

# **FORT TOWSON, OKLAHOMA**

**CODE OF ORDINANCES**

**Effective February 2021**

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at retail and business establishments within Oklahoma. Use Tax levels the playing field for local businesses which are required to collect and remit the local Sales Tax. With no local Use Tax in place, consumers have an incentive to purchase items from out-of-state vendors instead of buying locally. This negatively impacts local jobs and tax revenue because millions of dollars are being spent outside of our state and local economies. The purpose of this Chapter is to eliminate the current sales tax advantage that Non-Oklahoma vendors have over Oklahoma vendors. ...45

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## **PART 1 - GENERAL PROVISIONS**

### **CHAPTER 1 - USE AND CONSTRUCTION OF THE CODE**

#### **Section 1-101: HOW CODE DESIGNATED AND CITED.**

The provisions embraced in the following Chapters and Sections shall constitute and be designated the "Code of Ordinances, Town of Fort Towson", and may be so cited.

#### **Section 1-102: RULES OF CONSTRUCTION; DEFINITIONS.**

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

**BOARD OF TRUSTEES OR TOWN BOARD:** The Board of Trustees of the Town of Fort Towson.

**COMPUTATION OF TIME:** The board of trustees of the town of Fort Towson. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted.

**COUNTY OR THIS COUNTY:** The county of Choctaw, Oklahoma.

**GENDER:** A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well.

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

**LAW:** Includes applicable federal law, provisions of the constitution and statutes of the state of Oklahoma, the ordinances of the town, and, when appropriate, any and all rules and regulations promulgated thereunder.

**MAYOR:** The mayor of the town.

**MONTH:** A calendar month.

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

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

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

**OR, AND:** "Or" may be read "and", and "and" may be read "or", if the sense requires it.

**OTHER OFFICIALS OR OFFICERS, ETC.:** Whenever reference is made to officers, agencies or departments by title only, i.e., "clerk-treasurer", "town clerk-treasurer", "town attorney", "fire chief", "chief of police", etc., they shall mean the officers, agencies or departments of the town.

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

**PRECEDING, FOLLOWING:** Next before and next after, respectively.

**PROPERTY:** Shall include real and personal property.

**SIGNATURE OR SUBSCRIPTION:** Includes a mark when a person cannot write.

**STATE OR THIS STATE:** Shall be construed to mean the state of Oklahoma.

**STATUTORY REFERENCES:** References to statutes of the state of Oklahoma as they now are or as they may be amended to be.

**STREET:** Shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the town which are dedicated and open to public use.

**TENSE:** Words used in the past or present tense include the future as well as the past and present.

**TOWN:** The town of Fort Towson.

**WEEK:** Seven (7) days.

**YEAR:** A calendar year.

#### **Section 1-103: CATCH LINES OF SECTIONS; CITATIONS.**

The catch-lines of Sections in this code are printed in capital letters and citations included at the end of Sections are intended to indicate the contents of the Section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such Sections; nor as any part of the Section, nor, unless expressly so provided, shall they be so deemed when any of the Sections, including the catch-lines, or citations, are amended or reenacted.

#### **Section 1-104: EFFECT OF REPEAL OF ORDINANCES.**

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

**Section 1-105: SEVERABILITY OF PARTS OF CODE.**

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

**Section 1-106: AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.**

- A. All ordinances passed subsequent to this code or ordinances which amend, repeal or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any Chapter, Section or Subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.
- B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the Section of this code in substantially the following language:

*Be it ordained by the Board of Trustees of the Town of Fort Towson, Oklahoma, that Section \_\_\_\_\_ of the code of ordinances of the Town of Fort Towson, Oklahoma, is hereby amended to read as follows: (Set out new provisions in full.)*

- C. When the board of trustees desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the board desires to incorporate into the code, a Section in substantially the following language may be made part of the ordinance:

*Section \_\_\_\_\_ Be it ordained by the Board of Trustees of the Town of Fort Towson, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Fort Towson, Oklahoma, and the Sections of this ordinance may be re-numbered to accomplish this intention.*

- D. All Sections, articles, Chapters or provisions of this code desired to be repealed may be specifically repealed by Section or Chapter number, as the case may be.

**Section 1-107: ALTERING CODE.**

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

**Section 1-108: GENERAL PENALTY.**

- A. Except as otherwise provided by state law, whenever in this code, in any ordinance of the town, or state statute, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code, ordinance, or

state statute, the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding one hundred forty-five dollars (\$145.00); unless specified otherwise in the Bond and Fee Schedule (See Appendix 1). Each day or any portion of a day during which any violation of this code, any ordinance, or state statute, shall continue, shall constitute a separate offense.

- B. Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this Section.
- C. Notwithstanding, the provisions of Subsection A of this Section fines and court costs for violation and upon conviction of driving under suspension, driving while revoked, simple possession of marijuana and possession of drug paraphernalia, shall be punished by a fine of not exceeding two hundred dollars (\$200.00). This fine shall be exclusive of court costs, which shall be assessed upon conviction.

**Section 1-109: FINES RECOVERABLE BY CIVIL ACTION:**

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

**Section 1-110: ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF 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 shall be 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 1-111: SCHEDULE OF FEES AND CHARGES CREATED.**

- A. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for the various licenses, permits and other fees and charges as designated by the board of trustees. Where a fee or charge is authorized to be collected by the town in any ordinance the amount of the fee or charge shall be set by resolution and entered into the schedule of fees and charges. The schedule shall be kept on file in the office of the clerk, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as set forth in the schedule of fees and charges.
- B. The schedule of fees and charges hereby created shall also be known and may be cited as the bond and fee schedule.

**Section 1-112: INSPECTIONS AND RIGHT OF ENTRY.**

- A. To enforce the provisions of this code, the Mayor or designee or any other person designated by this code or otherwise shall have a right of entry on premises for inspection purposes in the manner and to the extent as may be authorized by applicable law. This right of entry shall be a condition of any permit, license, grant or any utility service with or provided by the town. For the purpose of this Section, inspection includes records and papers on the premises or of the permittee, licensee, grantee or customer relating to the permit, license, grant or service
- B. Emergency inspections may be authorized if the mayor or designated representative has reason to believe that a condition exists which poses an immediate threat to life, health or safety. Such procedure shall take place in accordance with applicable law.
- C. Where the mayor or other designated representative is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this Section.

**Section 1-113: WARRANT OR ACCESS WARRANT.**

- A. Any officer designated by the town to inspect a premises may, upon affidavit, apply to the judge of competent jurisdiction for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this code may exist, including one or more of the following;
  - 1. That the premises or records require inspection according to the cycle established by the inspecting officer for periodic inspections of records, buildings or premises of the type involved;
  - 2. That observation of external conditions of the premises and its public areas has resulted in the belief that violations of this code exist; or
  - 3. That any other reasonable basis exists as may be authorized by law.
- B. If the judge of competent jurisdiction is satisfied as to the matters set forth in the affidavit, he/she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation may exist.

**Section 1-114: ADOPTION OF TITLES 21, 37A, & 47 OF THE OKLAHOMA STATUTES BY REFERENCE.**

Titles 21, 37A, and 47 of the Oklahoma Statutes are hereby adopted by title and reference and incorporated into the Fort Towson Municipal Code, and are enforceable by the City within the town limits as if set out at length herein. Authorized Fort Towson officers and other persons may charge defendants with the violation of such state laws in the municipal court, provided that such state laws are cited on the municipal citation and that no penalty shall be permitted in the municipal court greater than the penalty provided by state law. It is the intent of this Section that as the statutes in such titles are heretofore amended, that such

amendments are hereby adopted by reference and may be charged and used in municipal prosecutions.

**CHAPTER 2 - CORPORATE AND WARD LIMITS**

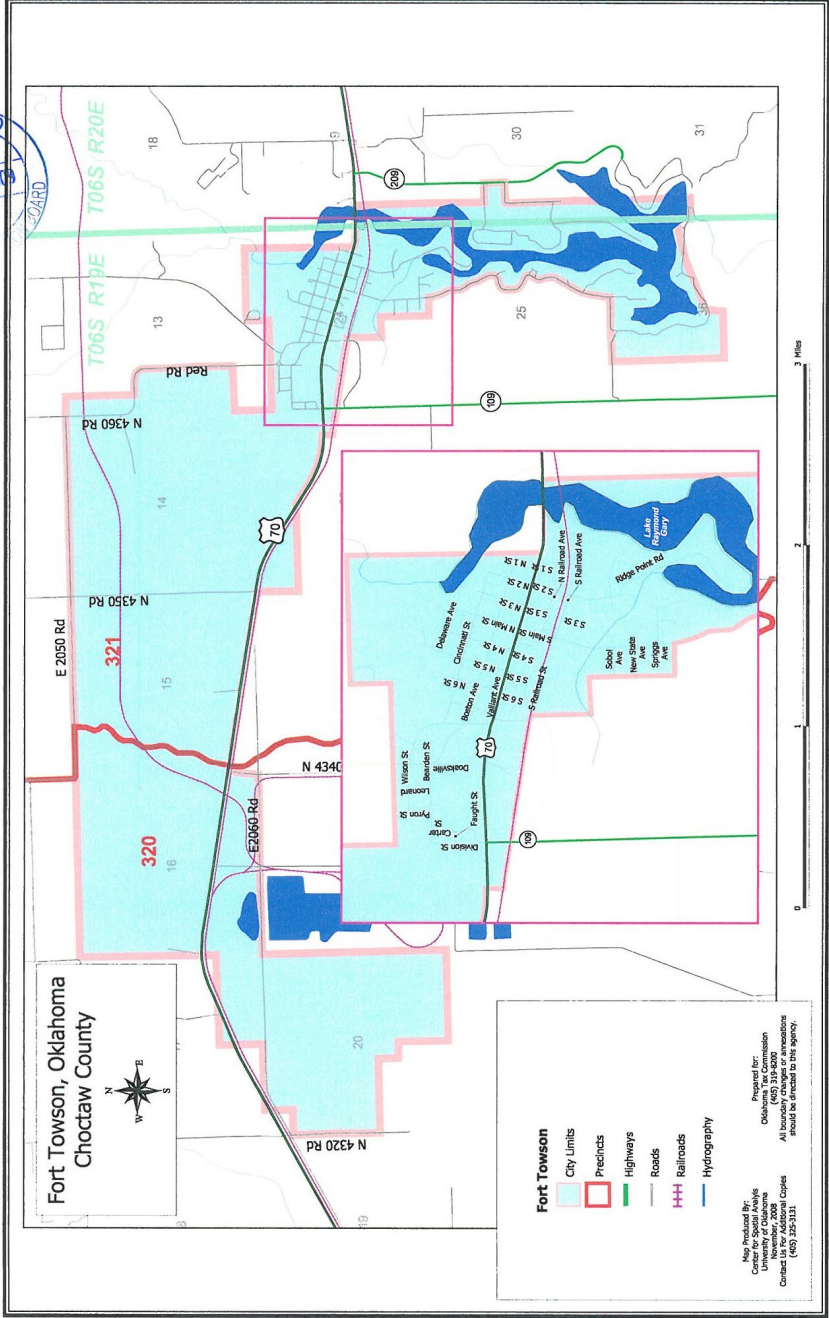
**Section 1-201: MAP OF TOWN DESIGNATED AS OFFICIAL MAP:**

The map of the town showing its territorial limits is hereby designated as the official map of the town, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the town, including all annexations made to the town through and including the date of April 1, 2020.

**Section 1-202: WARD BOUNDARIES:**

The town is not divided into wards.

OFFICIAL MAP OF FORT TOWSON



**PART 2 - ADMINISTRATION AND GOVERNMENT**

**CHAPTER 1 - TOWN BOARD OF TRUSTEES**

**Section 2-101: GENERAL POWERS.**

- A. Pursuant to the provisions of Section 12-101 of Title 11 of the Oklahoma Statutes, the town shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to towns governed by the statutory town board of trustees' form of government. These powers shall be exercised as provided by law applicable to towns under the board of trustees' form of government or, if the manner is not prescribed, then in such manner as the board of trustees may prescribe.
- B. The powers, rights and authorities of the town, including the determination of matters of policy, shall be vested in and exercised by the board of trustees.

State Law Reference: Town form of government, 11 O.S. Section 12-101.

**Section 2-102: ELECTION AND TERMS OF TRUSTEES AND TOWN CLERK-TREASURER.**

- A. The board of trustees shall consist of five (5) members who shall be nominated and elected at large, without regard to their place of residence in the town.

(ORD 105, 10-18-1996)

- B. The term of office for a trustee shall be four (4) years beginning at 12:00 noon on the second Monday following the general municipal election. The trustee shall serve until his/her successor is elected and qualified. The terms of the trustees shall be staggered so that at one general municipal election, the following trustees are elected for four-year terms:

- 1. Trustee Positions One, Three, and Five.

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

- 1. Trustee Positions Two and Four; and
- 2. Town Clerk-Treasurer.

- C. The resolution of the board of trustees calling for a general or special election to fill the office of trustee shall state the number of four-year terms and the number of unexpired terms, if any, to be filled.
- D. Pursuant to 11 O.S., Section 16-302 (effective November 1, 2013), the Town of Fort Towson, Oklahoma, declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its Trustees and Town Clerk-Treasurer and deciding Initiative and Referendum questions. The Town

of Fort Towson is less than 2,000 residents as the 2010 Federal census.

- E. The Town of Fort Towson, Oklahoma, shall continue to elect its Trustees and Clerk-Treasurer and decide Initiative and Referendum questions through Elections conducted by the County Election Board, pursuant to Title 11 O.S., Section 16-101 et seq. and Title 26 O.S., Section 13-101 et seq.

(ORD 07-01, 12-04-2007)

State Law Reference: Governing board, 11 O.S. Sections 12102, 12-103; Terms of office, 11 O.S. Section 8-102; Elections, 11 O.S. Section 16-205; Vacancies in office of trustee, 11 O.S. Section 8-109; Election of board at large and not by Ward, 11 O.S. Section 12-102.1.

**Section 2-103: MEETINGS OF THE TOWN BOARD.**

- A. The board of trustees shall meet regularly, on the first Thursday of each month at 6:00 P.M. and at such other times as it may prescribe by ordinance, resolution, or otherwise at the town hall. Where the day for a meeting falls upon a day which is a legal holiday in the state, the meeting will be held on the Thursday immediately preceding the Thursday meeting date. Special meetings may be called by the mayor or any two (2) trustees. A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

- B. Every meeting of the board of trustees shall be held in the city hall unless, in case of an emergency, the mayor designates another place in the town for the holding of a special meeting. Any adjourned meeting may be held at any other place within the town designated by the board.

(ORD 07-01, 12-04-2007)

State Law Reference: Meetings of Trustees, 11 O.S. §12-107: Open meeting and notice requirements, 25 O.S. Section 301314.

**Section 2-104: RULES OF ORDER AND PROCEDURE.**

- A. The board may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the board may presence. Whenever a trustee is absent from more than one-half of all meetings of the board, regular and special, held within any period of four (4) consecutive months, he/she shall thereupon cease to hold office.
- B. The order of business for each meeting of the board may be as posted on the agenda for the meeting.
- C. The following rules of procedure shall apply to any regular or special meeting of the board unless two (2) trustees agree to waive the rule or rules:

1. At the request of the mayor or any board member, all motions shall be reduced to writing;
2. A motion to reconsider any of the proceedings of the board shall not be entertained unless it may be made by a member who previously voted in the majority;
3. No motion shall be debated or put until it be seconded and stated by the mayor. It is then and not until then in possession of the board and cannot be withdrawn but by leave of the board;
4. A motion to adjourn shall be in order at any time, except as follows:
  - a. When repeated without intervening business or discussion;
  - b. When made as an interruption of a member while speaking;
  - c. When the previous question has been ordered; or
  - d. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

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

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

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

8. On an amendment's being moved, a member who has spoken on the main question may speak again to the amendment;
9. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative be put;
10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration; and
11. Except where otherwise provided, Robert's Rules Of Order shall govern parliamentary procedure.

**Section 2-105: TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES.**

The board of trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the board.

**CHAPTER 2 - MAYOR**

**Section 2-201: ELECTION AND DUTIES OF THE MAYOR.**

- A. The board of trustees shall elect from among its members a mayor and a vice mayor. The mayor and vice mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor and vice mayor shall serve until his/her successor has been elected and qualified.
- B. The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He/she shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, duties and responsibilities of a trustee, including the right to vote on questions.
- C. During the absence, disability or suspension of the mayor, the vice-mayor shall act as mayor. When a vacancy occurs in the office of the mayor, the vice-mayor shall serve as mayor for the duration of the unexpired term.

(ORD 07-01, 12-04-2007)

State Law Reference: Election of town mayor, acting mayor, 11 O.S. Sections 12-104, 12-10.5.

**CHAPTER 3 - TOWN OFFICERS AND PERSONNEL**

**Section 2-301: TOWN CLERK, TOWN TREASURER, ADDITIONAL BOOK KEEPING POSITION, DUTIES.**

- A. The town clerk-treasurer is an elected official of the town elected for a four (4) year term.
- B. The town clerk shall:
  - 1. Serve as the clerk for the City Council;
  - 2. Keep the journal of the proceedings of the City Council;
  - 3. Enroll all ordinances and resolutions passed by the Council in a book or set of books kept for that purpose;
  - 4. Have custody of documents, records and archives, as may be provided by law or ordinance, and have custody of the town seal;
  - 5. Attest and affix the seal of the town to documents as required by law or ordinance; and
  - 6. Have such other powers, duties and functions related to statutory duties as may be prescribed by law or ordinance.
- C. The town treasurer shall:
  - 1. Maintain accounts and books to show where and from what source all monies paid to him/her 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 Council may designate; and
  - 3. Have such other powers, duties and functions related to statutory duties as may be prescribed by law or ordinance.

The treasurer's books and accounts shall at all times be subject to examination by the Council.

- D. The pay period for the town clerk-treasurer shall be bi-monthly. The clerk-treasurer shall be paid each month an amount set by the Board of Trustees contingent upon the clerk-treasurer's performance of the clerk-treasurer's statutory duties of the office.
- E. A position for the performance of such duties relating to the maintenance of the books and records and office operations of the town as the board of trustees shall prescribe is also created. The person shall be an employee of the town and shall serve at the pleasure of the board of trustees. The pay period for such position shall be the same as for other municipal employees. The salary for the position shall be as set by the town board. Benefits, holidays and sick leave for

such position shall be provided in accordance with any personnel policy or other policy of the town. The salary of the position shall not be subject to constitutional restrictions.

**Section 2-302: ATTORNEY, APPOINTMENT AND DUTIES.**

The board of trustees may appoint a town attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The town attorney, when and if appointed, shall be the legal adviser of the board, all officers, departments and agencies of the town government in matters relating to their official powers and duties. He/she shall represent the town in proceedings in the courts. The town attorney shall perform all services incident to the position which may be required by law or ordinance.

**Section 2-303: HEALTH OFFICER.**

The county health officer or any qualified personnel of the state department of health may perform the duties and functions of a town health officer.

**Section 2-304: OTHER PERSONNEL, APPOINTMENTS, REMOVALS.**

- A. The board of trustees may appoint such other officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, layoff or remove all such personnel in compliance with due process and other requirements of law.
- B. An employee or officer who, after a probationary period as set by the town board, is laid off, suspended without pay for more than ten (10) days, demoted or removed may appeal in writing to the town board. The appeal must be filed with the town clerk/treasurer for transmittal to the board within ten (10) days after receipt of the notice of the layoff, suspension, demotion or removal. As soon as practicable thereafter, the board shall conduct a hearing on the appeal, or give an adequate opportunity therefor, and shall report in writing its findings and recommendations and make its final decision in writing regarding the appellant's layoff, suspension, demotion or removal. If the board finds that the layoff, suspension, demotion or removal was made in error, it shall veto the layoff, suspension, demotion or removal and order the reinstatement of the employee or officer. Any proceedings of the board shall be subject to open meetings law and applicable exceptions provided for executive sessions. Employees or officers on probationary status may be laid off, suspended without pay, demoted or removed at any time without the written statement, hearings and procedures required in this Section.

**Section 2-305: BONDS.**

The town clerk-treasurer, the mayor, and any other officers and employees whom the town board may designate by ordinance or otherwise, shall give bond for the faithful performance of duties in such amount and form as the board shall prescribe. The town shall pay the premiums on such bonds. The town may require the officer



to secure the bond within ten (10) days after his/her election or appointment.

A. The compensation of all elective town officers, including the following, shall be fixed by ordinance:

1. Mayor \$100 per month plus \$50 per special meeting attended;
2. Each trustee \$100 per month for regular meetings attended plus \$50 per special meeting attended; and
3. Town clerk-treasurer \$120 per month.

**Section 2-307: COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL.**

A. The compensation of all other officers and employees, excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the board of trustees, and may be changed at any time in the same manner.

B. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees.

**Section 2-308: SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT.**

In no case shall the salary or emoluments of any town officer elected or appointed for a definite term, be changed after his/her election or appointment or during his/her term of office unless by operation of an ordinance passed prior to such election or appointment, such being prohibited by the state constitution, Article 23, Section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees.

**Section 2-309: OATHS.**

A. All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.

B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law.

**Section 2-310: OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY.**

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

B. The same shall apply when a Trustee vacancy occurs. The Board of Trustees may, by majority vote, select a qualified individual to

serve as a Trustee until the next regular or special election if the appointment is made within 60 days from when the vacancy occurs.

**Section 2-311: APPOINTMENT OF PERSONNEL IN EMERGENCIES.**

The mayor may, in an emergency situation, appoint such other officers and employees as he/she may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of the emergency, subject to the approval of the board of trustees as soon as a special meeting or regular meeting can reasonably be called or held therefor. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this Section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the town.

**CHAPTER 4 - SOCIAL SECURITY**

**Section 2-401: DECLARATION OF POLICY TO COME UNDER COVERAGE.**

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

State Law Reference: Social security coverage for local governments, 51 O.S. Section 125.

**Section 2-402: EXECUTION OF AGREEMENT WITH STATE AGENCY.**

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-401 of this code.

**Section 2-403: WITHHOLDINGS.**

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-401 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations.

**Section 2-404: CONTRIBUTIONS.**

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

**Section 2-405: RECORDS AND REPORTS.**

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

**Section 2-406: EXCLUSIONS.**

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

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

**Section 2-407: CONFLICTING LAWS.**

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

**PART 3 - ALCOHOLIC BEVERAGES**

**CHAPTER 1 - ALCOHOLIC BEVERAGES**

**Section 3-101: PURPOSES OF CHAPTER.**

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

State Law Reference: State alcoholic beverage regulations, generally, 37A O.S. Sections 100 et seq.

**Section 3-102: TERMS AND PHRASES.**

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

**Section 3-103: OCCUPATION TAX.**

A. There is hereby levied an annual tax not to exceed the amounts indicated below upon the occupations named:

- |                                |               |
|--------------------------------|---------------|
| 1. Brewer                      | \$1,250.00;   |
| 2. Small Brewer                | \$125.00;     |
| 3. Distiller                   | \$3,125.00;   |
| 4. Wine maker                  | \$625.00;     |
| 5. Wine Maker                  | \$625.00;     |
| 6. Rectifier                   | \$3,125.00;   |
| 7. Wine and Spirits Wholesaler | \$3,000.00;   |
| 8. Beer Distributor License    | \$750.00;     |
| 9. Retail Spirits License      | \$305.00;     |
| 10. Retail Wine License        | \$1,000.00    |
| 11. Retail Beer License        | \$500.00;     |
| 12. Mixed Beverages License    | \$1,005.00;   |
| 13. Caterer                    | \$500.00; and |
| 14. Special event, per day     | \$55.00       |

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

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

D. Restaurants, the primary purpose of which is food service, that also serve alcoholic beverages must be licensed by the State of Oklahoma but are exempt from the Occupation Tax and, with the exception of Sections 3-115(C) and 3-117, this Chapter.

State Law Reference: Town license fees, not to levy greater than state licenses, 37A O.S. Section 100 et seq.

**Section 3-104: WHEN DUE AND POSTING.**

A. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the town clerk-treasurer of the town on or before the date upon which he enters upon such occupation. The licensee shall provide a copy of his/her current state license before payment of an occupation tax will be accepted. All occupation taxes shall expire on June 30 of each year.

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

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

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

**Section 3-105: PAYMENT REQUIRED.**

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

**Section 3-106: CIVIL PENALTY.**

All sums due from any person, firm or corporation by reason of occupation taxes imposed by this Chapter shall be recoverable at the suit of the town brought against such person in any court of competent jurisdiction. In such suit, in addition to the tax, the town shall be allowed to recover interest at the maximum allowable rate permitted by state law upon all sums due by way of tax, from the date of accrual thereof, any penalty, and all costs of collection, judicial or otherwise, including reasonable attorney's fees. Prosecution for an offense against the town arising out of the failure to pay a tax levied by this Chapter, regardless of the outcome or its continued pendency, shall not constitute a defense or a bar in any manner to the collection of any tax and penalties, if any are due, as herein provided.

**Section 3-107: CONDITION OF SALE.**

- A. No person shall sell or deliver alcoholic beverages out of any retail alcoholic beverage package store other than:
  - 1. In retail containers;
  - 2. At ordinary room temperatures;
  - 3. In the original package; and
  - 4. For consumption off the premises.
- B. No person owning, employed in, or in any manner assisting in the maintenance and operation of such a store shall suffer, or permit any alcoholic beverage to be consumed, or any retail container of such beverage to be opened on the premises of such a store.

**Section 3-108: CONSUMPTION PROHIBITED, WHERE.**

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

**Section 3-109: COMPLIANCE REQUIRED.**

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

**Section 3-110: COMPLIANCE WITH ZONING REGULATIONS REQUIRED.**

No retail alcoholic beverage package store, no bottle club, and no wholesale alcoholic beverage package store, warehouse, brewery, distillery, winery or any other place, however described, and for the manufacture or production or bottling of alcoholic beverages of

any kind, shall be located, maintained, or operated by any person, at any place within the boundaries of the town except at a location at which such an establishment is permitted or authorized by the zoning ordinances of the town. No person shall own, operate, maintain or be interested in any retail alcoholic beverage package store which is located at a place within the town limits of the town which is in violation of or forbidden as a location by the town or under the laws of the state.

State Law Reference: Similar provisions, 37A O.S. Sections 100 et seq.

**Section 3-111: PROHIBITED LOCATION.**

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

State Law Reference: Similar provisions, 37A O.S. Sections 100 et seq.

**Section 3-112: PROHIBITED SALES.**

- A. No person shall knowingly sell, deliver or furnish alcoholic beverages, at any place within the town limits of the town to any person who is a minor. Neither shall any minor misrepresent his/her age verbally or in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him alcoholic beverages.
- B. No person shall sell, deliver or knowingly furnish alcoholic beverage or beverages within the town to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

**Section 3-113: TRANSPORTING BEVERAGES.**

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

- 1. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or

2. In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of a vehicle.

**Section 3-114: PROHIBITED EMPLOYMENT.**

No minor shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within the town. No person shall employ or assist or aid in causing the employment of any minor at any place within the town in the selling, manufacture, distribution or other handling of alcoholic beverages. No minor shall be permitted to loiter in or about the premises of a retail alcoholic beverage store. Violation of this provision shall subject the owner or proprietor, as well as the underage person, to prosecution.

**Section 3-115: DATES, HOURS ON WHICH SALE PROHIBITED.**

- A. No person shall open for business or keep open for business or sell or deliver alcoholic beverages, as defined herein, to any person at a retail alcoholic beverage store in the town on any Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day, or while the polls are open on the day of any general, primary, run-off primary or special election, whether national, state, county, or town, or any other day except between the hours of 10:00 A.M. and 9:00 P.M.
- B. No wholesale dealer in alcoholic beverages, and no officer, agent or employee of such a dealer shall sell or deliver to any retail alcoholic beverage store within the town any amount of spirits or wines on any Sunday, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Veteran's Day, on Thanksgiving Day, on Christmas Day, or, while the polls are open on the day of any general, primary, run-off primary, or special election, whether national, state, county or town.
- C. Liquor may be served in bars and restaurants between 10:00 A.M. and 2:00 A.M., on any day of the week. Beer (up to 4% alcohol by volume) may be served between 10 A.M. and 2:00 P.M. on Sunday, and between 7:00 a.m. and 2:00 A.M., Monday through Saturday.

**Section 3-116: DRINKING AND INTOXICATION IN PUBLIC PLACE PROHIBITED.**

No persons within this town shall drink intoxicating liquor in any public place except when permitted by the City Council for special events. No person may be intoxicated in a public place within this town even during special events.

**Section 3-117: NOT TO PERMIT INTOXICATED PERSON IN CAFE, CLUB.**

No person operating a cafe, restaurant, club, or any place of

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

**Section 3-118: PENALTY.**

Any and each violation of any of the provisions of this Chapter is an offense against the town, and, upon conviction of such an offense the violator shall be punished as provided in Appendix A of this code.

**CHAPTER 2 – ALCOHOLIC BEVERAGE**

**Section 3-201: DEFINITIONS.**

As used herein:

1. "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 alcoholic beverage and capable of being consumed as a beverage by human beings;
2. "Beer" means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Alcoholic beverage "may or may not contain hops or other vegetable products. "Alcoholic beverage" includes, among other things, alcoholic beverage, ale, stout, lager alcoholic beverage, porter and other malt or brewed liquors, but does not include sake, known as Japanese rice wine;
3. "Mixed beverage cooler" means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-five (375) milliliters. Such term shall include but not be limited to the beverage popularly known as a "wine cooler";
4. "Minor" means a person who, in accordance with state law, has not yet attained the age at which the consumption of an alcoholic beverage is permitted; and
5. "Retail dealer" means and includes any and all persons who sell, distribute or dispense any alcoholic beverage at retail to the public for consumption or use, whether consumed on the premises or not.

**Section 3-202: STATE LICENSES.**

No person shall engage in the business of selling, offering for sale or distributing any alcoholic beverage, 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 provided by the statutes of the state.

**Section 3-203: RETAIL DEALER'S LICENSE REQUIRED; LICENSE FEES.**

- A. No person shall sell, distribute or dispense any alcoholic beverage 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 treasurer in the amount as provided herein.
- B. The annual fee shall be set by the town board by motion or resolution for a license under this Chapter for retail dealers selling alcoholic beverage for consumption on or off the premises and retail dealers selling alcoholic beverage 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-treasurer 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, 37A O.S. Sec. 100 et seq.

Ed. Note: See Bond and Fee Schedule.

**Section 3-204: APPLICATION FOR LICENSE.**

An applicant for a retail dealer's license or renewal of such license shall deposit the required fee with the town clerk treasurer 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 alcoholic beverage 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 licensee premises which has as its main purpose the selling or serving of alcoholic beverage 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 alcoholic beverage, in which sales or serving of the beverages are incidental to the main purpose, as long as minors are not sold or served the

beverages; however, the incidental service of food in the bar area shall not except a licensee, agent servant, or employee from the provisions of this Section.

- B. If the premises of a holder of a license to sell alcoholic beverage contains a separate, or enclosed bar area which has, as its main purpose the sale or serving of alcoholic beverage for consumption on the premises, no minor shall enter, attempt to enter, or remain in the area. The provisions of this Subsection shall not prohibit minors from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of alcoholic beverage, 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 alcoholic beverage anywhere on the premises; however, the incidental service of food in the bar area shall not exempt minors from the provisions of this Subsection.
- C. A showing by competent testimony that a minor was found upon premises of a retail dealer shall be prima facie evidence of a violation of Subsection B of this Section.

State Law Reference: Similar provisions, 37A O.S. Secs. 100 et seq.

**Section 3-206: SALE OF ALCOHOLIC BEVERAGE TO MINOR PROHIBITED.**

It is unlawful for any person who holds a license to sell and dispense low-point alcoholic beverage, or an agent, servant or employee of the license holder, to sell, barter or give to any minor any alcoholic beverage. This Section shall not apply to a parent as regard his/her own child or children.

State Law Reference: Similar provisions, 37A O.S. Sec. 100 et seq.

**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 alcoholic 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 is the sale or consumption of alcoholic beverage. The provisions of this Subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of alcoholic beverage, 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 alcoholic beverage for consumption on the premises from the provisions of this Subsection.
- C. A parent, in regards to the employment of his/her own child or children, is exempt 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: 37A O.S. Secs. 100 et seq.

**Section 3-208: SALE OF ALCOHOLIC BEVERAGE PROHIBITED DURING CERTAIN HOURS; EXCEPTION.**

- A. No retail dealer licensed to sell alcoholic beverages shall sell such beverages for consumption on the premises between the hours of 2:00 AM and 6:00 AM on any day.
- B. No retail dealer of any business selling alcoholic beverage, 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/her possession an open container having as its contents an alcoholic beverage, to remain in the premises between the hours of 2:15 AM and 6:00 AM on any day. No person, having in his/her possession an open container having as its contents an alcoholic beverage, shall remain in the premises between the hours of 2:01 AM to 6:00 AM on any day. For the purpose of this Section, an open container shall mean any receptacle containing alcoholic beverage or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.
- C. No retail dealer licensed to sell alcoholic beverage shall sell such beverages for consumption off the premises on any day between 2:00 AM and 6:00 AM.

State Law Reference: Town powers to regulate hours, Sunday hours, 37A O.S. Sec. 100 et seq.

**Section 3-209: TRANSPORTATION OF ALCOHOLIC BEVERAGE IN MOVING VEHICLE.**

No person shall knowingly transport in any moving vehicle upon a public highway, street or alley within the town any alcoholic beverage except in the original container which shall have not been opened and from which the original cap or seal shall have not been removed, unless the opened container be in the rear trunk or rear compartment of the vehicle, 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, 37A O.S. Sec. 100 et seq.

**Section 3-210: MINORS IN POSSESSION OF ALCOHOLIC BEVERAGE PROHIBITED WHILE IN PUBLIC.**

No minor shall be in possession of any alcoholic beverage while such person is upon any public street, building or place.

**Section 3-211: MISREPRESENTATION OF AGE BY FALSE OR ALTERED DOCUMENTATION.**

No person shall represent his/her 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 or her an alcoholic beverage.

**Section 3-212: 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, 37A O.S. Sec. 100 et seq.

**PART 4 - ANIMALS**

**CHAPTER 1 - ANIMAL REGULATIONS**

**ARTICLE A. GENERAL PROVISIONS**

**Section 4-101: DEFINITIONS.**

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

1. **ANIMAL:** Any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl.
2. **AT LARGE:**
  - 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/her immediate family over twelve (12) years of age or an agent of the owner, by leash not more than six feet (6') in length if off the premises of the owner.
3. **OWNER:** Any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal.
4. **VICIOUS DOG:** A dog 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.

**Section 4-102: ANIMALS RUNNING AT LARGE PROHIBITED.**

No owner shall permit any animal, including fowl, owned, harbored or kept by him/her to be at large within the town. It is unlawful for any animal as provided in this Section to be at large at any time within the town.

**Section 4-103: TURNING ANIMALS AT LARGE UNLAWFUL.**

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

**Section 4-104: PASTURING IN PUBLIC AREAS ILLEGAL.**

It is unlawful for any person to stake, confine or pasture any animal on any public-school ground or other public property, federal,

state, town or other, or on any property without the consent of the person owning or controlling such property.

**Section 4-105: ANIMALS WHICH DISTURB PROHIBITED.**

- A. The following conditions are hereby declared to be a nuisance:
  1. Any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person;
  2. Any dog or other animal, which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; and
  3. Any dog or other animal which chases cars, motorcycles, bicycles or any other motor vehicle or intimidate joggers, pedestrians or children.
- B. Any dog or other animal alleged to be a nuisance, as defined in this Section, may be proceeded against in the municipal court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the town, conditioned that he/she will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned.

The keeping of such an animal is hereby declared a nuisance.

**Section 4-106: BUILDINGS FOR ANIMALS, LOCATION.**

- A. Every building wherein any horse, mule, donkey, pony, cow, goat, sheep or animal raised for furbearing purposes shall be kept within the town, shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- B. Every such building, if located within two hundred feet (200') of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. Such 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 such receptacle.



- C. No building, place or establishment where in animals are kept, shall be maintained closer than forty feet (40') to any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.

**Section 4-107: MANURE.**

Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.

**Section 4-108: TO BE KEPT CLEAN.**

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

**Section 4-109: HEALTH OFFICER TO INSPECT.**

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

**Section 4-110: KENNELS.**

It is unlawful for any person to keep or maintain a dog kennel within the town. For the purposes of this Section the word "kennel" is defined as any premises upon which are kept three (3) or more dogs. This Section shall not apply if the dogs are female dogs with a litter of puppies for a period of sixty (60) days after the birth of such puppies.

**Section 4-111: OTHER PROHIBITED ACTS ENUMERATED.**

It is unlawful for any owner or person having the custody and control of a dog within the town to:

1. Own, keep, harbor or allow to remain on premises under his/her control any dog of the age of six (6) months or older unless such dog shall have been vaccinated and licensed as provided in this code;
2. Abandon or desert a dog or permit a dog to become a stray;
3. Harbor, keep or have possession of a vicious dog, and in this connection a "vicious dog" is defined as being one of a disposition to attack persons or animals it may meet

or of a disposition which might lead it to attack human beings or animals without provocation; provided that nothing in this paragraph shall be interpreted to apply to dogs used by peace officers in the performance of their duty; or

4. Fail or refuse to deliver to any authorized animal control official which has jurisdiction or person properly designated by the town trustees, upon demand, an unlicensed dog, vicious dog, a dog suspected of rabies or found off the premises of its owner and not under leash or under the control of a competent person as provided herein.

**ARTICLE C. DOG AND CAT VACCINATION AND HEALTH**

**Section 4-120: DOGS AND CATS TO BE VACCINATED.**

The owner or keeper of any dog or cat of six (6) months of age or older within the town limits shall have the dog or cat vaccinated against rabies by a licensed veterinarian every calendar year, or within 30 days of ownership. Owners shall affix, or have affixed, to the collar or harness of each vaccinated dog or cat a metal disc with sufficient information thereon that the vaccination certificate covering the animal may be readily traced.

**Section 4-121: DOG REGISTRATION.**

- A. An annual fee in such sum as set by the board of trustees by motion or resolution for every dog more than four (4) months of age is hereby levied upon the owner of any such dog kept or harbored within the town.
- B. The regulatory fee levied in this Section shall not apply to a dog only temporarily brought and kept within the town, nor to a dog brought within the town to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a visually impaired person to aid him/her in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.
- C. The owner shall pay the fee levied to the town every calendar year within thirty (30) days after acquiring or bringing the dog into the City. The license fee is due and payable on the first day of January of each year and shall expire on the following December 31st.
- D. The person offering the fee shall present to the town the certificate of a veterinarian or other person legally authorized to immunize dogs, showing that the dog has been immunized against rabies during the preceding six (6) months prior to issuance of the license.
- E. The owner of the dog shall, at the time of paying the fee, register the dog by giving the name and address of the owner, the name, breed, color and sex of the dog, and such other reasonable information as the town may request.
- F. The town thereupon shall deliver an original receipt to the owner and also an appropriate tag to him for the dog. The tag shall constitute a license for the dog.

**Section 4-122: TAG TO BE PLACED ON COLLAR; LOST TAGS.**

- A. The owner shall cause the tag received from the town to be affixed to the collar of the dog so that the tag can easily be seen by officers of the City. The owner shall see that the tag is so worn by the dog at all times.
- B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the City clerk, presenting to him the original receipt, and paying to him a fee as set by the board of trustees.

**Section 4-123: DEFINITIONS.**

The keeping of a dangerous animal within the town is hereby declared unlawful except as may be permitted in this ordinance.

- A. **Dangerous Animal:** Any animal that has inflicted injury on a person or other animal. Any animal that has been previously found to be potentially dangerous by the animal control authority.
- B. **Potentially Dangerous Animal:** When an animal that is unprovoked acts in an aggressive manner or exhibits behavior that required defensive action by a human or attacks a person or another domestic animal. Any animal that, when unprovoked, bites or engages in behavior that requires defensive action by any person. Any animal that, when unprovoked, attacks a domestic animal.

**Section 4-124: SUMMONS AND COMPLAINT.**

- A. Any person who witnesses or has personal knowledge that an act or acts made unlawful by this Chapter have been committed may sign a complaint against the alleged violator.
- B. Any employee or member of the board of trustees of the Town of Fort Towson is authorized to issue a warning when the employee/trustee personally observes a violation of the Chapter.
- C. Any police officer, animal control officer or code enforcement officer who is employed by the town is authorized to issue a summons and complaint when said officer personally observes a violation of the Chapter.
- D. A complainant must provide a sworn complaint to the officer receiving the complaint containing the following information:
  - 1. Name, address and telephone number of the complainant and other witnesses to the incident;
  - 2. Date, time and location of the incident;
  - 3. Description of the animal;
  - 4. Name, address and telephone number (if known) of the animal owner;
  - 5. A statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant or such facts as warrant a finding that the animal is dangerous or potentially dangerous; and

- 6. Other facts and circumstances of the incident.

**Section 4-125: IMPOUNDMENT.**

It shall be the duty of the appropriate law enforcement official of the Town, upon receipt of a verified complaint as outlined above, to cause the animal involved to be impounded pending a determination as required by this ordinance. Any and all expenses associated with the impounding, including shelter, food, handling and veterinary care, shall be borne by the owner of such animal during the period of impoundment.

**Section 4-126: HEARING.**

The municipal judge, in addition to any hearings which may be required on criminal charges, shall hold a hearing within 15 days of the date of impoundment to determine if the animal is dangerous as defined by this ordinance. Said hearing may be held in conjunction with any criminal proceedings as so ordered by the judge, but in no event shall this delay the hearing on determination of dangerousness.

**Section 4-127: DETERMINATION.**

The municipal judge shall be empowered to make one of the following determinations as a result of said hearing:

- A. That the animal is in fact not dangerous in which event the appropriate law enforcement official shall cause it to be surrendered to the owner of the animal, upon payment by the owner of the expenses outlined in above, and upon compliance with the city's vaccination and registration requirements.
- B. That the animal is in fact, dangerous, and should be destroyed.
- C. That the animal is dangerous, but that for good cause shown the animal should not be destroyed, in which event the judge shall order one of the following:
  - 1. That the animal be immediately removed from the corporate limits of the town and not to ever be again allowed within the corporate limits of the town, and that the owner pay all impoundment fees as listed above; or
  - 2. That the owner be allowed to maintain the dangerous animal within the corporate limits of the city under the following conditions:
    - a. **Payment of fees.** Payment of all fees required by "impoundment fees" as listed above and compliance with city's vaccination and registration requirements.
    - b. **Leash and muzzle.** No person shall permit an animal determined to be dangerous to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit said animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animal may not

be leashed to an inanimate object such as trees, posts, buildings and the like. In addition, all animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

- c. **Confinement.** All animals determined to be dangerous shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine said animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house said animal must comply with all zoning and building regulations of the town. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- d. **Confinement indoors.** No animal determined to be dangerous may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- e. **Signs.** All owners, keepers or harborers of animals determined to be dangerous within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "BEWARE OF DANGEROUS ANIMAL." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

- D. All owners whose animal is adjudged to be dangerous at the hearing and sentence as imposed by the municipal judge pursuant to this Section, upon written demand, may appeal the judge's decision within ten days to the district court of the county where a trial in the district court shall be accorded to them de novo.

**Section 4-128: VICIOUS DOG MAY BE KILLED.**

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

**Section 4-129: DOGS MUZZLED AND CATS CONFINED.**

- A. When the county health officer or a veterinarian determines and certifies that a dog, cat or other animal in the town or within five (5) miles of the town is or was infected with rabies

and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be muzzled when at large within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

- B. While such resolution is in effect, it is unlawful for any owner to permit an un-muzzled dog or a cat to be at large in violation of such resolution, or for any such dog or a cat to be at large in violation thereof.

**Section 4-130: RABIES CONTROL AND PROCEDURES.**

- A. Every animal that bites or scratches a person shall be reported within four (4) hours to the Town's law enforcement official and shall thereupon be securely quarantined at the town animal shelter or a veterinary hospital, all at the owner's expense, for a period of ten (10) days, and shall not be released from such quarantine except by permission of the county health officer and a licensed veterinary hospital chosen by the owner if the owner agrees to pay for the quarantine in advance. Failure of the owner to quarantine his/her animal will make the owner guilty of an offense.
- B. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at an animal shelter or veterinary hospital.
- C. The owner, upon demand by an employee empowered to enforce this Chapter, shall forthwith surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expenses for which shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies.
- D. 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 veterinarian or law enforcement officer shall arrange to immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected animal.
- E. When one or both reports give a positive diagnosis of rabies, the mayor 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 health officer of the town or the animal control officer.

- F. 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.
- G. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.
- H. 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 same from the town limits without written permission from an authorized city official.
- I. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to a law enforcement officer or designee.
- J. The designated city official or law enforcement officer shall direct the disposition of any animal found to be infected with rabies.
- K. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor or by an official empowered to enforce this Chapter. Such refusal shall be deemed an offense.
- L. It is the duty of every physician, veterinarian, or other practitioner to report to the county health officer, town law enforcement officer, or designated city official the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- M. It is the duty of every licensed veterinarian to report to the county health officer, town law enforcement officer, or designated city official the diagnosis of any animal observed by the veterinarian to be a rabid suspect.

**ARTICLE D. ANIMAL SHELTER**

**Section 4-140: ANIMAL SHELTER ESTABLISHED.**

A town animal shelter is authorized to be established. It shall be under the immediate control of individual(s) officially designated. The person(s) in charge of the shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The town may contract with another agency for the use of a shelter maintained by the agency.

**Section 4-141: ANIMALS TO BE IMPOUNDED, ENTRY ON PROPERTY.**

A law enforcement officer, or such other officer or employee of the town as the town board of trustees may authorize shall take into custody and impound any animal found at large or in violation of any provisions of the ordinances of the town. In taking an animal into custody under authority of this article, the law enforcement

officer, other officer or employee may enter into private property to gain custody of the animal.

**Section 4-142: IMPOUNDMENT, DESCRIPTION, NOTICE, DISPOSITION.**

- A. When any animal is impounded or received in the shelter, the official shall make a complete registry, entering the breed, color, and sex of such animal and whether or not licensed, and the date of impoundment. If an animal is licensed, the official shall enter the name and address of the owner and the number of the license tag.
- B. Not later than forty-eight (48) hours after impounding any animal, the town shall call the owner, if known, or mail notice at the address shown on town records, if any, to notify them of the provisions of this code.
- C. It is the duty of the official in charge of the shelter to keep all animals impounded for a period of seventy-two (72) hours. All inquiries concerning lost or impounded animals shall be directed to that official, and after an animal has been destroyed, the official shall be required to make arrangements to dispose of the animal.

**Section 4-143: BREAKING IN POUND.**

No unauthorized person shall:

- 1. Break or attempt to break open the pound, or take or let out any animal therefrom;
- 2. Take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this Chapter; or
- 3. In any manner interfere with or hinder an officer or the employee in the discharge of his/her duties relating to the taking into custody and impounding of animals as provided in this Chapter.

**Section 4-144: FEES AND LENGTH FOR IMPOUNDING.**

- A. The town board by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.
- B. Any person redeeming an impounded animal shall provide proof that the animal has been vaccinated for rabies within three (3) days.
- C. Any person redeeming an impounded animal must state if the animal is to reside within or outside town limits. If inside the town limits a city tag must be purchased.
- D. Impound fees shall be set as:

1. Horse, mule, donkey, pony, cow, similar large animal – ten dollars (\$10.00) impounding, ten dollars (\$10.00) per day boarding;
  2. Dog, cat, sheep, goat, similar small animal, and fowl – ten dollars (\$10.00) impounding, five dollars (\$5.00) per day boarding;
- A. Any person redeeming an impounded animal shall pay the required fees to the town and present his/her receipt therefor to the person in charge of the control shelter before the latter releases the animal.
  - B. Any healthy dog that is impounded by the town while wearing a valid registration tag shall be sheltered for a minimum period of ten (10) days, during which time it may be redeemed by the owner by the payment of applicable impound and shelter fees. If a dog so impounded is not redeemed during said ten (10) day period, it may be sold or legally disposed of.
  - C. Any healthy dog that is impounded by the town without a valid registration tag, shall be sheltered for a minimum period of ten (10) days, during which time it may be redeemed upon proof of Dog Registration Tag and payment of applicable impound and shelter fees. If a dog so impounded is not redeemed during said ten (10) day period, it may be sold or legally disposed of.
  - F. Any unhealthy dog impounded by the town shall be sheltered for a minimum period of five (5) days, during which time it may be redeemed by its owner upon payment of applicable registration, impound and shelter fees. If an animal so impounded is not redeemed during said five (5) day period it may be sold or legally disposed of.

**Section 4-145: RECLAMATION OF IMPOUNDED ANIMALS.**

Reclamation of impounded animals may be made as provided in this Section. The party desiring to reclaim an animal shall present to the animal control officer or other employee, who may be designated by the town board of trustees proof of ownership, and proof that any dog or cat is currently vaccinated for rabies or return proof of vaccination within five (5) days after the date the animal is released. The party desiring to reclaim any animal shall pay the applicable pound fee in addition to a deposit of twenty-five dollars (\$25.00), which is refundable with proof of vaccination and town tag, and show evidence to the designated city official that the fee has been paid. The designated city official shall thereupon release the reclaimed animal to the party. Any person violating any provision of this Section or failing to return proof of vaccination as provided herein shall, upon conviction, be punished as provided in Section 1-108 of this code.

**Section 4-146: DISPOSITION, SALE OF IMPOUNDED ANIMALS.**

- A. At the end of the period prescribed in this article, animals that have not been redeemed by the owner thereof shall be destroyed in a humane manner or released in the manner hereinafter provided.

- B. The release herein provided for shall be conducted by the person in charge of the animal shelter or such other persons as may be designated by the town board of trustees. Such releases shall be at the discretion of the designated person. If there is no alternative, the person in charge of the pound shall destroy such animal, unless he/she believes it to be for the best interests of the town to retain the animal. If an animal is given to a new home, proof of vaccination from a veterinarian must be delivered to the town clerk/treasurer of Fort Towson within five (5) days.
- C. The rescuer of an animal for release to a new home as provided herein shall acquire absolute title to the animal acquired.
- D. The person acquiring the animal also must purchase a current Town license if the animal is to reside within the town limits and also agrees to release the Town of Fort Towson and its designee from all liabilities.

**ARTICLE E. CRUELTY TO ANIMALS**

**Section 4-150: CRUELTY TO ANIMALS.**

It is unlawful for any person to willfully, maliciously or knowingly treat an animal, bird or fowl in a cruel or inhumane manner; to knowingly neglect an animal, bird or fowl belonging to him/her or in his/her custody in a cruel or inhumane manner; or to pour on or apply to an animal any drug or other thing which inflicts pain except as may be done by authorized town officers or veterinarians.

**Section 4-151: POISONING ANIMALS.**

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

**Section 4-152: 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.

**ARTICLE F. ZONING ORDINANCE TO PREVAIL**

**Section 4-160: ZONING ORDINANCE TO PREVAIL.**

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

**ARTICLE G. PENALTIES**

**Section 4-170: PENALTY.**

Any person, firm or corporation who violates any ordinance or provision of this Chapter, or who violates, or refuses or neglects to carry out any reasonable order made by city officials pursuant to this Chapter, shall, upon conviction thereof, be punished as provided in Section 1-108 of this code.

**ARTICLE H. KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS**

**Section 4-180: WILD, EXOTIC OR DANGEROUS ANIMALS REGULATED.**

- A. For the purpose of this Section, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, fox, elephants, rhinoceros, and all forms of poisonous or large snakes, including those considered dangerous such as boas and pythons; lynxes, raccoons, skunks, monkeys, and other like animals.
- B. Wild, exotic, or dangerous animals, as described in this section, but not limited to, are prohibited.

**PART 5 - BUILDING REGULATIONS AND CODES**

**CHAPTER 1 - BUILDING CODE AND REGULATIONS**

**Section 5-101: BUILDING CODE ADOPTED.**

The BOCA Basic/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 BOCA 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: Building codes, adoption by cities, 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 BOCA Basic/National Building Code are hereby revised:

1. Section 100.1, insert Town of Fort Towson;
2. Section 114.3.1, insert: "The bond and fee schedule shall be in accordance with the town code, or as may be set or amended by motion or resolution";
3. Section 117.4, insert: "Offense, punishable by fine and imprisonment as provided in Section 1-108 of the town code of ordinances";
4. Section 118.2, insert: "fine as provided in Appendix A of the town code of ordinances";
5. Section 123.3, insert: "as set by the town board of trustees";
6. Section 501.2, insert: "the boundaries of the fire limits as provided by the town board";
7. Section 1807.2.1, and 1807.22, insert: "a number of feet to be determined by the town board of trustees by motion or resolution" in both locations; and
8. Section 1906.1, insert: "Amounts as set by the town board of trustees by motion or resolution".

**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 thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided

in Section 1-108 of this code. Each day upon which a violation continues shall be deemed a separate offense.

**CHAPTER 2 - PLUMBING CODE**

**Section 5-201: ADOPTION OF PLUMBING CODE.**

A certain document, at least one copy of which is on file in the office of the town clerk-treasurer, being marked and designated as "The BOCA Basic/National Plumbing Code", the latest edition 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 BOCA 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.

State Law Reference: Town powers to supervise plumbing, .59 O.S. Sections 1001 et seq.

**Section 5-202: ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE.**

The following Sections are hereby revised as follows:

1. Section P-100.1 (page 5, second line). Insert the Town of Fort Towson;
2. Section P-104.1 (page 6, second line). Insert effective date of the town's code of ordinances;
3. Section P-114.2 (page 12, third line). Insert "as provided by the town board of trustees";
4. Section P-117.4 (page 13, fifth, sixth and seventh lines). Insert "offense and punished as provided in Section 1-108 of the town's code of ordinances";
5. Section P-118.2 (page 14, fifth line). Insert "fine as provided in Section 1-108 of ordinances";
6. Section P-30.3.2 (page 32, third line). Insert "a distance in feet as determined by the town board of trustees"; and
7. Section P-308.3 (page 33, second and third lines). Insert "a depth in feet as determined by the town board of trustees."

**CHAPTER 3 - ELECTRICAL CODE**

(RESERVED)

**CHAPTER 4 - LIQUEFIED PETROLEUM GAS**

**Section 5-401: CODE ADOPTED.**

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gases, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall take 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: State rules, LPG, .52 O.S. Sections 420.1 et seq.

**CHAPTER 5 - GAS PIPING CODE**

**Section 5-501: PAMPHLET ADOPTED.**

Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof, is hereby adopted and incorporated in this code by reference. The pamphlet shall be in full force and effect in the town and shall govern the installation of gas piping and gas appliances in the town. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the town.

**CHAPTER 6 - FAIR HOUSING**

**Section 5-601: POLICY.**

It is the policy of the town to provide, within constitutional limitations, for fair housing throughout the town.

**Section 5-602: DEFINITIONS.**

As used herein:

1. **"Discriminatory housing practice"** means an act that is unlawful under Section 5-604 through Section 5-606;
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. **"Familial status"** means: one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

- a. A parent or another person having legal custody of such individual or individuals; or
- b. The designee of such parent or other person having such custody, with the written permission of such parent or other person;

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years;

4. **"Family"** includes a single individual;
5. **"Handicap"** means, with respect to a person:
  - a. A physical or mental impairment which substantially limits one or more of such person's major life activities;
  - b. A record of having such impairment; or
  - c. Being regarded as having such impairment, but such term does not include current, illegal use of or addition to a controlled substance;
6. **"Housing accommodation"** means building, structure or portion thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home, residence or sleeping place by a person by a family, or by a group of persons living together, or vacant land available for the construction of a housing accommodation;
7. **"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
8. **"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 5-603: UNLAWFUL PRACTICE.**

Subject to the provisions of paragraph 2 of this Section and Section 5-607, the prohibitions against discrimination in the sale or rental of housing set forth in Section 5-603 shall apply to:

1. All dwellings except as exempted by paragraph 2 of this Section;
2. Nothing in Section 5-604 shall apply to:
  - a. Any single-family house sold or rented by an owner provided:



- i. that such private individual owner does not own more than three (3) such single-family houses at any one time:
- ii. 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 which 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:
- iii. 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:
- iv. that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
- b. Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Paragraph 3 of Section 5-604 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
- c. 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 of Section 5-603, a person shall be deemed to be in the business of selling or renting dwellings if:
  - a. He/she 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/she has, within the preceding twelve (12) months, participated as an agent other than in the sale of his/her own personal residence in providing sales of 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/she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

**Section 5-604: DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

As made applicable by Section 5-603 and except as exempted by Paragraph 2 of Section 5-603 and Section 5-607, it shall be unlawful:

- 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, 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; or
- 5. 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.

**Section 5-605: 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 therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or 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 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 5-603.

**Section 5-606: 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/her in the terms or conditions of such access, membership, or participation on account of race, sex, color, religion, national origin, handicap, or familial status.

**Section 5-607: 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 5-608: ADMINISTRATION.**

- A. The authority and responsibility for administering this Chapter shall be in the mayor or his/her designee of the town.
- B. The town board of trustees shall serve as the fair housing board for the town.

**Section 5-609: EDUCATION AND CONCILIATION.**

Immediately after the enactment of this Chapter, the mayor or his/her designee shall commence such educational and conciliatory activities as will further the purposes of this Chapter. He/she may call meetings of persons in the housing industry and other interested parties to acquaint them with the provisions of this Chapter and suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

**Section 5-610: ENFORCEMENT.**

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he/she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter a "person aggrieved") may file a complaint with the mayor or his/her designee. Complaints shall be in writing and shall contain such information and be in such form as the mayor requires. Upon receipt of such a complaint, the mayor/designee 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 of Section 5-610, the mayor/designee shall investigate the complaint and give notice in writing to the person aggrieved whether he/she intends to resolve it. If the mayor/designee decides to resolve the complaints, he/she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Chapter without the written consent of the persons concerned. Any employee of the mayor 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 of Section 5-610 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/her and with the leave of the mayor/designee, which shall be granted whenever it would be reasonable and fair to do so, may amend his/her answer at any time. Both complaints and answers shall be verified.
- C. If within thirty (30) days after a complaint is filed with the mayor, the mayor/designee 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 mayor/designee will assist in this filing.

- D. If the mayor/designee 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 mayor/designee shall immediately terminate all efforts to obtain voluntary compliance.

**Section 5-611: INVESTIGATION; SUBPOENAS; GIVING OF EVIDENCE.**

- A. In conducting an investigation the mayor/designee shall have access at all reasonable times too 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 mayor/designee first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoena to compel his/her 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 mayor may administer oaths.
- B. Upon written application to the mayor/designee, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor 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/her request.
- C. Witnesses summoned by subpoena of the mayor 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/her.
- D. Within five (5) days after service of a subpoena upon any person, such person may petition the mayor to revoke or modify the subpoena. The mayor shall grant the petition if he/she finds that the subpoena require 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 mayor 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/her power to do so, in obedience to the subpoena or lawful order of the mayor shall be punished as provided in Section 1-108 of this code. Any person who, with intent thereby to mislead the mayor, 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 mayor pursuant to his/her 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 mayor participates as a party or as amicus pursuant to this Chapter.

**Section 5-612: ENFORCEMENT BY PRIVATE PERSONS.**

- A. The rights granted by Sections 5-603 through 5-606 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 5-610 from time to time before bringing it to trial if the court believes that the conciliation efforts of the mayor are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the mayor 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 punitive damages as provided by law, 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.

**Section 5-613: 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/her 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 5-603 through 5-606. This Section may be enforced by appropriate civil action.

**Section 5-614: 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/her 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
  - c. Any citizen because he/she is or has been, or in order to discourage such citizen or another 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 participation 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.

**CHAPTER 7 - PENALTY**

**Section 5-701: PENALTY.**

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

**Section 5-702: RELIEF IN 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 a mandamus, an injunction or other appropriate action against such person, firm or corporation.

**PART 6 - MUNICIPAL COURT**

**CHAPTER 1 - MUNICIPAL COURT**

**Section 6-101: ORGANIZATION OF MUNICIPAL COURT.**

This Chapter shall govern the organization and operation of the municipal traffic and criminal court of the Town of Fort Towson, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by 11 Oklahoma Statutes Sections 27-101, 27-102. To the extent of conflict between any provisions of this Chapter and the provisions of any ordinance of this town, the provisions of this Chapter shall control.

**Section 6-102: DEFINITIONS.**

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

**CHIEF OF POLICE:** The peace officer in charge of the police force of the municipality.

**DESIGNATED LAW ENFORCEMENT OFFICIAL:** A peace officer that has legal law enforcement authority of the municipality.

**CLERK:** The court clerk of this municipality, including any deputy or member of the office staff of the Town while performing duties of the court clerk's office.

**COURT:** The municipal court of the Town of Fort Towson.

**GOVERNING BODY:** The town board of trustees of the town of Fort Towson.

**JUDGE:** The judge of the municipal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this Chapter.

**MUNICIPALITY OR THIS MUNICIPALITY:** The town of Fort Towson, Oklahoma.

**THIS JUDICIAL DISTRICT:** The district court judicial district of the state of Oklahoma wherein the government of this municipality is situated.

**Section 6-103: JURISDICTION OF COURT.**

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

**Section 6-104: JUDGE; QUALIFICATIONS.**

There shall be one judge of the court. A judge shall be an attorney licensed to practice law in Oklahoma, of the age of twenty-one (21) years or older, 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 these duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. He/she must be a resident of this county or an adjacent county or maintain a law office therein. He/she may serve as judge of other municipal courts, if such service may be accomplished consistently with the duties as judge of this court, with the consent of the governing body. He/She shall be subject to the Oklahoma Rules of Judicial Ethics and shall avoid any appearance of impropriety.

**Section 6-105: TERM OF JUDGE.**

The official term of the judge shall be two (2) years expiring each odd numbered year. Each judge, unless sooner removed for proper cause, shall serve until a successor is appointed and qualified.

**Section 6-106: ALTERNATE JUDGE.**

There shall be appointed for each judge of the court an alternate judge possessed of the same qualifications required of the judge in this Chapter. This appointment shall be for the same term and made in the same manner as the judge. He/she shall sit as acting judge of the court in any case if the judge is:

1. Absent from the court;
2. Unable to act as judge; or
3. Disqualified from acting as judge in the case.

**Section 6-107: ACTING JUDGE.**

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

**Section 6-108: APPOINTMENT OF JUDGE AND ALTERNATE JUDGE.**

Judges and alternate judges shall be appointed by the mayor with the consent of the Board of Trustees. A proposed appointment shall be submitted in writing to the 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 Board of Trustees may decide upon the proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the Board of Trustees unless the mayor, in writing, withdraws the proposed appointment.

**Section 6-109: SALARY AND PAYMENTS TO JUDGES.**

- A. A judge, other than an alternate judge or an acting judge, shall receive a salary as set by the Board of Trustees by motion or

resolution, paid in the same manner as the salaries of other officials of this municipality.

- B. An alternate judge or an acting judge shall be paid an amount as set by motion or resolution of the Board of Trustees, however payments to an acting or alternate judge shall not exceed the salary set for a judge in whose stead he/she sits.

**Section 6-110: REMOVAL OF JUDGE.**

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:

1. The mayor; or
2. Twenty-five (25) or more qualified electors of this municipality. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.

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:

1. Representation by counsel;
2. To present testimony and to cross-examine the witnesses against him; and
3. Have all evidence against him presented in open hearing.

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

Judgment of removal shall be entered only upon individual votes, by a majority of all members of the Board of Trustees, in favor of such removal.

**Section 6-111: VACANCY IN OFFICE OF JUDGE.**

A vacancy in the office of judge shall occur if the incumbent:

1. Dies;
2. Resigns;
3. Ceases to possess the qualifications for the office; or
4. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term in the same manner as an original appointment is made.

**Section 6-112: DISQUALIFICATION OF JUDGE.**

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

**Section 6-113: PROCEDURE – JUDICIAL NOTICE OF STATUTES AND ORDINANCES – WRITES AND PROCESS SERVICE OF ARRESTS – WARRANTS.**

Except, as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the Town in which it is located. Writs and processes of the court may be issued by the judge or clerk hereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the Town, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the Town or county sheriff may serve an arrest warrant issued by the municipal court any place within this state.

**Section 6-114: CLERK OF THE COURT; DUTIES.**

The clerk, or a deputy designated by him, shall be the clerk of the court. The clerk shall assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers. He/she shall administer oaths required in proceedings before the court; and shall enter all pleadings, processes, and proceedings in the dockets of the court. He/she shall perform such other clerical duties relating to the proceedings of the court as the judge shall direct. He/she shall receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court. He/she shall pay to the clerk-treasurer of this municipality all money so received by him/her, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the clerk-treasurer shall be placed in the general fund of the municipality, or in such other funds as the Board of Trustees may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

**Section 6-115: BOND OF CLERK.**

The court clerk of the court shall give bond, in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes. When executed, the bond shall be submitted to the Board of Trustees for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives.

**Section 6-116: RULES OF COURT.**

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

**Section 6-117: ENFORCEMENT OF RULES/CONTEMPT OF COURT.**

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

**Section 6-118: WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS.**

All prosecutions for violations of ordinances of this municipality shall be styled "The Town of Fort Towson vs. (naming defendant or defendants)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged and approved for filing by the town attorney.

**Section 6-119: TRAFFIC BAIL BOND PROCEDURES.**

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

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, or any party jurisdiction of the Nonresident Violator Compact;
2. The arresting officer is satisfied as to the identity of the arrested person;
3. The arrested person signs a written promise to appear as provided for on the citation; and
4. The violation does not constitute:
  - a. A felony;
  - b. Negligent homicide;
  - c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;
  - d. Eluding or attempting to elude a law enforcement officer;

- e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
- f. An arrest based upon an outstanding warrant;
- g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
- h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
- i. A violation relating to the transportation of hazardous materials.

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

1. Designate the traffic charge;
2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;
3. Record the motor vehicle make, model and tag information;
4. Record the arraignment date and time on the citation; and
5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

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

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

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he/she is required to appear for arraignment by indicating such plea on the copy of the

citation furnished to him/her, or on a legible copy thereof, together with the date of the plea and his/her signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this Subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.

E. If, pursuant to the provisions of Subsection D of this Section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred and twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;
2. The defendant has failed to appear for arraignment without good cause shown;
3. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and
4. The citation has not been satisfied as provided by law.

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

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;
2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this Section or if released, was not permitted to remain on such personal recognizance for arraignment;
3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

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

5. In any case in which the judicial officer finds sufficient grounds for issuing a warrant, he may issue a summons commanding the defendant to appear in lieu of a warrant. If a person summoned fails to appear in response to the summons, a warrant for his/her arrest shall issue, and any person who willfully fails to appear in response to a summons is guilty of a misdemeanor (22OS209/22OS1111.2)

G. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this Section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, 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.

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

**Section 6-120: CREATION OF TRAFFIC VIOLATIONS BUREAU.**

A. There may be established a traffic violations bureau for the town. The judge may establish rules, consistent with the laws of the state and with the ordinances of this municipality, for the traffic violations bureau.



- B. The traffic violations bureau shall be staffed by court personnel and be physically separate and apart from the police department.
- C. The traffic violations bureau shall accept fines which may be paid in lieu of a court appearance for such traffic offenses as may be designated by the judge under the court's rules. The schedule of fines shall be adopted by the governing body from time to time by motion or resolution. A copy shall be kept in the clerk's office.
- D. In no event shall payment of a fine without court appearance be accepted in the traffic violations bureau for the following offenses:
  - 1. A second or subsequent offense of the same violation within a twelve-month period;
  - 2. A driver's license offense; or
  - 3. An offense punishable by more than a one hundred dollar (\$100.00) fine.
- E. Payment of any fine to the traffic violations bureau shall be deemed a final determination of the cause against the defendant. In no event shall any such payment be introduced as evidence in any civil cause arising out of the offense charged.

**Section 6-121: SUMMONS FOR ARREST.**

Upon the filing of a complaint charging violation of any ordinance, the judge, unless he/she determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he/she shall issue a summons, naming the person charged, specifying his/her address or place of residence, if known, stating the offense with which he/she is charged and giving notice to answer the charge in the court on a certain day as specified after the summons is served, and including such other pertinent information as may be necessary.

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

**Section 6-122: FORM OF ARREST WARRANT.**

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

*The Town of Fort Towson to the Law Enforcement Official of the Municipal Court of Fort Towson, Oklahoma.*

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

*Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.*

\_\_\_\_\_  
*Judge of the Municipal Court Fort Towson, Oklahoma*

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

**Section 6-123: PROCEDURES FOR BAIL OR BOND.**

- A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his/her appearance in an amount and upon conditions fixed by this Chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the town's law enforcement official, his/her designated representative, or designated law enforcements official, to accept a temporary cash bond of not less than thirty dollars (\$30.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.
- B. A bail bond schedule may be adopted by the judge and amended from time to time.
- C. A jail fee of twenty-six dollars (\$26) per day may be added to the court cost and fine fees.

**Section 6-124: BOND AND FEE SCHEDULE.**

- A. A schedule of bonds and fines may be adopted and amended by ordinance or resolution by the Board of Trustees.
- B. For all second and subsequent offenses, the judge is authorized to increase the bond.
- C. The bond and fee schedule includes a court cost of forty-five dollars (\$45.00).

The amount of fine and court costs set forth includes other fees or costs (e.g., AFIS administrative fee, forensic science improvement assessment fee, medical expense liability fee) mandated or allowed

by the State of Oklahoma. Court Costs and state mandated fees and costs shall be paid in addition to the bond/fines.

See Appendix 1 - Bond and Fee Schedule

**Section 6-125: ARRAIGNMENT AND PLEADINGS BY DEFENDANT.**

Upon making an appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him/her of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask whether he/she 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 6-126: TRIALS AND JUDGMENTS.**

- A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
- B. The defendant must be present in person at the trial.
- C. In all trials, as to matters not covered in this Chapter, or by the statutes relating to municipal traffic and criminal courts, or by rules duly promulgated by the supreme court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.
- D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.
- E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.
- F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.
- G. A judgment that the defendant pay a fine may also direct that the defendant:
  - 1. Be imprisoned until the fine is satisfied at the rate of one day imprisonment for each five dollars (\$5.00) of fine or as set out in Subsection H of this Section for defendants who are without means to make such payment; or
  - 2. Community service is not an option for the Municipal Court of Fort Towson.
- H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the situs of government

is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

**Section 6-127: WITNESS FEES.**

- A. Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:
  - 1. The names of no more than three (3) witnesses;
  - 2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
  - 3. That the testimony of the witnesses is material; and
  - 4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

**Section 6-128: SENTENCING.**

- A. The judge may suspend, modify, defer or reduce a sentence in accordance with Sections 27-123 and 27124 of Title 11 of the Oklahoma Statutes.
- B. A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his/her discretion, is empowered to modify, reduce, or suspend or defer the imposition of such sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the

municipal attorney to amend the charge to a lesser offense. If a deferred sentence is imposed, an administrative fee of not to exceed one hundred dollars (\$100.00) may be imposed as costs for traffic; eight hundred dollars (\$800) for Alcohol/Drug offenses; seven hundred fifty dollars (\$750) for all others as provided in Section 14-111 of Title 11 of the Oklahoma Statutes.

the Town's General Fund, and with the balance paid to as a Forensic Science Improvement Assessment.

These penalty assessments shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. Such penalty assessments shall be deposited as required by state law.

**Section 6-129: IMPRISONMENT.**

- A. All sentences of imprisonment shall be executed by the law enforcement official of the municipality or designated law enforcement officer, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the county jail, in the discretion of the court, for the time specified in the sentence.
- B. 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 law enforcement officer. Such copy shall be sufficient warrant for execution of the sentence.

**Section 6-130: FINES AND COSTS.**

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, which shall be the maximum allowed by state law, plus the fees and amount set forth in Section 1-108 of this code.

**Section 6-131: PENALTY ASSESSMENT AND OTHER ASSESSMENTS.**

- A. For purposes of this Section, the word "convicted" shall mean any final adjudication of guilty, whether pursuant to a plea of guilty or nolo contendere or otherwise, and deferred or suspended sentence or judgment.
- B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay:
  - 1. Nine dollars (\$9.00), less five point eight-five percent (5.85%) of such amount which may be retained and deposited into the Town's General Fund and with the balance paid into certain CLEET Funds as provided by 20 O.S. 1991 Section 1313.2
  - 2. Five dollars (\$5.00) less thirty cents (\$0.30) of such amount which may be retained and deposited into the Town's General Fund, and with the balance paid to the A.F.I.S. Fund created by 74 O.S. 150.25. Effective November 1, 2004, five dollars (\$5.00) less fifty cents (\$0.50) of such amount which may be retained and deposited into the Town's General Fund, and with the balance paid to the A.F.I.S. Fund created by 74 O.S. 150.25.
  - 3. Five dollars (\$5.00) less twenty-five cents (\$0.25) of such amount which may be retained and deposited into

**PART 7 - REVENUE AND TAXATION**

**CHAPTER 1 - FINANCE AND BUDGET ADMINISTRATION**

**Section 7-101: DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED.**

Any bank or savings and loan association which is incorporated under federal or state law may be designated as depositories for the funds of the town. The town treasurer shall deposit daily all public funds received by him/her in such banks or savings and loan associations.

State Law Reference: Deposits by treasurers, designation of depositories; 110.S. Section 12-110.

**Section 7-102: FUNDS SECURED BY UNIT COLLATERAL SYSTEM.**

The deposits of the town shall be secured by the Unit Collateral System provided by the Oklahoma Statutes.

State Law Reference: Unit Collateral System, 62 O.S. Sections 516.1 et seq.

**Section 7-103: CONTRACTUAL SERVICES DEFINED FOR PURCHASING.**

“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 the services under express or implied contract. Contractual services shall include travel; freight; express; parcel post; postage; telephone; telegraph utilities; rents; printing out; binding; repairs, alterations and maintenance of buildings, equipment streets and bridges, and other physical facilities of the town; and other services performed for the town by persons not in the employment of the town.

**Section 7-104: PURCHASES, HOW MADE.**

All purchases of supplies, materials, equipment and contractual services for the offices departments and agencies of the town government, shall be made by the town board of trustee or by other town personnel in accordance with purchase authorizations issued by the town board of trustees.

State Law Reference: Purchase Order Act, 62 O.S. Sections 310.1 et seq.

**Section 7-105: COMPETITIVE BIDDING.**

Before any purchase or contract for, supplies, materials, equipment or contractual services are made, as otherwise provided below, the town purchasing authority shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation, or invitation to bid, and specifications, to give them opportunity to bid; and/or publish notice of the proposed purchase in a newspaper of general circulation within the town. The town purchasing authority may favor a person, firm or corporation in the town when this can be done without additional cost to the town; but shall submit requests for quotation to those outside the town when this may be necessary to secure bids or to create competitive conditions, or when he/she thinks that by so doing he can make a saving for the town; and shall purchase from them when he/she can make a

saving for the town. All bids shall be sealed and shall be opened in public at a designated time and place. At the direction of the town’s trustees, he/she may repeatedly reject all bids, and again may submit to the same or other persons, firms or corporations the request for quotation, or invitation to bid, and/or again publish notice of the proposed purchase. Upon approval by the board of trustees, he/she may purchase from the bidder whose bid is most advantageous to the town, considering price, quality, date of delivery and so on, and in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the town.

State Law Reference: Public competitive bidding law, bidding required on construction and public works projects over \$7,500, 61 O.S. Sections 101 et seq.

**Section 7-106: WHEN COMPETITIVE BIDDING IS NOT REQUIRED.**

With approval by the town’s Board of Trustees, the following may be purchased without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services whose 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 which have a uniform price wherever bought;
3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;
4. Equipment to replace existing equipment which has become inoperable when the board of trustees declares the purchase an emergency;
5. Contractual services, including but not limited to natural gas, electricity, telephone service, purchased from a public utility at a price or rate determined by the State Corporation Commission or other governmental authority;
6. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency or any other state agency hereafter authorized to regulate prices for things purchased by the state, whether such price is determined by a contract negotiated with a vendor or otherwise; and
7. Contractual services of a professional nature, such as engineering, architectural, legal and medical services unless competitive bidding is required by applicable law or regulations, such as certain federal grants programs.

**Section 7-107: SALES. TOWN BOARD OF TRUSTEES TO DECLARE SURPLUS OR OBSOLETE COMPETITIVE BIDDING.**

No surplus or obsolete supplies, materials or equipment of a value of more than two hundred and fifty dollars (\$250.00) may be sold until the town board of trustees has declared them obsolete or surplus. Before the town board of trustees sells any surplus or obsolete supplies, materials or equipment; except as otherwise

provided below, they shall be advertised for sale in a newspaper of general circulation in the town or give notice in such other manner as the board of trustees deems necessary adequately to reach prospective buyers to give them opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The town board of trustees may repeatedly reject all bids and advertise or give notice again. The town board of trustees shall sell such supplies, materials or equipment to the highest responsible bidder for cash. In case of a tie, the board of trustees may sell to either of the bidders tying, or may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders for cash.

**Section 7-108: WHEN COMPETITIVE BIDDING IS NOT REQUIRED ON SALES.**

The town board of trustees may sell the following without giving an opportunity for competitive bidding:

1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed two hundred and fifty dollars (\$250.00) in a single transaction; and
2. Supplies, materials or equipment when sold at a price at least as great as that paid by the town for the same.

**Section 7-109: PERSONS AUTHORIZED TO SIGN CHECKS IN ABSENCE OF CLERK-TREASURER.**

The board of trustees shall have the power to appoint by resolution those persons who are authorized in the absence of the town clerk-treasurer to sign checks on behalf of the town. The deputy town clerk-treasurer must be bonded and obtain the appropriate counter-signatures from town officials as set forth by prior resolution.

**CHAPTER 2 - SALES TAX<sup>1</sup>**

**Section 7-201: CITATION AND CODIFICATION.**

- A. This Chapter shall be known and may be cited as *TOWN OF FORT TOWSON SALES TAX ORDINANCE*.
- B. Following are the sales tax ordinances passed by the city:

Ord.	Date	Description/Purpose
108	Effective 11-04-1997	2% excise tax
2010-01	Effective 8-31-2010	1.5% excise tax increase

<sup>1</sup> 68 OS §§ 2701, 1350 et seq.

**Section 7-202: DEFINITIONS.**

The definitions of words, terms and phrases contained in the Oklahoma sales tax code, 68 Oklahoma Statutes Section 1352, and 37 Oklahoma Statutes Sections 576, 593, are hereby adopted by reference and made a part of this Chapter.

**Section 7-203: TAX COLLECTOR DEFINED.**

The term "tax collector" as used in this Chapter means the department of the town or the official agency of the state duly

designated according to law or contract, and authorized by law to administer the collection of the tax levied in this Chapter.

**Section 7-204: CLASSIFICATION OF TAXPAYERS.**

For the purpose of this Chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma sales tax code.

**Section 7-205: SUBSISTING STATE PERMITS.**

All valid and subsisting permits to do business issued by the Oklahoma tax commission pursuant to the Oklahoma sales tax code are, for the purpose of this Chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose.

**Section 7-206: EFFECTIVE DATE.**

This Chapter became effective as to each cent tax after approval of a majority of the registered voters of the town voting on the ordinance in the manner prescribed by 11 Oklahoma Statutes Section 16-112.

**Section 7-207: PURPOSE OF REVENUES.**

- A. It is the purpose of the sales tax levied herein to provide revenues for the support of the functions of the municipal government of the town.

**Section 7-208: TAX RATE; SALES SUBJECT TO TAX.**

- A. There is hereby levied an excise tax of three and one-half percent (3.5%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code including, but not exclusive of, the following:
  1. Tangible personal property;
  2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this Chapter;
  3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;
  4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
  5. Tangible personal property purchased by vendors outside the State of Oklahoma and brought into Fort Towson for the purpose of storage, use, and/or consumption.

**Section 7-209: EXEMPTIONS; SALES SUBJECT TO OTHER TAX.**

There is hereby specifically exempted from the tax levied by this Chapter the gross receipts or gross proceeds exempted from the

Oklahoma Sales Tax Code inclusive, but not exclusive of and derived from the:

1. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;
2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;
3. Sale of crude petroleum or natural or casing-head gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state; and
4. Sale of aircraft on which the tax levied pursuant to Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid.

**Section 7-210: EXEMPTIONS; GOVERNMENTAL AND NON-PROFIT 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 insures to the benefit of any individual member or members thereof to the exclusion of other members;

6. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;
7. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, 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 affect the capital improvements hereinbefore described;
8. Sales of tangible personal property or services to the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls shall be exempt from sales tax;
9. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both;
10. Sales of tangible personal property or services to private institutions of higher education and private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of Section 501 (c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for education purposes. Any person, firm, agency or entity making purchases on behalf of any

institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice of sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in Paragraph 9 of this Section;

11. Tuition and education fees paid to private institutions of higher education, private, elementary and secondary institutions of education, accredited by the State Department of Education, or registered by the State Board of Education for purposes of participating in federal programs, or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Section 501 (c) (3) of the Internal Revenue Code; and
12. Sales of tangible personal property made by public or private school for grade levels kindergarten through twelfth grade, a public school district, public school board, public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this paragraph, "public or private school" shall mean any public or private institution of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall not include sale of admission tickets or concessions at athletic events.

**Section 7-211: EXEMPTIONS; GENERAL.**

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

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;
2. Transportation of persons where the fare of each person does not exceed one dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;
3. Carrier sales of newspapers and periodicals made directly to consumers, other sales of newspapers and periodicals, where any individual transaction does not exceed seventy-five cents (\$0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;
4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this Chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;

5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;
6. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he/she is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;
7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by Section 3.53.1 of Title 59 of the Oklahoma Statutes;
8. Transfers of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;
9. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the State of Oklahoma in the federal food stamp program; and
10. Nothing herein shall be construed as limiting or prohibiting the city from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the city on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items.

**Section 7-212: EXEMPTIONS; AGRICULTURE.**

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

1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

- a. Farm, orchard or garden products;
  - b. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
  - c. Livestock sold by the producer at a special livestock sale; or
  - d. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;
2. Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;
  3. Sale of baby chicks, turkey pullets and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;
  4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:
    - a. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;
    - b. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
    - c. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
    - d. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
    - e. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and
    - f. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;
  5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:
    - a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;
    - b. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he/she 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/her contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;
    - c. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this Chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this Section, "agricultural fertilizer" "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals;
    - d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This Section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;
    - e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances



intended for use as a plant regulator, defoliant or desiccant; and

- f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; and
6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he/she is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the Oklahoma Tax Commission shall revoke the vendor's sales tax permit.

**Section 7-213: EXEMPTIONS; MANUFACTURERS.**

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

1. Goods, wares, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;

3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this Chapter. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
4. Sales of containers when sold to a person regularly engaged in the business of reselling empty or tilled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;
5. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state; and
6. Machinery, equipment, fuels and chemicals incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of controlled industrial waste at treatment facilities specifically permitted pursuant to the Controlled Industrial Waste Disposal Act and operated at the place of waste generation, or facilities approved by the State Department of Health or the cleanup of a site of contamination. The term controlled industrial waste may include low-level radioactive waste for the purpose of this Subsection.

**Section 7-214: EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS.**

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

1. The transfer of tangible personal property, as follows:
  - a. From one corporation to another corporation pursuant to 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;

- b. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
  - c. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his/her interest in the property prior to the transfer;
  - d. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his/her interest in the property prior to the transfer; or
  - e. From a partnership to the members thereof when made in kind in the dissolution of such partnership; or
2. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property.

**Section 7-215: TAX DUE WHEN; RETURNS; RECORDS.**

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code.

**Section 7-216: PAYMENT OF TAX; BRACKETS.**

- A. The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of state sales tax.
- B. The bracket system for the collection of the town sales tax by the tax collector shall be the same as 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 7-217: TAX CONSTITUTES DEBT.**

The taxes, penalty and interest due under this Chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

**Section 7-218: VENDOR'S DUTY TO COLLECT TAX; PENALTIES.**

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this town to collect from the consumer or user the full amount of the tax levied by this Chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
- B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when

added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

- C. A vendor, as defined hereunder, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this Chapter, or willfully or intentionally fails, neglects or ref uses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he/she is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.
- D. Any sum or sums collected or required to be collected in accordance with this Chapter shall be deemed to be held in trust for the town. Any person, firm, corporation, joint venture or association that willfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1- 108 of this code.

**Section 7-219: RETURNS AND REMITTANCES; DISCOUNTS.**

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of state sales taxes.

**Section 7-220: INTEREST AND PENALTIES; DELINQUENCY.**

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this Chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this Chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his/her claim to any discount allowed under this Chapter.

**Section 7-221: WAIVER OF INTEREST AND PENALTIES.**

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this Section, the applicable provisions of Section 220 of Title 68 are hereby adopted by reference and made a part of this Chapter.

**Section 7-222: ERRONEOUS PAYMENTS; CLAIM FOR REFUND.**

Refund of erroneous payment of the town sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations

of time, as provided for administration of the state sales tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this Section, the applicable provisions of Section 227 of Title 68 are hereby adopted by reference and made a part of this Chapter.

**Section 7-223: FRAUDULENT RETURNS.**

In addition to all civil penalties provided by this Chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine as provided in Section 1-108 of this code.

**Section 7-224: RECORDS CONFIDENTIAL.**

The confidential and privileged nature of the records and files concerning the administration of the town sales tax is legislatively recognized and declared, and to protect the same the provisions of the State Sales Tax Code, Section 205 of Title 68 of the Oklahoma Statutes, and each Subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax as if here set forth in full.

**Section 7-225: AMENDMENTS.**

The people of the town, by their approval of the sales tax ordinance hereby authorize the town board of trustees, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this Chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the town as provided by law.

**Section 7-226: PROVISIONS CUMULATIVE.**

The provisions of this Chapter shall be cumulative and in addition to any or all other taxing provisions of town ordinances.

**CHAPTER 3 - TELEPHONE EXCHANGE FEE**

**Section 7-301: FEE LEVIED ON TELEPHONE EXCHANGES.**

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the town in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the town. The inspection fee and charge shall be due and payable to the town annually for each calendar year due on or before the first day of June of each year for the preceding year and shall be paid into and appropriated and expended from the general revenue fund of the town.

State Law Reference: Town powers to levy utility tax on gross receipts, 68 O.S. Sections 2601 et seq.

**Section 7-302: FEE TO BE IN LIEU OF OTHER FEES, TAXES.**

During continued substantial compliance with the terms of this Chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the town is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the town.

**CHAPTER 4 - UTILITY TAX**

**Section 7-401: UTILITY TAX LEVIED.**

(Reserved)

State Law Reference: Utility tax authorized for municipalities, 68 O.S. Sections 2601 et seq.

**Section 7-402: NOT TO APPLY TO FRANCHISES.**

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

**Section 7-403: PAYMENT OF TAX.**

The tax levied under this Chapter on utility receipts shall be payable as required by the town board of trustees and placed in the general revenue fund of the town.

**Section 7-404: FAILURE TO PAY TAX.**

Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from such town and 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.

**Section 7-405: TAX CONSTITUTES LIEN.**

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

**CHAPTER 5 – EXCISE TAX**

**Section 7-501: CITATION AND CODIFICATION.**

This Chapter shall be known and may be cited as *TOWN OF FORT TOWSON EXCISE TAX*.

**Section 7-502: DEFINITIONS.**

The definitions of words, terms and phrases contained in the Oklahoma excise tax code, 68 Oklahoma Statutes Section 1401, 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:

**TAX COLLECTOR** 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.

**TRANSACTION** Sale.

**Section 7-503: EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERTY LEVIED.**

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the municipal sales tax rate existing and as may be hereafter amended, on the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

**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.**

- A. 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 Fort Towson 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 Fort Towson 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 Fort Towson use tax, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the 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 7-507: 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 7-508: 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 7-509: 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/her agents operating in this town and location of any and all distribution or sales houses or offices or other places of business in the town.

**Section 7-510: COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE PERMITS.**

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this 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 cancelled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this 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 7-511: 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 7-512: 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 for the collection of state use taxes.

**Section 7-513: 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/her claim to any discount allowed under this Chapter.

**Section 7-514: 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 7-515: 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 7-516: 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 7-517: 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 20.5 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 if herein set forth in full.

**Section 7-518: 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 7-519: 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 7-520: PROVISIONS CUMULATIVE.**

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

**CHAPTER 6 – USE TAX**

**Section 7-601: CITATION AND CODIFICATION.**

This Chapter shall be known and may be cited as *TOWN OF FORT TOWSON USE TAX*.

**Section 7-602: PURPOSE.**

Use Tax applies to purchases made from out-of-state vendors, as opposed to Sales Tax, which is collected on purchases made at retail and business establishments within Oklahoma. Use Tax levels the playing field for local businesses which are required to collect and remit the local Sales Tax. With no local Use Tax in place, consumers have an incentive to purchase items from out-of-state vendors instead of buying locally. This negatively impacts local jobs and tax revenue because millions of dollars are being spent outside of our state and local economies. The purpose of this Chapter is to eliminate the current sales tax advantage that Non-Oklahoma vendors have over Oklahoma vendors.

**Section 7-602: DEFINITIONS.**

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, are hereby adopted by reference and made a part of this Chapter.

**Section 7-603: TAX PROVISIONS.**

Town of Fort Towson Use Tax shall be subject to all provisions of O.S. 68, Chap. 1, Art. 14, State of Oklahoma Use Tax Code.

**Section 7-604: PURPOSE OF REVENUES.**

It is hereby declared to be the purpose of this Chapter to provide revenues to be utilized for the support of the functions of the municipal government of the Town of Fort Towson, Oklahoma.

**Section 7-605: TAX LEVY.**

Pursuant to the authority granted by, and subject to, provisions of O.S. 11, Chap. 1, Art. 12, Sec. 106, a Use Tax is imposed for the privilege of storing, using, or consuming within the Town any article of tangible personal property purchased outside of the State of Oklahoma, brought into this State.

**Section 7-606: TAX RATE AND ADJUSTMENTS.**

- A. There is hereby levied and assessed a Use Tax at a rate of three and one-half percent (3.5%) upon the gross proceeds or gross receipts derived from all purchases outside the State of Oklahoma which are subject to a Use Tax under the Oklahoma Use Tax codes, O.S. 68, Article 14.

- B. Town of Fort Towson Use Tax shall hereafter be repealed, reduced or raised, in the same rate and amount as any Town of Fort Towson Sales Tax is repealed, reduced, or raised.

**Section 7-607: TAX DUE WHEN: RETURNS: RECORDS.**

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment under the Use Tax Law of the State of Oklahoma.

**Section 7-608: CLASSIFICATION OF TAXPAYERS: PERMIT TO DO BUSINESS.**

For the purpose of this Chapter, the classification of taxpayers hereunder shall be prescribed by state law for purposes of the Oklahoma Use Tax Code, O.S. 68, Chapter 1, Article 14.

**Section 7-609: VENDOR'S DUTY TO COLLECT TAX.**

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor responsible under the State of Oklahoma Use Tax Code to collect from the consumer or user, the full amount of tax levied by this Chapter, or an amount equal as nearly as possible to the average equivalent thereof.
- B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the purchase price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

**Section 7-610: RETURNS AND REMITTANCES: DISCOUNTS.**

Returns and remittances of the tax herein levied and collected shall be made at the time and in the manner, form and amount as prescribed for returns and remittances required by the State Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said code for collection of state use taxes.

**Section 7-611: INTERESTS AND PENALTIES: DELINQUENCY.**

68 O.S. 217 is hereby adopted and made part of this Chapter and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Chapter, provide that the failure or refusal of any taxpayer to make and transmit the reports and remittance of tax in the time and manner required by said Chapter shall cause such tax to be delinquent. IN addition, if such delinquency continues for period of five (5) days, the taxpayer shall forfeit his/her claim to any discount allowed under said Chapter.

**Section 7-612: WAIVER OF INTEREST AND PENALTIES.**

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 said waiver or remittance as applied in administration of the state sales tax provided in 68 O.S. 220; and to accomplish the purposes of this Section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Chapter.

**Section 7-613: ERRONEOUS PAYMENTS: CLAIM FOR REFUNDS.**

Refund of 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 68 O.S. Section 227, and to accomplish the purposes of this Section, the purposes of this Section, the applicable provision of said Section 227 are hereby adopted and made part of this Chapter.

**Section 7-614: FRAUDULENT RETURNS.**

In addition to all civil penalties provided by this Chapter, as hereby amended, the willful failure or refusal of any taxpayer to make reports and remittances therein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine of not more than fifty dollars (\$50.00) including costs.

**Section 7-615: 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 68 O.S. 205 of the State Sale Tax Code, and each Subsection thereof is hereby adopted by reference and made duly effective and applicable to administration of the town sales tax as if here set forth in full.

**Section 7-616: PROVISIONS CUMULATIVE.**

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

**Section 7-617: SEVERABILITY.**

The provisions of this Chapter are severable, and if any part or provision thereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions thereof.

**PART 8 - HEALTH AND SANITATION**

**CHAPTER 1 - WEEDS AND TRASH**

**Section 8-101: ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.**

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, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

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

**Section 8-102: DEFINITIONS.**

As used in this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section:

1. **"Weeds"** includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
  - a. Exceeds twelve inches (12") in height, except healthy trees, shrubs or produce for human consumption or own 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.
2. The term **"weed"** does not include tended crops on land zoned for agricultural use which are planted more than one hundred and fifty feet (150') from a parcel zoned for other than agricultural use;
3. **"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
4. **"Owner"** means the owner of record as shown by the most current tax rolls of the county treasurer.

**Section 8-103: REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY.**

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 town clerk-treasurer if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;
2. A hazard to traffic;
3. A fire hazard to property; or
4. Any two (2) or more of these conditions.

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

**Section 8-104: RECEIPT OF REPORT, HEARING AND NOTICE.**

- A. Upon receipt of a report as provided in Section 8-103 of this code the town clerk-treasurer shall provide to the owner of the property notice of hearing before the town board of trustees. Notice shall be by first class mail to the address shown by the current year's tax rolls in the county treasurer's office. If the property owner cannot be located by mail, notice may be given by publication in a newspaper of general circulation or by posting a copy of the notice on the property not less than ten (10) days prior to any hearing. Evidence of attempted notice by mail shall be receipt of mailing obtained from the postal service at the time of mailing.
- B. The notice shall order the property owner to remove trash and or mow weeds or grass upon the property no later than the date set for hearing. Notice shall also state that if, at hearing, the town board of trustees finds the property to constitute a nuisance it may direct the abatement thereof with the costs of such abatement being assessed against the owner, and that a lien may be imposed on the property to secure such payment.
- C. Notice may also state that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months after the initial abatement may be summarily abated by order of the board of trustees without further notice to the owner and that the costs of such subsequent abatement shall be assessed against the owner in like manner as the initial abatement. The provisions of this Subsection shall not apply if the records show that the property has been transferred following the initial notice of hearing.
- D. The owner of the property may give his/her written consent authorizing the removal of the trash or the mowing of the weeds or grass. By giving written consent, the owner waives his/her right to a hearing by the board of trustees. (Amended 1990)

**Section 8-105: RIGHT OF ENTRY, WORK DONE BY EMPLOYEES OR CONTRACT.**

- A. The agents of the town are granted the right of entry on the property to remove trash, mow weeds or grass, and perform necessary duties as a governmental function.
- B. The work ordered to be performed under Section 8-104 of this code may be done by the employees of this town under supervision of the town or by private contractors. Award of



contracts for such work shall be to the lowest and best bidder in manner of other contracts let by bid. (Amended 1990)

**Section 8-106: ASSESSMENT OF COSTS, NOTICE OF LIENS.**

- A. Immediately upon the abatement of a nuisance by order of the board of trustees, the town clerk-treasurer shall file a notice of lien upon the property with the office of the county clerk. The notice shall describe the work performed and that the municipality claims a lien on the property for the costs thereof.
- B. The town board of trustees shall determine the cost of work ordered under the provisions of Section 8-105. Such cost shall include the costs of notice and reasonable and necessary administrative expenses in addition to the actual costs of the work. If performed by town employees, the cost of work shall not exceed the actual cost of labor and equipment required.
- C. The town clerk-treasurer shall forward by mail to the property owner at the address in Section 8-104 of this code a statement of costs and demand for payment. Where not delivered by mail, a statement of costs shall be published one time in a newspaper of general circulation in the county.
- D. In the instance of summary abatements within six (6) months of a previous abatement, the statement shall include notice that the owner may request a hearing thereon within ten (10) days of the date of mailing of such statement. Receipt of a request for hearing shall stay all proceedings until such hearing before the board of trustees. Unless otherwise determined at the hearing, the cost of such abatement shall be collected as provided within this Section and Section 8-107 of this code.

**Section 8-107: LIEN ON THE PROPERTY, CIVIL REMEDY.**

- A. If payment is not made within thirty (30) days of the date of the mailing of the statement, or thirty (30) days of the date of hearing upon such statement, the town clerk-treasurer shall forward to the county treasurer a certified statement of the cost which shall be levied on the property and collected as other taxes as authorized by law.
- B. Nothing in this Chapter shall prohibit the town or its agents from pursuing other remedies for the collection of funds due for the abatement of nuisance in accordance with the provisions of state statutes.

**Section 8-108: UNLAWFUL TO DEPOSIT RUBBISH.**

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley, or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this town.

**Section 8-109: Reserved.**

**Section 8-110: PUBLIC AND OPEN BURNING**

The purpose of this Section is to control the open burning of refuse and other combustible materials.

**Section 8-111: DEFINITIONS.**

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

- 1. **"Combustible materials"** means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.
- 2. **"Domestic refuse"** means combustible materials or refuse that normally result from the function of life at a residence, such as kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. It does not include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances.
- 3. **"Fire Training"** means a fire purposely set as part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment, which is part of a recognized training program.
- 4. **"Human-made structure"** means any structure constructed with the intent of providing shelter to persons or property. It does not include structures constructed specifically for live-burn fire training purposes.
- 5. **"Land clearing operation"** means the uprooting, cutting, or clearing of vegetation in preparation for the construction of buildings, the development of residential, commercial, agricultural, or industrial properties, and for the construction and maintenance of right-of-ways. It does not include the clearing of vegetation such as trimmings, fallen limbs, branches, or leaves, or other wastes from routine property maintenance activities.
- 6. **"Open burning"** means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.
- 7. **"Open-pit incinerator"** means a device consisting of a pit (into which the material to be combusted is placed) and nozzles, pipes, and other appurtenances designed and arranged in a manner to deliver additional air and/or auxiliary fuel to, or near, the zone of combustion so that theoretically complete combustion is accomplished or approached.
- 8. **"Products of combustion"** means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible materials.
- 9. **"Refuse"** means garbage, rubbish, domestic refuse and all other wastes generated by a trade, business, industry, building operation, or household.

10. **“Yard Brush”** means cut or broken branches, leaves, limbs, shrubbery, or tree trimmings. It does not include refuse, grass clippings, in-ground tree stumps, or any non-vegetative material.

Reference OAC 252:100-13-2

**Section 8-112: OPEN BURNING PROHIBITED.**

It is unlawful to willfully burn any trash or refuse or any type material within the town except as may be authorized by the fire chief or his/her designee. If a permit is granted, the burning shall be done in strict compliance with the directions given in connection with the granting of the permit. Under no circumstances shall the open burning of tires be allowed (References OAC 252:100-13-5). This Section is hereby declared necessary for the proper protection of the property and health of the citizens of the town and violation of this Section is hereby declared to be a public nuisance and unlawful.

**Section 8-113: OPEN BURNING ALLOWED.**

When not prohibited by federal law, state law, or ordinance, the following types of burning are allowed;

1. **Fire training.** Open burning is allowed for fires purposely set for the instruction and training of public and industrial fire-fighting fire training officer personnel, provided that authorization has been requested from the local fire chief at least ten working days prior to any burning or that written authorization has been received prior to such burning. The DEQ may require written verification of the authorization from the local fire chief or
2. **Elimination of hazards.** Provided prior authorization is obtained from the local fire chief, open burning is allowed for the elimination of:
  - a. A fire hazard that cannot be abated by any other means.
  - b. A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal if authorization is also received from the DEQ prior to such burning.
3. **Recreational and ceremonial fires.** Open burning is allowed for camp fires and other fires used solely for recreational purposes, ceremonial occasions, or non-commercial preparation of food.
4. **Land management and land clearing operations.** Open burning is allowed for the following land management and land clearing operations.
  - a. Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma State Department of Agriculture, and the United States Forest Service.
  - b. Fires purposely set for land clearing operations if conducted at least five hundred feet (500') upwind of any occupied residence other than those located on the property on which the burning is conducted,

except that such burning must be conducted in open-pit incinerators in counties or areas that are or have been designated nonattainment.

5. **Burning of domestic refuse.** Where no collection or disposal service is reasonably available, domestic refuse may be burned on the property where the waste is generated.
6. **Hydrocarbon burning.** Open burning of hydrocarbons is allowed for:
  - a. The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining or processing operations which cannot be feasibly recovered or otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning.
  - b. The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.
7. **Open-pit incinerator.** Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Subchapter may be burned in an open-pit incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of the open-pit incinerator shall not accept any material owned by other persons and shall not transport any material to the property where the open-pit incinerator is located in order to burn the material.
8. **Yard Brush.** Yard brush may be burned on the property where it is generated.

Reference OAC 252:100-13-7

**Section 8-114: GENERAL CONDITIONS AND REQUIREMENTS FOR ALLOWED OPEN BURNING.**

The open burning of refuse and other combustible material may be conducted as allowed in this Subchapter only if the following conditions and requirements are met:

1. No public nuisance is or will be created.
2. The burning is controlled so that a traffic hazard is not created as a result of the air contaminants being emitted.
3. The burning is conducted so that the contaminants do not adversely affect the ambient air quality of a city or town.
4. The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits. This requirement does not apply to the open burning allowed under Sec. 8-113 (1), (2), (3), and (4)(a).

Reference OAC 252:100-13-9

**Section 8-115: DISASTER RELIEF.**

Notwithstanding the prohibition in Sec. 8-112, the Executive Director of the DEQ may allow the open burning of debris resulting from a disaster if the Director determines such burning is necessary to protect public health and safety. Such approval, if granted, shall be accompanied by appropriate guidelines for burning the debris.

Reference OAC 252:100-13-10

**Section 8-116: OPEN BURNING FOR FIRE TRAINING.**

1. For purposes of this Section, "open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.
2. A municipal fire department may engage in controlled open burning of a structure for purposes of fire training if the records of the department document the purpose of the open burn and the following conditions are met:
  - a. The municipal fire chief or designee shall provide notification of the planned open burn to the Department of Environmental Quality at least ten (10) days prior to the burning. The notification shall be on a form developed by the Department, document that the provisions of this Section are satisfied and be signed by the municipal fire chief;
  - b. For any human-made structure, the entire structure, including, but not limited to, insulation, roofing, flooring, painted surfaces and plumbing, shall be examined for the presence of asphalt, asbestos and lead-containing materials. All asphalt, asbestos and lead-containing materials shall be removed from the structure prior to the fire training. Asbestos inspection and removal shall be conducted according to the requirements of federal law;
  - c. Any human-made structure demolished pursuant to the provisions of this act shall not be demolished prior to the fire training. Demolition shall not include structural deterioration due to natural causes;
  - d. Prior to conducting any fire training involving a human-made structure located within three hundred feet (300') of another human-made structure, the municipality shall notify in writing the owners of the property located within three hundred feet (300') within ten (10) days prior to a meeting of the governing body of the municipality to provide an opportunity for public comment; and
  - e. Following the completion of fire training, all debris resulting from the training must be disposed of in the appropriate manner.
3. The Board of Environmental Quality shall have the authority to promulgate rules as may be necessary to implement the purposes of this Section.

Universal Citation: 27A OK Stat § 27A-2-5-106.1 (2014)

Added by Laws 2003, c. 238, § 1, eff. Nov. 1, 2003.

**Section 8-117: REMOVAL OF DEAD ANIMALS.**

The owner or any person having charge of any animal dying in this town, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

**Section 8-118: UNLAWFUL TO LITTER.**

- A. Littering is defined as throwing any trash, refuse, waste paper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, road ways and sidewalks of the town or upon any real property owned or occupied by another.
- B. It is unlawful for any person to litter.

**Section 8-119: UNLAWFUL TO LITTER FROM AUTOMOBILES.**

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the town any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

**Section 8-120: LITTER NOT TO ACCUMULATE ON PROPERTY.**

- A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.
- B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

**Section 8-121: PENALTY.**

Any person, firm or corporation found violating any provision of this Chapter shall, upon conviction, be deemed guilty of a misdemeanor.

**CHAPTER 2 - FOOD REGULATIONS**

**Section 8-201: FOOD SERVICE REGULATIONS ADOPTED.**

The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated in this code by reference. At least one copy of the rules and regulations shall be on file in the office of the town Clerk-Treasurer. The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this Section.

Any person who violates any of the provisions of this Section shall be guilty of misdemeanor and, upon conviction thereof, shall be

punished as provided in Section 1-108 of this code. In addition, thereto, any person convicted of violation may be enjoined from continuing the violation.

State Law Reference: State food regulations, 63 O.S. Sections 1-1101 et seq.

**Section 8-202: MILK ORDINANCE ADOPTED.**

Part II of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16 and 17 of the abridged ordinances shall be replaced, respectively by Sections 8-203 and 8-204 of this code.

State Law Reference: State laws regulating milk standards, 63 O.S. Sections 1-1301 et seq.; manufacture of milk, 2 O.S. Sections 7-1 et seq.

**Section 8-203: GRADE REQUIREMENTS.**

Only grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments; provided that in an emergency, ungraded milk or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

**Section 8-204: VIOLATION; PENALTY.**

Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor.

**CHAPTER 3 - NUISANCES**

**Section 8-301: NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES.**

- A. A nuisance is unlawfully doing an act or omitting to perform a duty or is anything or condition which either:
1. Annoys, injures or endangers the comfort, repose, health or safety of others;
  2. Offends decency;
  3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
  4. In any way renders other persons insecure in life or in the use of property.
- B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

- C. Every nuisance not included in Subsection B above is a private nuisance.

State Law Reference: Nuisances defined, municipal powers to abate, 50 O.S. Sections 1 et seq.

**Section 8-302: PERSONS RESPONSIBLE.**

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

**Section 8-303: TIME DOES NOT LEGALIZE.**

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

**Section 8-304: REMEDIES AGAINST PUBLIC NUISANCES.**

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement;
  - a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
  - b. By the town in accordance with law or ordinance.

**Section 8-305: REMEDIES AGAINST PRIVATE NUISANCE.**

The remedies against a private nuisance are:

1. Civil Action; or
2. Abatement:
  - a. By 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 8-306: TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES.**

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the town has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the 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.

**Section 8-307: CERTAIN PUBLIC NUISANCES IN THE TOWN DEFINED.**

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

1. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinance of the town;
2. 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;
3. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
4. The keeping of a place where prostitution or other immoral acts are practiced;
5. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
6. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
7. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;
8. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
9. 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;
10. 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;
11. 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;
12. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
13. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
14. Any fire or explosion hazard which endangers the public safety;

15. Any activity which endangers the public health, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any tow-behind trailer without a current vehicle plate as required by law for vehicles used on public highways, when stored or kept in a residence; or
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the town, by reason of any noise, or noises, made by the animal therein, or by reason of lack of sanitation, are hereby declared to be a nuisance.

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

**Section 8-308: SUMMARY ABATEMENT OF NUISANCES.**

- A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or 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. The chief of the fire department, the town's police officers, the town attorney, the building inspector, the electrical inspector, the plumbing inspector or any other officer subordinate to the mayor may submit through or with the consent of the mayor to the town board of trustees, 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. The mayor, the city's designated health officer and board of trustees or any resident or residents of the town may submit such a statement and request a recommendation to the board of trustees.
- C. The board of trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the board of trustees shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the board of trustees shall give notice of a hearing on the proposed abatement to the owner of any property concerned and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the town.
- D. If the board of trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or

persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the board of trustees shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town clerk-treasurer shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts to the town may be collected.

#### **Section 8-309: ABATEMENT BY SUIT IN DISTRICT COURT.**

In cases where it is deemed impractical summarily to abate a nuisance the town may bring suit the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes.

#### **Section 8-310: NUISANCE UNLAWFUL.**

It is unlawful for any person, including but not limited to any owner, lessee, or other person to create or maintain a nuisance within the town or to permit a nuisance to remain on premises under his control within the town.

#### **Section 8-311: HEALTH NUISANCES; ABATEMENT.**

- A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the town's designated health officer shall have authority to order the owner or occupant of any private premises in the town to remove from such premises, at his/her own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be directed in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the designated health officer or by a law enforcement official or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.
- B. If the order is not complied with, the designated health officer or law enforcement official may cause the order to be executed and complied with and the cost thereof shall be certified to the town clerk-treasurer, and the cost of removing or abating such nuisance shall be added to the water bill or other town utility bill of the owner or occupant if he/she is a user of water from the town water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any town utility service, such cost, after certification to the town clerk-treasurer, may be collected in any manner in which any other debt due the town may be collected.

#### **Section 8-312: TOILET FACILITIES REQUIRED; NUISANCE.**

- A. For the purpose of this Section, the following terms shall have the respective meanings ascribed to them herein:
1. **"Human excrement"** means the bowel and kidney discharge of human beings;
  2. **"Sanitary water closet"** means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and
  3. **"Sanitary pit privy"** means a privy which is built, rebuilt or constructed so as to conform 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 two hundred feet (200') 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 nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

#### **Section 8-313: JUNK VEHICLES AND OPEN STORAGE; NUISANCE.**

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the town in places other than an authorized junk yard or other areas authorized by the city council and which tend to do any one or more of the followings:

1. Impeded traffic in the streets;
2. Reduce the value of private property;
3. Create fire hazards;
4. Extend and aggravate urban blight; or
5. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the town, are hereby declared to be a nuisance.

**Section 8-314: DEFINITIONS.**

For the purpose of this Chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

- A. **"Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle"** is any motor vehicle, which does not have lawfully affixed thereto both an unexpired license plate or plates, the condition of which is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and is incapable of being moved under its own power and is not exempt from compliance by Section 8 - 314C. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean any motor vehicle located on any private or public property in the condition of which such motor vehicle is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and incapable of being moved under its own power, and is not exempt from compliance by Section 8 - 314C., and remains in such condition for a period of thirty (30) days, without regard to whether such motor vehicle has lawfully affixed thereto an unexpired license plate or plates. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean motor vehicles used in demolition races or derbies or similar contests.
- B. **"Motor vehicle"** is any vehicle which is self-propelled and designed to travel along the ground or the water and shall include, but not be limited to, automobiles, buses, boats, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers;
- C. **"Private property"** means any real property within the town which is privately owned and which is not public property as defined in this Section; and
- D. **"Public property"** means any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.
- E. **"Appropriate screen"** shall mean an aesthetic barrier with a minimum opaque barrier not less than five feet (5') in height enclosing the junk motor vehicle. Such screen or barrier shall be dense landscaping, or a solid lumbar or masonry fence, wall or combination thereof, and may include the use of the walls of the residence or other building or structure, similar existing fencing, similar existing dense landscaping, all of which shall be of at least an equivalent height and capacity, and located on such property to provide for such enclosure. If solid lumber fencing is used, it shall be treated or painted in earth tone colors.

**Section 8-315: STORING, PARKING, OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLES PROHIBITED; AND DECLARED A NUISANCE; EXCEPTIONS.**

- A. No person shall park, store, leave, or permit the parking, storing, or leaving of any junk motor vehicle of any kind, whether attended or not, upon any public or private property within the city. The presence of a junk motor vehicle or parts thereof on private or public property is hereby declared a nuisance and a public offense and may be abated as such in accordance with the provisions of this Chapter.
- B. This Section shall not apply to any motor vehicle:
  1. Enclosed within a building on private property;
  2. Completely within an appropriate screen on the side or back yard on private property;
  3. Held, stored or parked in connection with a lawfully operated business enterprise and on property operated in the appropriate zone, pursuant to the zoning laws of the town;
  4. In operable condition and is not a junk motor vehicle as defined herein.
  5. Motor vehicles parked on private property which display an unexpired license plate or plates, but which motor vehicles are temporarily out of service due to mechanical breakdown or damage, but only so long as the owner thereof makes diligent efforts to place same back into operable condition, and shall not remain on such private property in such condition for longer than thirty (30) days.

**Section 8-316: PROCEDURES FOR ABATEMENT.**

The provisions for abatement of "public nuisance" contained in Section 8 - 101 et seq. of this code shall not apply to junk vehicles or to those which are in abandoned, wrecked, dismantled, Inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any public property within the city for a period of time in excess of twenty-four (24) hours. The notice, hearing and abatement shall be pursuant to the procedures described herein for public nuisance on public property.

**Section 8-317: PRESUMPTION OF ABANDONMENT.**

A rebuttable presumption shall exist that vehicles have been abandoned when:

- A. Weed or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;
- B. One or more wheels are flat or missing and the vehicle or boat displays an expired license or inspection tag;
- C. Portions of the vehicle which are needed for its operation or control are missing.
- D. The town has received reports from others as to the length of time such vehicle has been standing in one

place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation; or

- E. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated.

**Section 8-318: NOTICE TO REMOVE FROM PUBLIC PROPERTY.**

Whenever it comes to the attention of the mayor that any junk vehicle, as defined herein, exists as a public nuisance in the town, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the event that there is no such occupant, then upon the owner of the property or his/her agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Chapter. A written, public nuisance "Notification to Remove" shall be placed on the vehicle advising the owner of the violation of city code and of the twenty-four (24) hours to remove the nuisance from the public property.

Concurrent with the abatement notice placed on the vehicle or motor vehicle, the owner of the vehicle or motor vehicle shall be issued a citation. Failure to remove the vehicle or motor vehicle shall be an offense, and shall be punishable as provided in Section 8 - 108 of this code.

**Section 8-319: RESPONSIBILITY FOR REMOVAL FROM PUBLIC PROPERTY.**

Upon proper notice and opportunity to be heard, the owner of the junk vehicle or other abandoned, wrecked, dismantled, or inoperative vehicle or boat, on public property shall be liable for all expenses.

**Section 8-320: RESPONSIBILITY FOR REMOVAL FROM PRIVATE PROPERTY.**

- A. The mayor or his/her designee shall give notice of removal to the owner or occupant of the private property where any junk vehicle or any abandoned, wrecked, dismantled or inoperative vehicle or boat is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a Notice to Remove is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.
- B. The Notice of Removal shall contain the demand for removal within ten (10) days, and the Notice to remove shall state that upon failure to comply with the Notice to Remove, the city shall prosecute a criminal complaint for failure to abate the nuisance or undertake such removal with the cost to be levied against the owner of the junk vehicle or the occupant of the property.

**Section 8-321: HEARING.**

- A. Any person to whom any Notice to Remove is directed pursuant to the provisions of this Chapter or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the administrative officer within the ten day compliance period, for the purpose of contesting the city's demand for removal. The mayor or designee, law enforcement official and the city attorney or designee shall constitute a hearing board to hear the request.

- B. The hearing shall be held as soon as practicable, but not earlier than five (5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person making the request. At any such hearing the town and the person to whom notice has been directed may introduce witnesses and evidence.

- C. Persons to whom the Notice to Remove is directed pursuant to the provisions of this Chapter, or their duly authorized agent, may appear in municipal court pursuant to the citation and summons. Those convicted of failing to abate a public nuisance pursuant to this Chapter shall be assessed court costs in addition to any other penalty assessed by the municipal court. If the public nuisance is abated prior to the hearing date stated on the summons, and the person issued the summons to appear in municipal court signs an affidavit before the court clerk attesting to the abatement, the city attorney may recommend to the municipal court that charges be dropped.

**Section 8-322: REMOVAL OF MOTOR VEHICLE FROM PROPERTY.**

If the violation described in the Notice to Remove has not been remedied within the ten-day period of compliance, or in the event that a notice requesting hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the mayor or designee, the town attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the town shall in the discretion of the mayor or designee take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the city authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.

**Section 8-323: NOTICE OF REMOVAL.**

Within forty-eight (48) hours of the removal of such junk vehicle, the mayor or designee shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, that the vehicle or motor vehicle, has been impounded and stored for violation of this Chapter. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming the vehicle, including cost of redemption.

**Section 8-324: DUTY OF PRIVATE CONTRACT.**

Any private contractor, who causes the vehicle to be removed pursuant to the order of any authorized city employee, shall satisfy all state laws with respect to notice and sale, prior to satisfying its towing and storage lien.

**Section 8-325: REDEMPTION OF IMPOUND VEHICLES OR MOTOR VEHICLES.**

The owner of any vehicle or motor vehicle impounded under the provisions of this Chapter may redeem such vehicle or motor vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the private contractor of such sum as may be determined to be the actual and reasonable expense of removal plus storage.

**Section 8-326: PENALTY; CONTINUING VIOLATIONS.**

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall upon conviction



be deemed guilty of an offense against the town. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such.

Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be punishable as such as provided in Section 1-108 of this code.

**Section 8-327: OPEN STORAGE OF MATERIALS.**

The entire front yard area of any residentially zoned lot located in the City, to include side yards not appropriately screened as provided in Section 8-314-E hereinabove, shall be kept and maintained free and clear of all building and automotive materials, trash, junk, debris, household appliances, chairs, couches, all manner of other items constructed for use inside the building or residence, junk motor vehicles and camper shells not mounted on motor vehicles or appropriately stored, and boats and trailers, including utility trailers, filled with trash, junk and debris.

**Section 8-328: DILAPIDATED BUILDINGS.**

Definitions. As used in this Section:

- A. **"Dilapidated building"** means:
  - 1. 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,
  - 2. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered a health hazard to the welfare of the general public,
  - 3. a structure which is determined by the board of trustees or mayor to be an unsecured building, as defined by Section 8-331 of this Section, more than three times within any twelve-month period,
  - 4. a structure which has been boarded and secured, as defined by Section 8-331 of this Section, for more than thirty-six (36) consecutive months, or
  - 5. a structure declared by the board of trustees to constitute a public nuisance.
- B. **"Owner"** means the owner of record as shown by the most current tax rolls of the county treasurer.

**Section 8-329: CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE REMOVAL.**

The town may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this Section:

- A. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the hearing provided for herein may be held. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the

records in the office of the county clerk to the last known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined in 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 the provisions of this Section; or

- B. The mayor or designee is hereby designated to carry out the duties specified in this Section. A hearing shall be held by the mayor or designee of the town to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, the mayor or designee may cause the dilapidated building to be torn down and removed. The mayor or designee shall fix reasonable dates for the commencement and completion of the work. The Town Clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the zoning committee at the hearing, and stating that the town claims a lien in the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the town are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within the dates fixed by the mayor or designee. The property owner shall have the right of appeal to the mayor and Town Trustees from any order of the mayor or designee. Such appeal shall be taken by filing written notice of appeal with the Town Clerk within ten (10) days after the administrative order is rendered.

**Section 8-330: DETERMINATION OF COSTS, LIEN; MISCELLANEOUS.**

- A. The mayor or designee shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The Town Clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to the mortgage holder at the address provided in Section 8-329-A. 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. If the town dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

- B. When payment is made to the town for costs incurred, the Town Clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the 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 costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property. At any time prior to collection as provided for in this paragraph, the town may pursue any civil remedy for collection of the amount owing and interest thereon including an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the Town Clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.
- C. Nothing in the provisions of this Section shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.
- D. The officers, employees or agents of the town shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this Section or as otherwise prescribed by law.
- E. The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

**Section 8-331: BOARDING AND SECURING DILAPIDATED BUILDINGS; PROCEDURE, NOTICE.**

- A. After a building has been declared dilapidated, as provided in this Section, and before the commencement of the tearing and removal of a dilapidated building, the Board of Trustees may authorize such a building to be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the town may authorize the structure to be demolished pursuant to this Section.
- B. The town may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance in this Section.
- C. The mayor or designee is hereby designated to carry out the following duties of the Board of Trustees. The mayor or designee may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the City orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 8-329-A. At the time of mailing of notice to any property owner or mortgage holder, the Town Clerk 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 mailer. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 O.S. Section 1-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the mayor or designee pursuant to the provisions of this Section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with Subsection C-9 of this Section, the notice shall state: that any subsequent need for boarding and securing the building within a six (6) month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.
2. The owner of the property may give written consent to the town authorizing the boarding and securing of such unsecured building and to the payment of costs incurred thereby. By giving the written consent, the owner waives any right the owner has to a hearing by the Board of Trustees;
3. If the property owner does not give written consent to such actions, a hearing may be held by the Board of Trustees to determine whether the boarding and securing of the unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of this Section. In making such determination, the Board of Trustees shall apply the following standard: the Board of Trustees may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making the required determination, the municipal governing body may order the boarding and securing of the unsecured building.
4. After the Board of Trustees orders the boarding and securing of the unsecured building, the Town Clerk shall immediately file a notice of lien with the county clerk describing the property, stating the findings of the town at the hearing at which such building was determined to be unsecured, and stating that the town claims a lien on the property for the costs of boarding and securing the building and that such costs are the personal obligation

of the property owner from and after the date of filing the notice;

5. Pursuant to the order of the Board of Trustees, the agents of the town are granted the right of entry on the property for the performance of the boarding and securing of the building and for the performance of all necessary duties as a governmental function of the town;
6. After an unsecured building has been boarded and secured, the Board of Trustees shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and the mailing. The Town Clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs to any property owners and mortgage holders as provided in Section 8-330. At the time of mailing of the statement of costs to any property owner or mortgage holder, the Town Clerk 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 mailer. If the town boards and secures any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis the contract shall be awarded to the lowest and best bidder.
7. When payment is made to the town for costs incurred, the Town Clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the dilapidated building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the Town Clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.
8. The property owner or mortgage holder shall have a right of appeal to the Mayor and Board of Trustees from

any order of the code enforcement officer. Such appeal shall be taken by filing written notice of appeal with the Town Clerk within ten (10) days after the administrative order is rendered.

9. If the town causes a structure within the town limits to be boarded and secured, any subsequent need for boarding and securing within a six (6) month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the Town Clerk shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the Town Clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in this Section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in this Section.
10. The Mayor and Board of Trustees may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this Section even though such building has not been declared, by the governing body, to be dilapidated.
11. For the purposes of this Subsection:
  - a. **"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,
  - b. **"Unsecured building"** shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure, and.
  - c. **"Unfit for human occupancy"** means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

#### **Section 8-332: OTHER POWERS.**

Nothing in the provisions of this Section shall prevent the town from abating an unsecured dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

#### **Section 8-333: EXCEPTION.**

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

**Section 8-334: PROCEDURE CUMULATIVE.**

The various procedures for abating nuisances prescribed by this Chapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized.

**CHAPTER 4 - ENFORCEMENT AND PENALTY**

**Section 8-401: COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.**

Anywhere in this Chapter where the word or words "health officer" are used it shall be construed to mean the director of the county health department or his duly designated representative. It is the intent and purpose of the mayor and town board of trustees to delegate the enforcement of the health ordinances of this town as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing board upon an appeal from an offender.

**Section 8-402: OBSTRUCTING HEALTH OFFICER.**

It is unlawful for any person to willfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of this town.

**Section 8-403: QUARANTINE; VIOLATIONS.**

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

**Section 8-404: PENALTY.**

Any person who violates any provision of this Chapter or any law or code adopted by reference in this Chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition, thereto, such person may be enjoined from continuing such violations.

**CHAPTER 5 – PUBLIC HEALTH: TOBACCO AND VAPOR**

**Section 8-501: USE OF TOBACCO AND VAPOR PRODUCTS.**

- A. The intent of this Chapter is to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco product and vapor product use around non-users, especially children; by protecting the public from exposure to secondhand smoke where people work, play, and learn; by reducing the potential for children to wrongly associate tobacco product and vapor product use with a healthy lifestyle; and by affirming and promoting a healthy environment in the Town of Fort Towson/Choctaw County.
- B. For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section:
  - 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, and 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, which employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, which 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.
- C. 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 Chapter 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 Chapter.

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 Chapter.

D. 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 Chapter 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 four inches (4") by two inches (2") 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 fifteen inches (15") by fifteen inches (15") in size, with lettering of at least one inch (1"), and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.
3. For purposes of this Chapter, 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 charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this Chapter.

E. 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 violates this Chapter shall be punished by a citation and fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) in accordance with Town of Fort Towson Municipal Code. (10AOS2-8-224)
3. The possession and/or use of a lighted Tobacco Product in violation of this Chapter is a nuisance.
4. The remedies provided by this Chapter 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. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter regarding Tobacco Product or Vapor Product use shall also constitute a violation of this Chapter.

In addition to other remedies provided by this Chapter or by other law, any violation of this article regarding Tobacco Product or Vapor Product use may be remedied by the Town of Fort Towson Mayor and Board of Trustees, including, but not limited to, administrative or judicial nuisance abatement proceedings, traffic and criminal code enforcement proceedings, and suits for injunctive relief.

F. Statutory Constructive and Severability

It is the intent of the Board of Trustees of the Town of Fort Towson to supplement applicable state and federal law and not to duplicate or contradict such law. In 2019, federal law raised the age limit from eighteen (18) years of age to twenty-one (21) years of age for sale and possession of tobacco products. It is the intent of the Board of Trustees of the Town of Fort Towson to follow federal law; however, be cognizant legislation of Oklahoma law may reflect eighteen (18) years of age for a period of time until the legislation can officially make the change reflective of federal law.

The provisions of this Chapter are severable, and the invalidity of any provision of the Chapter shall not affect other provisions of the Chapter, which can be given effect without invalid provision.

**Section 8-502: PREVENTION OF YOUTH ACCESS TO TOBACCO**

A. Title, Authority and Purpose.

This article shall be known as the Prevention of Youth Access to Tobacco Article. This Section is enacted pursuant to the municipal powers granted by the Constitution of the State of Oklahoma and Title 11 Section 14101. Tobacco use by minors is a dangerous activity. The purpose of this ordinance is to protect the public health and welfare by preventing youth access to tobacco.

B. Definitions. As used in the Prevention of Youth Access to Tobacco Ordinance:

1. **"Person"** means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;
2. **"Proof of age"** means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;
3. **"Sample"** means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;
4. **"Sampling"** means the distribution of samples to members of the public in a public place;

5. **"Tobacco product"** means any product that contains tobacco and is intended for human consumption;
6. **"Transaction scan"** means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government issued photo identification; and
7. **"Transaction scan device"** means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government issued photo identification.

- a. the individual who purchased or received the tobacco product presented a driver license or other government issued photo identification purporting to establish that such individual was twenty-one (21) years of age or older, and
- b. the person cited for the violation confirmed the validity of the driver license or other government issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this Section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government issued photo identification was that of the individual who presented it. The availability of the defense described in this Subsection does not affect the availability of any other defense under any other provision of law.

C. **Furnishing of Tobacco Products to Minors Prohibited– Proof of Age – Fines – Employee and Employer Liability – Notification of Store Owner – Failure to Pay Administrative Fine – Municipal Ordinances.**

1. It is unlawful for any person to sell, give or furnish in any manner any tobacco product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products when required in the performance of the employee's duties.
2. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age.
3. If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not under twenty-one (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of Subsection C-2 of this Section.

3. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. Each violation by any employee of an owner of a store licensed to sell tobacco products shall be deemed a violation against the owner for purposes of a license suspension pursuant to this Section. An owner of a store licensed to sell tobacco products shall not be deemed in violation of the provisions of the Prevention of Youth Access to Tobacco Act for any acts constituting a violation by any person, when the violation occurs prior to actual employment of the person by the store owner or the violation occurs at a location other than the owner's retail store. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of this Section, each individual franchise or business location shall be deemed a separate entity.

D. **Penalties and Enforcement**

1. When a person violates Subsection C-1 or C-2 of this Section, upon conviction, the Fort Towson Municipal Judge shall impose a fine of:
  - a. not more than one hundred dollars (\$100.00) for the first offense,
  - b. not more than two hundred dollars (\$200.00) for the second offense within a two (2) year period following the first offense.
2. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this Section. A person cited for violating this Section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation if such person proves that:

E. **Purchase, Receipt or Possession of Tobacco Products by Minors Prohibited – Falsifying Proof of Age – Penalties – Notification of Parent or Guardian.**

1. It is unlawful for a person who is under twenty-one (21) years of age to purchase, receive, or have in their possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products when required in the performance of the employee's duties.
2. When a person violates this Section, the following fines shall be imposed:
  - a. Not to exceed one hundred dollars (\$100.00) for a first offense; and
  - b. Not to exceed two hundred dollars (\$200.00) for a second or subsequent offense within a one-year period following the first offense.

3. The Town of Fort Towson shall notify a parent or guardian of any minor cited for a violation of this Section.

## CHAPTER 6 - MISCELLANEOUS PROVISIONS

### **Section 8-601: COMMERCIAL DISPOSAL FACILITIES.**

No commercial disposal facility or commercial disposal well, as defined by Oklahoma corporation commission rule 165: 10-1-2 of the codified general rules of the Oklahoma corporation commission, oil and gas division of the state of Oklahoma, shall be permitted within the town boundaries of the town of Fort Towson, Oklahoma.

#### **F. Distribution of Tobacco Product Samples Restricted.**

1. It shall be unlawful for any person or retailer to distribute tobacco products or product samples to any person under twenty-one (21) years of age.
2. No person shall distribute tobacco products or product samples in or on any public street, sidewalk, or park that is within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.
3. When a person violates any provision of this Section, the Town of Fort Towson shall impose a fine of:
  - a. Not more than one hundred dollars (\$100.00) for the first offense;
  - b. Not more than two hundred dollars (\$200.00) for the second offense; and
  - c. Not more than three hundred dollars (\$300.00) for a third or subsequent offense.

#### **G. Sale of Tobacco Except in Original Sealed Packaging Prohibited.**

1. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
2. When a person violates this Section, the Town of Fort Towson shall impose a fine of not more than two hundred dollars (\$200.00) for each offense.

#### **H. Display or Sale of Tobacco Products – Public Access.**

1. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this Subsection shall not apply to retail stores which do not admit into the store persons under twenty-one (21) years of age.
2. When a person violates Subsection A of this Section, the Town of Fort Towson shall impose a fine of not more than two hundred dollars (\$200.00) for each offense.

#### **I. The Town of Fort Towson to Provide Information to Able Commission.**

Pursuant to 37 Ok. St. Ann. § 600.1.1, the Town of Fort Towson shall furnish information requested by the ABLE Commission in the form, manner and time as may be determined by the ABLE Commission which will allow the ABLE Commission to comply with Subsection C of Section 600.11 of Title 37.

**PART 9 - LICENSING AND BUSINESS REGULATIONS**

**CHAPTER 1 OCCUPATIONAL LICENSES (RESERVED)**

(RESERVED)

**CHAPTER 2 - ITINERANT VENDORS**

**Section 9-201: DEFINITIONS.**

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

1. **"Itinerant vendor"** means and includes all persons, firms or corporations, as well as their agents and employees, who engage in the temporary or transient business in the town, selling or offering for sale any goods or merchandise, or exhibiting the same for sale, or exhibiting the same, for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease, or occupy any room or space in any building, structure, other enclosure, vacant lot, or any other property whatever in the town, in through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof;
2. **"Temporary"** as used in Paragraph I hereof means any such business transacted or conducted in the town for which definite arrangements have not been made for the hire, rental or lease of premises for at least one hundred (100) days, in or upon which such business is to be operated or conducted; and
3. **"Transient"** as used in Paragraph I as used hereof means any such business of any such itinerant vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the town or who have fixed places of business in places other than the town or who move stocks of goods or merchandise or samples thereof into the town with the purpose or intention of removing them, or the unsold portion thereof, away from the town before the expiration of one hundred (100) days.

Anyone engaged in interstate commerce or anyone upon which the provisions of this Chapter would impose a direct and unlawful burden on interstate commerce, may appeal to the judge of the municipal court for a determination of the applicability of these provisions.

**Section 9-202: LICENSE REQUIRED, EXPIRATION.**

- A. It is unlawful for any itinerant vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the town without first obtaining a license as herein provided for. The town clerk-treasurer shall issue to any itinerant vendor a license authorizing such itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the town his/her goods or merchandise only after such itinerant vendor shall have fully complied with all provisions of this Chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the town for the services herein required of it and to

enable the town to partially defray the expenses of enforcing the provisions of this Chapter.

- B. All licenses issued hereunder; unless they expire sooner by the terms of the license, shall expire annually on June 30.

**Section 9-203: APPLICATION.**

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

1. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited;
2. A certified copy of the articles of incorporation if the itinerant vendor be a corporation, incorporated under the laws of this state; and
3. A certified copy of its permit or authority to do business in the state if the itinerant vendor be a corporation, incorporated under the laws of some state other than Oklahoma.

**Section 9-204: LICENSE FEE.**

The license fee for itinerant vendor shall be twenty-five dollars (\$25.00) per year or five dollars (\$5.00) per day, or as set by the board of trustees by motion or resolution.

**Section 9-205: TRANSFER.**

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

**Section 9-206: GOING UPON PRIVATE RESIDENCES.**

- A. In the exercise of the authority conferred upon the town by state law, the practice of going to, in or upon the premises of any private residence in the town by door-to-door salespersons, solicitors, peddlers and order takers, without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sale of goods, wares or publications or merchandise of any description, or the purpose of peddling, or hawking the same, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.
- B. This Section shall not apply to sales persons, solicitors, peddlers or order takers representing sales or local nonprofit or charitable organizations, nor to the sale or soliciting of any order for the sale of milk, dairy products, vegetables, poultry, eggs or other farm and garden produce so far as the sale of the commodities named in this Section is authorized by law.



- C. Any violation of the provisions of this Section shall be punishable as misdemeanor against the town. Any person convicted of violating any provisions of this Section shall be fined as provided in Section 1-108 of this code.

State Law Reference; Authority to regulate by town, 11 O.S. Section 22-106; state licensing of itinerants, 47 O.S. Section 22-106; state licensing of itinerants, 47 O.S. Section 42; exemption for veterans, 72 O.S. Section 1.

**PART 10 - OFFENSES AND CRIMES**

**CHAPTER 1 - OFFENSES IN GENERAL**

**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.

**CHAPTER 2 - OFFENSES AGAINST PROPERTY**

**Section 10-201: LARCENY PROHIBITED.**

- A. Larceny is the taking of personal property accomplished by fraud or stealth, and with intent to deprive another thereof.
- B. Found Property Larceny: One who finds lost property under circumstances which gives him/her knowledge or means of inquiry as to the true owner, and who appropriates such property to his/her own use, or to the use of another person who is not entitled thereto, without having first made such effort to find the owner and restore the property to him/her as the circumstances render reasonable and just, of which property is less than one thousand dollars (\$1,000) shall be guilty of a misdemeanor. State Law Reference: Petit larceny defined, 21 O.S. Sections 1702.
- C. Petit larceny is the taking of personal property of value not exceeding one thousand dollars (\$1,000) accomplished by fraud or stealth and with intent to deprive another thereof, shall be guilty of a misdemeanor. State Law Reference: Petit larceny defined, 21 O.S. Sections 1704, 1706.
- D. Petit larceny from a retailer/wholesaler: Petty larceny from a retailer or wholesaler is accomplished by fraud or stealth, and with the intent to deprive the retailer or wholesaler of goods, edible meat, or other corporeal property of a value not to exceed one thousand dollars (\$1,000.00). State Law Reference: Retailer/Wholesaler larceny defined, 21 O.S. Sections 1731.
  1. In the event any person engages in conduct that is a violation of this Section in concert with at least one other individual, such person shall be liable for the aggregate value of all items taken by all individuals.
  2. Any person convicted pursuant to the provisions of this Section shall also be ordered to pay restitution to the victim. "Restitution" means the sum to be paid by the defendant to the victim of the criminal act to compensate that victim for up to three times the amount of the economic loss suffered as a direct result of the criminal act of the defendant.

3. Nothing in this Section shall be construed to be additions to the original criminal penalty, but shall be used by the court as sanctions and means of collection for criminal restitution orders and restitution orders that have been reduced to judgment.

**Section 10-202: INJURING AUTOMOBILES AND OTHER VEHICLES.**

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, loiter in, or injure any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof.

**Section 10-203: DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY.**

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

**Section 10-204: PLACING SIGNS ON PROPERTY OF ANOTHER.**

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.

**Section 10-205: THROWING OR SHOOTING AT PERSONS OR PROPERTY.**

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he/she is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property.

**Section 10-206: TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.**

It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him/her to consume or use the gas, water or electricity without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telephone or other communication system.

**Section 10-207: UNLAWFUL INTRUSION UPON LAND.**

It is unlawful for any person to intrude or squat upon any lot or piece of land within the town without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or

avenue of the town, any hut, shanty, hovel, or other structure without authority of law or ordinance.

**Section 10-208: ILLEGAL ENTRANCE.**

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or any notice or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.

Cross Reference: See also trespass, Section 10-213 of this code.

**Section 10-209: THROWING ADVERTISING ON STREET, PROHIBITED.**

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

Cross Reference: For provision prohibiting placing signs on property of another without consent, etc., see Section 10-204 of this code.

**Section 10-210: THROWING INJURIOUS SUBSTANCES.**

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal.

**Section 10-211: INJURY TO PLANTS AND TREES.**

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the town, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground; any person violating this Section, upon conviction, shall be deemed guilty of an offense.

**Section 10-212: PUBLIC STREETS AND TREES.**

It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the town;
2. Attach any guy wires, telephone or electric wire, or any wire to any live tree;
3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the town;

4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the town; or to cut, break or otherwise injure any pavement, curb or gutter therein; or
5. Connect any driveway to any street or other public place without first securing permission from the town inspector so to do.

Any such digging, removing, or driveway connection shall be done under the supervision of an employee of the Town of Fort Towson.

**Section 10-213: TRESPASS PROHIBITED.**

A. For the purpose of this Section, the following terms shall be defined as follows:

1. **"Public property"** means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;
2. **"Private property"** means any property other than public property; and
3. **"Trespass"** means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a law enforcement 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 sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this Subsection.

- B. It is unlawful for any person to trespass on private property.
- C. It is unlawful for any person to trespass on school property after having been directed or requested to leave the premises by a member of the faculty or regularly employed employee of the school or school system or law enforcement officer.

Cross Reference: For provisions on illegal entrance, see Section 10-208 of this code.

**Section 10-214: PARKING ON PROPERTY OF ANOTHER.**

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge or by authority of law or ordinance.

**Section 10-215: INTERFERENCE WITH FIRE HYDRANTS.**

- A. It is unlawful for any person except one duly authorized by the town utility personnel or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stop cock belonging to the town.
- B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant.

**CHAPTER 3 - OFFENSES AGAINST THE PUBLIC**

**Section 10-301: DISTURBING THE PEACE.**

- A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this Section.
- B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:
  - 1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
  - 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. Making unnecessarily loud, offensive noises;
  - 9. 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
  - 10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

**Section 10-302: INSULTING SIGNS; LITERATURE OR LANGUAGE.**

- A. It is unlawful for any person, firm or corporation within the town to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the town, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.
- B. It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent; abusive, or insulting language or literature where:
  - 1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or
  - 2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

**Section 10-303: FIREWORKS REGULATED.**

- A. For the purpose of this Section, "fireworks" shall have the meaning prescribed by state law, Section 1622 of Title 68 of the Oklahoma Statutes.
- B. It shall be unlawful and an offense for any person, firm, corporation, to sell or have in his/her or its possession or to discharge, ignite, or in any manner aid, assist, or abet in the discharging or igniting any size, type or description, skyrockets, pistols, torpedoes, roman candles, flash salutes, flash crackers, balloons, or other fireworks or substances designated and intended for pyrotechnic display, also small display ground pieces, cones, caps pistols, cannons, or other appliances using caps containing chlorate or pot ash mixture within the town limits and/or the fire limits established by the council and the above foregoing Section shall be in effect at all times within the business and residential district of the Town of Fort Towson. The only exception to this provision shall be when written permission is given by the mayor to any civic, religious, business, or recognized group for the conducting of special events that are civic in nature. Permission must be given seven (7) days before events. Notice must be given to the fire chief who shall inspect the proposed site as to safety and protection of persons and property.
- C. Penalties and Enforcement

Any person who violates this Section shall be punished by a citation and fine of not more than ninety dollars (\$90.00) in accordance with Town of Fort Towson Municipal Code.

State Law Reference: Bottle rockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Sections 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101.

**Section 10-304: STORING OR KEEPING EXPLOSIVES.**

It is unlawful for any person to store or keep within the town any nitroglycerin, dynamite gunpowder, or any other highly explosive material or substance of any kind without having first complied with the laws of the state for the purpose of selling, storing or keeping such items.

**Section 10-305: CARRYING WEAPONS; EXCEPTIONS.**

Except when doing so in the line of duty or as may be permitted by state law, it is unlawful for any person to carry upon or about his/her person, or in a purse or other container belonging to the person, blackjack, loaded cane, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed.

State Law Reference: State Firearms Act, 21 O.S. Sections 1289.1 et seq.

**Section 10-305.1: WEAPONS ON POSTED PREMISES PROHIBITED, EXCEPTIONS.**

- A. No person who has possession of any weapon, other than persons exempted in Subsection B of this Section, shall enter or remain on any public property on which signs have been posted prohibiting the possession of any weapons on the public property.
- B. The provisions of this Section shall not apply to commissioned peace officers or armed security personnel duly licensed by the State Commission on Law Enforcement Education and Training who are under contract with the posting entity which owns, controls, leases or operates the posted premises.
- C. Any person in violation of this Section shall be punished as provided in Section 1-108 of this code.

**Section 10-306: RECKLESS CONDUCT.**

It is unlawful for any person to engage in reckless conduct while having in his/her possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

**Section 10-307: DISCHARGING FIREARMS; EXCEPTIONS.**

No person shall discharge any species of firearm in the town except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or when otherwise authorized by state law or ordinance. It is unlawful to discharge an air rifle or BB gun in the town.

Cross Reference: See also Section 10-205 for provisions on throwing or shooting at persons or property.

**Section 10-308: LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.**

It is unlawful for any person to disturb the peace and quietude of any part of the town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this Section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

**CHAPTER 4 - OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS**

**Section 10-401: PUBLIC INTOXICATION AND DRINKING PROHIBITED.**

- A. It is unlawful for any person to appear or be upon or in any street, alley or other public place in the town in a state of intoxication. It is unlawful for any person to drink an intoxicating alcoholic beverage upon or in any street, alley or other public place or in any public building within the town. It is unlawful to use, sell or furnish to another any illegal drug or narcotic in any place in the town except as legally prescribed by a physician.
- B. For the purpose of this Section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, spirituous, vinous or malt liquor or alcoholic beverage or of any narcotic or drug, to such extent as to deprive the person of his/her full physical or mental power, or in which a person is a danger to self or others.

**Section 10-402: POSSESSION; TRANSPORTATION OF INTOXICATING BEVERAGES.**

- A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the town limits.
- B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.
- C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street, or alley any intoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container be in the rear trunk or rear compartment. The rear trunk or compartment shall include the rear cargo area or tire compartment in vehicles or trucks or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.
- D. For the purpose of this Section "intoxicating beverage" and shall be as defined in Sections 3-101 and 3-201 et seq. of this code.

**Section 10-403: INTOXICATING LIQUORS.**

It is unlawful:

- 1. For any person to barter, sell, give away or otherwise furnish to another an intoxicating or non-intoxicating liquor or beverage of any kind except as permitted by law;
- 2. To have in possession or under control any intoxicating or non-intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the town any intoxicating or non-intoxicating liquor or beverage except as permitted by law;

3. To loiter in a place where intoxicating or non-intoxicating liquor is sold, bartered given away or otherwise furnished contrary to law; or
4. To keep, maintain, aid, or abet in keeping or maintaining a place where intoxicating; or non-intoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.

**Section 10-404: MARIJUANA PROHIBITED.**

- A. It is unlawful for any person knowingly to:
  1. Use or possess marijuana;
  2. Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or
  3. Appear or be upon or in any street, alley, place of business or other public place in the town while under the influence of or in possession of a controlled dangerous substance or marijuana.
- B. For the purpose of this Section, "marijuana" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes. "Drug paraphernalia" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes, including the factors defined in Section 2-101.1 of Title 63 Oklahoma Statutes.
- C. This Section shall not apply to any marijuana lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his/her professional practice.
- D. Every person who holds a medical marijuana license shall be in compliance with Section 420 of Title 63 Oklahoma Statutes. Every licensee shall have in his or her immediate possession at all times a medical marijuana license when possessing lawfully prescribed marijuana and shall display upon demand of a peace officer. Any person violating this Subsection, upon conviction, shall be guilty of a misdemeanor. Any person charged with violating this Section who produces in court, on or before the court date, a valid medical marijuana license issued to him or her and valid at the time of his or her citation/arrest shall be entitled to dismissal of such charge without payment of court costs and fine.

**Section 10-405: PROSTITUTION.**

- A. It is unlawful for any person to:
  1. Be a prostitute;
  2. Solicit entice, or procure another to commit or engage in any act of prostitution;
  3. Engage in any act of prostitution;
  4. Knowingly let premises for purposes of prostitution;
  5. Conduct a business or premises for prostitution; or

6. Be a party to an act of prostitution or solicitation of prostitution in the limits of town.

**B. For the purposes of this Section:**

1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

**Section 10-406: DISORDERLY HOUSE.**

A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
2. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including alcoholic beverage containing more than one-half of one percent (.5%) alcohol by volume;
3. The performance of any sexual act declared unlawful by state statute or 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.

**Section 10-407: MAINTAINING OR LEASING A DISORDERLY HOUSE.**

- A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, 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.

**Section 10-408: RESIDENTS AND VISITORS TO DISORDERLY HOUSE.**

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this Section,

the 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.

**Section 10-409: NUDITY; IMPROPER DRESS; INDECENT EXPOSURE.**

It is unlawful for any person to:

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.

**Section 10-410: DEFINITIONS; OBSCENITY REGULATIONS.**

The following terms when used in the Chapter shall have the meaning respectively ascribed to them in this Section:

1. **"Obscene"** means that to the average person applying contemporary community standards:
  - a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e. shameful or morbid interest in sexual conduct, nudity, or excretion;
  - b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and
  - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
2. **"Material"** means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;
3. **"Person"** means any individual, partnership, firm, association, corporation or other legal entity;
4. **"Disseminate"** means to transfer possession of, with or without consideration;
5. **"Knowingly"** means being aware of the character and the content of the material;
6. **"Nudity"** means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;
7. **"Performance"** means any preview, play, show, skit, film, dance or other exhibition performed before an audience;
8. **"Available to the public"** means that the matter or performance may be purchased or attended on a

subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;

9. **"Service to patrons"** means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and
10. **"Promote"** means to cause, permit, procure, counsel or assist.

**Section 10-411: PROHIBITED OBSCENE CONDUCT.**

A. It is unlawful for any person to:

1. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material; or
2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or
3. Knowingly engage or participate in any obscene performance made available to the public; or
4. Provide service to patrons in such a manner as to expose to public view:
  - a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
  - b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
  - c. Any portion of the female breast at or below the areola thereof; or
  - d. Knowingly promote the commission of any of the above listed unlawful acts.

B. Each complete or partial display or other material exhibition of any motion picture film or other material shall be deemed to constitute a separate offense. The provisions of Sections 10-410 and 10-411 shall not apply to a projectionist, assistant projectionist, usher or cashier provided such person has no financial interest in the motion picture theatre so long as that person is not acting as director or manager of the theatre.

**Section 10-412: VAGRANCY DEFINED FOR SPECIFIC ACTS, OFFENSES.**

It is unlawful to be a vagrant in the limits of the town. For the purposes of this Section, a vagrant means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;
2. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;
3. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;
4. For the purpose of injuring, destroying, molesting or defacing any property of another;
5. For the purpose of assaulting any person;
6. For the purpose of begging or soliciting alms, provided that this Section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or
7. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

**Section 10-413: CURFEW FOR CHILDREN.**

A. For the purposes of this Section the following terms, phrases, words, and their derivations shall have the meaning given herein except where the context clearly indicates a different meaning.

1. **"Curfew hours"** means:
  - a. 11:00 p.m. until 5:00 a.m. Sunday nights through Friday mornings; and
  - b. 1:00 a.m. until 5:00 a.m. Saturday and Sunday mornings;
2. **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life;
3. **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment;
4. **"Guardian"** means:
  - a. A person who, under court order, is the guardian of a juvenile; or
  - b. A public or private agency with whom a juvenile has been placed by a court;
5. **"Juvenile"** means any person under the age of eighteen (18);
6. **"Parent"** means any person who is a natural parent, adoptive parent or step-parent of a juvenile;

7. **"Public place"** means any place to which the general public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and retail establishments;
8. **"Remain"** means to:
  - a. Linger or stay; or
  - b. Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises;
9. **"Operator"** means any individual firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation;
10. **"Responsible adult"** means any person having, assuming or charged with permanent or temporary care or custody of a juvenile, including, but not limited to:
  - a. Any legal guardian or adult exercising legal guardianship over a juvenile;
  - b. An adult who stands in loco-parentis to a juvenile;
  - c. Any person to whom legal custody of a juvenile has been given by order of a court;
  - d. Any adult who has, assumes or is charged with the care or custody of a juvenile at the request of or on behalf of a parent, guardian, loco parentis or person to whom legal custody has been given by order of the court;
  - e. Any adult who has, assumes, or is charged with the care or custody of a juvenile at the request of or on behalf of another parent;
11. **"Knowingly permit"** means the parent, other responsible adult or operator as defined herein is aware of the fact the juvenile is in violation of the curfew hours and that such person, by exercise of reasonable care, would have known that the juvenile is in violation of the curfew hours.

B. A juvenile commits an offense if he/she remains in any public or private place or on the premises of any establishment within the corporate town limits during curfew hours.

C. A parent or other responsible adult of a juvenile commits an offense if:

1. He/she knowingly permits or allows the juvenile to remain in any public place or on the premises of any establishment within the corporate town limits during curfew hours;
2. The owner, operator or any employee of an establishment commits an offense if he/she knowingly



permits or allows a juvenile to remain upon the premises of the establishment during curfew hours.

- D. It is a defense to prosecution under Subsection B or C of this Section if the juvenile was at the time in question:
1. Accompanied by the juvenile's parent or responsible adult;
  2. On an errand at the direction of the juvenile's parent or responsible adult, without any detour or stop;
  3. In a motor vehicle involved in interstate travel;
  4. Engaged in an employment activity, or going to or returning from an employment activity, without any detour or stop;
  5. Involved in an emergency;
  6. On the sidewalk abutting the juvenile's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the juvenile's presence;
  7. Attending, going to or returning home, without any detour or stop, from an official school, religious or other recreational activity supervised by adults or an event sponsored by the town, a civic organization, or another similar entity that takes responsibility for the juvenile;
  8. Married or had been married or had disabilities of minority removed in accordance with state law.
- E. It is a defense to prosecution under Subsection B above that the owner, operator or employ of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.
- F. Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense to Subsection B or C is present.
- G. A person who violates the provisions of Subsection C is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable as provided in Section 1-108 of this code. The court shall make the parent or other responsible adult responsible for payment of such fines and costs in the even they are not paid by the juvenile. The parent or responsible adult will be subject to the contempt powers of the court for failure to pay such fines and costs.
- H. A person who violates the provisions of Subsection B is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction is punishable as provided in Section 1-108 of this code.
- I. Any law enforcement officer who shall witness a violation of this Section may take such offender into his/her custody to

be prosecuted for such violation, require the posting of a sufficient bond for such juvenile's appearance in court, or may place the juvenile in the custody of his parents or some responsible adult.

(ORD 06-03, 10-03-2006)

**Section 10-414: LOITERING AND SLEEPING IN PUBLIC.**

- A. It is unlawful for any person, between the hours of 12:00 AM midnight and 6:00 AM, to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.
- B. It is unlawful for a person to loiter on or about the premises of any public or private school or other public building, or in or about a depot of a public carrier.

**Section 10-415: BEGGING PROHIBITED.**

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

**Section 10-416: GAMBLING PROHIBITED.**

- A. Except for State approved tribal gaming operations, it is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:
1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;
  2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;
  3. To gamble knowingly in any other manner; or
  4. To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this Section.
- B. It is unlawful and an offense against the town for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.
- C. Games of Bingo or similar activities sponsored by churches or State approved charitable organizations are exempt from the requirements of this section if the purpose of the activity or event is for non-profit purposes.

State Law Reference: Authority to prohibit gambling, 11 O.S. Section 22-108.

**Section 10-417: BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.**

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.

**Section 10-418: 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 10-419: FALSE OR BOGUS CHECKS.**

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value or 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 10-420: SWINDLING UNLAWFUL.**

It is unlawful to get money or property from any other person or persons or businesses under false pretenses, deception, cheating or by any other fraudulent act.

**CHAPTER 5 - OFFENSES AGAINST PERSONS**

**Section 10-501: ASSAULT AND BATTERY PROHIBITED.**

- A. An assault is any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.
- B. A battery is any intentional, willful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent
- C. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the town. Any person committing an assault or an assault and battery within the jurisdiction of the town shall be guilty of an offense.

**CHAPTER 6 – OFFENSES AGAINST PUBLIC AUTHORITY**

**Section 10-601: RESISTING AN OFFICER.**

- A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the 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/her official capacity.
- D. The words "obstruction of" shall, in addition to their common meaning, include:
  - 1. Flight by one sought to be arrested before the arresting officer can restrain him/her and after notice is given that he/she 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/she is under arrest; or
  - 3. Refusal by the arrested party to give his/her name and make his/her identity known to the arresting officer.

**Section 10-602: REFUSING OR FAILING TO ASSIST AN OFFICER.**

- A. An officer of the town making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the town or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.
- B. It is unlawful for any person lawfully called upon thus to assist an officer of the town to refuse or fail to do so.

**Section 10-603: ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER.**

It is unlawful for any person to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of duties.

**Section 10-604: RESCUING PRISONERS.**

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner or prisoners, from any officer or employee of the town having legal custody of the same or other place of confinement by the town, or to assist such prisoner in any manner to escape from such confinement or custody either before or after conviction, including escape from a vehicle of confinement.

**Section 10-605: ESCAPE OF PRISONERS.**

It is unlawful for any person confined or working upon the streets or other public places of the town in pursuance of any judgement, or otherwise held in legal custody by authority of the town or other law enforcement agency, to escape or attempt to escape from any such confinement or custody.

**Section 10-606: IMPERSONATING AN OFFICER OR EMPLOYEE.**

It is unlawful for any person to impersonate any officer or employee of the town, falsely represent him/herself to be an officer or employee of the town, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the town without being duly authorized to do so.

**Section 10-607: FALSE ALARMS.**

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run.

**Section 10-608: FALSE REPRESENTATION TO AN OFFICER.**

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the town government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the town.

**Section 10-609: REMOVAL OF BARRICADES.**

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

**Section 10-610: RESISTING PUBLIC OFFICIALS.**

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct any law enforcement officer, the municipal judge, or any other officer or employee of the town in the discharge of official duties;
2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of official duties; or
3. Assault or beat, 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 official duties.

**CHAPTER 7 – PENALTIES**

**Section 10-701: GENERAL PENALTIES.**

Any violation of the provisions of this part is punishable as provided in Section 1-108 of this code.

**PART 11 - PARKS, RECREATION AND CULTURAL AFFAIRS**

**CHAPTER 1 - GENERAL PROVISIONS**

**Section 11-101: BOARD OF TRUSTEES TO MAKE RULES FOR RECREATIONAL FACILITIES.**

The board of trustees shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the town.

**Section 11-102: FEES TO BE DETERMINED.**

The town shall provide by rules, from time to time, the fees charged for any such park or recreational privileges on any property or facility for recreational purposes owned or operated by the town.

**Section 11-103: PENALTY.**

It is unlawful for any person to use any of the park or recreational facilities without having complied with the rules and regulations promulgated by the board of trustees in connection therewith. Anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and on conviction thereof, shall be punished as provided in Section 1-108 of this code.

**PART 12 - PLANNING, ZONING AND DEVELOPMENT**

**CHAPTER 1 - PLANNING COMMISSION**

**Section 12-101: CREATED; MEMBERSHIP.**

A town planning commission may be created for the town. It shall consist of five (5) appointive members, all of whom shall be residents of the town with the mayor and the town engineer (if any) as ex officio members. The appointive members shall be nominated by the mayor and appointed by the board of trustees and shall serve for terms of three (3) years. Of the original appointive members, one shall serve for a term of one year; two (2) shall serve for a term of two (2) years; and two (2) shall serve for a term of three (3) years. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The town board of trustees may remove members of the town planning commission for cause.

State Law Reference: Municipal planning commissions, 11 O.S. Sections 45-101 to 45-105.

**Section 12-102: ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES.**

The town planning commission shall elect a chairman, a vice chairman, and secretary, who shall serve until the first Monday of the next May after their appointment. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings; and the chairman or any three (3) members may call special meetings of the commission. The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the town board of trustees. Their salaries and compensation shall be fixed by the board, and shall be paid out of the town treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the town treasury as other legal expenses of the town government are paid.

**Section 12-103: POWERS AND DUTIES.**

The town 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 provision of ordinance or law.

**Section 12-104: PLANNING COMMISSION TO HAVE POWER OF A ZONING COMMISSION.**

- A. The town planning commission is hereby appointed the zoning commission of the town, and the town 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.
- B. 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.

(ORD 111, 10-19-1999)

**Section 12-105: LOCAL CAPITAL IMPROVEMENTS PLANNING COMMITTEE.**

- A. There is hereby created a local capital improvements planning committee for the town in compliance with the provisions of the Oklahoma Capital Improvements Planning Act (Sections 901 et seq. of Title 62 of the Oklahoma Statutes). The local capital improvements planning committee shall consist of five (5) members, to be appointed by the mayor, subject to the confirmation by the town board of trustees. All members must be residents of the town and shall serve without salary. Terms of the members shall be established in the same manner as for those of the planning commission, and removal procedures for the committee shall also be the same as for the planning commission. Unless the town board, in its discretion, specifically designates a separate group of persons, the planning commission shall serve as the local capital improvements planning committee.
- B. The committee has the general responsibility to assist the town board of trustees in planning for the future development, growth and improvement of the town and in preparing, adopting, implementing and amending the local capital improvements plan and its related programs, consistent with the goals, guidelines and other provisions of the state law. The committee shall also:
  - 1. Prepare the town's capital improvements plan;
  - 2. Make recommendations to the town board of trustees regarding the adoption of the plan;
  - 3. Serve in an ongoing advisory capacity to the town board of trustees regarding implementation of the plan, particularly in the annual update phase of the planning process;
  - 4. Conduct public hearings and solicit and encourage citizen participation as required by and in accordance with applicable provisions of the state law;
  - 5. Take such other actions as may be necessary to carry out the town's capital improvements planning process, consistent with local ordinances and policy, and state law requirements, including the capacity to recommend agreements with other area jurisdictions in order to carry out the purposes of the capital improvements planning process; and
  - 6. Maintain a working relationship with the appropriate regional planning board of trustees (the Association of South Central Oklahoma Governments) in order to ensure that the statutory requirements for integrating the town's plan into the regional capital improvements plan each year are fully met to the benefit of the town and the state.

**PART 13 - PUBLIC SAFETY**

**CHAPTER 1 - FIRE PREVENTION CODE**

**Section 13-101: ADOPTION OF FIRE PREVENTION CODE.**

There is hereby adopted by the town board of trustees for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the National Fire Protection Association, being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Not less than one copy of the code has been filed in the office of the clerk-treasurer of the town and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions of The Fire Prevention Code shall be controlling within the limits of the town.

**Section 13-102: ENFORCEMENT.**

The code hereby adopted shall be enforced by the chief of the fire department.

**Section 13-103: DEFINITION.**

Wherever the word "municipality" is used in the Fire Prevention Code hereby adopted it shall be held to mean the town.

**Section 13-104: LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS.**

The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside above-ground tanks is prohibited, the limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited, are hereby established as the fire limits provided in Part 5, Chapter 4 of this code.

**Section 13-105: MODIFICATIONS.**

The chief of the fire department shall have power to modify any of the provisions of the code hereby adopted in his/her own discretion or upon application in writing by the owner or lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and for applications requesting change; a signed copy shall be furnished the applicant.

**Section 13-106: 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 13-107: PENALTY.**

Any person, firm or corporation who violates any provision 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.

**CHAPTER 2 - FIRE DEPARTMENT AND SERVICE**

**Section 13-201: FIRE DEPARTMENT.**

- A. There shall be a fire department, the head of which shall be the chief of the fire department.
- B. The term "volunteer firefighter" means one who is enrolled as a member of the fire department of the town and who serves in that capacity without receiving a regular salary. The size of the volunteer fire department of the town shall be composed of not less than six (6) nor of more than twenty (20) members.
- C. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings.

(ORD 07-01, 12-04-2007)

State Law Reference: Volunteer fire departments, provisions and requirements, 11 O.S. Sections 29-201 et seq.

**Section 13-202: DUTIES OF THE FIRE CHIEF.**

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. The chief shall have the following powers and duties, and may assign duties to other members of the department:

- 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/her. The chief 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, cistern and other sources of water supply at least twice each year;
- 3. The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;
- 4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;
- 5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiaryism or arson, shall notify proper authorities and secure and preserve all possible evidence for future use in the case;
7. The chief is authorized to enter any building or premise 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; and
8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the town board as it may require. The chief shall keep the board of trustees informed regarding the fire department and its needs.

State Law Reference: Duties of fire chief generally, 11 O.S. Section 20-102; investigations of fires, report to state fire marshal, 74 O.S. Section 314.

**Section 13-203: DUTIES OF THE ASSISTANT CHIEF.**

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the fire department.

**Section 13-204: COMPANY OFFICERS.**

Company officers shall be selected by the chief based upon the following criteria:

1. Knowledge of firefighting;
2. Leadership ability; and
3. Knowledge of firefighting equipment.

**Section 13-205: THE SECRETARY-TREASURER.**

One member elected by the members of the fire department shall be a secretary-treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting; and
3. Collecting any money due the department by the members.

**Section 13-206: NEW MEMBERS.**

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 and the town board.

**Section 13-207: BYLAWS.**

The bylaws of the department shall include the following:

1. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies;
2. The chief is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;
3. There shall be at least one (1) regular business meeting each month;
4. Any volunteer fire fighter having two unexcused absences in succession or three (3) 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; and
7. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
  - a. Conduct unbecoming a firefighter;
  - b. Any act of insubordination;
  - c. Neglect of duty;
  - d. Any violation of rules and regulations governing the fire department;
  - e. Conviction of a felony.

If any firefighter feels he/she has been unjustly dropped or disciplined he/she can appeal to the town council.

**Section 13-208: 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 13-209: USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR.**

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

**Section 13-210: CONTRACTS AUTHORIZED OUTSIDE TOWN LIMITS.**

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

State Law Reference: Fire calls outside limits, 11 O.S. Section 29-108.

**Section 13-211: CONTRACT TERMS, FEES FOR SERVICE.**

Any contract entered into by the town with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the town for such fire apparatus and personnel at the rate-per-call as set by the town board. All monies received from the calls shall go into the general fund.

**Section 13-212: AUTHORITY TO ANSWER CALLS.**

The fire department of the town is hereby authorized and directed to answer all outside calls outside the corporate town limits in the discretion of the fire chief. The fire department may not answer such outside calls if, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the town, broken apparatus, impassable or dangerous highways, or other physical conditions.

**Section 13-213: FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.**

All volunteer firefighters of the fire department of the town 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 firemen's 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. Compensation of firefighters shall be as provided by the board of trustees by ordinance or resolution.

**Section 13-214: DEPARTMENT CONSIDERED AGENT OF STATE.**

The fire department of the town 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 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 13-210 to 13214 of this code.

**CHAPTER 3 - POLICE DEPARTMENT**

**Section 13-301 - POLICE DEPARTMENT CREATED.**

There shall be a police department; all police officers are officers of the town.

(ORD 07-01, 12-04-2007)

State Law Reference: Police department and duties, 11 O.S. Sections 34-101 et seq.

**Section 13-302: DUTIES.**

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the 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 police officers.

**Section 13-303: POLICE OFFICERS.**

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

**Section 13-304: INTER-LOCAL AGREEMENT FOR POLICE SERVICES**

The Town of Fort Towson may enter into inter-local agreements with other law enforcement agencies to enforce state, county, and municipal laws and ordinances as authorized by 74 O.S. 1981 Sections 101 seq. Law Enforcement officers authorized in accordance with the inter-local agreement have the same authority as noted as a police officer, or other law enforcement descriptions or definition as defined in these Chapters and may file digital reports, use state or federal services, and apply for grants, as authorized per law, as the Fort Towson Police Department.

Law Enforcement officers authorized in accordance with the inter-local agreement shall follow the policies and directives of their specific agencies unless specified otherwise by a Town of Fort Towson ordinance.

All property approved and purchased by the Town of Fort Towson and/or Fort Towson Police Department under the premise of the inter-local agreement will remain the property of the Town of Fort Towson. All property assigned to the Fort Towson Police Department will be controlled, inventoried, and logged at least annually. Damaged, lost, misplaced, stolen, and/or any other concerning discrepancy shall be reported to the Mayor no later than the next scheduled monthly meeting.

**CHAPTER 4 - EMERGENCY MANAGEMENT**

**Section 13-401: PURPOSE.**

The purpose of an emergency management program is to prepare for, and to function in the event of emergencies which endanger the lives and property of the citizens of this jurisdiction. The town's emergency management program shall protect the health, safety, and lives of the citizens of the town of Fort Towson, and to protect both public and private property and property rights, to perform all functions necessary to fulfill the obligations imposed herein.

**Section 13-402: PROGRAM ESTABLISHED.**

There is hereby established for the town of Fort Towson, an Emergency Management Program, which shall consist of:

- A. The town shall develop an emergency management plan. The plan shall be reviewed and updated at least every five years, or more often as needed.
- B. The mayor may designate or accept volunteers to support the efforts and purpose of the emergency management program and implementation of the plan as established herein.



**Section 13-403: DUTIES OF A DIRECTOR.**

An emergency management director may be designated by the mayor to carry out the emergency management program of the town of Fort Towson. The emergency management director serves without pay but may be reimbursed for expenses incurred in the performance of his/her duties if preapproved by the board of trustees.

It shall be the duty of the emergency management director, as soon as practical after appointment, to develop an emergency management plan to be approved by the board of trustees. The Director shall coordinate the actions of all emergency response organizations and the use of available resources whether such activities or resources belong to this jurisdiction or are those provided through mutual aid agreements with other organizations and/or jurisdictions. Such activities shall include, but not be limited to, coordination with fire, police, emergency medical services, public works, and mutual aid departments.

The emergency management director will coordinate and cooperate with emergency management organizations of other governmental entities, including the Oklahoma department of civil emergency management (ODCEM), and as necessary, the federal emergency management agency (FEMA).

**Section 13-404: AUTHORITY OF DIRECTOR.**

The emergency management director is hereby authorized to formulate written plans, collect and organize pertinent information, and maintain written records thereof to govern the functions of the emergency management program.

**Section 13-405: POWERS OF DIRECTOR IN EMERGENCIES.**

In the event of an emergency or disaster, the emergency management director, in conjunction with the mayor, shall be empowered with the authority to enforce all rules and regulations relating to emergency management, for the purposes of carrying out the duties and responsibilities set forth herein. In carrying out his/her responsibilities to protect the population of this jurisdiction, the emergency management director shall cooperate in every way with the activities of other governmental organizations, including emergency management organizations beyond the jurisdictional boundaries of this entity.

**CHAPTER 5 - UNCLAIMED PROPERTY**

**Section 13-501 - COMPLETE RECORD REQUIRED.**

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the town clerk. The clerk shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

State Law Reference: Disposition of seasonal property by police chief, procedures, application to destroy, 11 O.S., Section 34104;

Uniform unclaimed property disposition act, 60 O.S., 655; relating to finders of lost goods, 15 O.S. Sections 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. Sections 1321 et seq.; disposal of liquor and gambling equipment seized by police, officers, 22 O.S. Sections 1261 et seq.; alcoholic beverages seized in violation of law, 37 O.S. 539.

**Section 13-502: DISPOSITION OF UNCLAIMED PROPERTY.**

Any unclaimed personal property, other than animals, which remains in the possession of the town clerk, unclaimed, or the ownership of which is not to him/her satisfactorily established, for a period of more than thirty (30) days, shall be sold, or disposed of in the manner required by law, except such personal property as in the opinion of the mayor can be more advantageously used by some department or office of the town government.

**Section 13-503: PROPERTY FOUND BY A PRIVATE PERSON.**

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him/her, and a record of such disposal made thereof. If the finder does not request return of the property to him/her within such additional ten (10) days, then the town clerk of police shall sell the property in the manner required by law as if it had been found by a public official or employee, or on instruction by the mayor deliver it to some department or office of the town government for its use.

**Section 13-504: RECOVERY BY OWNER.**

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the board of trustees.

**CHAPTER 6 - HAZARDOUS MATERIALS**

**Section 13-601: DEFINITION.**

Any material, solid, liquid, gas, or any combination thereof, which is identified and/or regulated by any state or federal entity as hazardous to the health and wellbeing of people and property shall be considered as hazardous material.

**Section 13-602: RESPONSIBILITY AND LIABILITY.**

Financial liability for all costs incurred in the response to and recovery from any hazardous material or materials incident affecting the town rest solely on the party or parties responsible for the safe containment, handling, transportation, and stewardship of such materials. The emergency management organization is authorized to mobilize what resources necessary to respond to the incident and recover the affected area or areas to a pre-incident condition as near as physically possible.

**PART 14 - STREETS, SIDEWALKS AND PUBLIC WORKS**

**CHAPTER 1 – PUBLIC WORKS AUTHORITY**

**Section 14-101: SUPERINTENDENT.**

There shall be a Public Works Authority, the head of which shall be the superintendent of public works, who reports to the mayor or his/her designee.

**Section 14-102: DUTIES.**

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

- A. To maintain 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.
- B. To maintain, and operate storm and sanitary sewers and sewage disposal facilities.
- C. To maintain all buildings and grounds used by the town.
- D. To maintain town-owned motor equipment.
- E. To maintain and operate the water system and any other town-owned utilities and public services.
- F. To perform such functions relating to the maintenance, repair, and improvement and operation of the physical facilities owned or used by the town government as the town may prescribe consistent with the town ordinances.

**CHAPTER 2 - USE AND OBSTRUCTION OF STREETS**

**Section 14-201: TREES AND SHRUBBERY TO BE TRIMMED.**

- A. The owner of any premises abutting on any street of this town shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.
- B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Subsection A of this Section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the town. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

**Section 14-202: UNLAWFUL TO INJURE TREES AND SHRUBBERY.**

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

**Section 14-203: UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS AND ALLEYS WITH MERCHANDISE.**

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the town any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

**Section 14-204: UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.**

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon.

**Section 14-205: UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.**

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the town any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

**Section 14-206: UNLAWFUL TO PLAY ON STREETS.**

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance.

**Section 14-207: WATER FROM FILLING STATIONS AND OTHER BUSINESSES.**

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

**Section 14-208: OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.**

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

**Section 14-209: STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.**

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

**Section 14-210: SIGNS NOT TO BE OVER STREET; EXCEPTION.**

It is unlawful and an offense for any person or persons to stretch any sign or other thing on, over or across any street or alley within the corporate limits of the town, except as may be authorized by franchise or permit duly granted by the board of trustees.

**Section 14-211: EXCAVATIONS ON STREET GUARDED.**

All excavations upon the front or side of any lot adjoining the street, avenue or alley or under any sidewalk in the town shall be securely and properly guarded and protected by the person or persons having charge of the same, so as to prevent the same being or becoming dangerous to life or limb. Failure to do so shall be an offense.

**Section 14-212: PENALTY.**

Any person, firm, or corporation who violates any provision of this Chapter shall be guilty of an offense, and upon conviction thereof, shall be punished by a fine of not exceeding seventy-five dollars (\$75.00). This fine shall be exclusive of court costs, which shall be assessed upon conviction.

**CHAPTER 3 - CUTTING, EXCAVATING STREETS OR SIDEWALKS**

**Section 14-301: PERMIT REQUIRED.**

It is unlawful for any person to cut, damage, open, or tunnel under any street, sidewalk or alley within the town limits for any purpose without first obtaining a permit to do so from the office of the town clerk-treasurer.

**Section 14-302: APPLICATION AND ISSUANCE OF PERMIT.**

- A. The application for such permit required in Section 14-301 shall include the following:
  - 1. Purpose;
  - 2. Location;
  - 3. Type of construction of such street, avenue, alley or sidewalk; and
  - 4. Contemplated dimensions of such cut, damage or opening.
- B. The town clerk-treasurer or other authorized city official shall issue a permit to such applicant, upon payment of the prescribed fee. The permit shall be in force and effect for a period of sixty (60) days from date of issuance.

**Section 14-303: FEES.**

The fees as set by the town board by ordinance, motion or resolution will be collected by the town clerk-treasurer prior to issuing the permit prescribed in Section 14-301:

- 1. Asphalt cuts for:
  - a. One-half (1/2) or less of street width \$135.00

- b. More than one-half of street width \$270.00
- c. All other street cuts \$40.00 per sq. yd.
- 2. Concrete cuts for:
  - a. One-half (1/2) or less of street width \$160.00
  - b. More than one half of street width \$320.00
  - c. All other street cuts \$40.00 per sq. yd.
- 3. Dirt or gravel cuts for:
  - a. One-half (1/2) or less of street width \$50.00
  - b. More than one-half (1/2) of street width \$100.00
  - c. All other street cuts \$10.00 per sq. yd.
- 4. Boring under street, alley or sidewalk: \$1.00 per ft.

**Section 14-304: REQUIREMENTS GENERALLY FOR MAKING CUTS.**

All cuts, openings or damage in such streets, avenues, alleys or sidewalks shall be made and completed in the following manner:

- 1. All cuts in concrete paving or sidewalks shall be marked out with a concrete saw making a minimum one and one-half inch (1 1/2") cut thereof unless break is made at regular joints;
- 2. Cuts in asphalt paving shall be cut in straight regular lines. This may be done with a chisel or asphalt ax, if satisfactory straight regular cuts are made. If not, cuts shall be sawed with a concrete saw;
- 3. The person making such cut, damage or opening in any street, avenue, sidewalk or alley shall backfill it to the top of the trench or opening with selected sand or sandy material free from clods or lumps, thoroughly mechanically tamped in layers of six inches (6") with optimum moisture for maximum compaction and shall remove all surplus dirt or material thereof;
- 4. Any cut, opening or damage done or caused to be done to dirt streets, alleys or parkways may be compacted by flushing, but cut or opening must be protected by barricades and lights until stable enough to support traffic;
- 5. Such cuts, openings or damage in gravel streets, alleys, avenues or drives after being thoroughly compacted shall be graveled and all surplus dirt shall be cleaned from the gravel surface abutting the cut, to the end that such street, alley, avenue or drive shall be returned to its original condition or as near thereto as practical; or

6. Cuts, openings or damage in parkway shall be replaced, repaired and restored to its original condition or as near thereto as practical.

**Section 14-305: BARRICADES, SAFETY DEVICES REQUIRED.**

During the time such work is being accomplished the permittee shall place or cause to be placed sufficient barricades and safety devices to properly safeguard the public.

**Section 14-306: TOWN CLERK-TREASURER TO BE NOTIFIED UPON COMPLETION OF WORK.**

The permittee, immediately upon completion of such work, shall so inform the office of the town clerk-treasurer. The town clerk-treasurer or designated representative shall inspect the cut and immediately arrange for the repair of such street, alley or sidewalk. Such repairs shall be of the same type material as the existing area. They shall return the street, alley or sidewalk to its original condition insofar as possible. Fees collected under Section 14-203 hereof shall be used to make such repairs.

**Section 14-307: PENALTY.**

Any person who fails to obtain the permits provided for herein; fails to make proper and timely repairs as provided for herein; or violates any other 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 any such violation continues, shall constitute a separate offense.

**PART 15 - TRAFFIC AND VEHICLES**

**CHAPTER 1 – GENERAL PROVISIONS AND ADMINISTRATION**

**Section 15-101: DEFINITIONS.**

For the purposes of this part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this Section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part:

1. **"Alley"** means a public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;
2. **"Bicycle"** means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty inches (20") in diameter;
3. **"Commercial vehicle"** means every vehicle designed, maintained, or used primarily for the transportation of property;
4. **"Curb loading zone"** means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
5. **"Driver"** means every person who drives or is in actual physical control of a vehicle;
6. **"Emergency vehicles"** means vehicles of fire departments, police vehicles and ambulances;
7. **"Intersection"** means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;
8. **"Laned roadway"** means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
9. **"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;
10. **"Motor vehicle"** means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;
11. **"Official time standard"** means that whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this town;
12. **"Official traffic-control devices"** means all signs, signals, markings and devices not inconsistent with this

code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;

13. **"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;
14. **"Pedestrian"** means any person afoot;
15. **"Police officer"** means any officer of the town police department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;
16. **"Private road or roadway"** 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;
17. **"Right-of-way"** means the privilege of the immediate use of the roadway;
18. **"Roadway"** means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
19. **"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;
20. **"Stand or standing"** means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;
21. **"Stop"** means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;
22. **"Street or highway"** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
23. **"Through street"** means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part;
24. **"Traffic"** means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel;

25. **"Traffic-control signal"** means any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and
26. **"Vehicle"** means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic laws, 47 O.S. Sections 1-101 et seq.

**Section 15-102: APPLICATION OF REGULATIONS.**

The provisions of this part shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, every other public way either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate, including but not limited to:

1. Those dedicated to or acquired by the public for public use;
2. Those upon land owned by the town;
3. Those upon land owned by any other governmental unit, but the regulation of the use of which has been given to the town;
4. Those upon private property, the regulation of the use of which has been given to the town.

**Section 15-103: VEHICLE EQUIPMENT GENERALLY.**

Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

1. Operate a vehicle upon a street of the town which is not equipped as required by law;
2. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or
3. Operate a vehicle which has equipment prohibited by law upon a street in the town.

State Law Reference: Equipment of vehicles, 47 O.S. Sections 12-101 et seq.

**Section 15-104: SIZE, WEIGHT OF VEHICLES.**

- A. No person shall drive on or convey through any street any vehicle the width, height, length, weight or load of which exceeds that authorized by state law as stated in Section 14-101 of Title 47 of the Oklahoma Statutes.
- B. No person shall drive or park any commercial vehicle, other than pickup truck of one-ton classification or lighter, on any public street in any residential areas.
- C. Notwithstanding the provisions of Subsection A above, a commercial vehicle shall not drive or be parked so as not to create a traffic hazard during active loading or unloading.

- D. The term "street" as used in this Section shall mean the entire width of the paved street or every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

State Law Reference: Size, weight, load of vehicles, 47 O.S. Sections 14-101 et seq.

**Section 15-105: SECURING LOADS.**

No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or salt may be dropped for the purpose of securing traction or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

**Section 15-106: INSPECTION OF VEHICLES BY OFFICERS.**

Police officers have authority to inspect and test any vehicle upon the streets of the town at any time to determine whether it is safe, whether it is properly equipped, and whether its equipment is in proper adjustment or repair.

**Section 15-107: OPENING AND CLOSING VEHICLE DOORS.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provisions, 47 O.S. Section 111105.

**Section 15-108: BOARDING OR ALIGHTING FROM VEHICLES.**

No person shall board or alight from any vehicle while such vehicle is in motion.

**Section 15-109: UNLAWFUL RIDING.**

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

**Section 15-110: AUTHORIZING OR PERMITTING VIOLATIONS PROHIBITED.**

No person shall authorize or knowingly permit a vehicle owned by him/her, registered in his/her name or under his/her control to be driven, parked or stopped in violation of any provision of this part. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this part.

**Section 15-111: APPLICATION TO 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 part applicable to the driver of any vehicle except those provisions of this part which by their very nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11104.

**Section 15-112: WORKING ON STREETS; EXCEPTIONS.**

- A. Town employees or contractors, while repairing or improving the streets of the town, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the board of trustees, to close any street or Section thereof to traffic during such repair, maintenance, or construction. In exercising such authority, the employees, personnel or contractors 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 and traffic-control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this Subsection shall not apply to persons while engaged in the 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 employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public; and every person using the 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 15-113: AUTHORIZED EMERGENCY VEHICLES.**

The provisions of this part shall not apply to a 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 when responding to but not upon returning from a fire alarm. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of the vehicle, 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. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

State Law Reference: Similar provisions, 47 O.S. Section 11106.

**Section 15-114: APPROACH OF AUTHORIZED EMERGENCY VEHICLES.**

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.

State Law Reference: Similar provisions, 47 O.S. Section 11405.

**Section 15-115: FOLLOWING FIRE APPARATUS PROHIBITED.**

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

State Law Reference: Similar provisions, 47 O.S. Section 111108(a).

**Section 15-116: CROSSING FIRE HOSE.**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State Law Reference: Similar provisions, 47 O.S. Section 111109.

Cross Reference: Interference with fire services, Section 1.511.5 of this code.

**Section 15-117: DUTY OF POLICE.**

The police department shall have the power to enforce the street traffic regulations of this town and all of the state vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic there or in the immediate vicinity.

**Section 15-118: ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.**

- A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop the vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until his/her name and address are given, the registration of the vehicle and shall upon request exhibit his/her driver's license to the person injured or the driver or occupant of, or person attending, any vehicle and collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.
- B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of three hundred dollars (\$300.00) shall,

as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this Section.

- C. Any person failing to stop or to comply with any of the requirements of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided in Section 1-108 of this code.

State Law Reference: Accident reports, 47 O.S. Sections 10-101 et seq.

**Section 15-119: ISSUANCE OF CITATION TAGS.**

- A. The town's police officers are hereby authorized and directed to use citation tags in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this part.
- B. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.
- C. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.
- D. Nothing in this Section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.
- E. The town board of trustees may require that the police officers use citation tags furnished by the finance department and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

**Section 15-120: FAILURE TO OBEY CITATION.**

It is unlawful and an offense for any person to violate his/her written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued.

**Section 15-121: FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.**

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this Section.

**Section 15-122: ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.**

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this Chapter.

**Section 15-123: DISPOSITION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS, AND COMPLAINTS.**

- A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or any traffic law of this town shall deposit the original and a duplicate copy of the citation to court clerk, who shall cause the original to be delivered to the municipal court.
- B. Upon the filing of the original citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including forfeiture of bail or by payment of a fine.
- C. The court clerk shall maintain a record of all warrants issued by the municipal court which are delivered to the police department for service, and of the final disposition of the warrants.
- D. No member of the police department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this Chapter.
- E. In the case of a court date or fine error, all efforts will be made to contact the defendant of the error or change (i.e., phone, postal mail, email, and/or social media).

**Section 15-124: COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.**

- A. The municipal court clerk shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.
- B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this Chapter or other law regulating the operation of vehicles on highways the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.
- C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his/her operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture.



**Section 15-125: ELUDING POLICE OFFICER PROHIBITED.**

No person operating a motor vehicle who has received a visual or audible signal directing the operator to bring the vehicle to a stop shall willfully increase his/her speed or extinguish his/her lights or in any other manner attempt to or actually elude such law enforcement officer. A visual or audible signal for the purpose of this Section means a red light and a siren from a law enforcement officer driving a motor vehicle with insignia showing the same to be an official police, sheriff, or highway patrol car.

**Section 15-126: ADOPTION OF STATE TRAFFIC CODE.**

The provisions of the state motor vehicle code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein.

State Law Reference: State rule of the road, 47 O.S. Sections 10-101 et seq.; state motor vehicle code, 47 O.S. Sections 1-101 et seq.

**Section 15-127: INSURANCE OR CERTIFICATE REQUIRED.**

- A. The owner of a motor vehicle registered in this state and operating the vehicle within the town's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.
- B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:
  - 1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
  - 2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;
  - 3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;
  - 4. Any licensed taxicab; and
  - 5. Any vehicle owned by a licensed motor vehicle dealer.
- C. For the purpose of this Section, the following terms shall have the meanings respectively ascribed to them in this Section:
  - 1. **"Owner's Policy"** means an owner's policy of liability insurance which:

- a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
  - b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
  - c. May provide for exclusions from coverage in accordance with existing laws; and
  - d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;
- 2. **"Operator's Policy"** means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him/her by law for damages arising out of the operation or use by him/her of any motor vehicle not owned by him/her, subject to the same limits of liability required in an owner's policy;
  - 3. **"Security"** means:
    - a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;
    - b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or
    - c. Self-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;
  - 5. **"Security verification form"** means a form, approved by the State Board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.
- D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.
  - E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form

which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

- F. A sentence imposed for any violation of this Section may be suspended or deferred in whole or in part by the court.
- G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.
- H. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

**CHAPTER 2 - OPERATION OF VEHICLES GENERALLY PARKING AND SPEEDING**

**ARTICLE A - GENERAL PROVISIONS**

**Section 15-201: OPERATION OF VEHICLES GENERALLY.**

Every person operating a vehicle in the town shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the town and state, having due regard for other vehicles, rights of pedestrians, and property of others.

State Law Reference: State Rules of the Road, 47 O.S. Sections 11-101 et seq.

**Section 15-202: DRIVER'S LICENSE REQUIRED.**

It is unlawful for any person who does not have a driver's license as required by state law for operation of a vehicle upon the state highways, to operate a motor vehicle within the town, or to operate a motor vehicle within the town in violation of any restriction applied to the driver's license.

State Law Reference: Drivers' licenses, 47 O.S. Sections 6-101 et seq.

**Section 15-203: VEHICLE LICENSE REQUIRED.**

No person shall drive, propel, move, or park on the streets of this town any motor vehicle, trailer, or semi-trailer unless the motor vehicle, trailer, or semi-trailer is licensed as required by state law and the license is conspicuously displayed thereon.

**Section 15-204: UNLICENSED VEHICLES.**

It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the town.

**Section 15-205: DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.**

Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or
2. When the right half of a roadway is closed to traffic while under construction or repair.

Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11301.

**Section 15-206: RIGHT-OF-WAY GENERALLY.**

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 street, provided that the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard. 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.

**Section 15-207: VEHICLE TURNING LEFT.**

The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this part, may make such left turn, and the drivers of all other vehicles approaching the intersection from such opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11402

**Section 15-208: RECKLESS DRIVING.**

It is unlawful for any person to drive recklessly in the town. Reckless driving shall include any person who drives a motor vehicle in willful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed.

State Law Reference: Similar provisions, 47 O.S. Section 11901.

**Section 15-209: DRIVING WHILE IMPAIRED OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS.**

- A. It is unlawful for any person who is under the influence of intoxicating liquor to drive, operate, or be in actual physical control of any motor vehicle within this town.
- B. It is unlawful for any person whose ability to drive, operate or be in actual physical control of any motor vehicle is impaired due to consumption of intoxicating liquor or non-intoxicating beverages.

- C. It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders the person incapable of safely driving a motor vehicle to drive a motor vehicle within this 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 Paragraph.

State Law Reference: Similar provisions, 47 O.S. Section 11902; driving while impaired, 47 O.S. Section 751.

**Section 15-210: DRIVING ON SIDEWALK.**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

**Section 15-211: LIMITATIONS ON BACKING.**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

**Section 15-212: CORNER CUTTING.**

No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself or herself of the services offered on the premises served by the service drive or parking facility. No person shall drive a vehicle through any service drive or across any parking facility for the purpose of shortening their travel distance, avoiding a traffic control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in opposite direction on the street from which it entered the drive.

**Section 15-213: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11704.

**Section 15-214: SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED.**

- A. Every operator and front seat passenger of a passenger car operated in this town shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this Section, "passenger car" shall not include truck-tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use and licensed. Further, definition of passenger car shall be as defined in Section 1102 of Title 47 of the Oklahoma Statutes.
- B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possess a

written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons.

- C. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service who is performing that service.
- D. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this town shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this Subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this Subsection shall not apply to:
  - 1. A nonresident driver transporting a child in this state;
  - 2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
  - 3. The driver of an ambulance or emergency vehicle;
  - 4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
  - 5. The transportation of children who for medical reasons are unable to be placed in such devices.
- E. Law enforcement officers shall make routine stops of motorists for the purpose of enforcing Subsection A of this Section. The Department of Public Safety shall not record or assess points for violation of this Section on any license holder's traffic record maintained by the department. Any person convicted of violating Subsection A of this Section shall be punished by a maximum fine of twenty dollars (\$20.00) and court costs.

**ARTICLE B -- SPEEDING REGULATIONS**

**Section 15-220: GENERAL RULE FOR SPEED REGULATIONS.**

- A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him or her to bring it to a stop within the assured clear distance ahead.
- B. The driver of every vehicle shall, consistent with the requirements of Subsection A, drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

**Section 15-221: GENERAL MAXIMUM SPEED LIMIT.**

No vehicle, unless otherwise specifically authorized by this Chapter, shall be driven at a speed greater than twenty-five (25) miles per hour upon any street within this town. The board of trustees may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

No vehicle, unless otherwise specifically authorized by this Chapter, shall be driven at a speed greater than the posted speed upon county roads, state highways, and U.S. highways, within this town. If a speed is not posted, the maximum speed limit allowed by state law is 55 mph.

**ARTICLE C - PARKING REGULATIONS**

**Section 15-230: OBSTRUCTING TRAFFIC OR DRIVEWAYS.**

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block the driveway entrance to any abutting property.

**Section 15-231: PARK WITHIN INDICATED SPACE.**

In an area where parking spaces have been marked off on the surface of the street, drive, or parking lot, vehicles shall be parked within a parking space as thus marked off, and not on or over a line delineating a space.

**Section 15-232: PROXIMITY TO CURB, PARALLEL PARKING.**

Every vehicle stopped or parked upon a roadway shall be so stopped or parked in the direction of lawful traffic movement with the curbside wheels of the vehicle parallel to and within eighteen inches (18") of the curb or roadway edge.

**Section 15-233: ANGLE PARKING, DESIGNATION.**

The board of trustees may determine upon what streets angle parking is permitted and shall direct the marking or signing of the streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. Angle parking, for the purpose of this part, shall mean parking at the curb at approximately a 45-degree angle between the right side of the vehicle and the curb.

State Law Reference: Similar provisions, 47 O.S. Section 111004(c).

**Section 15-234: OBEDIENCE TO ANGLE PARKING RULES.**

- A. On those streets which have been 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 the signs or markings with the front of the vehicle directed toward the curb or edge of the roadway.
- B. No person shall park or stand a vehicle in angle parking spaces designated by markings upon the pavement unless the vehicle is positioned within the confines of an individually

marked space. The vehicle shall not be of such length, or positioned in a manner, as to protrude into the street a distance which would cause or require passing traffic to change lanes or drive on the left side of the street.

**Section 15-235: PARKING PROHIBITIONS IN SPECIFIC AREAS.**

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- 1. Stop, stand or park a vehicle;
  - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street except as authorized otherwise in this Section;
  - b. On a sidewalk;
  - c. Within an intersection;
  - d. On a crosswalk;
  - e. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic; or
  - f. At any place where official signs prohibit stopping or parking; or
- 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
  - a. In front of a public or private driveway;
  - b. Within ten feet (10') of a fire hydrant;
  - c. Within ten feet (10') of a crosswalk at an intersection; except in marked parking spaces;
  - d. Within thirty feet (30') upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a road way;
  - e. Within twenty feet (20') of the driveway entrance to any fire station; or
  - f. At any place where official signs prohibit standing.

State Law Reference: Similar provisions, 47 O.S. Section 111003.

**Section 15-236: DESIGNATION OF LOADING ZONES.**

The board of trustees may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

**Section 15-237: STANDING IN LOADING ZONE.**

- A. 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 a period not to exceed three (3) minutes.

- B. 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 freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- C. 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 the zone.

**Section 15-238: PROHIBITION AGAINST SELLING MERCHANDISE FROM PARKED VEHICLES.**

It is unlawful for any person to park any vehicle upon a street in the town and offer merchandise for sale therefrom. In addition to the penalty provided in this part, the sale of merchandise from parked vehicles on streets in the town is declared to be dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance. The City Council has the authority to grant specific exemptions to this rule during festivals and street fairs.

**Section 15-239: PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.**

- A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.
- B. The presumption in Subsection A of this Section shall apply only when the procedure as prescribed in this Chapter has been followed.

**Section 15-240: HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY.**

- A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.
- B. Any person who shall violate any of the provisions of this Section shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-108 of this code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. Section 15-112.

**ARTICLE D - TURNING AND SIGNALS**

**Section 15-250: REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; or
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.

State Law Reference: Similar provisions, 47 O.S. Section 11601.

**Section 15-251: TURNS AND U-TURNS.**

- A. The board of trustees may determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.
- B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

State Law Reference: Authority to prohibit turning at intersections, 47 O.S. Section 15-102(a).

**Section 15-252: TURNING, STOPPING SIGNALS REQUIRED.**

- A. No person shall turn a vehicle to the right or left except upon giving a signal of intention, as provided in this Section, 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 feet (100') traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

State Law Reference: Similar provisions, 47 O.S. Section 11604.

### **CHAPTER 3 - TRAFFIC SIGNALS AND DEVICES**

#### **Section 15-301: OBEDIENCE TO DEVICES.**

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this part unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Similar provisions, 47 O.S. Section 11201(a).

#### **Section 15-302: NECESSITY OF SIGNS.**

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic-control devices are required, such Section shall be effective even though no devices are erected or in place.

State Law Reference: Similar provisions, 47 O.S. Section 11201(b).

#### **Section 15-303: INTERFERENCE WITH DEVICES, OR SIGNS OR SIGNALS.**

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or signal or any inscription, shield or insignia thereon, or any other part thereof.

State Law Reference: Similar provisions, 47 O.S. Section 11207.

#### **Section 15-304: PRESUMPTION OF LEGALITY.**

- A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this Chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic-control device placed pursuant to the provisions of this Chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Chapter, unless the contrary shall be established by competent evidence.

#### **Section 15-305: RATIFICATION OF EXISTING DEVICES.**

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this part and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this Chapter or state law.

#### **Section 15-306: TRAFFIC-CONTROL SIGNAL LEGEND.**

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one

at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend. These lights shall indicate appropriate action and apply to drivers of vehicles and pedestrians as provided by applicable state law.

#### **Section 15-307: FLASHING SIGNALS.**

Whenever an illuminated flashing red or yellow signal is used as a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, or if none, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or
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.

This Section shall not apply at railroad grade crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11204.

#### **Section 15-308: DRIVING WITHIN TRAFFIC LANES.**

- A. Where traffic lanes have been marked, it shall be unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.
- 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:
  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;
  2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; 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.

State Law Reference: Similar provisions, 47 O.S. Section 11309.

**Section 15-309: ONE-WAY STREETS, ALLEYS DESIGNATION.**

- A. Whenever any ordinance or resolution of this town designates any one-way street or alley the appropriate town personnel shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- B. Upon those streets and parts of streets and in those alleys designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

State Law Reference: Similar provisions, 47 O.S. Sections 11308, 15-102(a).

**Section 15-310: DESIGNATION OF THROUGH STREETS.**

The board of trustees, by motion or resolution, may designate any street or part of a street a through street.

State Law Reference: Authority to designate through streets, 47 O.S. 1971, Section 15-108.

**Section 15-311: SIGNS AT THROUGH STREETS.**

Whenever a through street is designated by the board of trustees, the appropriate town personnel shall be directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals.

**Section 15-312: PROCEDURES AT STOP SIGNS.**

- 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. After having stopped at a stop sign, the driver of a vehicle shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

State Law Reference: Similar provisions, 47 O.S Sections 11403(b); 11-703(d).

**Section 15-313: PROCEDURE AT YIELD SIGNS.**

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then

at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. The driver approaching a yield sign shall yield the right-of-way to any pedestrian legally crossing the roadway on which he/she is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

State Law Reference: Similar provisions, 47 O.S. Sections 11403(c), 11-703(c).

**CHAPTER 4 - BICYCLES**

**Section 15-401: REGULATIONS APPLICABLE GENERALLY.**

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this Chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child ward to violate any of the provisions of this Chapter. The provisions of this Chapter are applicable to bicycles operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.

State Law Reference: Similar provisions, 47 O.S. Section 111201.

**Section 15-402: TRAFFIC LAWS AND REGULATIONS APPLY.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those provisions of law and ordinances which by their nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-1202.

**Section 15-403: OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

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. Whenever authorized signs are erected indicating that no right or left 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 any such turn, in which event such person shall then obey the regulations applicable to pedestrians. Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians.

**Section 15-404: RIDING ON BICYCLES.**

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

State Law Reference: Similar provisions, 47 O.S. Section 111203.

**Section 15-405: USE RIGHT SIDE OF ROADWAY.**

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.

**Section 15-406: RIDING ABREAST.**

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

**Section 15-407: SPEED.**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

**Section 15-408: RIDING ON SIDEWALKS.**

Bicycles may not be ridden upon any sidewalk within the town.

**Section 15-409: LIGHTS AND REFLECTORS.**

Every bicycle, when in use at nighttime, shall be equipped with a lamp on the frame which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the state department of public safety, which shall be visible from all distances from three hundred feet (300') to five hundred feet (500') to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

State Law Reference: Similar provisions, 47 O.S. Section 111207(a).

**CHAPTER 5 - IMPOUNDMENT OF VEHICLES**

**Section 15-501: PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.**

The impoundment of vehicles under authority of the provisions of this Chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

State Law Reference: Grounds for removal of vehicles on highway by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

**Section 15-502: 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 Choctaw County Communications Center.

**Section 15-503: DURATION OF IMPOUNDMENT.**

- A. Except as otherwise provided, any vehicle impounded under the authority of this Chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.
- B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

**Section 15-504: POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.**

Members of the police department are hereby authorized within the limits set forth in this Chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this Chapter.

**Section 15-505: DISABLED VEHICLES.**

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

- 1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
- 2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

**Section 15-506: VEHICLES ON BRIDGE.**

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

**Section 15-507: 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/or detained by police under circumstances which leaves or will leave a vehicle unattended on any street, highway, or private property, the vehicle may be impounded.

**Section 15-508: VEHICLE CONSTITUTES TRAFFIC HAZARD.**

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

**Section 15-509: ILLEGAL TRESPASS BY VEHICLE.**

- A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this Section.
- B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking



the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

- C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

**Section 15-510: VEHICLES PARKED OVERTIME.**

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any unlawfully parked vehicle is not a traffic or safety hazard, for more than seventy-two (72) hours, shall be impounded.

**Section 15-511: VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.**

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

**Section 15-512: 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 15-513: STOLEN VEHICLES; RECOVERY BY POLICE.**

- A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.
- B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he/she 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.

**Section 15-514: VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.**

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part.

**Section 15-515: INVENTORY OF IMPOUNDED VEHICLES.**

Any vehicle impounded for any reason shall be inventoried for the protection of the owner and his property, the protection of town

law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle.

**CHAPTER 6 – PENALTIES**

**Section 15-601: PENALTY FOR VIOLATIONS.**

Any violations of the provisions of this part shall be punishable as provided in Section 1-108 of this code.

**Chapter 7 – GOLF CARTS, ALL-TERRAIN VEHICLES, AND UTILITY VEHICLES.**

**Section 15-701: DEFINITIONS.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

1. **Golf Cart:** A motor vehicle primarily designed for carrying golfers and their equipment over a golf course.
2. **All-Terrain Vehicle:** A vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and having a seat designed to be straddled by the operator and handle bars for steering.
3. **Utility Vehicle:** A vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and steering wheel, traveling on four or more wheels.

**Section 15-702: REGULATIONS APPLICABLE GENERALLY.**

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this Chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter. The provisions of this Chapter are applicable to golf carts and all-terrain vehicles or utility vehicles operated upon any street or highway or upon any path set aside for the exclusive use of golf carts, all-terrain vehicles or utility vehicles.

State Law Reference: Similar provisions, 47 O.S. Section 111116.

**Section 15-703: TRAFFIC LAWS AND REGULATIONS APPLY.**

Every person driving a golf cart or all-terrain vehicle or utility vehicle shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those provisions of law and ordinances which by their nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-1116.

**Section 15-704: OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

Any person operating a golf cart, an all-terrain vehicle or a utility vehicle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs

are erected indicating that no right or left or U-turn is permitted, no person operating a golf cart, an all-terrain vehicle or utility vehicle shall disobey the direction of any such sign.

**Section 15-705: OPERATION OF GOLF CARTS, ALL-TERRAIN VEHICLES, AND UTILITY VEHICLES ON CITY STREETS.**

Pursuant to 47 O.S. 11-1116(C)(2), golf carts, all-terrain vehicles, and utility vehicles, may be operated on city streets subject to the following conditions:

1. The owner of the golf cart, all-terrain vehicle, or utility vehicle, must first obtain a permit from the Town Clerk of the Town of Fort Towson;
  - a. Before a permit is issued, the golf cart, all-terrain vehicle, or utility vehicle, shall undergo an inspection by the town's law enforcement officer to ensure that the golf cart meets all requirements of state law and any Section of this Chapter;
  - b. Upon approval of the law enforcement officer, the Town Clerk of the Town of Fort Towson shall issue said permit;
  - c. The permit fee shall be one hundred dollars (\$100.00) and shall be renewed annually during the month of January with no pro-ration. The fee will be waived for parades and all veterans on active duty or reserve duty, or honorably discharged.
2. The operation of golf carts, all-terrain vehicles, or utility vehicles, on city streets and roadways shall only occur during daylight hours;
3. The golf cart, all-terrain vehicle, or utility vehicle, shall be equipped with brake lights, headlights, horn and rear view mirror or side mirrors;
4. Headlights shall remain on at all times;
5. No golf cart, all-terrain vehicle, or utility vehicle, shall be operated on city streets with posted speed limits greater than 25 miles per hour or posted limits on county roads.
6. The operator of such golf cart shall possess a valid driver's license or motorcycle license, and be at least 14-1/2 years old;
7. The golf cart, all-terrain vehicle, or utility vehicle, shall not be operated on a state or U.S. highway, unless making a perpendicular crossing of a state or U.S. highway located within the boundaries of the Town of Fort Towson and, if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
8. The golf cart, all-terrain vehicle, or utility vehicle, may be operated on U.S. Highway 70, State Highway 109, and State Highway 209, if the roadway is closed and it is being driven in a parade;
9. The owner and/or operator of the golf cart, all-terrain vehicle, or utility vehicle, shall maintain liability

insurance covering the golf cart, all-terrain vehicle, or utility vehicle, in the amount required by 47 O.S. Section 7-324;

10. It shall be unlawful for any person to operate a golf cart in a manner prohibited by state law or any Section of this Chapter.

**Section 15-707: NOISE CONTROL UPON BRAKING OR SLOWING.**

The driver of any vehicle, including but not limited to, motor carriers, trucks, semi-trailer and tractor trailers, shall not cause their vehicle to brake or slow by any method which increases the noise emission levels of the engine, including, but not limited to, the method commonly known as "jake braking", wherein engine compression is used to slow the vehicle in lieu of applying the clutch or the brakes.

(ORD 07-02, 02-06-2007)

**PART 16 - TRANSPORTATION**

**CHAPTER 1 - RAILROADS**

**Section 16-1 RAILROADS TO IMPROVE CERTAIN STREETS AND ALLEYS.**

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two feet (2') on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the council by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the council by motion or resolution may approve.

When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two feet (2') on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the council by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred feet (100'), measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the city is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

**Section 16-2 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS.**

Railway companies shall construct sidewalks crossing their rights-of-way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

**Section 16-3 CLIMBING ON TRAINS.**

It is unlawful for any person to climb upon, hold to, or in any manner attaches himself to, any railway train, locomotive, or railway car, while such is in motion within the city, unless such person is acting in line of duty; or to board any train or railroad car, including a passenger, freight, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in line of duty.

**Section 16-4 SPEED LIMIT FOR TRAINS.**

1. The maximum speed of railroad locomotives, engines, motorcars or trains of cars within the corporate limits of the town shall be as provided by federal regulation.
2. No engineer, conductor or other person in charge of a railway locomotive, railway engine, railway motor car or train of cars shall operate and run the same, or permit or suffer the same to be operated and run, along any track within the corporate limits of the city

at a greater rate of speed than is prescribed and set forth in this Section.

3. Where grade crossings of any railroad tracks are protected by automatic crossing gates with arms or by wig-wag signals within the city, all trains passing through any grade crossings so protected shall not exceed a speed of fifty (50) miles per hour. Such automatic crossing gates or wig-wag signals shall close each and every grade crossing to highway traffic for a period of at least thirty (30) seconds before any train, or part of train, shall occupy the grade crossing.

**Section 16-4 CROSSING GATES OR SIGNALS.**

Any and all railroad companies which are now operating and which shall hereafter operate, any railroad line or lines within the corporate limits, or through the corporate limits, of the town, are hereby authorized to erect and install automatic crossing gates, with arms, at all railroad grade crossings in the town.

**Section 16-5 TRAINS BLOCKING STREETS.**

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes. This provision shall not apply to railroad trains or cars in motion, other than those engaged in switching.

**Section 16-6 UNNECESSARY NOISE PROHIBITED.**

It is unlawful for any engineer or other person while operating a locomotive within or through the town to cause unnecessary or prolonged blasts with a whistle on the locomotive or to allow or cause any unnecessary noises from such locomotive.

**PART 17 - UTILITIES**

**CHAPTER 1 - GENERAL PROVISIONS**

**Section 17-101: PUBLIC WORKS DEPARTMENT; WATER POLICY.**

The water system is under the control of the Public Works Department governed by the City Council. The public utility director/and or town employees may enter any private premises served by the town water system at any reasonable time to inspect the water pipes and fixtures on said premises. Not more than one premise can be connected to a single tap. The city is not responsible for any damage due to stoppage or interruption of water service.

All permanent dwellings located where supply capability exists must have water and Oklahoma Department of Environmental Quality acceptable sewer available.

**Section 17-102: UTILITY APPLICATION.**

- A. All new customers will complete a Utility Application and submit to the Town Clerk for water service. A deposit of \$225.00 and a \$25.00 turn-on fee are required with the application for new service. The application must be completed in full and signed by the property owner or lessee before water will be turned on.
- B. If the applicant IS NOT the landowner, a copy of the lease agreement from the owner is required to turn on service. As part of the application process, positive identification of the property owner or lessee must be provided.
- C. Property owners who have previously paid the \$225 deposit and have more than one property in their name shall still be required to pay the \$25 turn-on fee. However, property owners are only required to only pay a single deposit if another active account remains open and the account is in good standing.
- D. The rates and Utility Policy for the Town of Fort Towson are available at City Hall.

**CHAPTER 2 - REFUSE COLLECTION AND DISPOSAL**

**Section 17-201: DEFINITIONS.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them in this Section:

- 1. **"Person"** means any institution, public or private corporation, individual, partnership, or other entity;
- 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 rubbish;
- 4. **"Garbage"** means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowls from any premises within the town limits;

- 5. **"Rubbish"** means tin cans, bottles, papers, tree limbs (which shall be cut into lengths not exceeding three and one-half feet (3 ½')), leaves, etc., from any premises within the town limits; and
- 6. **"Rubble"** means brushwood, cardboard boxes and other bulky earthen, wooden, or metal refuse-like materials, longer, larger or heavier than refuse.

**Section 17-202: ACCUMULATIONS OF GARBAGE AND REFUSE.**

- A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible, rodent-proof and fly-proof, with a tightfitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the garbage and rubbish that may accumulate between collections. Each container shall have a capacity of not more than thirty-two (32) gallons, except where approved type bulk storage containers are in use. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.
- B. All containers shall be kept in a convenient location for collection, as designated by the town board of trustees, whereby collectors can obtain same without going into buildings, garages, locked gates or fenced yards with dogs. All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times.
- C. All ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber which cannot be conveniently placed in the containers required by this Chapter shall be gathered together and baled, tied, or sacked in compact bundles, weighing no more than fifty (50) pounds, and placed in a location easily accessible to the collector.

**Section 17-203: COLLECTION OF GARBAGE AND RUBBISH.**

- A. The town or its authorized representative shall collect from all areas of the town upon schedule as approved by the town board. It is the duty of any person in possession or control of any premises to place the containers required by this ordinance in a location easily accessible to the collector.
- B. The places having rubble and excessive accumulations of garbage and rubbish may be excluded from the service, and such accumulations shall then be removed and disposed of at the expense of the owner or person having charge; provided, that the owner, person having such accumulations in charge, or collection agent shall secure permission from the code enforcement officer for removal and disposal of same.
- C. Carcasses of animals such as cows, horses and mules, shall be removed and disposed of at the expense of the owner or person having same in charge and by the method directed by the code enforcement officer.

- D. Heavy accumulations such as brush, broken concrete, ashes, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same under the direction of the code enforcement officer.
- E. Manure from cow-lots, horse stables, poultry yards, pigeon lofts, and other animals or fowl pens, and waste oils from garages or filling stations or materials considered hazardous or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the code enforcement officer.
- F. The placing of garbage or rubbish or any refuse material in any street or alley within the town limits or the disposal of such refuse at any place within the town limits, except at such place as may be directed by the code enforcement officer is prohibited.
- G. The meddling with refuse containers or in any way pilfering, scattering contents, or junking, in any alley or street within the town limits is prohibited.

(ORD 08-01, 05-20-2008)

**Section 17-204: CONTRACT AND DISPOSAL.**

- A. The town shall have authority to enter into contractual obligation with those who wish to engage in the business of refuse collection or refuse disposal for compensation in the town. The town shall be limited to contracting for such service to contract only with persons having proper equipment, meeting State Department of Health requirements, and sufficient personnel to collect and dispose of refuse in accordance with the provisions of this ordinance; and provided further that the method of disposal contracted for must be in accordance with the requirements of this Chapter.
- B. Every person desiring to engage in the collection and disposal of refuse shall have the right to make written application to the town and shall make written application, setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection or disposal of such refuse, the place of disposal and the method of disposal to be practiced. Upon approval of application all bids may be considered at some time prior to the expiration of the then existing contract, if any.
- C. Any person whose application has been denied may request and shall be granted, a hearing before the town board of trustees.

**Section 17-205: INSPECTIONS.**

The town may make all necessary inspections and investigations of any and all premises to see that the terms of this Chapter are complied with.

**Section 17-206: FEES.**

There may be charged, assessed and collected from each residential and commercial unit such amounts as set by the town board of trustees by motion or resolution.

**Section 17-207: DUTY TO REQUEST GARBAGE SERVICE.**

To assist in maintaining the general sanitation of the town it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the town at the beginning of such occupancy and request, accept and use the garbage pickup and collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the town from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures.

**Section 17-208: PERMITS REQUIRED.**

The town may apply for all necessary permits relating to a state approved disposal site or may by contract require any person, who is authorized to collect solid waste by the town to obtain all necessary permits as a condition of employment or as a condition for contractual relations with the town or as a condition of doing solid waste collection business in the town.

**Section 17-209: PENALTY.**

Any person violating any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this code.

**APPENDIX 1 – BOND AND FEE SCHEDULE**

FORT TOWSON BOND AND FEE SCHEDULE  
 COURT COST OF \$45 INCLUDED IN FINE  
 JAIL FEE: \$26 PER DAY  
 DEFERRED SENTENCE FEE – SET BY THE COURT \*\*\*

OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
ABUSE, NEGLECT, OR EXPLOITATION BY CARETAKER (VERBAL)	21OS843.2	200.00
ACCIDENT – FAILURE TO DEVOTE FULL TIME AND ATTENTION	47OS11-901b	200.00
ACCIDENT-LEAVING SCENE - NON-INJURY	10OS102	300.00
ACCIDENT – LEAVING SCENE – INJURY	10OS102	500.00
ACCIDENT – LEAVING SCENE – PROPERTY DAMAGE ONLY	10OS103	400.00
ALL OTHER VIOLATIONS – CRIMINAL	ORD 1-108	145.00
ALL OTHER VIOLATIONS – TRAFFIC	ORD 1-108	145.00
ANIMAL – ABANDON ANIMAL IN PUBLIC PLACE	21OS1691	200.00
ANIMAL – ALLOW DOMESTIC ANIMAL TO RUN AT LARGE	ORD 4-102	145.00
ANIMAL – DISTURBING THE PEACE	ORD 3-6	145.00
ANIMAL – CRUELTY	ORD 3-35	100.00
ANIMAL – FAILURE TO RESTRAIN DANGEROUS DOG	4OS42.4	300.00
ASSAULT – COMMUNICATING A THREAT – VERBAL	ORD 10-501/21OS641	100.00
ASSAULT & BATTERY (A&B) AGAINST ANOTHER	ORD 10-501/21OS642	300.00
A&B ON POLICE OFFICER	ORD 10-603/21OS649	500.00
A&B DOMESTIC (1 <sup>ST</sup> OFFENSE)	ORD 10-501/21OS644	300.00
A&B DOMESTIC (2 <sup>ND</sup> AND SUBSEQUENT OFFENSE)	ORD 10-501/21OS644	500.00
A&B DOMESTIC IN THE PRESENCE OF A MINOR (1 <sup>ST</sup> OFFENSE)	ORD 10-501/21OS544.e	300.00
A&B DOMESTIC IN THE PRESENCE OF A MINOR (2 <sup>ND</sup> AND SUB OFFENSE)	ORD 10-501/21OS544.e	500.00
ATTEMPT TO COMMIT OFFENSE	ORD 10-101/21OS42	½ FINE
BURGLARY/BREAKING & ENTERING/UNLAWFUL ENTRY (MISDEMEANOR)	21OS1435	300.00

OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
BURN - BAN VIOLATION – ORDERED BY GOVERNOR	20S16-26	500.00
BURN – PUBLIC/OPEN BURNING	ORD 9-15	90.00**
BICYCLE VIOLATIONS	ORD 22-123	57.00**
CHILD – FAILURE TO PROTECT: BIRTH TO 2 YEARS -REAR FACING	11OS1112	90.00*
CHILD – FAILURE TO PROTECT: 2 TO 4 YEARS – FORWARD FACING	11OS1112	90.00*
CHILD – FAILURE TO PROTECT: 4 TO 8 YEARS – BOOSTER OR TALLER 4’9”	11OS1112	90.00*
CHILD – CURFEW – UNDER 18 – 11PM TO 6AM/1AM-5AM	ORD 10-413	145.00
CHILD – SEATBELT, AGE 8 TO 15	11OS1112	90.00*
COMPUTER CRIME – ANNOY, ABUSE, THREATEN, HARASS	21OS1953.A8	200.00
CONTEMPT OF COURT	ORD 6-117	100.00
DAMAGE/DESTROY – PUBLIC/PRIVATE/GOVERNMENT PROPERTY	ORD 10-203/21OS1760	200.00
DESTROYING EVIDENCE	21OS454	200.00
DISTURBING THE PEACE/BREACH OF PEACE/INSULTING OTHERS	ORD 10-301	155.00
DISTURBING THE PEACE – RELIGIOUS SERVICE	ORD 10-301	200.00
DRIVING –ATV/UTILITY/GOLF CART/MINI-BIKE	ORD 22-11/47OS11-1116	265.00
DRIVING – CHANGING LANES UNSAFELY	47OS11-309	145.00
DRIVING – COMPOSE/SEND/READ TEXT WHILE OPERATING A NON-CMV	47OS901d	200.00
DRIVING – COMPOSE/SEND/READ TEXT WHILE OPERATING CMV	47OS11-901c	500.00
DRIVING – DEFECTIVE/IMPROPER HEADLIGHTS	47OS12-203	145.00
DRIVING – DEFECTIVE/IMPROPER MUFFLER OR EXHAUST SYSTEM	47OS12-402	145.00
DRIVING – DEFECTIVE/IMPROPER TIRES	47OS12-405	145.00
DRIVING – DEFECTIVE/IMPROPER LIGHTS (OTHER THAN HEADLIGHTS)	47OS12-201	145.00
DRIVING – DRIVERS VIEW IS OBSTRUCTED	47OS1104	145.00
DRIVING – FAIL TO OBEY LAWFUL TRAFFIC CONTROL SIGN	47OS11-201	160.00

OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
DRIVING – FAIL TO YIELD FROM ALLEY/DRIVEWAY/BUILDING	47OS11-704	160.00
DRIVING – FAIL TO YIELD FROM ROAD OR PRIVATE DRIVE	47OS11-404	160.00
DRIVING – FAILURE TO DEVOTE ATTENTION	47OS11-901	160.00
DRIVING – FAILURE TO DIM HEADLIGHTS FOLLOWING 600 FEET	47OS12-203.2	145.00
DRIVING – FAILURE TO DIM HEADLIGHTS APPROACHING 1,000 FEET	47OS12-203.1	145.00
DRIVING – FAILURE TO DISPLAY HEADLIGHTS WHEN REQUIRED	47OS12-201	140.00
DRIVING – FAILURE TO MAINTAIN/PROVIDE PROOF OF INSURANCE	47OS7-606	225.00
DRIVING – FAILURE TO PAY FOR GASOLINE	21OS1740	200.00
DRIVING – FAILURE TO SECURE LOAD/COVER LOAD	47OS14-105	170.00
DRIVING – FAILURE TO SECURE TRAILER/TOWED VEHICLE	47OS14-106	145.00
DRIVING – FAILURE TO SIGNAL WHEN TURNING	47OS11-604	170.00
DRIVING – FAILURE TO SIGNAL WHEN PASSING	47OS11-303(3)	170.00
DRIVING – FAILURE TO SLOW/YIELD TO EMERGENCY/DOT VEHICLE	47OS11-314	175.00
DRIVING – FAILURE TO STOP FOR STOP SIGN	47OS11-403	150.00
DRIVING – FOLLOWING FIRE APPARATUS PROHIBITED	47OS11-1108	200.00
DRIVING – FOLLOWING TOO CLOSELY	47OS11-310	145.00
DRIVING – IMPEDING THE NORMAL /REASONABLE FLOW OF TRAFFIC	47OS11-804	100.00
DRIVING – IMPROPER BACKING	47OS1101	145.00
DRIVING – IMPROPER U-TURN, RIGHT TURN, LEFT TURN	47OS11-601	145.00
DRIVING – ILLEGAL OR IMPROPER LANE USAGE	47OS11-309	145.00
DRIVING - IMPEDING TRAFFIC	47OS11-309	170.00
DRIVING – INTERLOCK VIOLATION	47OS11-902a	175.00
DRIVING – JAKE BRAKE BRAKING OR SLOWING	ORD 15-707	145.00
DRIVING – LEFT OF CENTER	47OS11-306	170.00



OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
DRIVING – LICENSE NOT IN POSSESSION	47OS6-112	145.00
DRIVING – LICENSE CONDITION/RESTRICTION VIOLATION	47OS6-113	145.00
DRIVING – MANNER NOT REASONABLE OR PROPER	47OS11-801	200.00
DRIVING – MOTORCYCLE – IMPROPER OR NO EYE PROTECTION	47OS609A2	145.00
DRIVING – MOTORCYCLE – MINOR NOT WEARING HELMET	47OS12-609b	145.00
DRIVING –OPERATING M/V W/O A VALID DRIVER LICENSE	47OS6-303A	170.00
DRIVING – PERMIT UNAUTHORIZED MINOR TO DRIVE	47OS6-304	215.00
DRIVING – PERMIT UNAUTHORIZED PERSON TO DRIVE	47OS6-305	215.00
DRIVING – POSSESSION OF MORE THAN ONE DRIVERS LICENSE	47OS6-101.B	145.00
DRIVING – RECKLESS	ORD 15-208/47OS11-901	337.00
DRIVING – SCHOOL BUS STOPPED – LOADING/UNLOADING CHILDREN	47OS11-705a	250.00
DRIVING – SUSPENDED, REVOKED, CANCELLED, DRIVERS LICENSE	47OS6-303b	200.00**
DRIVING – TAG/PLATE – EXPIRED/ILLEGAL DISPLAY	47OS1151	170.00
DRIVING – THROWING FROM MV ANY (SEE ABOVE) DURING BURN BAN	21OS1753.3	500.00
DRIVING – THROWING FROM MV ANY BURNING OR SMOLDERING SUBST	21OS1753.3	200.00
DRIVING - TRANSPORT OPEN CONTAINER – INTOX BEVERAGE	ORD 3-209/21OS1220	100.00
DRIVING – UNDER THE INFLUENCE/APC/IMPAIRED	47OS11-902	DISTRICT
DRIVING – USING A HAND-HELD MOBILE DEVICE W/OPERATING CMV	47OS11-901c	400.00
DRIVING – VIOLATION OF DRIVER LICENSE RESTRICTION	47OS303a	145.00
DRIVING – WITHOUT CURRENT STATE DRIVERS LICENSE	47OS1151A3	170.00
DRIVING – WRONG WAY ON ONE WAY	47OS308B	170.00
DRUGS – POSSESSION OF CONTROLLED DANGEROUS SUBSTANCE (CDS)	63OS2-402	200.00**
DRUGS – FAILURE TO PROVIDE STATE MEDICAL MARIJUANA LICENSE	63OS420a	200.00
DRUGS – POSSESSION OF ILLEGAL DRUG PARAPHERNALIA	63OS2-101	200.00**

OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
DRUGS – POSSESSION OF CDS WITHOUT PRESCRIPTION	63OS2-402.A.2	200.00
DUMPING TRASH ON PUB/PRIVATE PROPERTY W/O CONSENT (TRAFFIC)	21OS1761.1	500.00
DUMPING FLAMING/GLOWING SUBSTANCE ON PUB/PRI W/O CONSENT	21OS1761.1	1,000.00
DUMPING FLAM/GLOW SUBSTANCE ON PUB/PRIV PROP BURN BAN	21OS1761.1	2,000.00
ELUDE – ATTEMPT FROM POLICE OFFICER	21OS540A	500.00
FAILURE TO APPEAR/PAY COURT FEES/FINES	22OS209/22OS1111.2	145.00
FALSE OR BOGUS CHECK	21OS1541.1	145.00
FALSE REPORT OF A CRIME/REPRESENTATION TO OFFICER	21OS589	200.00
FALSE RUMORS OF A SLANDEROUS NATURE	21OS781	145.00
FIREWORKS – PROHIBITED	ORD 10-303	90.00**
INJURING OR MOLESTING AUTOMOBILE	ORD 10-202/21OS1787/88	200.00
INSULTING – SIGN, LITERATURE, LANGUAGE	21OS906	200.00
LAWFUL COMMAND – FAILURE TO OBEY POLICE/FIRE	47OS11-103	220.00
LIBEL	21OS771/773	145.00
LITTERING – ILLEGAL DUMPING	21OS1761.1	500.00
LITTERING – THROWN ON HWY/PUBLIC PROPERTY	21OS1205	200.00
LOITERING/SLEEPING – ADULT	ORD 10-414	145.00
MINOR – LOITERING WHERE INTOXICATING BEVERAGE IS SOLD	ORD 3-205/37OS537C(7)	100.00
MINOR – FURNISH INTOXICATING BEVERAGE TO PERSON UNDER 21	37AOS6-120	100.00
MINOR – POSSESSION OF INTOXICATING BEVERAGE IN PUBLIC	ORD 3-210	100.00
MINOR – POSSESSION OF TOBACCO (1 <sup>ST</sup> OFFENSE) – UNDER 21	ORD 8-502/10AOS2-8-224	100.00
MINOR – POSSESSION OF TOBACCO (2 <sup>ND</sup> OFFENSE – 1 YR) – UNDER 21	ORD 8-502/10AOS2-8-224	200.00
MINOR – RETAILER SALE OF TOBACCO (1ST OFFENSE) – UNDER 21	ORD 8-502/10AOS2-8-224	100.00
MINOR - ATTEMPT/ENTER ESTABLISHMENT W/O PARENT/GUARDIAN	37AOS6-103	200.00

OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
OBSCENITY/THREATS/HARASSMENT-TELEPHONE/ELECTRONIC (1 <sup>ST</sup> OFF)	21OS1172	200.00
OBSCENITY/THREATS/HARASSMENT-TELEPHONE/ELECTRONIC (2 <sup>ND</sup> -SUB)	21OS1172	FELONY
OBSTRUCTING POLICE OFFICER	21OS540	225.00
PARKING – ILLEGAL/IMPROPER PARKING ON TOWN PROPERTY	ORD 10-214	145.00
PARKING/STOPPING/STANDING - PROHIBITED	47OS11-1003	145.00
PARKING – HANDICAP VIOLATION	47OS1007A	145.00
PARKING – WITHIN 15 FEET OF FIRE HYDRANT	47OS11-1003A3	145.00
PEEPING TOM	21OS1171A	500.00
PETIT LARCENY – PRIVATE PROPERTY	ORD 10-201/21OS1702	145.00
PETIT LARCENY FROM A RETAILER	ORD 10-201/21OS1731	300.00
PUBLIC INTOXICATION/DRINKING IN PUBLIC – ALCOHOL/DRUGS	ORD 3-116/37A6-101	100.00
PUBLIC INTOXICATION/DRINKING IN VEHICLE – ALCOHOL/DRUGS	37AOS6-101d	100.00*
PUBLIC NUISANCE – FAIL TO OBEY LEGAL DUTY	21OS1191	150.00
PUBLIC UTILITIES – TAMPERING OR DAMAGING	ORD 10-206/76OS23	200.00
RAILROAD - TRESPASS	21OS1752.1	145.00
RAILROAD – CLIMBING ON MOVING TRAINS	21OS1365	145.00
REMOVAL OF BARRICADES	ORD 10-609	500.00**
RESISTING – ARREST	21OS268	225.00
SHRUBBERY – OBSTRUCTION OF STREETS, SIDEWALKS, PUBLIC AREAS	ORD 14-101	75.00**
SEAT BELT VIOLATION - ADULT	47OS12-417	20.00*
SPEEDING:		
1 – 10	47OS11-801e	100.00*
11 - 15	47OS11-801	175.00
16 – 20	47OS11-801	195.00

OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
21 – 25	47OS11-801	225.00
26 – 30	47OS11-801	245.00
31 – 35	47OS11-801	270.00
36 OR OVER	47OS11-801	290.00
SPEEDING IN SCHOOL ZONE – DOUBLE FINE	47OS11-806.1	DOUBLE
SPEEDING – EXCESSIVE/TOO FAST FOR CONDITIONS	47OS11-801	145.00
STALKING – 1 <sup>ST</sup> OFFENSE – NO VPO	21OS1173a	200.00
STALKING – 2 <sup>ND</sup> AND SUBSEQUENT OFFENSE	21OS1173a	DISTRICT
THREATEN TO PERFORM ACT OF VIOLENCE	21OS1378b	250.00
THREATEN OR DISRUPT BUSINESS EMPLOYEE	21OS838	150.00
TOBACCO – VIOLATION OF TOBACCO/VAPOR FREE ORDINANCE	ORD 8-501	100.00**
TRESPASS – AFTER BEING FORBIDDEN/SIGNS POSTED	ORD 10-213/21OS1835	300.00
TRESPASS – CRITICAL INFRASTRUCTURE	21OS1792	500.00
UNLAWFUL ASSEMBLY – TWO OR MORE AGAINST PEACE	ORD 10-301	145.00
VANDALISM – DESTROY/INJURE BUILDING – OTHER PROPERTY	21OS1760	200.00
VANDALISM – AUTOMOBILE OR MOTOR VEHICLE	21OS1787	180.00
WEAPON – ALLOW MINOR TO POSSESS	21OS1273	200.00
WEAPON – CARRYING WHILE UNDER THE INFLUENCE	21OS1289.9	250.00
WEAPON – DISCHARGE OF AIR RIFLE OR BB GUN	ORD 10-307	145.00
WEAPON –RECKLESS CONDUCT	ORD 10-306/21OS1289.11	400.00
WEAPON – DISCHARGING/TRANSPORTING FROM A VESSEL	63OS4210.3	200.00
WEAPON – FAIL TO IDENTIFY TO LAW ENFORCEMENT FIREARM	21OS1289.7	100.00*
WEAPON – FAILURE TO IDENTIFY GUN TO POLICE	21OS1290.8	100.00*
WEAPON –MINOR – ILLEGAL POSSESSION OF WEAPON	21OS1273	100.00

OFFENSE	OKLAHOMA STATUTE AND/OR CODE SECTION	FINE
WEAPON – MISDEMEANOR POINTING A FIREARM	21OS1279	200.00
WEAPON – POSSESSION ON SCHOOL PROPERTY	21OS1280.1	200.00
WEAPON – REFUSE TO LEAVE BUSINESS WHEN ARMED	21OS1290.22	250.00*
WEAPON – SCHOOL PROPERTY	21OS1280.1	300.00
WEAPON – UNLAWFUL POSS/CARRY – DANGEROUSLY/DEADLY	ORD 10-305/21OS1289	250.00*

\* MAXIMUM SET BY STATE STATUTE

\*\* MAXIMUM SET BY TOWN ORDINANCE

\*\*\* NO MORE THAN \$200 FOR TRAFFIC; \$800 ALCOHOL/DRUGS; \$750 ALL OTHERS (11OS14-111)