further duty and responsibility, to cooperate with all civil defense agencies of other governmental units, including the State of Oklahoma and the Federal government.

2. The director of the civil defense is to formulate written plans and gather information and keep written record thereof to govern the functions of the civil defense organization.

3. In the event of an enemy caused emergency or emergency resulting from natural causes, the director of civil defense, after due authorization from the mayor of the Town, shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or civil defense organizations and, if required by the mayor, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the Town of Ft. Towson.

4. The director of civil defense and other members of the civil defense organization created by him shall have the power and authority to enforce the laws of the State of Oklahoma and ordinances of the Town during the period of emergency, and shall at such time have the further power to make arrests for violations of such laws or ordinances.

5. All members of the civil defense organization shall serve without compensation and the Town shall not be liable for any personal injury received by any member of such organization while acting in the line of duty.

Article 17. Building Inspection Department

Sec. 1-44. Building Official.

There shall be a Department of Building Inspection the head of which shall be the Building Official. Unless he appoints another to be the building official, the mayor shall himself be ex-officio building official. The building official shall have supervision and control of the department, including any inspectors whom the mayor may appoint, such as the building inspector, the plumbing inspector, the electrical inspector and other inspectors of the building and construction trades.

Sec. 1-45. Duties.

The department of building inspection shall see that all laws, ordinances and other regulations relating to building, plumbing and electrical installations are properly enforced, except as may be otherwise provided by applicable law or ordinance. The building inspector, the plumbing inspector, the electrical inspector and any other inspectors, under the supervision and control of the building official, shall have such powers, duties and functions as may be prescribed

by applicable law or ordinance.

Note: As regards building, plumbing, and electrical installations, see Chapter 4 of this Code.

Article 18. Officers and Employees: Number and Classes, Compensation

Sec. 1-46: Number and Classes, Compensation.

The council, by motion, resolution or ordinance, may regulate the number and classes of offices and positions of employment in the various departments, offices and agencies of the Town government, and may determine or regulate the compensation to be paid to officers and employees. This action must conform to the established Affirmative Action Plan of the Town. (11 O.S., 1971, Sec. 573.)

Sec. 1-47: Sources of Compensation.

Neither the municipal judge nor any other officer or employee of the Town government may receive as compensation any fee of any kind except as may be specifically provided by ordinance passed hereafter; and all fees and other money collected for the Town by an officer or employee shall be paid to the Town clerk.

Article 19. Official Bonds

Sec. 1-48. Personnel to be Bonded.

Before entering upon their official duties, the following personnel of the Town government shall provide bonds for the faithful performance of their official duties, payable to the Town, with a surety company authorized to operate with the state, in the amount respectively indicated after their titles:

1. Mayor - \$_____.
2. Vice-Mayor - \$_____.
4. Town Clerk & Town Treasurer, in case same person holds both offices - \$_____
5. All police officers - \$_____ (To be determined).

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

The Town shall pay the premiums on such bonds.

(11 O.S., 1971, Sec. 571.)

Article 20. Federal Old-Age and Survivors Insurance

Sec. 1-49. Benefits of Federal O.A.S.I. to be Extended to Personnel.

It is hereby declared to be the policy and purpose of this Town to extend, at the earliest date, to the employees and officials thereof, not excluded by law or ordinance, 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, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the Town shall take such action as may be required by applicable state or federal laws or regulations.

Sec. 1-50. Mayor Authorized to Execute Agreements.

The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Public Welfare, as agent or agency, to secure coverage of employees and officials as provided in Section 1-51 hereof.

Sec. 1-51. Withholdings from Salaries and Wages.

Withholdings from salaries and wages of employees and officials for the purpose provided in Section 1-49 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 said laws or regulations.

Sec. 1-52. Appropriations for Employer's Contributions.

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.

Sec. 1-53. Records and Report.

This municipality shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

Sec. 1-54. Employees and Officers Now Covered by Other Retirement Systems.

There is hereby excluded from this article 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 municipality.

Sec. 1-55. Employees and Officers on a Fee Basis Excluded, Etc.

There is hereby excluded from this article any authority to make any agreement with respect to any position, or any employee or official, compensation for whom is on a fee basis, or any position, or any official not authorized to be covered by applicable state or federal laws or regulations.

Sec. 1-56. Personnel Not Covered.

The current provisions found in Article 10 of this Chapter provide for the creation of a pension fund for firemen employed by the Town. These employees are not eligible for retirement under the social security programs of this article.

Article 21. Other Employee Benefits

Sec. 1-57. Other Employee Benefits.

The mayor and Town council are hereby authorized to execute any and all necessary agreements to provide whatever employee benefits are required by state law or which the council determines to be necessary for proper and just protection of all Town employees.

Article 22. Library Service

Sec. 1-58. Authority to Join Multi-County Service.

It is the desire of the governing body of the Town of Ft. Towson to provide good library service to Town residents, by participation in a multi-county library organized under the Oklahoma Library Code, 65 O.S., 1970, Supp., Sections 1 through 7, as amended and financed according to the provisions of the Statutes and of Article X, Section 10A, Oklahoma Constitution.

Sec. 1-59. Creation of Multi-County District.

The Town of Ft. Towson is located within a multi-county library district served by the Choctaw Nation, established and created under the Oklahoma Library Code and approved by the Oklahoma Department of Libraries.

Sec. 1-60. Membership.

The governing board of the multi-county library consists of members appointed from each county, including one member appointed by the governing body of each Town of two thousand (2,000) or more population according to the latest federal census, as provided for in the Oklahoma Library Code.

Sec. 1-61. Eligibility of Town.

The Town of Ft. Towson is eligible to appoint one member to the multi-county library board, having attained a population of two thousand (2,000) or more as established by the federal census of 1990.

Sec. 1-62. Agreement by Town Officials.

The Town of Ft. Towson agrees to appoint one person to represent the Town on the multi-county library board and to cooperate with the other cities and counties included in the multi-county library district; provided that additional counties may be added to the district upon qualification under State law and approved by the Oklahoma Department of Libraries Board.

Article 23. Town Property

Sec. 1-63. Proper Use of Town Owned Equipment.

That all property owned by the Town of Ft. Towson shall be controlled strictly by the mayor and Town council of the Town of Ft. Towson and the same shall not be used by persons

other than those operating under a lease validly entered into with the approval of the mayor and Town council of the Town of Ft. Towson for any private purpose.

Sec. 1-64. Illegal Parking on Town Property.

It shall be unlawful for any vehicle to be parked or left upon Town property not used as a thoroughfare or upon any property owned by the Town of Ft. Towson either between the sidewalks and/or curb lines of streets or on any lot owned by the said Town of Ft. Towson and that has not been designated by a Town council action as a parking area.

ARTICLE 24 - TOBACCO-FREE AND VAPOR FREE ORDINANCE FOR LOCAL GOVERNMENT PROPERTY

SECTION 1-65 – TOBACCO-FREE AND VAPOR FREE ORDINANCE FOR LOCAL GOVERNMENT PROPERTY

A. Definitions: The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

1. Indoor Area means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.

2. Municipal Property means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the Town of Fort Towson, including but not limited to vehicles and equipment owned by the municipality.

3. Outdoor Area means any area that is not an Indoor Area, and includes outdoor recreational areas.

4. Smoking means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

5. Tobacco Product means any product that contains tobacco and is intended for human consumption. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

6. Vapor Product means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

B. Prohibited conduct

1. Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.

2. Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.

3. Nothing in this article prohibits any person or entity from prohibiting the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.

4. No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area that is under the control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.

5. No person or entity shall permit the placement of ash receptacles, such as ash trays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of this article.

6. No person shall dispose of Tobacco Product or Vapor Product waste within an area in which the use of Tobacco Products or Vapor Products is prohibited.

7. No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this article.

C. Required signs

1. The person or entity that has legal or de facto control of an area in which the use of Tobacco Products or Vapor Products is prohibited by this article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.

2. For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

3. For purposes of this section, the Town of Fort Towson or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.

4. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this article.

D. Penalties and enforcement

1. Enforcement of this chapter shall be the responsibility of the Town of Fort Towson Law Enforcement. In addition, any peace officer or code enforcement official may enforce this chapter.

2. Any person who knowingly violates this article shall be punished by a citation and a fine of not less than \$10.00 and not more than \$100.00 in accordance with CHAPTER 1, ARTICLE 24, SECTION 1-65 of the Town of Fort Towson Municipal Code.

3. The possession of a lighted Tobacco Product in violation of this article is a nuisance.

4. The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

5. Each instance of Tobacco Product or Vapor Product use in violation of this article shall constitute a separate violation.

6. The use of a Vapor Product in violation of this article is a nuisance.

7. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article regarding Tobacco Product or Vapor Product use shall also constitute a violation of this article.

8. In addition to other remedies provided by this article or by other law, any violation of this article regarding Tobacco Product or Vapor Product use may be remedied by the County Council, including, but not limited to, administrative or judicial nuisance abatement proceedings, criminal code enforcement proceedings, and suits for injunctive relief.

E. Statutory construction and severability

It is the intent of the City Council of the Town of Fort Towson to supplement applicable state and federal law and not to duplicate or contradict such law. The provisions of this ordinance are severable, and the invalidity of any provision of the ordinance shall not affect other provisions of the ordinance, which can be given effect without the invalid provision.

Amending CHAPTER 1 of the Code of Ordinances, passed and approved by the Mayor and Trustees of the Town of Fort Towson, Oklahoma, 8-8-2019.