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CHAPTER 1: GENERAL PROVISIONS

ARTICLE 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 "Laverne Municipal Code 2024". and may be so cited.

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

Section 1-102 RULES OF CONSTRUCTION.

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

1. "Town" means the Town of Laverne;

2. "Town Board of Trustees" means the Town Board of Trustees of the Town of Laverne;

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

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

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

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

7. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances of

the Town, and, when appropriate, any and all rules and regulations promulgated thereunder;

8. Reserved.

9. "Mayor" means the Mayor of the Town;

10. "Month" means a calendar month;

11. "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 meanings;

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

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

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

15. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e., "clerk," "Town clerk," "Town attorney," "fire chief," "chief of police," etc. they shall mean the officers, agencies or departments of the Town and not officers as defined by state law;

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

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

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

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

20. "State" or "this state" shall be construed to mean the State of Oklahoma;

21. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

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

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

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

25. "Year" means a calendar year.

Section 1-103 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 re-enacted.

Section 1-104 EFFECT OF REPEAL OF ORDINANCES.

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

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

Section 1-105 SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the Town 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 is declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this code 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 Town Board of Trustees of the Town of Laverne, Oklahoma, that Section ____ of the Laverne Municipal Code 2024, is hereby amended to read as follows": (Set out new provisions in full.)

C. When the Town 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 Town 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 Town Board of Trustees of the Town of Laverne, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Laverne, Municipal Code 2024, and the Sections of this ordinance may be renumbered to accomplish this intention.

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

State Law Reference: Enactment of ordinances, 11 O.S. Sections 14-103 et seq.

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 Code.

Section 1-108 GENERAL PENALTY.

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the Town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding:

1. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars ($200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars ($800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars ($750.00). The fines shall be set out in the schedule of fines set out in Section 1-111 hereinbelow. Any fine not provided in the schedule of fines or hereinabove shall be Five Hundred Dollars ($500.00) unless the fine for such same offense under state law is less and then in such instance the fine shall be the same as the state law fine for the same offense.

2. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

B. Any person who shall aid, abet, or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this Section.

C. Subject to the provisions of Chapter 15, Section 15-406, or other limitation as imposed by law, costs may be charged and

collected by the municipal court not of record not to exceed the sum of Thirty Dollars ($30.00), any state authorized assessments or fees, and fees and mileage of jurors and witnesses.

State Law Reference: Maximum fine levied in courts not of record, $200.00, 11 O.S. Section 14-111. Maximum fine levied without jury trial, $100.00, 11 O.S. Section 27-119. Maximum fine levied by court with non-lawyer judge with appropriate CLE, $100.00, 11 O.S. Section 27-119.

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; SCHEDULE OF BONDS AMD FINES, COSTS, FEES AND ASSESSMENT.

A. Schedule of Fees and Charge. 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 Town 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 fee schedule.

C. The following shall be the bond and fine schedule as of the adoption of this Code:

Charge	Fine	§ or LMC
RULES OF THE ROAD		
Speed		
1 to 10 mph over posted limit	$125.00	LMC §15-401
11 to 15 mph over posted limit	$150.00	LMC §15-401
16 to 20 mph over posted limit	$175.00	LMC §15-401
21 or more over posted limit	$200.00	LMC §15-401
School Zone	$200.00	LMC §15-402
Failure to reduce weather/road	$150.00	LMC §15-403
Impede traffic movement	$150.00	§47-11-804a
Operating MV at speed not proper	$150.00	LMC §15-525
Recklessness or Carelessness		
Eluding Police Officer	$500.00	LMC§15-212.1
Reckless Driving	$500.00	LMC §15-522
Careless Driving	$225.00	LMC §15-523
Failure to Devote Full-time	$150.00	LMC §15-525
Engaging in Speed Contest	$200.00	LMC §15-526
Following and Backing		
Following to Closely	$150.00	LMC §15-508
Improper Backing or/into Intersect	$150.00	LMC §15-517
Lane Usage		
Unauthorized Direction of Travel	$150.00	LMC §15-203
Wrong way on one way	$150.00	LMC §15-203
Improper Lane Usage	$150.00	LMC §15-501
Making Unsafe Lane Change	$150.00	LMC §15-501
Driving Left of Center	$150.00	LMC §15-502
Improper Passing on Right Side	$150.00	LMC §15-503
Improper Passing on Left Side	$150.00	LMC §15-504
Passing when unsafe to do	$150.00	LMC §15-505
Passing in no Passing Zone	$150.00	LMC §15-509
Passing in a school zone	$150.00	LMC §15-513

Passing School Bus loading lights	$150.00LMC §15-514
Failure to Signal Intent to Turn	$150.00LMC §15-907
Failure to Yield to Emergency Vech	$225.00LMC §15-212
Failure to Yield to vehicle (Right)	$150.00LMC §15-536
Failure to Yield when turning left	$150.00LMC §15-537
Failure to Yield (traffic thruway)	$150.00LMC §15-539
Failure to Yield (posted stop)	$150.00LMC §15-544
Failure to Yield (posted yield)	$150.00LMC §15-545
Failure to Yield (private drive)	$150.00LMC §15-546
Failure to Yield (to traffic/park)	$150.00LMC §15-547
Failure to Yield (alley or dr/way)	$150.00LMC §15-548

Traffic Signs

Failure to Stop for Bus	$150.00LMC §15-514
Failure to Stop at Stop Sign	$150.00LMC §15-544
Failure to Stop at RR Crossing	$150.00LMC §15-550
Driving Around Crossing Gate	$150.00LMC §15-550
Failure of Required MV to Stop	$150.00LMC §15-551
Failure to Obey Traffic Device	$150.00LMC §15-603
Failure to Stop for Red Light	$150.00LMC §15-604
Failure to Stop for Flashing Red	$150.00LMC §15-607

Turns

Failure to Make Required Turn	$125.00LMC §15-901
Making Prohibited Turn (posted)	$125.00LMC §15-903
Improper U-Turn	$125.00LMC §15-904
Turning Vehicle Across Center Line	$125.00LMC §15-905

Driver’s License

Violation of License Restriction	$150.00LMC §15-215
No Driver’s License	$150.00LMC §15-215
No Driver’s License in possession	$50.00LMC §15-215
Driving without proper endorsement	$150.00LMC §15-215
Driving Under Suspension (DUS)	$250.00LMC §15-216
DUS (subsequent)	$300.00LMC §15-216
Allowing unauthorized driver	$250.00LMC §15-218

Insurance & Duties at Accidents

Leaving the scene of prop accident	$250.00LMC §15-219
Failure to Provide information	$250.00LMC §15-219
Leaving scene of Fixture Accident	$250.00LMC §15-220
Failure to Report Accident	$250.00LMC §15-221

Failure to Carry Security Verify	$125.00	
LMC §15-228eFailure to Maintain Insurance	$250.00	LMC §15-228

Equipment

Failure to display Valid Tag	$150.00	LMC §15-217
Driving Vehicle that is unsafe	$150.00	LMC §15-302
Improper Equipment	$150.00	LMC §15-303
Improper Equipment after warning	$200.00	LMC §15-303
Defective Exhaust	$150.00	LMC §15-304
Operating Unsafe MV	$150.00	LMC §15-306
Unlawful Riding Upon Vehicle	$150.00	LMC §15-532
Failure to use Seat Belt	$20.00	LMC §15-552
Failure to use Child Restraint	$50.00[1]	LMC §15-552c
Failure to Dim Headlights	$150.00	§47-12-222
Failure to Pay Taxes due State	$150.00	§47-1151

Parking

Unsafe Start from Stop	$100.00	LMC §15-528
Opening door into traffic	$100.00	LMC §15-529
Parking in excess of posted time	$100.00	LMC §15-703
Parking where sign prohibited	$100.00	LMC §15-703
Parking in excess of 48 hours	$100.00	LMC §15-704
Failure to Set Brakes	$100.00	LMC §15-705
Failure to obey angle parking	$100.00	LMC §15-707
Parking on sidewalk	$100.00	LMC §15-711A1
Parking in front of private drive	$100.00	LMC §15-711A2
Parking within intersection	$100.00	LMC §15-711A3
Parking within 15' of hydrant	$100.00	LMC §15-711A4
Parking on a crosswalk	$100.00	LMC §15-711A5
Parking within 20' of crosswalk	$100.00	LMC §15-711A6
Parking in alley leaving less 20'	$100.00	LMC § 15-717
Parking traveled portion of street	$100.00	LMC § 15-719
Double Parking	$100.00	LMC § 15-720
One-ton parking in excess of 3 hrs	$100.00	LMC § 15-721
Parking prohibited vehicles	$100.00	LMC § 15-721b
Parking vehicle for sale on road	$100.00	LMC § 15-722
Improper Parking on left side/road	$100.00	LMC § 15-723
Failure to park vehicle right side	$100.00	LMC § 15-723
Negligent Parking	$100.00	LMC § 15-724
Parking in Handicap Space	$200.00	LMC § 15-726

[1] If 1st offense, $15.00 fine if purchase approved child restraint system and show court clerk proof of purchase.

Loads

Operating a MV with unsafe load	$150.00	LMC § 15-302
Operating an overweight load	$150.00	LMC § 15-305
Operating an MV - too long	$150.00	LMC § 15-305
Operating overweight MV	$150.00	LMC § 15-305
Operating MV to high	$150.00	LMC § 15-305
Driver's View Obstructed	$150.00	LMC § 15-305

Motorcycles

Unlawfully carrying passengers	$150.00	LMC § 15-518
Operating w/out required equip	$150.00	LMC § 15-519
Under 18 w/out helmet	$150.00	LMC § 15-519b
Operating with modified exhaust	$150.00	LMC § 15-519c

Bicycles

Bicyclist fails to obey lights	$100.00	LMC § 15-1103
Bicyclist w/out proper lamps	$100.00	LMC § 15-1511

Pedestrians

Failure to yield to pedestrian	$175.00	LMC §15-1002
Pedestrian's failure to yield	$100.00	LMC § 15-1005
Pedestrian unlawfully cross high	$100.00	LMC § 15-1009

Miscellaneous Rules of the Road

Interfering with Driver's View	$150.00	§47-11-1104
Failure to comply with fireman	$250.00	LMC § 15-204
Unlawfully crossing fire hose	$150.00	LMC § 15-214
Driving thru funeral processions	$150.00	LMC § 15-510
Using Fireworks w/in Town	$100.00	LMC § 15-704
Storing Fireworks in Town	$100.00	LMC § 15-704b
Texting while driving	$70.00	LMC § 15-229

Uniform Violations

Alcohol & Drug Violations

Failure to Display License/Permit	$250.00	LMC § 3-201
Drinking alcoholic beverage in public place	$170.00	LMC § 3-202
Public Intoxication	$170.00	LMC § 3-203
Minors, Parents, Guardians and Alcohol	$500.00	LMC §3-204

Transportation of Open Container	$500.00	LMC §3-208
Prohibited Acts	$500.00	LMC §3-210
Possession of Marijuana	$400.00	LMC § 10-804
Possession of Drug Paraphernalia	$500.00	LMC § 10-805
Consuming (inhaling) substances	$500.00	LMC § 10-806

Crimes Against Public

Assault & Battery on Police Off.	$500.00	§ 21-649
Aggravated Assault & Battery	$500.00	§ 21-646
Assault	$250.00	LMC §10-201
Battery	$500.00	LMC §10-202
Fighting	$250.00	LMC §10-203
Concealing weapons on pub property	$150.00	LMC §10-302
Trespassing (public)	$250.00	LMC §10-302
Trespassing (private)	$250.00	LMC §10-303
Tampering with Property	$250.00	LMC §10-304
Petit Larceny	$500.00	LMC §10-305
Obtaining property by fraud	$500.00	LMC §10-306
Obtaining property by bogus check	$500.00	LMC §10-306a
Obtaining Utility Service W/out	$500.00	LMC §10-307
Disorderly Conduct	$250.00	LMC §10-501
Disturbing the Peace	$250.00	LMC §10-501
Failure to Disperse upon command	$250.00	LMC §10-502
Fighting Words	$250.00	LMC §10-504
Disturbing by Loud Noise	$150.00	LMC §10-504
Reporting False Alarms	$250.00	LMC §10-505
Driving through private driveway	$150.00	LMC §10-533
Obstructing an Officer	$500.00	LMC §10-601
Resisting Arrest	$500.00	LMC §10-602
Aiding in an escape	$500.00	LMC §10-603
Escape from Custody	$500.00	LMC §10-604
Impersonating a police officer	$500.00	LMC §10-605
Vehicular Trespassing	$250.00	LMC §10-718
Urinating or Defecating in Public	$200.00	LMC §10-412

Minors

Contributing to Delinquency/Minor	$500.00	§ 21-856
Minor in Possession of Alcohol	$1700.00	LMC §3-204
Furnishing alcohol to minor	$500.00	LMC §3-206
Curfew - minor	$150.00	LMC §10-901
Curfew - parent	$150.00	LMC §10-901
Truancy - Minor or Parent	$250.00	LMC §11-1101

Failure to Appear or Obey

Malicious Prosecution	$200.00	LMC §6-133
Failure to Appear or Obey Promise	$500.00	LMC §6-134
Failure perform community service	Jail	LMC §6-137
Failure to comply w/lawful order	$500.00	LMC §15-204

Code Violations

Accumulation Weeds and Trash	$250.00	LMC §8-101
Unlawful to deposit rubbish	$200.00	LMC §8-108
Abandoned refrigerator/appliance	$200.00	LMC §8-114
Junked motor vehicle	$200.00	LMC §8-401
Storing/Parked/leaving Junk MV	$200.00	LMC §8-403
Violation of Building Code	$250.00	Chapter 5
Violation of Zoning Ordinance	$250.00	Chapter 12

Animals

Permitting Animals to Run at large	$150.00	LMC §4-102
Unlawful keeping of livestock	$150.00	LMC §4-104
Violation of Hobby Chicken/Ducks	$200.00	LMC§4-104A
Permitting Animal to Scatter Trash	$150.00	LMC §4-105
Maintaining Loud Animal	$150.00	LMC §4-105
Maintain animal that chase	$150.00	LMC §4-106
Failure to have animal vaccinated	$150.00	LMC §4-120
Maintaining vicious animal	$250.00	LMC §4-123
Cruelty to animals	$250.00	LMC §4-140
Poisoning an animal	$250.00	LMC §4-141
Keeping wild animal without permit	$150.00	LMC §4-150
Refusal to Quarantine Animal	$250.00	LMC §4-175
Littering	$200.00	LMC §8-111
Littering from vehicle	$200.00	LMC §8-112
Licenses Required	$100.00	Chapter 9
Soliciting w/out permit	$200.00	LMC §9-903
Attempting to commit offense	$200.00	LMC§10-101
Aiding and Abetting an Offense	$200.00	LMC§10-102
Indecent exposure	$500.00	LMC§10-401
Nudity in Public Place	$500.00	LMC§10-401
Obstruction of business street	$150.00	LMC§10-503
Obstructing Street/sidewalk	$150.00	PM§10-503
Unlawful barricade removal	$200.00	LMC§10-506
Driving on sidewalk	$150.00	LMC§10-516

Weapons

Carrying weapon posted property	$200.00	LMC§10-302
Reckless conduct with firearm	$200.00	LMC§10-702
Discharging in Town Limits	$200.00	LMC§10-703
Carrying dangerous weapons	$200.00	LMC§10-707

Except as otherwise provides, court costs of Thirty Dollars ($30.00) shall be collected on cases excepting parking, standing and seatbelt violations (but not to include violations of child restraint systems).

The Municipal Judge is authorized to charge a fine up to the bond amount in each case; provided however, the Municipal Judge shall charge a fine, fee and/or court costs in an amount as the Municipal Judge determines in his/her sole discretion furthers the interest of justice and fairness.

All traffic violations not otherwise listed shall be bonded for $200.00 and costs, unless the fine for the same offense in district court is less than $200.00, in which case the fine shall be amount charged in district court for the same offense.

All Criminal violations not otherwise listed shall be bondable for $500.00 and costs, unless the fine for the same offense in district court is less than $500.00, in which case the fine shall be amount charged in district court for the same offense.

In addition to the above-mentioned fines and costs, all appropriate state assessments are required to be paid.

The following deferral fees and administrative fees are properly charged in appropriate cases: The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars ($200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars ($800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars ($750.00). The court shall remit Fifty Dollars ($50.00) of each alcohol fine or deferral fee to a restricted cash account of the Town that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. The maximum fine requiring a jury trial if demanded shall be a fine greater than Five Hundred

Dollars ($500.00), excluding court costs. The court shall require a person who is actually received into custody at the jail facility, for any offense, to reimburse the Town for the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. The costs of incarceration shall be collected by the Court Clerk as provided for the collection of other fines and costs. Costs of incarceration shall include booking, receiving, and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. In the event the Town has a contract with the County for the provision of jail services which provides for a barter of services for jail cells, the cost of incarceration charged the criminal defendant shall be in the same amount as the normal and customary amount charged by the County to third parties for such costs of incarceration.

Section 1-112 ADOPTION OF TITLES 21, 37, 37A AND CERTAIN SECTIONS OF 47 AND TITLE 63 OF THE OKLAHOMA STATUTES, AS AMENDED, AS MUNICIPAL ORDINANCES; DRUGS AND RELATED SUBSTANCES.

A. Title 21 of the Oklahoma Statutes, as amended, is hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $500.00, plus court costs, fees, and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

B. Title 37 and 37A of the Oklahoma Statutes, as amended, are hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $500.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

C. The following sections of Title 47 of the Oklahoma Statutes, as amended, namely, §§ 4-101 et seq., §§ 6-101 et seq., §§ 7-101 et seq., §§ 10-101 et seq., §§ 11-101 et seq., §§ 12-101 et

seq., §§ 13-101 et seq., and §§ 14-101 et seq., are hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses, and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $200.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

D. The following sections of Title 63 of the Oklahoma Statutes, as amended, namely, §§ 2-402 and 2-405, are hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $500.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

E. Drugs and Related Substances:

1. Definitions: As used in this section, the following words and phrases shall have the meanings respectively ascribed to them in this section:

   “Controlled Dangerous Substance” shall be as defined in 63 Oklahoma Statutes section 2-101.

   “Marijuana” shall be defined as all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

2. Possession of Illegal Drugs:

a. It is unlawful for any person knowingly or intentionally to possess any controlled dangerous substance other than marijuana unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by State law.

b. The violation of subsection 2a, shall be punishable by a fine of not more than five hundred dollars ($500.00) plus court costs, fees, and state assessments.

3. Possession of Marijuana:

a. It is unlawful for any person to knowingly or intentionally possess marijuana without an Oklahoma State issued medical marijuana license.

b. It is unlawful for any person with an Oklahoma State issued medical marijuana license to knowingly or intentionally possess marijuana in quantities greater than permitted by state law.

c. The violation of subsections 3a and/or 3b, shall be punishable by a fine of not more than four hundred dollars ($400.00) plus costs, fees, and state assessments.

Section 1-113 MEMBERSHIP IN MUNICIPAL ASSOCIATIONS.

The Town is hereby authorized to join and obtain the services of municipal leagues and associations and to have memberships therein, such as the Oklahoma Municipal League, and may authorize the town attorney to have membership in the Oklahoma Municipal Attorney's Association and to authorize other town employees to join and hold memberships in municipal associations when, in the option of the Town Board of Trustees, it would be in the best interest of the Town. The Town shall have the authority to appropriate funds to pay for such memberships and for the attendance of town employees and officers and the town attorney to attend such meetings.

Section 1-114 TECHNOLOGY FEE.

There is hereby established a technology fee in the amount of Sixteen Dollars ($16.00). The fee shall be in addition to and not in

substitution for any and all fines and penalties otherwise provided for by law for all offenses and assessed on every citation disposed of in the municipal court except those that are voided, declined for prosecution, dismissed without costs, or the defendant is acquitted. The revenues generated by this fee shall be deposited in a nontransferable interest-bearing account and used solely and exclusively for the acquisition, operation, maintenance, repair and replacement of data processing equipment and software related to the administration of the criminal justice system and costs of prosecution.

Section 1-115 NONDISCRIMINATION POLICY.

It shall be the policy of the Town that no person shall be discriminated against on the grounds of race, creed, color, sex, religion, national origin, disability or age, in employment or other activities sponsored directly or indirectly by the Town.

ARTICLE 2

CORPORATE 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, which map shall be on file in the office of the Town Clerk, 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 this code.

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CHAPTER 2: ADMINISTRATION AND GOVERNMENT

ARTICLE 1

TOWN BOARD OF TRUSTEES

SECTION 2-101 GENERAL POWERS.

A. The town is governed by the board of trustees form of government. 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. § 12-101.

SECTION 2-102 BOARD OF TRUSTEES.

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 within the corporate limits of the town.

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 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:

Trustee Position One, Three and Five and the Town Treasurer; and

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

Trustee Position Two and Four and the Town Clerk.

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.

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

SECTION 2-103 MEETINGS OF THE TOWN BOARD.

A. The board of trustees shall meet at a regularly scheduled open and public meeting, on the first and third Mondays of each month at six thirty o'clock (6:30) P.M., and at such times or at such other dates as may be prescribed by trustee action at the town hall. If it is determined that there is insufficient business to hold the meeting on the third Monday of said month, the Board may dispense with such meeting. Where the day for a meeting falls upon a day which is a legal holiday in the state, the meeting shall be held on the next succeeding day which is not a holiday. 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 at the municipal building at Oklahoma and 7th Street, except the mayor or a majority of the Town Board may designate 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.

C. Special or Emergency Town Board Meetings may be called by the Mayor or/any two (2) trustees of the Town Board, in accordance with the following provisions:

1. Special meetings shall not be held without public notice being given at least forty-eight (48) hours, prior to said meeting. Such public notice of the date, time and place of a special meeting shall be given in writing, in person, or by telephonic means to the clerk.

2. At least twenty-four (24) hours prior to the special meeting, a written public notice of the special meeting shall be prominently posted in the town hall. Such notice shall include the date, time, place, and agenda for the special meeting, and only items appearing on the agenda shall be considered at the meeting. The twenty-four (24) prior public posting shall exclude Saturdays, Sundays, and holidays legally declared by the State of Oklahoma.

D. The Mayor or any trustee of the Town Board shall have the power and are hereby authorized to place any agenda item of business at any regular, special or emergency meeting of the Town Board.

E. Every member of the Town Board who is present when a vote is taken upon a question shall vote, thereon, unless he or she is directly interested in the question in question, in which event, he or she shall disclose his or her interest to the Town Board, and if deemed appropriate, shall abstain therefore, and such record shall be made a matter of public record.

State Law Reference: Meetings of trustees, 11 O.S. § 12-107; Open meeting and notice requirements, 25 O.S. § 301-314.

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 prescribe. 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 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 and shall be as follows:

Unfinished business
Presentation of petitions, memorials, and other communication and hearing of citizens
Report of officers and department heads
Report of committees
Ordinances
Resolutions
Presentation of claims, purchase orders and accounts
New Business'

The Board may, by simple majority vote at any meeting, change the order of the agenda.

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. If requested by the mayor or any board member, any motion shall be reduced to writing;

2. A motion to reconsider any of the proceedings of the board shall not be entertained unless it is made by a member who previously voted in the majority;

3. No motion shall be debated or put until it is 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 a more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it needs but a few and simple amendments, the board shall proceed to consider and amend at once;

8. On an amendment 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 to be put; and

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.

11. Any member of the public may address any item on the agenda provided such member signs a sign in sheet prior to or during the meeting which shall be in plain view. Any person desiring to address the Mayor and Board shall state his/her name and address and shall be given three (3) minutes to address their concern. Such a time limit can be extended by the Mayor for good cause shown. No obscene or abusive language threats or slander shall be permitted during the meetings. If any topic is not on the agenda, the Mayor and Board may listen, but may not discuss or take any action on such item unless it concern legitimate new business as provided under Oklahoma Statutes.

ARTICLE 2

MAYOR

SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR.

A. The board of trustees shall elect from among its members a mayor. The 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 shall serve until his successor has been elected and qualified. The Mayor may be removed by the Board of Trustees during his term by majority vote of all the trustees.

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 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 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 board shall elect from among its members an acting mayor. When a vacancy occurs in the office of the mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

D. The Mayor shall supervise and control all departments, agencies, officers and employees of the City and shall suspend any officers or employees with pay until such times as the Board shall take action on the charges.

State Law Reference: Election of town mayor, acting mayor, 11 O.S. §§ 12-104, 12-105.

ARTICLE 3

TOWN OFFICERS AND PERSONNEL

SECTION 2-301 TOWN CLERK ESTABLISHED.

There is hereby created the position of Town Clerk. The Town Clerk shall have all the powers and perform all such duties as are required by statute for a Town Clerk. The Town Clerk shall be elected as provided herein. The Town Clerk shall:

A. Keep the journal of the proceedings of the Town Board of Trustees.

B. Enroll all ordinance and resolutions passed by the Town Board of Trustees in a book or set of books kept for that purpose.

C. Have custody of documents, records, and archives, as may be provided for by law or ordinance, and have custody of the Town Seal.

D. Attest and affix the seal of the Town to documents as required by law or by ordinance.

E. Have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance.

The person who serves as Town Clerk may be employed by the Town to perform duties not related to his/her position as Town Clerk.

F. The pay period of the Town Clerk shall be monthly. The salary for the Town Clerk shall be the sum of one thousand dollars ($1,000.00) for each pay period to take effect at the next pay period allowable by law.

SECTION 2-302 TOWN TREASURER ESTABLISHED.

There is hereby created the position of Town Treasurer. The Town Treasurer shall be elected as provided herein. The Town Treasurer shall:

A. 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; and

B. Deposit daily funds received for the Town in depositories as the Board of Trustees may designate; and

C. Have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as Town Treasurer may be employed by the Town to perform duties not related to his/her position as Town Treasurer

D. The books and accounts of the Town Treasurer shall be subject at all times to examination by the Board of Trustees.

E. The town treasurer shall prepare and present in writing to the Board of Trustees at their monthly meetings, a financial report, detailed as required by the Board of Trustees, showing the financial condition of the town as shown by the records, which report shall show the amounts received from each fund created by law or ordinance and the balance remaining on hand in each fund, together with the vouchers and warrants, which shall be attached to the report.

F. The town treasurer shall deposit all town funds coming into the treasurer’s hands in depositories as required by law. Town funds shall be disbursed only as provided by law and as provided in this municipal code.

G. The pay period of the Town Treasurer shall be monthly. The salary for the Town Treasurer shall be the sum of one thousand dollars ($1,000.00) for each pay period to take effect at the next pay period allowable by law.

SECTION 2-303 TOWN 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 shall represent the town in proceedings in the courts. He shall perform all services incident to his position which may be required by law or ordinance.

SECTION 2-304 OTHER PERSONNEL; APPOINTMENTS AND REMOVALS

A. The Board of Trustees shall appoint the following officials: Chief of Police, Town Auditor, Town Attorney and Town Superintendent.

B. The Chief of Police shall have authority over the police department and its employees subject to the supervision of the Board of Truste; provided however, the Chief of Police shall be accountable to the Town Superintendent. The Chief of Police shall have authority to recommend for appointment one or more police officers subject to confirmation by the Board of Trustees. All police officers are at-will employees who may be terminated for the good of the service pursuant to Title 11, Section 12-114 of the Oklahoma Statutes, as amended, and as stated in the Personnel Manual, as amended.

C. All dispatchers employed by the town shall be under the direct supervision of the police chief, subject to the supervision and control of the Town Board of Trustees. Dispatchers shall be required to handle all dispatches involving municipal utilities, police department, fire department, emergency medical technicians and ambulance service. Any dispatcher who fails to handle dispatches as required is guilty of an offense and upon conviction thereof may be fined as provided in section in Section 1-108 of this municipal code.

D. The Board of Trustees may appoint other officers and employees as deemed desirable and are within the budget of the town and set the compensation and terms and conditions of employment as may be desired, by motion or resolution. The Board of Trustees may demote, suspend, lay off, or remove all such persons when required for the good of the service. All employees are at-will employees who may be terminated for the good of the service pursuant to Title 11, Section 12-114 of the Oklahoma Statutes, as amended, and as stated in the Personnel Manual, as amended.

SECTION 2-305 BONDS.

The town clerk, town treasurer, and Chief Police, shall within ten (10) days after their election or appointment, each and severally, give bonds payable to the town in an amount as the board of trustees shall direct The bond of the chief of police shall be double the amount of the estimated fines and penalties for the current year. The bond of the town clerk and town treasurer shall be in an amount as set by the board of trustees of the Town of Laverne in their discretion. The board of trustees may from time to time, by resolution, require bonds of other officials.

State Law Reference: Officer's bonds, 11 O.S. § 8-105.

SECTION 2-306 SALARIES

The monthly compensation of all elective town officers, including the following, shall be fixed by ordinances. At the present time the following salaries are paid.

1. Mayor - $100.00

2. Trustees - $75.00

The pay period for the Board of Trustees of the Town shall be monthly, payable on or after the first monthly regular Town meeting of the Town Board. The trustees shall be paid compensation for out- of-pocket expenses during the performance of their regular duties.

State Law Reference: Compensation of town elected officers, 11 O.S. § 12-113; Increasing salary during term, Oklahoma Constitution, Art. 23, § 10.

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. All officers and employees shall be entitled to compensation for travel expenses for prior approved official travel expenses (hotel/motel, meals and mileage for driving personal vehicles) at official rates paid by the state to its

employees as determined pursuant to the state travel reimbursement act. All travel expenses and per diem are to be made by claim duly made and documented.

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 election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment, such being prohibited by the 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.

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

SECTION 2-311 APPOINTMENT OF PERSONNEL IN EMERGENCIES.

The Mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of an 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 the emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affect the health, safety or welfare of the citizens of the town.

SECTION 1-112 OKLAHOMA TOWN MEETING ACT NOT GOVERNING.

Pursuant to 11 Okla. Stat. § 16-302, the Town of Laverne hereby declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.

The Town of Okeene shall hereby elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to Title 11, Section 16-101 et. seq. of the Oklahoma Statutes

ARTICLE 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 the 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. § 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 shall keep such records and submit such reports as may be required by applicable state of 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 f basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations; or

3. Firemen and call-firemen.

SECTION 2-407 POLICE INCLUDED.

All police personnel of the town shall hereafter be covered by the social security program along with personnel already covered by the program, and proper deductions from police payrolls shall be hereafter made in order to comply with social security laws and regulations.

ARTICLE 5

EMPLOYEE RETIREMENT SYSTEM

Section 2-501 EMPLOYEE RETIREMENT SYSTEM CREATED.

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of Town employees and thereby promote public efficiency, there is hereby authorized, created, established, approved and adopted, the "Employee Retirement System, Defined Benefit Plan of the Town of Laverne and the Laverne Public Works Authority" (hereinafter called "system"), and as amended from time to time, an executed counterpart of which is marked "Exhibit A" and "Exhibit B" to ordinance adopting and amending same.

Note: "Exhibit A" and "Exhibit B" are on file in the Town Clerk's office and is subject to public inspection. These exhibits consist of those exhibits adopted pursuant to Ordinance No. 2028-7, approved on June 2, 2028; Ordinance No. 2024-4 adopted on October 6, 2014; Ordinance No. 2017-1, adopted on November 6, 2017; Ordinance No. 2020-1, adopted on January 6, 2020; and Ordinance No. 2022-02, adopted on June 6, 2022; which ordinances are incorporated herein by reference as if fully set out and amended as provided by each document. This system is adopted and amended pursuant to ordinance and referral to all amendments approved by ordinance but not contained in this code is recommended.

State Law Reference: Authority of Town to establish retirement systems, procedure, 11 O.S. Section 48-101 et seq.

Section 2-502 ADMINISTRATION.

For the purpose of administration of the system there is hereby established the board of trustees, which shall be the members of the Town Board of Trustees of the Town as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the board of trustees shall be set forth in the system instrument marked "Exhibit A" as mentioned in Section 2-501.

Section 2-503 FUND.

A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such

purpose by the Town treasurer, who shall be the treasurer of the system. Such funds shall be pooled for purposes of management and investment with similar funds of other incorporated cities and towns in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose which contract shall be executed by the Town Board of Trustees as soon as feasible. The Town treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the board of trustees. The fund shall be non-fiscal. The fund and system shall be valued each year for actuarial soundness by a qualified actuarial firm.

Section 2-504 APPROPRIATIONS.

The Town is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the system and to appropriate and pay the same. In addition, the Town is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions, to maintain its amended retirement system and the fund on a sound actuarial basis in accordance with the respective annual actuarial valuation. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries and/or the payment of necessary expenses of operation and administration, including separate annual appropriations to be transferred to the Oklahoma Municipal Retirement Plan.

Section 2-505 EXECUTION.

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

B. This Town Board of Trustees hereby agrees to pool and combine the fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for

purposes of pooled management and investment according to the terms of the trust indenture of the Oklahoma Municipal Retirement Fund, a public trust. The Town Board of Trustees shall manifest approval of such contract and the execution thereof by the Mayor and Town clerk by a formal resolution. The Mayor and Town Clerk are further authorized to execute any and all documents upon approval by the Board of Trustees to enter into pooling agreements with the Oklahoma Municipal Retirement Fund, a public trust, for purposes of administration, investment, and management of funds of the town employee retirement system. The trust indenture of the Oklahoma Municipal Retirement Fund, a public trust, is adopted, accepted and approved by reference thereto.

Section 2-506 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.

ARTICLE 6

FIRE PENSION SYSTEM

Section 2-601 FIRE PENSION SYSTEM.

There is hereby created the fire pension and retirement system of the city for the purpose of providing pension benefits for retired and disabled fire personnel, their widows, and children in accordance with state law governing police retirement.

Section 2-602 FUND TO BE OPERATED IN ACCORDANCE WITH LAW.

The town's firefighters' pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system.

State Law Reference: Firefighters' retirement and pension law, 11 O.S. Section 49-101 et seq.

Section 2-603 CONTRIBUTIONS TO FUND.

A. The clerk shall deduct from the salaries or wages of each full-time employee of the fire department, an amount as provided by

state law, and pay same monthly to the Oklahoma Firefighters Pension and Retirement Board. The treasurer of the town shall deposit monthly in the Oklahoma Firefighters Pension and Retirement Board the amounts deducted pursuant to this subsection. Any amounts deducted from the salary or wages of a fire department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount which he is contributing.

B. For each volunteer member of the fire department, the Town Clerk shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money which are required by applicable state law. These amounts may be revised according to actuarial studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board.

State Law Reference: Firefighters pension law, 11 O.S. Section 49-122.

Cross Reference: Fire department and services, Section 13-101 of this code.

ARTICLE 7

TOWN RECORDS

SECTION 2-701 APPOINTMENT OF OFFICIAL CUSTODIANS.

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

1. Town Clerk. All public records kept and maintained in the town clerk and all other public records not provided for elsewhere in this chapter;

2. Town Treasurer. All public records kept and maintained in the town treasurer’s office and all other public records not provided for elsewhere in this chapter;

3. Chief of Police. All public records not on file in the office of the Chief of Police and kept and maintained in the town police department;

4. Fire chief. All public records not on file in the office of the town clerk and kept and maintained in the town fire

department;

5. Town attorney. All public records not on file in the office of the town clerk and kept and maintained in the town attorney's office;

6. Court clerk. All public records not on file in the office of the town clerk and kept and maintained in the municipal court.

State Law Reference: Open Records Act, 51 O.S. §§ 24A.1 to 24A.18.

SECTION 2-702 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

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

B. Whenever an official custodian shall appoint another person as a record custodian, he or she shall notify the town clerk of such designation and the town clerk shall maintain a register of all such designations.

SECTION 2-703 DUTIES OF CUSTODIANS.

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

SECTION 2-704 REQUESTS TO BE DIRECTED TO CUSTODIANS.

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

B. Whenever any town official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of, a public record which record the custodian does not have in his possession and which he has not been

given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

SECTION 2-705 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

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

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

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

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

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

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

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

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

8. The record custodian or town clerk shall demand full or partial prepayment of the fees when the estimate for such fees

exceeds the amount set out in Section 2-712 of this code;

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

10. Since the town hall does not have office hours, upon request for a record, the Town Clerk shall post and maintain a written notice at Town Hall and with the County Clerk which notice shall (1) designate the days of the week when records are available to copy, (2) set forth the name, mailing address and telephone numbers of the individuals in charge of the records (custodians), and (3) describe the procedure for obtaining access to the records at least two days of the week (excluding weekends). The person requesting the records and the custodian may agree to inspection, copying mechanical reproduction on a day or time other than designated in the notice.

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

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

SECTION 2-706 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

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

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

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

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

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

SECTION 2-707 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

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

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

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

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

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

SECTION 2-708 NO FEE FOR INSPECTION.

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

SECTION 2-709 COPYING FEE.

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

SECTION 2-710 FEE FOR MECHANICAL REPRODUCTION.

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

SECTION 2-711 SEARCH FEE.

The fee provided in Fee Schedule shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be charged to recover the direct cost of document search.

SECTION 2-712 PREPAYMENT OF FEES.

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

SECTION 2-713 FEES.

Fees shall be charged for copies and services rendered hereunder pursuant to the town's fee schedule.

SECTION 2-714 DESTRUCTION OF PUBLIC RECORDS; SCANNING AND STORING PUBLIC RECORDS

A. Purpose. The purpose of this section is to provide for the retention, digital storage and/or destruction of public records in accordance with state law and this section.

B. The Town Board hereby authorizes the legal custodian, with the written approval from the Mayor, to destroy, sell for salvage or otherwise dispose of the following papers, documents and records after the expiration of the specified period of time following the end of the fiscal year in which the paper, document or record was created, except as otherwise specified:

1. One (1) year: parking citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuances;

2 Two (2) years: municipal court warrants, water, sewer, garbage and utility receipts and statements, which have been previously audited; inspection records relating to water meters and sewer inspections; miscellaneous petitions and letters addressed to the governing body on matters other than pertaining to the items hereinafter set forth; utility billing ledger or register; utility cash receipts ledger or register; and utility accounts receivable ledger or register. Fire run contracts may be destroyed or otherwise disposed of two (2) years after their expiration;

3. Five (5) years: successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; inspection records except as provided for in paragraph 2 of this section; claims that have been denied; license applications; bonds; special, primary and general election payrolls; election tabulations and returns; withholding statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts; information and complaints; court dockets; paid general obligation and revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls;

4. Ten (10) years: inventories; appropriation ledgers; sidewalk assessment records, except payment records; cash receipt book or register for the general fund, the street and alley fund, any bond fund or sinking fund and all other trust funds that have been audited; and

5. Fifteen (15) years: sewer and improvement district records, except payment records.

C. No records pertaining to pending litigation shall be disposed of until such litigation is finally terminated.

D. Other Records. Public records not addressed in Subsection B or C hereinabove, may be destroyed by their legal custodian, with written approval from the Mayor, seven (7) years after their creation.

E. Retention of Public Records. Except as otherwise provided in Subsection F, all public records shall be retained for the time periods provided by Subsections B, C and D and may thereafter be scanned as digital files and stored, either on and/or off site, and/or destroyed by their legal custodian, with written authorization from the Mayor. This procedure shall apply to all files of the Town and its public trust authorities. Notwithstanding the foregoing, the following public records shall be held in perpetuity: deeds, records bearing signatures of historical persons or other public records of historic or legal significance, Town and authority meeting minutes, and testing laboratory results or the inspection records of public improvements.

F. Scanning and Storing of Public Records. Any public records may be scanned as digital files and stored, either on or off site, as determined appropriate by their legal custodian, with written approval from the Mayor. The method of reproduction shall

be durable and safely preserve the public record and shall accurately reproduce and perpetuate the original public record in all details. All public records which are scanned and stored shall be placed in conveniently accessible files and provision made for preserving, examining and using the same.

G. Whenever public record are scanned and stored, a certification of these facts shall be furnished to the Town Board or other governing body, as appropriate, and thereafter the original public records and papers may be disposed of, destroyed or archived in permanent storage prior to the expiration of the retention periods established by this section.

CHAPTER 3

ALCOHOLIC BEVERAGES

ARTICLE 1

ALCOHOLIC BEVERAGES AND OCCUPATION TAX

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ARTICLE 2

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CHAPTER 3: ALCOHOLIC BEVERAGES

Article 1

Alcoholic Beverages and Occupation Tax

Section 3-101 DEFINITIONS:

All 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, 37A O.S. §1-101 et seq.

Section 3-102 OCCUPATION TAX LEVIED.

There is hereby levied and assessed an annual occupation tax on every business or occupation that has its principal place of business in Laverne, Oklahoma and is required to have a licensee from the Alcoholic Beverage Laws Enforcement Commission as specifically enumerated hereinbelow, and in the amount therein stated:

Brewer	$100.00
Small Brewer	$100.00
Small Brewer Self-Distribution	$100.00
Brew Pub	$100.00
Pub Self-Distribution	$100.00
Distiller	$100.00
Winemaker	$100.00
Winemaker Self-Distribution	$100.00
Small Farm Winery	$75.00
Wine and Spirits	$100.00

Wholesaler	
Beer Distributor	$100.00
Retail Spirits	$100.00
Retail Wine	$100.00
Retail Beer	$100.00
Mixed Beverage Initial	$100.00
Mixed Beverage Renewal	$100.00
Mixed Beverage/Caterer Combination	$100.00
On Premises Beer and Wine Initial	$100.00
On Premises Beer and Wine Renewal	$100.00
Bottle Club Initial	$100.00
Bottle Club Renewal	$100.00
Caterer	$100.00
Caterer Renewal	$100.00
Annual Special Event	$55.00
Quarterly Special Event	$55.00
Hotel Beverage Initial	$100.00
Hotel Beverage Renewal	$100.00
Charitable Auction	$1.00
Charitable Alcoholic	$55.00

Beverage	
Annual Public Event	$100.00
One-time Public Event	$100.00

Such tax rate shall only be effective upon initiation or renewal of the license, as applicable, and no refund shall be made for any prior occupation tax paid which was higher than as established by this section.

Section 3-103 PAYMENT REQUIRED; PENALTY

A. Payment; Provide Copy of State License: Any state licensee or interim licensee listed in Section 3-103 of this code that has a principal place of business in Laverne, Oklahoma, shall pay the tax therefor at the office of the Town clerk on or before the date upon which he enters upon such occupation. Said licensee or interim licensee shall provide a copy of his current state license or interim license before payment of an occupation tax will be accepted.

B. Term; Prorating Fee: The tax levied under this article shall be for one year, expiring on the date upon which the licensee's state license expires. If paid during the year, the fee shall be prorated on a monthly basis. If paid before the fifteenth day of any month, the tax shall be on the basis as of the first day of said month and if paid after the fifteenth day of any month, the tax shall be on the basis of the last day of the month.

C. Violation: Any person who engages in any of the occupations taxed by this article without paying said occupation tax imposed therefor, or without paying said occupation tax imposed therefor in advance of such operation, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a maximum fine of five hundred dollars ($500.00) plus costs, fees and state assessments.

Section 3-104 ANNUAL REPORT.

The Town clerk shall make an annual report to the ABLE Commission, covering the fiscal year, showing the number and class of license subject to the occupation tax and the amount of money collected from said tax.

Section 3-105 APPLICATION FOR CERTIFICATES; INVESTIGATION

A. Filing of Application; Fee: Every applicant for a certificate of compliance with the zoning, fire, health, and safety codes of the Town, required by the ABLE Commission shall apply at the office of the Town clerk by:

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

2. Paying a verification and certification fee in an amount as provided by Section 3-106 at the time of filing.

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

C. Time Limit for Acting on Application: The Town clerk shall act on all such applications within twenty (20) days of receipt thereof.

Section 3-106 ISSUANCE OF CERTIFICATES

A. Certificate of Zoning: Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE commission.

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

C. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the Town, required by ABLE Commission, shall pay a verification and certification fee in the amount of one hundred dollars ($100.00) at the time of filing.

Section 3-107 through Section 3-109 Reserved

Article 2

Alcoholic Beverages and Specific Offenses

Section 3-201 DISPLAY LICENSE

Any person required to possess a state license/permit for sale or distribution of beer, wine, mixed beverages, and any other classification of alcohol beverage now in existence or which may be created by the legislature in the future, is required to have, possess and display, in the same location as their state license/permit, a Town occupation tax permit for distribution or sale of the same product classification with the Town of Laverne.

Section 3-202 DRINKING IN PUBLIC.

It is unlawful for any person to drink any alcoholic beverage, to include beer and wine (hereinafter "alcoholic beverage"), while such person is upon any public street, alley, or other public highway, or in any public building or other public place within the Town. This Section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises or any person who is of age who is consuming any alcoholic beverage at any special event from an authorized seller, which special event is authorized in writing by the Town Superintendent. The specific site at any such authorized special event wherein alcoholic beverages shall be permitted to be consumed shall be plainly and clearly marked with signage warning the public that no consumption is permitted outside the area completely encircled with appropriate barriers and any person who shall consume alcoholic beverages outside the designated barrier or who shall consume alcoholic beverages from any source other than an authorized seller and not in an otherwise authorized location shall be guilty of an offense of Section 3-202.

Section 3-203 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

Any person who shall, in any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by

the Oklahoma Alcoholic Beverage Control Act or any provision of this municipal code, intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxication substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance, except if otherwise permitted by this municipal code, or if any person shall be drunk or intoxicated from any cause and shall disturb the peace of any person, he shall be guilty of an offense.

Section 3-204 MINORS AND ALCOHOLIC BEVERAGES.

It is unlawful for any person under the age of twenty-one (21) years to be in possession of any alcoholic beverage while such person is upon any public street, road or highway or in any public place within the Town limits or to consume or possess with the intent to consume any alcoholic beverage.

Section 3-205 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN OTHER LOCATIONS WITHOUT PERMISSION.

It shall be unlawful for any person within the Town limits, to consume or to have in his or her possession an open container of any alcoholic beverage upon private property belonging to any person other than the individual in possession or consuming such alcoholic beverage, without said person first obtaining the permission of the owner or person in lawful possession of said property.

Section 3-206 PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES

A. Definitions. For purposes of Section 3-206, the following definitions shall apply:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

"Alcoholic Beverage" means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of

one percent (1/2 of 1%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

“Control or Controlling” means any form of dominion including ownership, tenancy or other possessory right however temporary.

"Gathering" is party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

“Legal Guardian" means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

“Minor” means any person under twenty-one years of age.

“Parent” means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

“Premises” means any hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, park or public place whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.

“Response costs” are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such responses; (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any Town equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this section.

B. Consumption of Alcoholic Beverages by Minor in Public Place, Place Open to Public, or Place not open to Public.

Except as permitted by state law, it is unlawful for any minor to:

1. Consume at any public place, or any place open to the public, an alcoholic beverage; or

2. Consume at any place not open to the public any alcoholic beverages, unless in connection with the consumption of the alcoholic beverage, that minor is being supervised by his or her parent or legal guardian.

C. Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.

1. In General

a. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

b. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic, beverage, whenever the person having control of the premises either knows that the minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage or failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection C.1.a of this section.

2. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

3. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family

members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol beverages will be held responsible in the same manner as a non-family gathering.

4. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcoholic beverages. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol beverages will be held responsible in the same manner as a nonreligious gathering.

5. This section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

6. Reservation of Legal Options. Violation of this section may be prosecuted by the Town criminally, civilly, and/or administratively as provided by this code. The Town may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided through all remedies or procedures provided by statute, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the Town's ability to initiate, and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.

7. Local Authority

This Section shall not apply where prohibited or preempted by state or federal law.

Section 3-207 Location of Retail Package Store, Mixed Beverage Establishments, Beer or Wine Establishments or Bottle Clubs

A. Location Near School Or Church: It shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club, which has been licensed by the alcoholic beverage laws enforcement (ABLE) commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, to be located within three hundred feet (300') of any public or private school or church property primarily and regularly used for worship services and religious activities.

B. Measuring Distance: The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club, retail package store.

C. Exceptions:

1. The provisions of this section shall not apply to mixed beverage establishments, beer and wine establishments, bottle clubs, which have been licensed to sell alcoholic beverages for on premises consumption, or retail package stores prior to November 1, 2000; provided, if at the time of application for license renewal, the licensed location has not been in actual operation for a continuous period of more than sixty (60) days, the license shall not be renewed.

2. If any school or church shall be established within three hundred feet (300') of any retail package store, mixed beverage establishment, beer and wine establishment, or bottle club, subject to the provisions of this section after such retail package store, mixed beverage establishment, beer and wine establishment, or bottle club has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days.

3. Change In Ownership: When any mixed beverage establishment, beer and wine establishment, or bottle club, subject to the provisions of this section which has a license to sell alcoholic beverages for on premises consumption, or retail package store changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified.

Section 3-208 TRANSPORTING OPEN CONTAINERS OF ALCOHOLIC BEVERAGES

A. Except as provided in subsection B of this section, it shall be unlawful for any operator to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any alcoholic 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, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. Any person violating the provisions of this section shall be deemed guilty of an offense and shall pay the fine as provided in the schedule of fines and bonds.

B. The provisions of subsection A of this section shall not apply to the passenger area of buses and limousines; however, it shall be unlawful for the driver of the bus or limousine to consume or have in the driver's immediate possession any intoxicating beverage or low-point beer.

C. As used in this section:

1. "Bus" means a vehicle as defined in Section 1-105 of Title 47 of the Oklahoma Statutes chartered for transportation of persons for hire. It shall not mean a school bus, as defined by Section 1-160 of Title 47 of the Oklahoma Statutes, transporting children or a vehicle operated pursuant to a franchise with a Town or town operating over a regularly scheduled route; and

2. "Limousine" means a chauffeur-driven motor vehicle, other than a bus or taxicab, as defined by Section 1-174 of Title 47 of the Oklahoma Statutes, designed, and used for transportation of persons for persons for compensation.

Section 3-209 MUNICIPALITY MAY INITIATE LICENSE SUSPENSION.

The Town, as to any mixed beverage, beer and wine, caterer, public event or bottle club licensee having its principal place of business in the Town, may initiate a license suspension or revocation proceeding as to such licensee by filing a written complaint with the ABLE Commission. The complaint shall set forth the grounds for the proposed suspension or revocation. Such complaint may be based on any ground that the ABLE Commission might have asserted. Upon receipt of such complaint, the ABLE Commission shall forward a copy of the complaint to the licensee together with written notice of the time and place of hearing thereon. The hearing shall be held within the time limits and in the manner prescribed for suspension or revocation proceedings initiated by the ABLE Commission. In any proceeding initiated pursuant to this section, the Town shall be deemed an interested party, shall have the right to be heard and to present evidence at the hearing on the complaint and shall be

entitled to appeal from any final order entered by the ABLE Commission in the manner otherwise provided in the Oklahoma Alcoholic Beverage Control Act. The Town shall not be required to give bond on appeal.

Section 3-210 PROHIBITED ACTS

No person shall:

1. Knowingly sell, deliver, or furnish alcoholic beverages to any person under twenty-one (21) years of age;

2. Sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

3. Open a retail container or consume alcoholic beverages on the premises of a package store, grocery store, convenience store or drug store, unless otherwise permitted by law;

4. Import into this state, except as provided for in the Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages; provided, that nothing herein shall prohibit the importation or possession for personal use of not more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax is delinquent;

5. Receive, possess, or use any alcoholic beverage in violation of the provisions of the Oklahoma Alcoholic Beverage Control Act;

6. Knowingly transport into, within or through this state more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax has not been paid unless the person accompanying or in charge of the vehicle transporting same shall possess a true copy of a bill of lading, invoice, manifest or other document particularly identifying that alcoholic beverages are being transported and showing the name and address of the consignor and consignee; provided, this prohibition shall not apply to the first one hundred eighty (180) liters of alcoholic beverages classified as household goods by military personnel, age twenty-one (21) or older, when entering Oklahoma from temporary active assignment outside the contiguous United States;

7. Consume spirits in public except on the premises of a

licensee of the ABLE Commission who is authorized to sell or serve spirits by the individual drink, or be intoxicated in a public place, except as otherwise permitted by this municipal code.

8. Forcibly resist lawful arrest, or by physical contact interfere with an investigation of any infringement of the Oklahoma Alcoholic Beverage Control Act or with any lawful search or seizure being made by a law enforcement officer or an employee of the ABLE Commission, when such person knows or should know that such acts are being performed by a state, county or municipal officer or employee of the ABLE Commission;

9. Knowingly and willfully permit any individual under twenty-one (21) years of age who is an invitee to the person's residence, any building, structure or room owned, occupied, leased or otherwise procured by the person or on any land owned, occupied, leased or otherwise procured by the person, to possess or consume any alcoholic beverage.

10. Any person selling or keeping a mixed beverage establishment, package store, bottle club or other ABLE licensed establishment open to sell any alcoholic beverage during any day or hours not authorized by the Oklahoma Alcoholic Beverage Control Act, and any person selling or permitting the sale of alcoholic beverages at a grocery store, convenience store or drug store during any day or hours not authorized by the Oklahoma Alcoholic Beverage Control Act shall be guilty of an offense.

11. 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 employee 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 remain within or to loiter about the premises of a retail alcoholic beverage store. Violation of this provision shall subject the owner or proprietor, as well as the underage person, to prosecution.

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

person to remain in or upon the premises.

13. 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 age verbally nor in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him alcoholic beverages.

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CHAPTER 4: ANIMALS

ARTICLE 1

DIVISION 1

GENERAL PROVISIONS

Section 4-101 DEFINITIONS.

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

1. "Animal" means any and all types of animals, domesticated and wild, and including but not limited to any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal, including fowl;

2. "At large" means off the premises of the owner or keeper and neither enclosed within a building, fence or other enclosure of sufficient strength and construction to restrain and keep the animal within the building, fence or other enclosure, nor securely restrained and controlled by a person by a leash or harness with handhold;

3. “Confined on the premises” means that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences, rope, chain, leash or other device of such strength and size as to physically prevent the animal from leaving the premises and to physically prevent the animal from causing physical injury to persons or other animals which are off the premises upon which the confined animal is located;

4. "Dangerous animal" means any animal that:

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

b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the animal thereafter aggressively bites,

attacks, or endangers the safety of humans, or

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

Animals shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime. Dangerous animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their duty;

5. “Enclosure” means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, with at least 150 square feet of space for each animal kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping;

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

7. “Keeper” means any person, family, firm, or corporation owning or actually keeping, having, using, or maintaining any of the animals herein referred to;

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

9. “Menacing fashion” means that an animal would cause any person observing the animal to reasonably believe that the animal will cause physical injury to persons or other animals;

10. “Neuter” means to render a male dog or cat unable to reproduce;

11. “Nuisance” means the conduct or behavior of any small or large animal, cat or dog which molests persons passing by or

passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous or menacing fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a dangerous animal not confined as required by this chapter;

12. "Owner" or “keeper” means any person, firm or corporation owning, controlling, 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;

13. "Permit" includes but is not limited to the failure to take adequate precautions to prevent an animal from being at large; and

14. “Potentially dangerous animal" means any animal that:

a. inflicts a bite on a human either on public or private property, or

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

c. chases or approaches a person upon any public or private property (not under the ownership or control of the owner or keeper of the potentially dangerous animal) in a menacing fashion or apparent attitude of attack, or any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

15. “Provoke” or “provocation” means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person’s body or that any part of the animal’s body is pulled, pinched or squeezed by a person;

16. “Restraint” means that an animal is controlled by leash or tether, either of which shall not exceed six (6) feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner or

keeper;

17. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery;

18. “Spay” means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce;

19. “Vaccination” means an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian;

20. “Without provocation” means that an animal was not teased, tormented, or abused; and also means where the animal was not protecting its owner or owner’s property from criminal activity by a perpetrator of a crime.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

Section 4-102 ANIMALS RUNNING AT LARGE PROHIBITED

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

Section 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

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

Section 4-104 KEEPING OF LIVESTOCK AND FOWL PROHIBITED; EXCEPTIONS.

A. For the purpose of this Section, "livestock" means horses, mules, cows, goats, sheep, swine, farm animals, fowl, and any other animal commonly considered as livestock and fowl.

B. No livestock shall be kept within the Town, except temporarily in a stockyard or other enclosure awaiting transportation and except as otherwise permitted by this Section and the Town's zoning ordinance.

C. It is unlawful for any person, firm, or corporation to keep any livestock within the Town limits except when the following conditions have been first complied with:

1. For horses and cattle, a lot or pen of not less than forty thousand (40,000) square feet in area shall be provided and the lot or pen shall have substantial fence. No part of the lot or pen shall be within fifty (50) feet of any private dwelling or place used for residential purposes;

2. For all other livestock or farm animals, a lot or pen of not less than two hundred thousand (200,000) square feet in area shall be provided and the lot or pen shall have a substantial fence. No part of the lot or pen shall be within five hundred (500) feet of any private dwelling or place used for residential purposes;

3. When shown by certification of a duly licensed medical doctor within the state that it is necessary for reasons of health of a person or a member of his family it shall be lawful to have one or more goats provided that the goat or goats shall be contained in a lot or pen of not less than forty thousand (40,000) square feet in area and the lot or pen shall have substantial fence and no part of the lot or pen shall be within fifty (50) feet of any private dwelling or place used for residential purposes;

4. Each of the lots or pens shall be kept clean at all times and manure kept in a pile and removed not less often than once in each period of one week; and

5. The barn, shed, feed room and other premises in use for the keeping of the livestock and animals shall be kept clean and sanitary.

D. Except as otherwise provided in Section 4-104A or on any agricultural zoned property, it is unlawful for any person, firm, or corporation to keep any fowl within the Town limits. For purpose of this article the term “fowl” shall mean chickens, geese, ducks, turkeys, swans, guinea fowl and other domesticated barnyard fowl. Excluded from the definition of “fowl” are caged birds, including parakeets, parrots, canaries, finches, lovebirds, myna birds and other birds ordinarily kept in cages in household; provided however, wild birds captured or rescued

and kept in cages shall be considered “fowl”.

E. No person shall keep or maintain swine within the limits of the Town except temporarily in a stockyard or other enclosure awaiting transportation and except as otherwise permitted by this Section and the Town's zoning ordinance.

SECTION 4-104A HOBBY CHICKENS.

A. This section provides an additional exception to the restrictions contained in this code regarding the keeping of fowl within the Town limits. This exception pertains to the keeping "hobby chickens” defined as and meaning and including only female chickens raised for non-commercial purposes, more specifically, the gathering of eggs for personal use. Roosters are expressly excluded from this exception and are not permitted within Town limits, except where permitted by right in an agriculture district, if any.

B. All persons intending to keep hobby chickens shall register them with the animal control officer on a form to be provided by the police department prior to acquiring the chickens. The registration process shall include an inspection of the premises by the Animal Control Officer and/or the Code Enforcement Officer/Police Department to ensure compliance with this section. The initial fee to be charged for registration shall be Twenty-five Dollars ($25.00). Thereafter, there shall be no annual fee for registration.

C. No hobby chickens shall be permitted in multi-family housing, to include duplexes. Hobby chickens shall only be permitted in residential zoned property and any other zoned properties which may allow housing with single family residential uses.

D. No person may slaughter any chicken within Town limits under any circumstance, except as permitted by right in an agricultural zone.

E. Not more than five (5) hobby chickens may be kept per residential tract containing one dwelling unit.

F. No person shall allow such hobby chickens to produce noise loud enough to disturb the peace of persons of reasonable

sensitivity, and it is hereby declared a nuisance and it shall be unlawful for any person to allow such nuisance to exist.

G. Every keeper of hobby chickens shall observe the following practices:

1. Space:

a. Hobby chickens may not be kept on any parcel of land containing less than two thousand (2,000) square feet in area.

b. Hobby chickens shall be confined in a chicken coop or other enclosure, provided such coop or enclosure prevents the fowl from being quartered within one hundred feet (100') of the exterior limits of a church, school or business.

c. It is unlawful for any person to confine any such hobby chickens unless provisions are made by such person for the proper feeding and the furnishing of water at intervals not longer than twelve (12) hours or for a period of time which may result in their harm or death.

2. Maintenance of Coop or Enclosure:

a. Every keeper of hobby chickens shall confine the same to prevent their running at large.

b. Each such coop or enclosure shall always be maintained in a clean and sanitary condition .

c. An approved insecticide shall be used as often as recommended by the manufacturer and as often as needed to prevent infestation.

d. No person shall impound any hobby chickens in a crate, box or other enclosure, which crate, box or other enclosure does not permit each bird so impounded to stand in a naturally erect position, make normal postural adjustments or provide enough area for nominal exercise.

3. Shelter and Drainage: Every keeper of hobby chickens shall provide shelter or area of a size sufficient to be conducive to good sanitation practices and shall provide adequate and sanitary drainage for the shelter or area.

4. Disposal of Litter and Droppings:

a. Every keeper of hobby chickens shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such type that, when closed, is ratproof and fly-tight and, after each such collection, shall cause such container or receptacle to be kept closed.

b. At least twice each week, each such keeper shall cause all litter and droppings so collected to be disposed of in a way as not to permit the presence of fly larvae.

5. Storage of Feed: Every keeper of hobby chickens shall cause all feed provided therefore to be stored and kept in a ratproof, fly-tight building, box, container or receptacle.

6. Inspection: The premises where hobby chickens are kept shall be subject to inspection by the animal control officer at any reasonable hour of the day. Violations of this ordinance are subject to fines and/or the revocation of the registration.

Section 4-105 ANIMALS WHICH DISTURB PROHIBITED, CONSTITUTE NUISANCE.

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 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.

Cross Reference: Nuisances generally, Sections 8-301 et seq.

Section 4-106 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS.

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

Section 4-107 INSPECTIONS.

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

provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

Section 4-108 POLICE DOGS.

A. Teasing, Striking or Tampering with Police Dogs Prohibited. It shall be unlawful for any person to willfully or maliciously taunt, torment, tease, beat, strike, administer or subject any desensitizing drugs, chemicals or substance to any dog used by a law enforcement officer in the performance of his/her functions or duties, or when placed in a kennel off duty; or to interfere or meddle with any such dog used by law enforcement department or agency or any handler thereof in the performance of the duty or functions of said department or agency.

B. Injury or Killing Police Dogs Prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

DIVISION 2

DOG AND CAT VACCINATION, TAGS AND TAX

Section 4-120 VACCINATION AND LICENSE REQUIRED.

1. The owner of all dogs and cats shall have the same vaccinated against rabies by a veterinarian or other authorized person once each calendar year or, in the case of a pup, before the pup is 6 months old and in the case of A kitten, before the kitten is 6 months old. Each person vaccinating dogs and cats shall furnish the owner a certificate of vaccination.

2. All dogs and cats within the corporate limits of the town are hereby required to wear a town dog or cat license. The town treasurer shall issue the license for any animal registered with the town authorities that has been vaccinated for rabies within three months prior to such registration.

Section 4-121 LICENSE FEES AND REGISTRATION.

1. Fees established: A license fee or tax is hereby levied upon the owner of any dog or cat more than three months of age harbored within the town with fees as follows:

male dogs that have been neutered	$3.00
male dogs that have not been neutered	$15.00
female dogs that have been spaded	$3.00
female dogs that have not been spaded	$15.00
male cats that have been neutered	$3.00
male cats that have not been neutered	$15.00
female cats that have been spayed	$3.00
female cats that have not been spayed	$15.00

2. Exemption from fees: The tax shall not apply to a dog or cat only temporarily brought and kept within the town for a period of not more than 30 days, nor to a cat or dog brought within the town to participate in the dog or cat show, nor to a service dog when such dog is actually being used by a person needing the service of such dog to aid him and going from place to place, nor to dogs and cats being kept in pet shops for resale. Any person bringing an animal into town and harboring and keeping the animal in town for more than 30 days shall acquire a license and pay the fee as herein specified.

3. Registration of dogs or cats. The owners of the dog or cat shall, at the time of paying the tax, register the animal with the town treasure by giving the town treasurer the name and address of the owner, the name, breed, color and sex of the dog or cat and such other reasonable information as the town clerk may request.

Section 4-122 ISSUANCE OF LICENSE; TAGS.

1. The town treasurer shall issue the licenses for dogs and cats, and before issuance of the same, there must be presented the certificate of the veterinarian showing that the dog or cat has been immunized against rabies during the fiscal year, i.e., July 1st through June 30th, or within three months prior to the dog or cat being presented for licensing if the dog or cat has recently been born.

2. The town treasurer shall, upon receipt of the appropriate fee and the information required concerning the animal, deliver

an original receipt to the taxpayer, together with the appropriate tag for the animal. The duties prescribed herein to the town treasurer for issuance of the fees and licenses may be delegated to any duly licensed veterinarian who does business in the Laverne vicinity.

3. Affixed to collar. The owner shall cause the tag received from the town treasurer to be affixed to the collar of the dog or cat which shows the tax has been paid so the tag can be easily seen by officers of the town, and the owner shall see the tag is worn by the dog or cat at all times.

4. Lost tags: in the event the tag is lost before the end of the year for which it was issued, the owner may secure another tag for the dog or cat by applying to the town treasurer and presenting to her the original receipt and paying a fee of $2.00.

Section 4-123 SUMMONS AND COMPLAINT.

A. Any person who witnesses or has personal knowledge that an act or acts made unlawful by this article has been committed may sign a complaint against the alleged violator.

B. 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 the officer personally observes a violation of this article.

C. The 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 4-124 HEARING.

The municipal judge, in addition to any hearings which may be required on criminal charges, shall hold a hearing within ten (10) days of the date of impoundment to determine if the animal is dangerous as defined by this code. The hearing may be held in conjunction with any criminal proceedings if so ordered by the judge, but in no event shall this delay the hearing or determination of dangerousness.

SECTION 4-125 DETERMINATION.

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

1. That the animal is not dangerous, in which event the animal control officer shall cause the animal to be surrendered to the owner of the animal, upon payment by the owner of the expenses outlined in this article;

2. That the animal is dangerous and should be destroyed.

3. That the animal is dangerous or potentially dangerous but that for good cause shown, the animal should not be destroyed, in which event the judge shall order all of the following:

a. A proper enclosure to confine the animal and the posting of the premises with a clearly visible warning sign that there is a dangerous or potentially dangerous animal on the property. In addition, the owner shall conspicuously display a sign with a warning symbol on the premises and on the enclosure that informs children of the presence of a dangerous animal and at a minimum states in capital bold lettering" "BEWARE OF DANGEROUS ANIMAL".

b. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in

the amount of not less than Two Hundred and Fifty Thousand Dollars ($250,000.00) insuring the owner for any personal injuries inflicted by the dangerous or potentially dangerous animal. A copy of the binder showing such insurance coverage is in full force and effect shall be filed with the Town Clerk and no change, amendment or cancellation shall occur to such policy without the Town receiving at least ten (10) days prior written notice.

c. Payment of a Ten Dollar ($10.00) per year registration fee to the Town.

B. It is unlawful for an owner of a dangerous or potentially dangerous animal to permit the animal to be outside the proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

C. It is unlawful for an owner to have a dangerous or potentially dangerous animal in the Town without complying with the following court ordered requirements:

1. The owner does not secure the required liability insurance coverage;

2. The animal is not maintained in the proper enclosure; or

3. The animal is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person. Any such fine, at the discretion of the court, may be offset by payments made by the owner to any victim of an attack by the animal. However, insurance payments may not be considered as an offset.

4. The animal is not registered, or the annual fee has not been paid to the Town.

5. An owner whose animal is adjudged to be a dangerous or potentially dangerous at the hearing and sentence is imposed by the judge pursuant to this section, upon written demand, may appeal the judge’s decision within ten (10) days to the Harper

District Court in the same manner as other appeals from actions of the municipal court.

Any dangerous or potentially dangerous animal not in compliance with any court ordered requirement shall be immediately confiscated by the animal control officer.

6. Any owner or keeper of a dangerous or potentially dangerous animal who allows an animal to be in violation of Section 4-102 of this code (Animal Running at Large Prohibited) shall be guilty of an offense, and upon conviction, shall be fined as provided in this section.

7. Any owner or keeper of a dangerous or potentially dangerous animal who violates Section 4-120 of the code (Dogs and Cats to be Vaccinated) shall be guilty of an offense, and upon conviction, shall be fined as provided in this ordinance.

8. The Municipal Judge shall make determinations regarding whether an animal is deemed dangerous or potentially dangerous and all other related orders to protect the health, safety and welfare of the public.

DIVISION 3

ANIMAL CONTROL SHELTER

Section 4-130 SHELTER ESTABLISHED; FEEDING ANIMALS.

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

Section 4-131 IMPOUNDING ANIMALS.

A. The animal control officer, or any other Town officer or employee shall catch, or take up, and impound in the Town pound any animal which is at large within the Town or in violation of this code. When an animal is so impounded, it shall be humanely kept and treated, and may be redeemed and disposed of, as other impounded animals are kept, treated, and redeemed or disposed of. A description of the animal shall be kept and if the owner is known, the Town shall attempt to notify

the owner of the impoundment orally or in writing.

B. In any prosecution charging a violation of any part of this Section proof that the animal described in the complaint was at large as defined herein and that the defendant named in the complaint was the owner of the animal shall constitute in evidence a prima facie presumption that the owner permitted his animal to be at large in violation of this chapter.

State Law Reference: State law on disposal of animals, applicable to cities over 10,000, 4 O.S. Section 501 - 508.

Section 4-132 ANIMALS TO BE IMPOUNDED.

A. The animal control officer, a police officer, or such other officer or employee of the Town as may be authorized:

1. Shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the Town; and

2. May enter upon the premises of the owner or other private premises to take such animal into custody.

B. Any other person may take such animal into custody and present it to the authority in charge of the animal control shelter for impounding.

Section 4-133 BREAKING ANIMAL CONTROL SHELTER.

No unauthorized person shall:

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

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

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

Section 4-134 FEES FOR IMPOUNDING.

The Town Board of Trustees 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. Any person redeeming an impounded animal shall pay the required fees to the Town and present his receipt therefore to the person in charge of the control shelter before the latter releases the animal. Any person whose animal is impounded shall, before being allowed to redeem the animal, pay a pound fee of $25 a day for the first offense and $50 a day for a second offence and any subsequent offense thereafter for each animal impounded plus vaccination and license fees if the animal is not wearing a license or of proof of vaccination within the time period required is not presented by the owner when the animal is redeemed. The fee shall be payable to the town treasurer and receipt thereof shall be given before the pound may release the animal. The town treasurer may delegate the collection of fees to any licensed veterinarian or other person who operates facilities for the town.

Cross Reference: See Town's fee schedule.

Section 4-135 OWNER MAY REDEEM.

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. In the event any person who is the known owner of an animal refuses or fails to pay the fee within the time required to redeem the animal after three days actual notice of impoundment of said animal having been given by posting such notice on the door of such known owner the animal shall be destroyed the option of the pound or be advertised for sale or adoption. In the event that an animal is impounded whose owner is unknown, notice of empowerment shall be made by posting a description of such animal, and the general location of its pickup place at the Laverne town office and at the Laverne Police Department for a period of three days. Such animals shall be controlled by all redemption fees and disposal options as those animals whose owners are known. Any person redeeming a dog not licensed as required by Sections 4-120 through 4-126 of this code shall pay the required license tax to the Town and secure a tag and present the receipt therefore and the tag to the person in

charge of the control shelter before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the control shelter shall require adequate evidence of the proper licensing of the dog before releasing it. Interference with officers or impounded animals. No person, except the chief of police or his duly authorized or designated officer, shall remove from the pound any animal therein, nor shall any unauthorized person lead out any animals therefrom nor interfere with any officer or employees in the operation of the pound or the impounding of animals.

However, when in the judgment of the animal control officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

Section 4-136 SALE OR DESTRUCTION OF IMPOUNDED ANIMALS.

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

B. In the event any person who is the known owner of an animal refuses or fails to pay the fee within the time required to redeem the animal after three days actual notice of impoundment of said animal having been given by posting such notice on the door of such known owner the animal shall be destroyed the option of the pound or be advertised for sale or adoption. In the event that an animal is impounded whose owner is unknown, notice of empowerment shall be made by posting a description of such animal, and the general location of its pickup place at the Laverne town office and at the Laverne Police Department for a period of three days. Such animals shall be controlled by all redemption fees and disposal options as those animals whose owners are known. Any person redeeming a dog not licensed as required by Sections 4-120 through 4-126 of this code shall pay the required license tax to the Town and secure a tag and present the receipt therefore and the tag to the person in charge of the control shelter before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the

person in charge of the control shelter shall require adequate evidence of the proper licensing of the dog before releasing it. Interference with officers or impounded animals. No person, except the chief of police or his duly authorized or designated officer, shall remove from the pound any animal therein, nor shall any unauthorized person lead out any animals therefrom nor interfere with any officer or employees in the operation of the pound or the impounding of animals.

However, when in the judgment of the animal control officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

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

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

E. The animal control officer shall pay to the Town any money received from the sale of impounded animals.

State Law Reference: Authorized means of destroying animals in animal shelters, 4 O.S. Section 501 to 508.

Section 4-137 OWNER MAY CLAIM EXCESS MONEY.

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of Five Dollars ($5.00) to reimburse the Town for any expense it has had in making the sale, at any time within thirty (30) days after the sale. If a claim is so made and approved by the Board of Trustees, the Town treasurer shall pay him such excess. If a claim is not made, the excess shall belong to the Town.

Section 4-138 ADOPTION FROM SHELTER, DEPOSIT, STERILIZATION REQUIREMENTS.

A. For the purpose of this Section, the following terms

shall have the meanings ascribed to them:

1. "Keep or harbor" means to maintain, possess, control and use;

2. "Neuter" means to render a male dog or cat unable to reproduce;

3. "New owner or owner" means a person legally competent to enter into a contract acquiring a dog or cat from the Town's animal shelter;

4. "Pound" means an establishment for the confinement of animals seized either under the provisions of this chapter or otherwise;

5. "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce; and

6. "Sterilization" means to spay or neuter a dog or cat.

B. No dog or cat may be released for adoption by the animal shelter unless the animal has been surgically spayed or neutered; or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the Town to ensure that the adopted animal will be spayed or neutered. A deposit shall be required as set by the Board of Trustees by motion or resolution.

C. The funds deposited with the Town shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless the animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

D. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the supervisor of the animal shelter shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional

veterinary reports stating their necessity.

E. If requested to do so, the Town shall refund deposited funds to the adopting party upon reasonable proof being presented to the animal shelter by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was to be completed.

F. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest-bearing account whenever feasible and the Town shall allocate funds from the account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals released by the animal shelter. The Town shall maintain accurate records of accounts which fund spay/neuter programs.

G. This Section shall not be construed to require sterilization of dogs and cats which are being held by the animal shelter which might be claimed by the rightful owner.

Section 4-139 SHOOTING OF ANIMAL AUTHORIZED

A. The animal control officer and his assistants and officers of the police department are authorized to shoot with a tranquilizer gun any animal which is vicious, running in a public park or public cemetery or which they are unable to take up and impound.

B. Police officers may kill or destroy any animal which is vicious, running in parks or which they are unable to take up and impound.

C. Neither the Town, nor police officers, nor the animal control officers, nor any of his assistants, shall be liable for any damages caused by any person by the shooting of any animal.

DIVISION 4

CRUELTY TO ANIMALS

Section 4-140 CRUELTY TO ANIMALS.

A. It is unlawful for any person willfully and maliciously to pour on, or apply to an animal, any drug or other

thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

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

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

State Law Reference: Cruelty to animals, 21 O.S. Section 168.

Section 4-141 POISONING ANIMALS.

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

Section 4-142 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful or 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.

DIVISION 5

WILD, EXOTIC OR DANGEROUS ANIMALS

Section 4-150 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS.

A. For the purpose of this Section, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards,

panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes or reptiles, including those considered dangerous such as boas and pythons, lynxes, raccoons, skunks, monkeys, and other like animals.

B. It is unlawful to keep any wild and dangerous animal within the Town limits, however, such animals may be kept for temporary periods of time for exhibition purposes only by circuses, zoos, and educational institutions. The term "temporary periods of time" as used in this subsection shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant.

C. Applicants for a permit or license shall file with the Town clerk in duplicate a sworn application in writing, on a form to be furnished by the clerk, which shall give the following information:

1. Full name, description, birth date and social security number of each individual applicant;

2. Address, both local and elsewhere;

3. Nature of business or operation;

4. If employed by another, the name and address of applicant's employer, together with a brief description or credentials showing the exact relationship;

5. Length of time for which the right to do business or operate is desired;

6. If applicant is a corporation, partnership, limited partnership, or other business entity other than a sole proprietor, doing business without a fictitious name, applicant shall, in addition to the other information required hereby, provide the names of all shareholders, officers, and directors, of a corporation, or the names of all partners or other individuals or entities in partnership or association, if a business entity, other than a corporation; and

7. A statement as to whether or not the applicant or any person as specified in Paragraph 6 above, has or have been convicted of a felony, the nature of the offense, and the

punishment or penalty assessed, therefore.

D. A permit or license fee shall be required to be paid as of the time the application is submitted for the permit or license.

DIVISION 6

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.

Cross Reference: Zoning ordinance, Section 12-201 et seq. of this code.

DIVISION 7

PROCLAMATION OF RABIES

Section 4-170 DOGS AND CATS CONFINED; WHEN.

A. When the health officer or chief of police determines and certifies that a dog, a 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 confined, 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 day following such publication unless the resolution prescribes a later time.

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

Section 4-171 QUARANTINE OF ANIMALS FOR OBSERVATION.

A. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer and the county health department. The animal, regardless of its immunization status, shall be securely quarantined at a veterinary hospital of the owner's choice at the owner's expense. The animal shall be observed by a licensed veterinarian for a period of ten (10) days and may not be released until such reasonable determination has been made that the animal is not infected with rabies, unless the bite was a severe bite by an unimmunized animal. In circumstances of a severe bite (bite on the head, face, neck or upper extremities; or deep laceration; or multiple bite wounds) by an unimmunized animal, the biting animal should be humanely killed immediately, without damaging the head, and the head should be humanely shipped, under refrigeration, for examination at the Oklahoma State Department of Health. If the animal is not immediately available for testing, the individuals exposed should consult with their physicians concerning the need for immediate initiation for rabies prophylaxis. In case of animals whose ownership is unknown, such quarantine shall be at the Town animal shelter. If an owner becomes known, the animal may be reclaimed by the owner if adjudged free of rabies, and such owner shall then pay any related charges for confinement. Signs of rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that exposes a person should be killed at once (without unnecessary damage to the head) and the head submitted for examination for evidence of rabies.

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

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

Section 4-172 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed

veterinarian and dies while under such observation, the animal control officer, veterinarian, the Town health officer, or other designated emissary shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper public health officer of any reports of human contact.

Section 4-173 RABIES CRISIS DECLARATION.

When a report gives a suspected or a positive diagnosis of rabies, or when the Town, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the Town Superintendent Townwide quarantine, and upon the invoking of such quarantine by the Town Superintendent no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine, no animals may be taken or removed from the Town without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action.

Section 4-174 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD.

A. During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

B. 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 months.

C. No person shall kill or cause to be killed any rabid animals, 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 the health officer of the Town or the animal control officer.

D. The carcass of any dead animal exposed to rabies shall

upon demand be surrendered to the animal control officer.

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

Section 4-175 SURRENDER OF ANIMALS UNDER SUSPECT.

No person shall remove from the Town any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

ARTICLE 2

DIVISION 1. GENERALLY

Section 4-200 PURPOSE AND DEFINITIONS

A. Purpose. The intent of this Article is to prevent and reduce the transmission of diseases from animals, particularly, dogs and cats, to preserve the peace, and to promote the health, safety and welfare of the citizens of the Town by establishing rules and regulations over all kennel operations within the Town.

All Federal, State, and municipal facilities and license veterinarians shall be exempt from the provisions of this Article.

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

1. Primary enclosures are those areas in which an animal normally rests or sleeps, and which allow the exercise of normal postural movement.

2. Puppy or kitten means an immature dog or cat under the age of six months.

3. Run is a large area designed to allow an animal to move about and exercise freely.

4. Secondary enclosure means the room or structure which houses or contains primary enclosures.

Section 4-200A NUMBER OF DOGS AND CATS.

A. Prohibition. No person shall harbor or keep more than a total of four (4) dogs and cats (aggregate) over the age of six (6) months in any household. The owner, occupant or person in lawful possession or control of the premises shall be responsible for any violation of this section by any of the members of the household.

B. Exception. Businesses located in properly zoned commercial districts may operate kennels wherein more than a total of four (4) dogs and cats (aggregate) over the age of six (6) months may be kept.

Section 4-200B FAILURE TO PROVIDE HUMANE CARE AND TREATMENT OF ANIMALS IS PROHIBITED

A. Prohibited Conduct. It shall be unlawful for any person owning an animal to fail to provide said animal with humane care and treatment in accordance with the standards provided in this section.

B. Standards of Human Care and Treatment. The following standards of humane care and treatment are established for all animals within the Town:

1. Food Requirements. Food shall be free from contamination and of sufficient quantity and nutritive value to maintain an animal in good health. An animal shall be fed at least one per day except as dictated by hibernation, veterinary treatment, normal fasts or other professional accepted practices. All food receptacles shall be kept clean and sanitary.

2. Water Requirement. Safe clean water shall be provided as often as necessary for the health and comfort of each animal. Frequency of watering shall consider age, species, condition, size, and type of animal. All water shall be provided in sturdy, stable receptacles of adequate size for the animal and shall be

kept clean and sanitary.

3. Space Requirements. Enclosures or shelters for animals shall be constructed and maintained to provide sufficient space for each animal to make normal postural and social adjustments and to provide each animal with adequate freedom of movement to maintain good physical condition.

4. Outdoor Shelter Requirements. Natural or artificial shelters appropriate to the local climate conditions for the particular species of animal shall be provided for all animals kept outdoors or for animals left out of doors during inclement weather. A suitable method of drainage shall be provided to rapidly eliminate excess water. A shelter for a dog or cat shall consist of a moisture proof and wind proof structure of suitable size to accommodate the animal and to allow retention of body heat. It shall be made of durable material and shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat.

5. Sanitation Requirements. All shelters, enclosures, cages, and litter boxes shall receive necessary cleaning to remove excreta, waste materials, direct and trash to minimize disease hazards and to reduce odors. Litter in litter boxes and shaving or other materials used in cages

6. Veterinary and other Care Requirements. All animals shall have veterinary and other care to prevent suffering.

C. Leaving an Animal in a Motor Vehicle without adequate ventilation or protection from extreme weather prohibited. It shall be unlawful for any person to leave any animal in any standing or parked vehicle without providing for adequate ventilation nor shall a person allow an animal to be exposed to extreme temperature while confined in a vehicle.

D. Animal Control Officer May Impound Animal and/or Provide Terms and Conditions for Care.

1. Whenever the Animal Control Officer finds that any animal is without humane care or treatment, such officer may, at the owner’s expense, impound the animal for protective care. In the event the sickness or injury of the animal and upon the advice of the Police Chief or his designee, may take appropriate

action to relieve pain and suffering, including the option of the immediate humane euthanasia of the animal.

2. The Animal Control Officer may issue a citation to the owner for a violation of this section and/or may specify the terms and condition under which the owner may regain or maintain custody of the animal, which terms and conditions statement shall be signed by the owner. Violation of the terms and conditions by the owner is an offense against the Town and shall be cause for the issuance of a citation and may result in the impoundment of the animal.

DIVISION 2

KENNEL LICENSES

Section 4-201 KENNEL LICENSE REQUIRED

No person shall operate a kennel without a license. The cost of a license shall be One Hundred Dollars ($100.00).

Section 4-202 REVOCATION AND SUSPENSION OF LICENSE

In addition to any other penalties prescribed by ordinance, the Town may revoke or suspend a kennel license for any violation of these regulations pursuant to the provisions of Chapter 5, Article 10 of this code.

DIVISION 3

KENNEL REQUIREMENTS

Section 4-301 SUBMISSION OF KENNEL PLANS AND SPECIFICATIONS

In addition to any other requirements of this Code, detailed plans and specifications shall be submitted to the Code Enforcement Officer to construct or remodel any kennel. Approval of plans and specifications must be obtained prior to any construction or remodeling.

Section 4-302 CONTENTS OF PLANS AND SPECIFICATIONS

Any plans and specifications shall be in compliance with this article and must include descriptions of the proposed ventilation system, plumbing equipment, and finishes of floors,

walls, and ceilings.

Section 4-303 SEPARATION OF CERTAIN AREAS

Animal housing areas must be physically separated from areas in which food and/or drink for human consumption is prepared, served, or stored and from any living and/or sleeping areas of kennel personnel.

Section 4-304 PHYSICAL FACILITIES

A. Interior building surfaces. Interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.

B. Electric power. Reliable and adequate electric power shall be provided. Electrical wiring must meet all requirements of Chapter 5 of this Code.

C. Water. Adequate potable water shall be provided. Back flow preventers shall be installed on any threaded faucets.

D. Heating. Indoor housing for pet animals shall be sufficiently heated when necessary to protect pet animals from cold, and to provide for their health and comfort. The ambient temperature shall be made consistent with the requirements of the particular species.

E. Ventilation. Indoor housing of animals shall be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

F. Lighting. Adequate lighting must be provided a minimum of eight hours per day. Such lighting shall provide a minimum of 25-foot candles of illumination for 30 inches above floor level and must be uniformly distributed. Enclosures must be positioned to protect animals from excessive illumination.

G. Drainage. A suitable method shall be provided to rapidly eliminate excess water from animal housing facilities. If drains are used, they shall be properly constructed and kept in good repair. If closed drainage systems are used, wastewater

shall be disposed of by connection to a sanitary sewer or any approved sewage disposal system.

Section 4-305 PRIMARY ENCLOSURE STANDARDS

A. Generally. All enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them and to prevent vermin from entering. They shall be constructed and maintained to enable the animals to remain dry and clean and to provide convenient access to clean food and water.

B. Flooring. The floors of the enclosures shall be constructed to prevent injury to animals' feet and legs. Enclosures for dogs and cats may have wire flooring provided, however, that (1) the wire is of adequate gauge to prevent sagging under the weight of the animals and (2) the wire mesh is small enough to prevent their feet from falling through the mesh.

C. Space requirements. Enclosures must be constructed to provide sufficient space to allow each animal to exercise normal postural movements.

D. Additional requirement for cats. A receptacle containing sufficient clean litter shall be provided to contain excreta.

E. Exercise areas. One run must be provided for every 18 primary enclosures. The run must be of sufficient size to allow an animal to break into a run. At least two exercise periods per day of 20 minutes each shall be provided.

Section 4-306 SANITATION

A. Cleaning of animal enclosures. Animal waste shall be removed from enclosures daily and/or as often as may be necessary to prevent contamination of the animals and to reduce disease hazards and odors. Cages shall be cleaned as often as may be necessary to maintain sanitary conditions by washing all surfaces with a detergent solution followed by a safe and effective sanitizer. Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.

B. Equipment cleaning. Water and food containers and all other utensils shall be cleaned and sanitized using generally acceptable methods such as the use of heat or chemical sanitizing solution. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

C. Waste disposal. Animal and food wastes, bedding, dead animals, debris, and other organic wastes must be disposed of in order that vermin infestation, odors, disease hazards and nuisances are minimized.

D. Premises, generally. The kennel premises shall be kept clean, in good repair, and free of trash.

E. Pest control. An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be maintained.

F. Storage of food and supplies. Supplies of food and bedding shall be stored:

1. Off the floor; or

2. In waterproof closed containers and adequately protected against infestation or contamination by vermin.

G. Dead animals. Animals that die at the facility shall be stored and disposed of in a manner that will not cause a disease hazard or nuisance.

Section 4-307 FOOD AND WATER

A. All animals shall be fed at least once a day and shall be provided potable water at all times except when under special veterinary care. The food and water shall be free from contamination, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Refrigeration shall be provided for perishable food.

B. Food and water containers shall be accessible to the animal and located to minimize contamination by excreta. These containers shall be cleaned daily. Self-feeders and self-waterers may be used if cleaned regularly.

Section 4-308 APPLICATION OF REQUIREMENTS TO EXISTING FACILITIES

Existing properties properly zoned and used as a kennel as herein defined, shall be given one year to meet the structural standards required by this article.

Section 4-309 INSPECTION OF FACILITIES

A. All kennels or animal shelters must be inspected by the Code Enforcement Officer prior to the issuance of a license under this article. The Code Enforcement Officer or its designated representatives may make periodic inspections of all facilities licensed under this article.

B. Federal, State, and municipal facilities shall be exempt from the provisions of this article.

C. Classification and separation of animals.

1. Restrictions. Animals housed in the same enclosure shall be maintained in compatible groups, with the following additional restrictions:

2. Females. Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

3. Puppies or kittens. Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.

4. Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

5. Boarded animals shall not be housed in the same primary enclosure with those from another household unless the owners have been informed of and consented to that arrangement.

DIVISION 4. BIRD SANCTUARY

Section 4-401 BIRD SANCTUARY.

Sanctuary designated: the entire area embraced within the corporate limits of the town is hereby designated as a bird sanctuary.

Hunting, shooting, killing birds prohibited; Exceptions. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird's nests are wild fowl nests; provided however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute A menace or a nuisance to the health or property in the opinion of the town board of trustees than in such event the said board of trustees shall meet with representatives of the Audubon Society, bird club, Garden Club or Humane Society, or as many of said clubs as are found to exist in the town, after giving at least three days actual notice of the time and place of said meeting to the representatives of said clubs. If as a result of such meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such manner and numbers as deemed advisable by the town board of trustees.

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CHAPTER 5: BUILDING REGULATIONS AND CODES

ARTICLE 1

BUILDING CODE AND REGULATIONS

Section 5-101 INTERNATIONAL BUILDING CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Building Code, Latest Edition adopted by the State of Oklahoma, its appendices and annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Building Code for the Town of Laverne, State of Oklahoma, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102 of this Article.

State Law Reference: Building codes, adoption by cities, 11 O.S. § 14-107; 74 O.S. § 324.8.

Section 5-102 ADDITIONS AND CHANGES TO INTERNATIONAL BUILDING CODE.

The following section of the International Building Code, Latest Edition are hereby revised:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as

herein set out.

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 of plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this code including costs. Each day upon which a violation continues shall be deemed a separate offense.

Section 5-104 BUILDING OFFICIAL.

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

Section 5-105 FIRE DISTRICT DEFINED.

The fire limits zone of the Town shall be defined as the corporate limits.

Buildings with the Fire District. No building or structure, other than residential housing, shall be built, constructed, improved or added to that is situated within the fire limits zone unless the building or structure, in addition to the building, plumbing, mechanical, and electric code requirements provided in this Chapter, also meets the plans and specifications of the Oklahoma State Fire Marchal for business and/or public buildings, which plans and specifications for the State Fire Marshal are hereby adopted by reference.

SECTION 5-106 APPLICATION OF BUILDING PERMITS; PAYMENT OF REQUIRED FEES.

A. SPECIFIC PERMITS REQUIRED. Any owner, authorized agent or person in lawful possession and control of any building or structure, who intends to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the Town's adopted building code(s), or cause any such work to be done, shall first make application to the Building Official and obtain the required specific permit. Work exempt from this permit requirement shall be as provided in the Town's applicable adopted building code. No person, corporation or other entity shall commence or continue any work for which a permit is required, without having received such permit and paid the fees required therefore.

B. BUILDING PERMIT REQUIRED. Any owner, authorized agent or person in lawful possession and control of any building or structure, who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, the installation of which is regulated by the Town's adopted building code(s), or cause any such work to be done, shall first make application to the Town Superintendent and obtain the required building permit. Work exempt from this permit requirement shall be as provided in the Town's applicable adopted building code. No person, corporation or other entity shall commence or continue any work for which a building permit is required, without having received such permit and paid the fees required therefore. A person desiring a building permit shall submit an application therefore to the Town Superintendent containing the following information:

1. A plot plan legibly drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be constructed, enlarged, altered, repaired, moved, demolished or changed and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.

2. A declaration of the existing and intended use of each

existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.

3. Additional information relating to the proposed improvement needed to determine compliance with this Section, including a survey, prepared by an engineer registered in the State of Oklahoma, of the boundaries of the lot on which the improvement is proposed to be located may be required by the Building Official where the boundaries of the lot are not clearly defined by survey pins and monuments.

4. Any additional information relating to the proposed improvement needed to determine compliance with these regulations. Applications should show facilities, including sewer, gas, electrical and water systems, and the Applicant must notify OKIE for locating utility lines within the area of the building site. Application for building permits must be submitted at least 48 hours prior to the posting of the Town agenda to be included as a part of that agenda.

C. PERMIT ISSUANCE; FEES; REVOCATION OF PERMIT.

The Application together with a receipt for the payment of all State fees, if any, and the Town fees paid to the Town Treasurer, shall be submitted to the Town Clerk, who shall forward the application bearing the Treasurer's receipt to the Board of Trustees for approval. If construction or work authorized under a permit is not begun within sixty (60) days after issuance of the permit, the permit is automatically canceled. A record of such applications, plot plans and approvals shall be kept in the office of the Building Official. The Town Superintendent is authorized to revoke any building permit of the requirements pursuant to obtaining the permit or work performed pursuant to the permit is not in compliance with the requirements for obtaining the building permit.

Section 5-107 NUMBERING OF BUILDINGS.

It is the duty of the Town to number all buildings in the manner herein set forth, which numbers shall be maintained in such manner and in good condition by owners and occupants of all buildings situated in the Town until otherwise provided by the Town Board of Trustees.

Section 5-108 PERMIT REQUIRED FOR MOVING BUILDING, BUILDING WITH TRAILER OR MOBILE HOME.

A. No person shall move any building or structure from one location in the Town to another location within the Town, or from outside the Town into the Town, without first obtaining a written permit from the building official. The fee for such permit shall be as set by the Town Board of Trustees in addition to any other costs incurred by the Town.

B. No person, firm, or corporation shall move any mobile home from one location in the Town to another location within the Town, or from outside the Town into the Town, to be placed upon a lot, without first obtaining a written permit from the building official. The fee for such permit shall be as set by the Town Board of Trustees in addition to any other cost incurred by the Town.

Section 5-109 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Property Maintenance Code, Latest Edition adopted by the State of Oklahoma, its appendices and annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Code for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the following additions, insertions, deletions and changes:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

Section 5-110 INTERNATIONAL RESIDENTIAL CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Residential Code, Latest Edition adopted by the State of Oklahoma, its appendices and annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Residential Code for the Town of Laverne, State of Oklahoma, for regulating and governing the construction, alteration, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

Section 5-111 INTERNATIONAL EXISTING BUILDING CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Existing Building Code, Latest Edition adopted by the State of Oklahoma, its appendices and annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Residential Code for the Town of Laverne, State of Oklahoma, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, as

herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

Section 5-112 RESIDENTIAL BUILDING CONTRACTOR; REGISTRATION AND INSURANCE REQUIRED; STATE FEE TO BE ASSESSED.

A. Residential Building Contractor; Registration and Insurance Required.

1. No person shall work at the occupation or engage in the business of the construction of residential dwellings within the Town, or making repairs thereto, for which a residential building permit is required, without registering with the Town Clerk and securing a residential building contractors' registration. A residential building permit shall be defined for this section as any building permit for a single-family or a duplex residential structure and shall include construction of a new structure, remodel of an existing structure, and the addition to an existing structure. Not included under the definition of a residential building permit are a single-family or a duplex carport, patio cover, storage building, accessory building, pool, or fence.

2. Residential Building Contractors shall pay an annual registration fee as provided in Chapter 18, Section 5-112 of the Laverne Municipal Code.

3. At all times that such registration is effective, the residential building contractor shall furnish the Town Clerk a certificate of insurance from an appropriate insurer providing that contractor with general liability insurance in an amount required by other trade contractors licensed by the Construction Industries Board and workers' compensation insurance, for such

contractor and employees, or a workers' compensation exemption verification document.

4. The Town Board of Trustees, upon notice and adequate opportunity for a public hearing, may revoke the registration of any residential building contractor for violation of any of the provisions or regulations of the Town related to building construction or for any cause specified in the state law or municipal code.

5. All services performed by utility companies operating under a franchise or other agreement or permit, and the employees of such utility companies are hereby exempt from the registration and insurance requirements for work done under the supervision and direction of the utility companies.

6. This section shall not apply to a person or persons performing the construction or remodeling to his, her, or their own existing single-family or duplex structure on their own property, unless the modifications are being performed by and the permit acquired by a general contractor or subcontractor, in which case the general contractor or subcontractor shall meet the requirements set forth in this section.

B. Administrative Fee. The Town shall assess and collect a fee for any building permit and/or renewal of such permit, in addition to other fees charged and collected by the Town, in an amount and at such time as directed by the Oklahoma Uniform Building Code Commission. The calculation of such fee shall be made in accordance with the rules and regulations promulgated by the Oklahoma Uniform Building Code Commission. For purpose of such calculation the fee may be charged on any process, oral or written, wherein authorization, approval or registration is required prior to construction even though: 1) the permitting or registration document is not issued at that time; 2) the Town refers to the authorization, approval or registration as something other than a "permit"; or 3) the only activities performed by the Town are fee-based inspections of the work performed. For purpose of this section each segment of a multi-segment permit shall be considered a separate building permit if the segment meets each of the following conditions: 1) the Town requires a separate, stand-alone building permit for the segment work when said work is not performed as part of a multi-segment construction project; 2) the Town charges a stand-alone building permit fee for the segment work when said work is not

performed as part of a multi-segment construction project; and 3) the segment work is subject to the requirements of the State Adopted Building Codes. Such fee shall be placed in a Town account created for that purpose and such fees shall be monthly remitted by the municipality to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund. Along with such monthly deposit, the Town shall submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding month. In addition, to the fee that shall be collected and remitted as provided hereinabove, then Town shall charge an additional administrative fee of $0.50 on each fee collected and reported to the state.

Section 5-113 RESERVED.

Section 5-114 CARGO CONTAINERS.

A. The following terms shall have the meanings subscribed and interpreting the provisions of this section:

"Active building permit" shall mean an unexpired and unrevoked building permit for which the building official has not performed a final inspection.

"Applicant" shall mean an owner occupant authorized agent contractor or person in control of a property or lot.

"Cargo container" shall mean a standardized reusable vessel with a maximum length of 20 feet, a maximum width of eight feet, and a maximum height of eight feet 6 inches that is or appears to be:

(1) originally specifically or formerly designed for or used in the parking shipping movement transportation or storage of freight articles goods or commodities; or
(2) designed for or capable of being mounted or moved on a railcar; or
(3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

"Town" means the Town of Laverne, Oklahoma.

B. Cargo container use.

(1) No person shall store, maintain, or otherwise keep a cargo container on any lot or property without first having obtained a permit issued by the Town Superintendent.
(2) Temporary construction storage use. A person may store, maintain or otherwise keep a maximum of two cargo containers on a lot or property within any non-residential zoning district during the period of an active building permit for construction; provided that the Town Superintendent determines that the construction project warrants the use of a cargo container to facilitate the construction, taking into consideration the size of the structure, the complexity of the project, and storage options for materials. The cargo container must be placed on an approved surface, and the Town Superintendent must approve its location on the construction site. In the event that a building permit is expired, revoked, or finalized, any cargo container used on the lot or property must be removed within 10 calendar days from the expiration, revocation, or finalization of the building permit.
(3) Long term use. A cargo container may only be stored, maintained, or kept for a long period exceeding 12 months on a lot or property that has been an approved site by the town Superintendent or his designee. A person whose property meets this qualification is limited to one cargo container for the 1st 3 acres, and one for an additional 5 acres.
(4) No person shall store, maintain or otherwise keep a cargo container on any lot or property after the expiration of 10 calendar days of any valid cargo container permit issued under this section.

C. Temporary construction storage use permit.

(1) No person shall store, maintain, or otherwise keep a cargo container as provided in this section without obtaining the required permit, which shall be issued by the Town Superintendent after the applicant complies with the following requirements:

a. The applicant must submit a written permit application identifying the intended temporary use for the cargo container, and provide a scaled site or location plan showing the size and location of any proposed cargo

container on the lot or property, and the location of all existing buildings and parking spaces.

b. The applicant shall pay the required permit fee for each cargo container as provided in this section.

(2) No person shall be issued a permit for the maintenance of a cargo container unless a current, active building permit has been issued for the lot or property where the cargo container shall be located, and the applicant clearly demonstrates the need for such container under the building permit issued for the lot or property. The applicant may provide a written statement identifying the reasons the cargo container is needed during the construction or remodeling activities for which a building permit has been issued.

(3) The permit for a cargo container shall contain such reasonable conditions which shall minimize the visual clutter and use of adjacent property.

D. Long term use permits.

(1) No person shall store, maintain, or otherwise keep a cargo container as provided in this section without obtaining the required permit, which shall be issued by the Town Superintendent after the applicant complies with the following requirements:

a. The applicant annually must submit a written permit application for each cargo container, provide a copy of the most recent property tax valuation to established that the lot were property has an agricultural exemption from ad valorem taxation and provide a scaled site or location plan showing the size and location of the cargo container on the lot or property, any screening features for the cargo container, and the location of any existing buildings or structures.

b. The applicant shall pay the required permit fee for each cargo container as provided in this section.

c. If the container is in a non-agricultural zoning district, the applicant annually must submit a written permit application for each container, provide a specific use for the container provide a scaled site or location plan showing the size and

location of the cargo container on the lot or property, any screening features for the cargo container, and the location of any existing buildings. This must be approved by the town Superintendent to ensure it will not be an eyesore to the area.

E. Standards for cargo containers.

(1) The following development standards shall apply to all cargo containers:

a. The cargo container shall be constructed of steel or aluminum with a minimum 14-gauge thickness, except for a wooden floor within the metal shell. Structural plans and calculations are not required.
b. The cargo container shall not exceed 20 feet in length 8 feet in width, and eight feet 6 inches in height.
c. The cargo container shall not have any factory built or field applied electrical, plumbing, heading, or air-conditioning systems. Further, the cargo container shall not be connected to a power system.
d. No fixtures, mechanicals, or equipment of any kind may be affixed to the cargo container, with the exception of a locking device.
e. The cargo container shall be installed and maintained and a level and plum condition with a maximum differential settlement to grade of two inches. For long term use, the container must be placed on a permanent foundation.
f. The cargo container shall be a solid, flat, non-reflective neutral color. Cargo containers with a long-term use permit must be painted a solid, flat, non-reflective color that matches the surrounding natural environment.
g. No signage, lettering, text, or artwork may be placed on any cargo container except when located in the commercial zoning district and is approved by the town Superintendent.

F. The following standards shall apply to the placement and location of all cargo containers:

1. The cargo container may not occupy any required off street parking spaces or loading/unloading areas or fire lanes in any district.
2. The cargo container shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.
3. The cargo container shall conform to the setback and building line requirements of the zoning district where it will be placed. No cargo container shall be permitted in a location which is nearer to the public street than the main building, except for projects with an active building permit as defined in the municipal code.
4. The cargo container shall not be stacked on top of each other or on any other structure.
5. The cargo container with a long-term use permit must not be visible from the portion of any public road that abuts the lot or property. Acceptable screening features for a cargo container include landscaping, fencing, pole barns, terrain or a combination of these features. The applicant must provide a detailed 2 scale site plan for the cargo container, which shows any screening features. All structures and fences used for screening must be permitted through the building department.

G. The following standards shall apply to use of all cargo containers:

1. The cargo container shall not be used for human habitation or commercial business purpose.
2. The cargo container shall not be used to store hazardous materials.
3. Refuse and debris should not be stored in, against, on, or under the cargo container.

H. A person may only place a cargo container on a property or lot that has an active building permit issued by the town, and on which construction has commenced; or an active cargo permit issued by the town.

I. The cargo container must be secured, structurally sound, stable and in good repair. Any cargo container that becomes unsecured, unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property. The town

Superintendent shall provide the permit holder for the cargo container of any condition in violation of this section.

J. Any permit issued under this section may be revoked upon 10 days written notice to the owner, occupant or person in control of the property if the person is storing, maintaining or otherwise keeping a cargo container in violation of this section or permit herein issued.

K. Any person aggrieved by a decision of the town Superintendent to revoke a permit may appeal to the town board of trustees whose decision shall be final.

ARTICLE 2

PLUMBING CODE

Section 5-201 INTERNATIONAL PLUMBING CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Plumbing Code, Latest Edition adopted by the State of Oklahoma, with all variances adopted by the State of Oklahoma, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Plumbing Code of the Town of Laverne, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes as set out in Section 5-202.

Section 5-202 ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PLUMBING CODE

The following sections contained in the International Plumbing Code are hereby revised:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

Section 5-203 PLUMBERS; REGISTRATION.

A. The phrases and words "journeyman plumber," "plumber's apprentice," "plumbing contractor," and "plumbing," when used in the ordinances, regulations and other official acts and communications of this Town, shall have the meanings respectively prescribed for them by Sections 1001 et seq. of Title 59 of the Oklahoma Statutes, the state plumbing license law, and the Town's plumbing code, unless the context clearly indicates a different meaning.

B. No person shall work at the occupation or engage in the business of installing, altering, replacing, or repairing any plumbing equipment, fixtures, or apparatus within the Town without registering with the Town clerk and securing a plumbing contractors' registration. The Town clerk shall issue such registration upon presentation of a valid license or registration issued by the state department of health and upon payment of the required fees.

C. Applicants for certificates of registration, after complying with the laws of the state and with the Town code, and after payment of the fee hereinafter specified, shall be registered with the Town. The registration shall expire annually, on June 30, but may be renewed from year to year. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with the state licensing laws and the same bond is required as set forth by Town code.

D. An applicant for plumbing contractor's registration shall also furnish bond in such sum and such conditions as set by the Town Superintendent.

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

F. The fee for registration shall be as set forth in Chapter 18.

G. The Town Board of Trustees, upon notice and adequate opportunity for a public hearing, may revoke the Town registration of any plumbing contractor or journeyman plumber for violating any provision of the ordinances or regulations of the Town relating to the installation of plumbing or for any other cause specified in the state plumbing license law.

H. All services performed by utility companies operating under a franchise agreement, and the employees of such utility companies are hereby exempt from Subsection B for work done under the supervision and direction of the utility companies.

State Law Reference: State plumbing licenses, requirements, 59 O.S. Section 1001 et seq.

Section 5-204 PLUMBING, PERMITS AND INSPECTIONS.

A. No plumbing work shall be undertaken without a permit from the Town as provided in the Town's plumbing code.

B. The application for such work shall be as required by the Town.

C. The permit inspection fee for plumbing shall be as set forth in Chapter 18. Such payment will be made upon application. No work may be commenced prior to payment of the fee. The permit fee shall also cover the cost of inspection.

D. Inspection of such work shall conform to the guidelines set forth in the Town code.

Section 5-205 PLUMBING INSPECTOR; APPOINTMENT; POWERS AND DUTIES.

A. The plumbing inspector shall be appointed by the Town Superintendent and may hold another position in the Town government.

B. The plumbing inspector shall have the powers and duties prescribed for him by the Town's plumbing codes.

C. All taps to main sewer or water lines shall be made

only under the supervision of a licensed plumber.

ARTICLE 3

ELECTRICAL CODE

Section 5-301 DEFINITIONS.

Words and phrases in this chapter shall be as defined in the state law, Sections 1680 et seq. of Title 59 of the Oklahoma Statutes and the Town's electrical code.

State Law Reference: State electrical requirements, licensing by state, 59 O.S. Section 1680 to 1696.

Section 5-302 NATIONAL ELECTRIC CODE AND NATIONAL ELECTRIC SAFETY CODE ADOPTED.

A. National Electric Code Adopted. That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the National Electric Code, Latest Edition adopted by the State of Oklahoma, with all variances adopted by the State of Oklahoma, its appendices and annual amendments thereof, as published by the National Fire Protection Association, be and is hereby adopted as the Electric Code, regulating and governing wiring and safety standards of all property, buildings and structures in the Town of Laverne, State of Oklahoma; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electric Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section.

The following sections in the National Electric Code are hereby revised:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

B. National Electric Safety Code Adopted. That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the National Electric Safety Code, ANSI C2, Latest Edition adopted by the State of Oklahoma, its appendices and annual amendments thereof, as published by the Institute of Electrical and Electronics Engineers, Inc., be and is hereby adopted as the Town's Electric Safety Code, in addition to the National Electric Code, regulating and governing wiring and safety standards of all property, buildings and structures in the Town of Laverne, State of Oklahoma; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electric Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section.

Section 5-303 UNDERWRITERS LABORATORIES, INC.

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

Section 5-304 TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS.

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

Section 5-305 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE.

A. It is unlawful for any person to commence any work on electrical installations for light, heat or power or make extensions to any existing electrical installations without first securing a permit from the Town.

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

C. The fee for an electrical permit shall be as prescribed in Chapter 18.

Cross Reference: See also Sections 17-101 et seq. for electrical utility fees.

Section 5-306 INSPECTION FEE.

The permit fee shall cover the cost of inspection. If the electrical inspector is called in to inspect and upon arrival the job is not ready for inspection, a fee as set by the Board of Trustees shall be charged for the call, over and above any permit fee.

Section 5-307 ELECTRICIAN'S REGISTRATION REQUIRED, BOND.

A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or apprentice electrician or do any electrical work for which an electrical permit is required without a certificate of registration as such secured from the Town.

B. The fee for a registration certificate, and any renewal, to be paid to the Town clerk, shall be as set by the Town Board of Trustees.

C. The Town clerk shall issue such registration upon presentation of a valid license issued by the state and upon payment of the required fee. All registrations shall expire annually on June 30. After the expiration, an application for a new certificate must be requested and the initial fee paid again.

D. The certificate is not transferable to any other individual or company.

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

F. All services performed by the Town or utility companies operating under franchise agreements, and the employees of such utility company or Town, are hereby exempt from Subsection A for work done under the supervision and direction of the utility company or Town.

G. After adequate opportunity for a hearing, the Town Board of Trustees may revoke the certificate of an electrical contractor, apprentice electrician, or a journeyman electrician.

Section 5-308 COMPLIANCE WITH REGULATIONS.

All electrical construction and all materials, appliances, motors, heating devices and apparatus used in connection with electrical work and the operation of all electrical apparatus within the Town limits shall conform to the rules and requirements of the code adopted by this chapter. The electrical inspector shall have the responsibility and authority for making interpretations of the provisions of such code, for deciding upon the approval of equipment, materials and construction and for granting the special permission contemplated in a number of provisions of such code, and the electrical inspector, where necessary, shall follow the code procedure for securing official interpretations of such code. In cases of necessity, the electrical inspector may require

larger size wire, more branch circuits, and better types of equipment than the minimum which is specified in the National Electrical Code.

Section 5-309 INSPECTION OF WORK; REMOVAL OF DEFECTIVE INSTALLATIONS.

A. Upon the completion of any work for which a permit has been issued under Section 5-305, it shall be the duty of the permit holder to notify the electrical inspector who shall, as early as possible, inspect the wiring, installation, appliances and apparatus and execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination. No such certificate shall be issued unless such wiring, motors, heating devices, appliances and apparatus are in strict accord with the rules, requirements, and spirit of this chapter. No current shall be turned on until such certificate is issued.

B. The amount of fee or charge to be made for such inspections and certificates shall be fixed and determined by the Town Board of Trustees.

C. Whenever electric wiring, appliances or apparatus are found to be defective or hazardous through improper manufacture or improper or insufficient installation or for any other reason, the electrical inspector shall at once cause the removal of such defect, at the expense of the owner of such wiring, appliance or apparatus.

Section 5-310 DISCONTINUING CURRENT FOR FAILURE TO COMPLY WITH CHAPTER.

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

Section 5-311 OFFICE OF ELECTRICAL INSPECTOR.

A. There is created the office of Town electrical inspector. Such inspector shall be appointed by the Town Superintendent.

B. It is the duty of the electrical inspector to enforce

all provisions of this chapter. He is hereby granted the authority to enter all buildings in the Town, in the performance of his duties.

ARTICLE 4

MECHANICAL CODE

Section 5-401 INTERNATIONAL MECHANICAL CODE ADOPTED

That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Mechanical Code, Latest Edition adopted by the State of Oklahoma, with all variances adopted by the State of Oklahoma, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Mechanical Code of the Town of Laverne, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

Section 5-402 DEFINITIONS.

Words and phrases in this chapter shall be as defined in the State Mechanical Licensing Act, Section 1850.1 et seq. of Title 59 of the Oklahoma Statutes; and the Town's mechanical code.

Section 5-403 REGISTRATION REQUIRED.

A. No person shall work at the occupation or engage in the business of installing, altering, replacing, or repairing any mechanical equipment, fixtures or apparatus within the Town without registering with the Town clerk and securing a mechanical contractor's registration. The Town clerk shall issue such registration upon presentation of a valid license or registration issued by the state department of health and upon payment of the required fee.

B. Applicants for certificates of registration, after complying with the laws of the state and with the Town code, and after payment of the fee hereinafter specified, shall be registered by the Town. The registration shall expire annually, on June 30, but may be renewed from year to year. Mechanical contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by Town code.

C. An applicant for mechanical contractor's registration shall also furnish bond in such sum and such conditions as set by the Town Superintendent.

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

E. The fee for registration shall be as set forth by the Town Board of Trustees by motion or resolution.

F. The Town Board of Trustees, upon notice and adequate opportunity for a public hearing, may revoke the Town registration of any mechanical contractor or journeyman mechanical contractor for violating any provisions of the ordinances or regulations of the Town relating to the installation of mechanical or for any other cause specified in the state mechanical license law.

G. All services performed by utility companies operating under a franchise agreement, and the employees of such utility companies or Town are hereby exempt from Subsection A for work done under the supervision and direction of the utility companies or Town.

Section 5-404 MECHANICAL PERMITS AND INSPECTIONS.

A. No mechanical work shall be undertaken without a permit from the Town as provided in the Town's mechanical code.

B. The application for such work shall be as required by the Town.

C. All persons making mechanical installations shall be charged a permit inspection fee as set forth in Chapter 18. Such payment will be made upon application. No work may be commenced prior to payment of the fee. The permit fee shall also cover the cost of inspection.

D. Inspection of such work shall conform to the guidelines set forth in Town code.

Section 5-405 OFFICE OF MECHANICAL INSPECTOR.

A. There is created the office of Town mechanical inspector. Such inspector shall be appointed by the Town Superintendent.

B. It is the duty of the mechanical inspector to enforce all provisions of this chapter. He is hereby granted the authority to enter all buildings in the Town, in the performance of his duties.

ARTICLE 5

LIQUEFIED PETROLEUM GAS

Section 5-501 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 have full

force and effect within this Town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the Town and shall be punished accordingly.

State Law Reference: State rules, LPG, 52 O.S. Section 420.1 et seq.

Cross Reference: See also Sec. 13-101 et seq. on fire prevention code.

Section 5-502 STANDARDS FOR USE AND INSTALLATION OF LIQUEFIED PETROLEUM GAS EQUIPMENT.

The use and installation of liquefied petroleum gas equipment shall be in conformity with the provision of this chapter, with the statutes of the State of Oklahoma, and with any orders, rules or regulations issued by authority thereof, and with generally recognized standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by state statutes, or by any orders, rules or regulations issued by authority thereof, conformity with the standards of the National Fire Protection Association for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases, as amended, shall be prima facie evidence of conformity with generally recognized standards for safety to persons and property.

Section 5-503 LPG TANKS, PERMIT REQUIRED TO HAVE VEHICLE REPAIRED.

A. Before the owner or operator of any vehicle on which is mounted a tank used in the transportation of any liquefied petroleum gas shall deliver such vehicle, or cause the same to be delivered, to any garage or other establishment for repair, he shall first submit the liquefied petroleum gas tank for inspection by the fire marshal of the Town, who shall require that such tank be virtually depleted of its contents, and the pressure therein reduced to the satisfaction of the fire marshal; and upon compliance with such orders of the fire marshal, the latter shall issue a permit to the owner or operator of such vehicle authorizing the delivery of such vehicle to a garage or other institution for repair.

B. No person engaged in the repair of vehicle shall

receive into his or its place of business any vehicle on which a liquefied petroleum gas transport tank is mounted unless the owner or operator of such a vehicle shall then and there exhibit the permit from the fire marshal referred to in Subsection A of this Section.

C. During the hours when any repair shop or garage having possession of any vehicle on which a liquefied petroleum gas transport tank is mounted is not open for business, no such vehicle shall be kept within the garage or repair shop building.

Section 5-504 PARKING OF LPG TRUCKS PROHIBITED; EXCEPTIONS.

No person shall park, or cause to be parked, any liquefied petroleum gas transport truck or vehicle on any public street or alley, or on any public private property or driveway, within the corporate limits of the Town whether or not any such transport truck or vehicle is carrying any liquefied petroleum gas on board, except when any such transport truck or vehicle is actually engaged in dispensing liquefied petroleum products into any tank or tanks then being serviced and under conditions meeting the minimum safety standards provided for by ordinance of the Town and by the laws of the state.

Cross Reference: See also Sec. 15-721 on hazardous trucks, parking.

ARTICLE 6

INTERNATIONAL FUEL GAS CODE

Section 5-601 INTERNATIONAL FUEL GAS CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Fuel Gas Mechanical Code, Latest Edition adopted by the State of Oklahoma, with all variances adopted by the State of Oklahoma. including all appendix chapters, together with any annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Fuel Gas Code of the Town of Laverne, State of Oklahoma, for regulating and governing fuel gas system and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions

and terms of said Plumbing Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

ARTICLE 7

SWIMMING POOLS

Section 5-701 DEFINITIONS

"Swimming pool", when used in this article shall mean any permanent structure above or below ground, being a pool of water, any part of which is more than 24 inches in depth, hereinafter constructed on either public or private property, which has decking and which is meant for persons to engage in some type of swimming activity. Hot tubs, fish ponds and similar structures are hereby excluded.

Section 5-702 PERMIT REQUIREMENTS

A. Permit required: No person shall erect, construct or install a swimming pool as defined in this article, within the limits of Town, whether on public or private property, without first obtaining a permit therefore from the town clerk.

B. Application for Permit: The forms for making applications shall be provided by the town clerk, who, upon receiving an application to erect, construct or install a swimming pool, shall submit the application to the town Superintendent who shall act upon such permit.

C. Fee: A permit fee is hereby assessed in the amount of $25 to erect, construct or install a swimming pool, which fee is to be paid to the town clerk at the time the application is made to erect, construct or install a swimming pool.

Section 5-703 FENCING OPTIONAL

The owner of the property on which a swimming pool is constructed, installed, erected, located or maintained, within the limits of the town, shall have the discretion of placing a fence or barrier around the swimming pool, unless otherwise required by international code or by the state, in which event such fence of a proper size and type shall be installed.

Section 5-704 COMPLIANCE WITH & ADOPTION OF STATE REGULATIONS

Any person owning and operating a swimming pool shall not violate the rules of safety sanitation or conservation of water as established by the statutes of the state and the rules and regulations implemented in accordance therewith concerning the maintenance and operation of swimming pools which are hereby adopted as standards for the town.

Section 5-705 PENALTIES

A. Fine: Any person, firm, or corporation who shall violate any of the provisions of this article, including the erection, construction or operation of the swimming pool without a valid permit, as required herein, or who shall fail to do anything required by the provisions of this article governing swimming pools, shall be guilty of an offense and upon conviction thereof shall be punishable as provided in the general penalty clause of this municipal code.

B. Injunctive relief: no penalty imposed by in pursuant to this article shall interfere with the right of the town to make application to a court of proper jurisdiction for injunctive relief or other appropriate action legal or equitable, against such person, firm, or corporation deemed to be violating the provisions of this article.

C. Application to corporations and associations: the violation of any terms or provisions of this article by any corporation association or other entity shall subject the principal officers and agents thereof, actively in charge of the business of said corporation association or entity, to the penalties provided herein.

ARTICLE 8

GENERAL AND ROOFING CONTRACTORS

DIVISION 1

GENERAL CONTRACTORS

Section 5-801 LICENSE REQUIRED.

All contractors, persons, or firms contracting for and performing within the corporate limits of the town, constructing, altering, or repairing buildings or other structures or lots and all trades and crafts associated with such work, including but not limited to, general building contractors, excavation contractors, carpentry contractors, masonry contractors, steel erectors, sign erectors and any and all subcontractors must first secure a license from the town before engaging in said activities.

Section 5-802 REQUIREMENTS.

A. Liability insurance. Liability insurance shall be required of every general contractor. Every applicant for a general contractor's license shall present to the building official for his or her review a valid certificate of insurance at the time of the application. It shall be the duty of every general contractor to continually maintain valid liability insurance. The minimum required general aggregate liability shall be $50,000.

B. Workers compensation insurance. In accordance with Oklahoma State law, proof of workers compensation insurance shall be verified prior to the issuance of a license.

Section 5-803 APPLICATION FOR LICENSE; FEE; ISSUANCE.

Applicant shall provide proof in writing from a credible insurer of a minimum of $50,000 liability insurance coverage. Applicants must provide proof in writing of workers compensation insurance from a credible insurer or an affidavit of exemption. The application shall be made to the town clerk and inspection shall be by the town Superintendent who upon approval the same shall notify the town clerk who shall then issue a license upon payment of the license fee by the applicant, which shall be in

the sum of $25 and any state fees required to be collected by the Town of Laverne, for the benefit of the State of Oklahoma.

Section 5-804 EXPIRATION AND RENEWAL OF LICENSE.

Licenses shall be valid from July 1st to June 30th and shall be renewable annually thereafter.

Section 5-805 FAILURE TO OBTAIN LICENSE.

Any person performing general contracting, carpentry or handyman services without first securing a license from the town shall be guilty of an offence and shall be punishable as provided in the general penalty provision of this municipal code.

DIVISION 2

ROOFING CONTRACTORS

Section 5-811 LICENSE REQUIRED.

All contractors, persons, or firms contracting for and performing within the corporate limits of the town, roofing contracting work, repair, or acting in the capacity of a roofing contractor, and any and all subcontractors must first secure a license from the town before engaging in said activities.

Section 5-812 REQUIREMENTS.

A. Liability insurance. Liability insurance shall be required of every roofing contractor. Every applicant for a roofing contractor's license shall present to the building official for his or her review a valid certificate of insurance at the time of the application. It shall be the duty of every roofing contractor to continually maintain valid liability insurance. The minimum required general aggregate liability shall be $500,000.

B. Workers compensation insurance. In accordance with Oklahoma State law, proof of workers compensation insurance shall be verified prior to the issuance of a license.

Section 5-813 APPLICATION FOR LICENSE; FEE; ISSUANCE.

The application shall be made to the town clerk and inspection shall be by the Town Superintendent who upon approval the same shall notify the town clerk who shall then issue a license upon payment of the license fee by the applicant, which shall be in the sum of $25.00 and any state fees required to be collected by the Town of Laverne, for the benefit of the State of Oklahoma.

Section 5-814 EXPIRATION AND RENEWAL OF LICENSE.

Licenses shall be valid from July 1st to June 30th and shall be renewable annually thereafter.

Section 5-815 FAILURE TO OBTAIN LICENSE.

Any person performing roofing contracting or any person holding themselves out to be a roofing contractor without first securing a license from the town shall be guilty of an offence and shall be punishable as provided in the general penalty provision of this municipal code.

ARTICLE 9

FAIR HOUSING

Section 5-901 PURPOSES; DEFINITIONS.

A. The general purposes of this Article are:

1. To secure for all people equal access to housing in all neighborhoods; and

2. To preserve the public safety, health, and welfare.

B. Definitions. Definitions for the terms used in the Article shall be those contained in Title 25, Section 1451 of the Oklahoma Statutes, as such statute is currently constituted or as it may be hereinafter amended.

Section 5-902 ACTS PROHIBITED.

It is unlawful for any person, commercial lending institution, real estate broker, real estate salesman or agent to:

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

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

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

4. Deny or make different terms or conditions for home loans by a commercial lender, such as a bank, savings and loan association, mortgage institution or insurance company; or

5. File a complaint alleging a violation of this article, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

6. Commit any other unlawful discriminatory act as set out in Title 25, Section 1452 of the Oklahoma Statutes, as such statute is currently constituted or as it may be hereinafter amended.

Section 5-903 EXEMPTIONS.

A. Section 5-902 shall not:

1. Apply to any religious nonprofit organization, association, or society operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwellings units owned or operated for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

2. Prohibit a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from:

a. limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, or

b. giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin; or

3. Prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.

B. Nothing provided for in Section 5-902_relating to familial status applies to housing for older persons. As used in this section, "housing for older persons" means housing:

1. That the Oklahoma Attorney General's Office of Civil Rights Enforcement determines is specifically designed and operated to assist elderly persons pursuant to a federal or state program;

2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

3. Intended and operated for occupancy by at least one

person fifty-five (55) years of age or older per unit as determined by rules of the Attorney General's Office of Civil Rights Enforcement.

C. Section 5-902 shall not apply to:

a. the sale or rental of a single-family house sold or rented by an owner if:

(1) the owner does not:

(a) own more than three single-family houses at any one time, or
(b) own any interest in, or is there owned or reserved on his or her behalf, pursuant to any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time, and

(2) the house was sold or rented without:

(a) the use of the sales or rental facilities or services of a real estate broker, agent, or salesman licensed pursuant to the Oklahoma Real Estate License Code, or of an employee or agent of a licensed broker, agent, or salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five or more families, or

(b) the publication, posting, or mailing of a notice, statement, or advertisement prohibited by the terms of this Article.

b. the sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner maintains and occupies one of the living quarters as the owner's residence.

Section 5-904 FAIR HOUSING BOARD CREATED.

There is hereby created a fair housing board of the Town, hereinafter referred to as "board", composed of five (5) members, to be appointed by the Town Board of Trustees of the Town, for terms of three (3) years, excepting that of the members first appointed under this chapter, two (2) shall be

appointed for a term of one year, and two (2) shall be appointed for a term of two (2) years, and one shall be appointed for a term of three (3) years.

Section 5-905 PROCEDURE.

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

B. The board shall investigate each complaint filed with the board and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference, and conciliation. Upon determination that a complaint is not well founded, the board shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If it appears that the complaint might have merit, the complainants shall be advised of their rights under existing state and federal laws.

C. If conference or conciliation does not result in compliance with this chapter, the board shall cause to be issued and served in the name of the Town, a written notice, together with a copy of the complaint, requiring the person named in the complaint, hereinafter referred to as respondent, to answer charges of the complaint at a hearing before the board at a time and place to be specified in the notice.

D. At the hearing, provided for in Subsection C above, the complaint shall be heard by the board. At the hearing, the complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The

board, when conducting any hearing, pursuant to this Section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board, the party requesting the transcription to be responsible for the costs thereof. If the board finds at the hearing, that the respondent has engaged in any discriminatory practice or practices, prohibited by this chapter, it shall state its findings of fact, and shall so certify the matter to the Town attorney for appropriate action. No prosecution shall be brought under this chapter except upon such certification. If the board, upon hearing, finds that respondent has not engaged in any discriminatory practice, it shall state its findings of fact, and shall issue and file an order, dismissing the complaint. The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure and shall maintain the files provided for herein.

Section 5-906 NOTICES.

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

ARTICLE 10

PENALTY

Section 5-1001 PENALTY.

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of the chapters in this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any 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. Each day such violation is committed or continues to exist shall constitute a separate

offense and is punishable as such.

Section 5-1002 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.

Section 5-1003 SUSPENSION OR REVOCATION OF REGISTRATIONS ISSUED BY TOWN.

A. The Town Superintendent may suspend or revoke any plumbing, electrical, mechanical, or other registration issued pursuant to this Chapter, if it finds that the holder has:

1. Made a material misstatement in the application for any registration or renewal thereof;

2. Loaned or illegally used his registration;

3. Violated any provision of this code; or

4. Committed any act specified in this code as grounds for suspension or revocation of any registration.

B. Complaints against any person registered pursuant to this part shall be filed with the Town clerk and thereafter investigated by the appropriate Town department head, or his designee. All complaints shall be in writing, signed and duly verified; provided however, this procedure shall not be exclusive and shall not preclude the filing of a complaint in the municipal court.

C. The person against whom the complaint is signed shall be entitled to a public hearing before the Town Superintendent. Within ten (10) days after the filing of a written complaint, the appropriate Town department head shall serve written notice of the complaint upon the registered person. The notice shall be served personally or by certified mail (return receipt requested). If the notice is served personally it must be served at least ten (10) days prior to the scheduled hearing. If the notice is served by mail it must be postmarked at least ten (10) days prior to any scheduled hearing. The notice shall include:

1. A statement of the time, place, and nature of the hearing;

2. A statement of the legal authority and jurisdiction under which the hearing is to be held;

3. A reference to the particular Sections of the ordinance and rules involved;

4. A copy of the complaint;

5. A statement that the accused has a right to a public hearing in his defense at which time he may respond to the allegation in the complaint by his testimony, the testimony of witnesses or other admissible evidence;

6. A statement that the individual has a right to be represented by legal counsel and a right to confront his accusers; and

7. A statement that based upon the evidence presented at the hearing, the Town Superintendent shall decide to either dismiss the complaint or recommend the suspension or revocation of the registration.

D. All writings or documents admitted into evidence shall become a part of the record of the proceedings. A party or members of the board may conduct direct and cross examinations required for a full and true disclosure of the facts. After all evidence has been submitted, the Town Superintendent shall vote to either dismiss the complaint or suspend or revoke the registration. A suspension shall include a recommendation for a time period during which the registration is to be suspended; provided however, that a registration cannot be suspended for a period of time exceeding six (6) months.

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CHAPTER 6. COURT

ARTICLE 1

MUNICIPAL COURT

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CHAPTER 6. COURT

ARTICLE 1

MUNICIPAL COURT

Section 6-101 ORGANIZATION OF MUNICIPAL COURT.

This chapter shall govern the organization and operation of the municipal criminal court not of record of the Town of Laverne as put into operation by resolution, duly passed and filed in accordance with law, as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinances of this Town, the provisions of this chapter shall control. The court shall become operative on and after the 12th day of February 1967.

State Law Reference: Municipal courts not of record, organization, rules, and procedures, 11 O.S. Section 27-101 to 27-132.

Section 6-102 DEFINITIONS.

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

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

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

3. "Court" means the municipal court of the Town of Laverne;

4. "Governing body" means the Town Board of Trustees of the Town of Laverne;

5. "Judge" means 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;

6. "Municipality" or "this municipality" means the Town of Laverne, Oklahoma; and

7. "This judicial district" means 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. The mayor, with the consent and approval of the governing body, may appoint as judge:

1. An attorney licensed to practice law in Oklahoma, who resides in Harper County or in an adjacent county; or

2. An attorney licensed to practice law in Oklahoma who maintains a permanent office in the Town of Laverne; or

3. Any suitable person who resides in Harper County or in an adjacent county.

The judge may serve as judge of other municipal courts, if such service may be accomplished consistently with his/her duties as judge of this court, with the consent of the Town Board of Trustees. A judge should have a good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but the judge shall not accept employment inconsistent with his duties as judge or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. Said Municipal Judge shall be entitled to such compensation as may be prescribed by Town Board of Trustees.

Section 6-105 TERM OF JUDGE.

The official term of the judge shall be two (2) years

expiring on the 1st day of May of each odd-numbered year and until a successor is appointed and qualified, unless removed by the vote of a majority of all members of the governing body for such cause as is provided for by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term.

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. The alternate judge's appointment shall be for the same term and made in the same manner as the judge. The alternate judge 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 APPOINTMENT AND COMPENSATION TO JUDGES.

A. Judges and alternative judges shall be appointed by the mayor with the consent of the governing body.

B. All judges shall receive compensation as set by the governing body by motion or resolution.

Section 6-108 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 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 judge appointed as provided in this chapter.

Section 6-109 PROCEDURE-JUDICIAL NOTICE OF STATUTES AND ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST 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. If the warrant is served by a county sheriff, the municipality shall pay the Sheriff's Service Fee Account a fee of Twenty Dollars ($20.00).

Section 6-110 MUNICIPAL COURT CLERK.

The municipal court clerk, or deputy designated by such clerk, both of whom must be independent of the municipal police and judicial department, shall be the clerk of the municipal court. The clerk of the court shall:

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

2. Administer oaths required in judicial or other proceedings before the court;

3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;

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

5. Receive and give receipt for and disburse or deliver to the municipal treasurer all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body.

Section 6-111 MUNICIPAL ATTORNEY AS PROSECUTOR.

The municipal attorney of the Town may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the

municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court.

Section 6-112 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 governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives.

Section 6-113 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 6-114 ENFORCEMENT OF RULES.

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

Section 6-115 PROSECUTIONS BY VERIFIED COMPLAINT.

A. All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "The Town of Laverne vs. _____ (naming the person charged.)"

B. The information shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket, or complaint to the following statement:

"I, the undersigned issuing office, hereby certify and

swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or

3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purposes of such an oath and subscription, any law enforcement officer of the municipality issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant.

Section 6-116 CREATION OF VIOLATIONS BUREAU.

A. There shall be established a 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 violation's bureau.

B. The violations bureau shall accept fines which may be paid in lieu of a court appearance for such offenses as may be designated by the judge under the court's rules. The schedule of fines shall be as set out in Section 1-110. A copy shall be kept in the clerk's office.

C. Payment of any fine to the violation's bureau shall be deemed a final determination of the cause against the defendant.

D. If a defendant who has elected to pay a fine under this Section fails to do so, prosecution shall proceed under the provisions of this chapter.

Section 6-117 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 which is a participant of the Nonresident Violator Compact, or any party jurisdiction of the Nonresident Violator Compact;

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

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

4. The violation does 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 person 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 defendant’s’ 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. The court, or the court clerk as directed by the court, may continue, or reschedule the date and time of arraignment upon request of the arrested person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer

and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in Subsection D of this Section. 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 by the Town or as provided 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 is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. Payment of the fines and costs may be made by personal, cashier's traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in the amount presented as bail for the offense. However, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendre as provided for in this subsection, such plea shall be accepted by the court and amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court or, in the absence of such ordinance, in the amount prescribed by the court.

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

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

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

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

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

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. 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 twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this Section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such

defendant, if defendant personally appears, or shall make such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or as 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.

Section 6-118 EXCEPTIONS TO BAIL BOND PROCEDURE.

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 6-117, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed pursuant to Section 27-118 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 6-117 of this code, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to the judge for arraignment and the judge shall proceed as otherwise provided for by law. If no judge is available, the defendant shall be placed in the custody of the municipal jailer, to be held until a judge is available or bail is posted.

C. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this Section but shall be incarcerated separately from any adult offender. Provided, however, the arresting officer shall not be required to:

1. Place a juvenile into custody as provided for in this Section; or

2. Place any other traffic offender into custody:

a. Who is injured, disabled, or otherwise incapacitated;

b. If custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care; or

c. If extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.

Section 6-119 DISHONORED CHECKS OR INSTRUMENTS, WARRANTS.

A personal check or other instrument tendered to the court clerk for bail or for the payment of fine and costs, if dishonored and returned to the clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified.

Section 6-120 ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS.

A. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer, for the violation of any traffic ordinance for which Section 6-117 does not apply or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release the person if it reasonably appears to the officer:

1. That the person may cause injury to himself or others or damage to property if released;

2. That the person will not appear in response to the citation; or

3. The person is arrested for an offense against a person or property.

If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled. If the arrested resident is not released by being permitted to sign a citation as herein provided, he shall be admitted to bail either before or after arraignment or shall be released on personal recognizance.

B. If a nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for a violation of any ordinance for which this Section does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

Section 6-121 SUMMONS FOR ARREST.

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

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

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 Laverne to the Police Chief of Laverne, 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 therefore 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 _____, 202__.

_____
Judge of the Municipal Court
Laverne, Oklahoma

B. It is the duty of the police chief, 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 appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars ($10.00) 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 be amended from time to time.

Section 6-124 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

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

Section 6-125 TRIALS AND JUDGMENTS.

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

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

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

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

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

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

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Five Dollars ($5.00) of fine or as set out in Subsection H hereof for defendants who are without means to make such payment.

H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be

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

Section 6-126 WITNESS FEES.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per day of attendance. However, no witness shall receive fees 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 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 poverty, is unable to provide the fees 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 6-127 SENTENCING.

A. The judge may suspend, modify, defer, or reduce a sentence in accordance with Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes. For all offenses which impose a fine of more than Five Hundred Dollars ($500.00), excluding court costs, a jury trial shall be had unless waived by the defendant and the Town.

B. A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any party 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 in the case. If the municipal judge is not a licensed attorney but has complied with the education requirements of subsection 11 O.S. §27-104F and the education requirements of 47 O.S. §18-101, the maximum fine that the judge may impose shall be Five Hundred Dollars ($500.00). No Town ordinance may impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars ($200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars ($800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars ($750.00). The court shall remit Fifty Dollars ($50.00) of each alcohol fine or deferral fee to a restricted cash account of the Town that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances.

Section 6-128 IMPRISONMENT, WORK BY PRISONERS; COST OF INCARCERATION TO BE COLLECTED

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced

to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence.

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

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

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

E. Costs of Incarceration to be collected.

1. For purpose of this section, "Costs of incarceration" shall mean the costs of booking, receiving, and processing out, housing, food, clothing, medical care, dental care, and psychiatric services.

2. The costs for incarceration shall be determined by the chief of police for Town jails and by applicable contract provision (between the Town and County) for county jails. A notice of such costs shall be provided to the defendant.

3. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. The court clerk shall be notified of any amount

collected.

4. Costs of incarceration shall be a debt of the defendant owed to the municipality responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty. Jail fees shall not exceed Three Thousand Dollars ($3,000.00).

F. Effective November 1, 2004, any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the Town, subject to direction by the Town Administrator or other proper officer, at a rate per day of Twenty-five Dollars ($25.00) per day for useful labor, until the fine or costs are satisfied.

Section 6-129 COSTS.

Costs in the amount of Thirty Dollars ($30.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty or those which are dismissed upon motion of the defendant or the Town attorney. Court costs in the amount of Thirty Dollars ($30.00) shall be charged and collected by the clerk of the municipal court in all cases in which the defendant pleads guilty before the traffic violations bureau. Providing however, court costs shall not be collected on cases involving parking, standing and seatbelt violations (but not to include violations of children restraint systems).

State Law Reference: Costs, 11 O.S. Section 27-126; suspension of judgment or costs, 11 O.S. Section 27-123.

Section 6-130 PENALTY 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 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 ($10.00) less $1.00 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 ($10.00) less 5% of such amount which may be retained and deposited into the Town's General Fund and with the balance paid to as a Forensic Science Improvement Assessment.

C. Any person convicted of possession of marijuana shall be ordered by the court to pay Five Dollars ($5.00), which shall be paid to the Bureau of Narcotics Drug Education Revolving Fund.

D. 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.

State Law Reference: Similar provision, 20 O.S. Section 1313.1 through 1313.3.

Section 6-131 ISSUANCE OF SUMMONS AND WARRANT.

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

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

C. Upon proper application, the judge is hereby authorized to issue a search warrant if he is satisfied of the existence of grounds of the application or if there is probable cause to believe their existence. Such warrant shall be signed by the judge with his name of office to the police chief,

commanding him forthwith to search the person or place named, for the property specified, and to bring it before the magistrate, and also to arrest the person in whose possession the same may be found, to be dealt with according to law.

State Law Reference: Complaints, 11 O.S. Section 27-115.

Section 6-132 SECURITY FOR COSTS BEFORE COMMENCEMENT OF PROSECUTION.

en application is made by any person to commence any prosecution in the municipal court, the municipal judge may, at his discretion, before any such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution should fail.

Section 6-133 MALICIOUS PROSECUTION; COSTS.

If upon the trial of any case in the municipal court, it shall appear to the satisfaction of the court that the prosecution was commenced without probable cause, and from malicious motive, the court shall state the name of the complainant in the finding and shall impose the costs of prosecution upon him; and the judgment shall be rendered against such complainant that he pay such costs and stand committed until the costs are paid.

Section 6-134 FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR; FAILURE TO OBEY ORDER OF THE COURT.

A. Written Promise to Appear. It shall be unlawful for any person to violate his written promise to appear in the municipal court at the date and time stated in the citation given by an officer upon the issuance of any promise to appear regardless of the disposition of the charge for which such promise or notice to appear was originally issued.

B. Notice to Appear. It shall be unlawful for any person to fail to appear in the municipal court at the date and time stated in any notice to appear regardless of the disposition of the charge for which such notice to appear was served.

C. Appearance by Counsel. The appearance of an Attorney on behalf of the person who has given a written promise to appear or has been served notice to appear shall be treated as

the appearance required under this section.

D. Appearance of Parent of Minor Child. It shall be unlawful for the parent, legal guardian, or other adult person having the care and custody of a minor child who is charged with a violation of a municipal ordinance who has executed a written promise to appear or has received a notice to appear in the Municipal Court with said minor child to fail to so appear with the minor child at the date and time stated in the citation or notice.

E. Failure to Obey Order of the Court. It shall be unlawful for any person to violate, disobey, or otherwise fail to comply with any order of the Municipal Court.

Section 6-135 DISPOSITION AND RECORDS.

A. The chief of police, or other responsible officer, shall cause the original copy of every ticket issued to an alleged violator of any ordinance to be deposited with the municipal court in the manner provided by rule.

B. Upon the deposit of such ticket with the municipal court said ticket may be disposed of only by trial in said court, or other official action by a judge of said court, including forfeiture of bail, or by payment of a fine, to the court clerk; provided however, the provisions of this subsection shall not apply to cases which Town attorney declines to prosecute or are withdrawn by a citizen complainant.

C. It shall be unlawful and official misconduct for any person to dispose of, alter or deface a ticket or any copies thereof, or the record of the issuance or disposition of any ticket or warrant in a manner other than authorized.

D. The chief of police shall maintain or cause to be maintained a record of all warrants issued by the municipal court and which are delivered to the police department for service, and of the final disposition of all warrants.

Section 6-136 COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE TO PERFORM.

All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of

a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the municipal jail, in the discretion of the court, for the time specified in the sentence, provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

Section 6-137 COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO PERFORM.

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

CHAPTER 7: FINANCE AND TAXATION

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CHAPTER 7: FINANCE AND TAXATION

ARTICLE 1

FINANCE AND BUDGET ADMINISTRATION

DIVISION 1

General Provisions

Section 7-100 BUDGET

A. Statement of Conditions and Needs: Appropriations:

1. The town board of trustees shall meet on the first Monday in August of every year and shall make, in writing, a financial statement showing the true fiscal condition of the town as of the close of the previous fiscal year ending June 30th, and prior to the next September 1st, the town board shall make a written itemized statement of the estimated needs and probable income from all sources, including ad valorem taxes for the current fiscal year. Such financial statement shall be supported by schedules or exhibits showing, by classes, the amount of all receipts and disbursements, and it shall be sworn to as being true and correct. The statement of estimated need shall be itemized so as to show by classes:

a. 1st, the several amounts necessary for the current expenses of the town and each officer and department thereof in compliance with Title 68, Section 3004 of the Oklahoma Statutes, as amended, which require each officer and employee charged with management or control of any department to file on or before the 1st Monday in July of each year his report in writing of his itemized statement and estimate of probable needs for the current are ensuing fiscal year.

b. 2nd, the amount required by law to be provided for sinking fund purposes.

c. 3rd, the probable income that will be received from all sources, including interest income and ad valorem taxes, which shall be detailed in form and amount so as to disclose the several items for which the excise board must approve estimates and make appropriations.

2. The board of trustees shall have the power to make supplemental appropriations and amendments to the budget as provided by Title 11, Section 17-216 of the Oklahoma Statutes, as amended, and any other applicable provision of law.

B. Publication and filing of need of need estimate: The estimate of needs shall be published in one issue in a newspaper published in the town, and if the town has no newspapers published in the town, than to be published as otherwise provided by law. The financial statement and estimate shall be filed with the county excise board on or before August 22nd of each year, with an affidavit of publication attached thereto showing the publication as required by Title 68, Section 3002 of the Oklahoma Statutes, as amended.

C. Transfer of appropriation balances:

1. Any fund balance in any enterprise fund of the town may be transferred to another fund town as authorized by the town board of trustees and applicable Oklahoma Statutes. If the necessity for maintaining any fund has ceased to exist and a balance remains in the fund, the board of trustees may authorize the transfer of the balance to the general fund or any other designated fund unless otherwise provided by state law.

2. No encumbrance or expenditure may be authorized or made by any officer or employee which exceeds the available appropriation for each classification level.

3. All appropriations of money shall be in accordance with Title 11, Section 17-101 et. seq., of the Oklahoma Statutes, as amended, as to the borrowing or appropriation of monies, payments of invoices and accounts, establishing petty cash amounts making supplemental appropriations and accounting therefore.

Section 7-101 FUNDING AND ACCOUNTING

A. Compliance with statute: The revenue and other resources of the town shall be divided and established in funds as provided by Title 11, Sections 17-212, 17-213, and other applicable provisions of law, and accounted for as provided thereby.

B. Sinking fund monies: It shall be the duty of the town officers to handle, deposit, invest and use the money and the

sinking fund of the town in the manner provided by Title 62, Sections 431 and 451, and any other applicable provisions of law. The town treasurer shall deposit daily all uninvested sinking fund monies in his hands in banks as provided by law.

C. Establishment of funds or ledgers: The town shall establish funds consistent with its legal and operating requirements and shall maintain, according to its needs, some or all of the following funds or ledgers in its system of accounts, in accordance with Title 11, Section 17-212 of the Oklahoma statutes, as amended:

1. General Fund: A general fund, to account for all monies received and dispersed for general municipal government purposes, including all assets, liabilities, reserves, fund balances, revenues and expenditures which are not accounted for in any other fund or special Ledger account. All money as received by the town under the motor fuel tax or under the motor vehicle license and registration tax and earmarked for the street and alley fund may be deposited into the general fund and accounted for as Street and Alley Account within the general fund. Expenditures from this account shall be made as earmarked and provided by law. All references to the Street and Alley Fund or to the special fund earmarked for state shared gasoline and motor vehicle taxes may mean the street and alley account provided for in this subsection.

2. Special revenue funds: special revenue funds, as required, to account for proceeds as specific revenue sources that are restricted by law to expenditures for specified purposes.

3. Debt service fund: Debt service fund which shall include the municipal sinking fund, established to account for the retirement of general obligation bonds or other long-term debt and payment of interest thereon and judgments as provided by law. Any monies pledged to service general obligation bonds or other long-term debt must be deposited in the debt service fund.

4. Capital project funds: Capital project funds, to account for financial resources segregated for acquisition, construction or other improvement related to capital facilities other than those accounted for in enterprise funds and non-expendable trust funds.

5. Enterprise funds: Enterprise funds, to account for each

utility or enterprise or other service, other than those operated as a department of the general fund, where the cost of finance primarily through user charges are where there is a periodic need to determine revenues earned, expenses incurred or net income for a service or program.

6. Trust and agency funds: Trust and agency funds, to account for assets held by the town as trustee or agent for individuals, private organizations or other governmental units or purposes, such as retirement fund or a cemetery perpetual care fund.

7. Internal service funds: Internal service funds, to account for the financing of goods or services provided by one department or agency of the town to another department or agency, or to another government, on a cost reimbursement basis.

8. Ledgers and groups of accounts:

a. A Ledger or group of accounts in which to record the details relating to the general fixed assets of the town.

b. A Ledger or group of accounts in which to record the details relating to the general bonds or other long-term debt of the town.

9. Other funds or ledgers: Such other funds or ledgers as may be established.

D. Classification of revenues and expenditures: Each fund shall be made of accounts for classifying revenues and expenditures, and the revenues shall be classified separately by source. Expenditures shall be departmentalized within each fund and shall be classified into at least the following accounts as authorized by Title 11, Section 17-213 of the Oklahoma Statutes, as amended:

1. Personal services: Personal services, which may include expenses for salaries, wages, per diem or other compensation, fees, allowances or reimbursement for travel expenses, and related employee benefits, paid to any officer or employee for service rendered or for employment. Employee benefits may include employer contributions to a retirement system, insurance, sick leave, terminal pay or similar benefits.

2. Materials and supplies: Materials and supplies, which may

include articles and commodities which are consumed or materially altered when used, such as office supplies, operating supplies and repair and maintenance supplies, and all items of expense to any person, firm or corporation rendering a service in connection with the repair, sale or trade of such articles or commodities.

3. Other services and charges: Other services and charges, which may include all current expenses other than those listed in subsection D1 and D2 of this section, such as advertising or charges for communications, transportation, advertising, printing or binding, insurance, public utility services, repairs and maintenance, rentals, miscellaneous items and all items of expense to any person, firm or corporation rendering such service.

4. Capital outlays: Capital outlays, which may include outlays which result in the acquisition of or addition to fixed assets which are purchased by the town, including machinery and equipment; furniture; land; buildings; improvements other than buildings; end all construction, reconstruction, appurtenances or improvements to all real property accomplished according to the conditions of a contract.

5. Debt service: Debt service, which may include outlays in the form of debt principal payments, periodic interest payments, or related service charges for benefits received in part in prior fiscal periods as well as in current and future fiscal periods.

6. Fund transfers: Fund transfers, which may include permanent transfers of resources from one fund to another.

7. Operating reserve: Operating reserve funds for the purpose of providing a fund or reserve out of which to meet emergency expenditures.

E. Transfer of funds: The mayor, or designee as authorized by the board of trustees, may transfer any unexpended and unencumbered appropriation or any portion thereof from one account to another within the same department or from one department to another within the same fund, except no appropriation for debt service or other appropriation required by law or ordinance may be reduced below the minimum required.

F. Supplemental appropriation fund: The board of trustees may amend the budget to make supplemental appropriations to any fund up to an amount of additional revenues which are available for current expenses for the fund due to:

1. Revenues received or to be received from sources not anticipated in the budget for that year.

2. Revenues received or tuber received from anticipated sources but in excess of the budget estimates therefore.

3. Unexpended and unencumbered fund balances on hand at the end of the preceding fiscal year which had not been anticipated or appropriated in the budget.

G. Emergencies: If, at any time during the budget year, it appears probable that funds available will be insufficient to meet the amount appropriated, or that due to unforeseen emergencies, there is temporarily an insufficient monies in a particular fund to meet the requirements of the appropriation for the fund, the board of trustees shall take action as it deems necessary. For that purpose, the board of trustees may amend the budget to reduce one or more appropriations, or the board may amend the budget to transfer money from one fund to another fund, but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the amount of the unencumbered and unexpended balance thereof. Any budget amendment that is adopted shall be filed with the town clerk and the state auditor and inspector.

Section 7-102 DEPOSIT AND INVESTMENT IN TOWN FUNDS

A. Deposits to comply with the law: All funds of the town shall be deposited as required by law.

B. Investment of funds:

1. Generally: The town treasurer, when authorized by either ordinance or resolution of the town board of trustees, shall invest monies in the custody of the treasurer in:

a. Direct obligations of the United States Government, its agencies or instrumentalities to the payment of which full faith and credit of the government of the United States is pledged, or obligations to the payment of which full faith and credit of the

state is pledged; or collateralized or insured certificates of deposit that are fully insured by the FDIC; or

b. In such accounts that are collateralized and/or secured by insurance as provided by Title 62, Section 348.1 of the Oklahoma Statutes, as amended and is now in force and effect, or may be amended in the future.

2. Meter deposits: Money deposited with the town as meter deposits may be invested in certificates of deposit of savings and loan institutions or banks that are covered by FDIC.

C. Securing of deposits: The deposits of the town shall be secured as provided by state law.

Section 7-103 DISBURSEMENT OF FUNDS

It is the duty of every officer authorized to allow, issue, draw or test any warrant or certificate of indebtedness against the public funds of the town to issue, draw and record all warrants, bonds, and interest coupons, in an orderly numerical system established by the town. The items shall be designated by writing the fiscal year on the warrant or certificate of indebtedness for which the levy to pay the same has been made.

Section 7-104 BOND ISSUE AND SALE

Bonds at the town shall be issued sold, paid and handled in all respects as provided for by title 62, section 351 et. seq., and other applicable provisions of law, all as may be amended from time to time.

Section 7-105 PROPERTY AND LIABILITY INSURANCE

A. Property and liability insurances:

The town board of trustees may insure the property of the town as authorized by Title 19, Section 627 of the Oklahoma statutes, as amended. Any money received from insurance, payable by reason of destruction or damage to buildings or property or loss of other tangible and insurable assets, shall be deposited the same as other monies belonging to the town and should be credited to the appropriate accounts to be used for rebuilding, repairing, or replacing the property or assets so lost, damaged or destroyed. If the money is not needed, then upon resolution to

that effect by the board of trustees, the same should be considered income from sources other than ad valorem taxes and credited to the general fund.

B. Liability insurance: the board of trustees may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles are motorized equipment of the town as authorized by Oklahoma statutes.

Section 7-106 EXAMINATION AND AUDIT OF BOOKS AND RECORDS

A. Annual Audit:

1. The board of trustees shall cause to be prepared, by an independent license public account for a certified public accountant, an annual financial statement audit to be conducted in accordance with auditing standards generally accepted in the United States of America and the government accounting standards as issued by the Comptroller general but the United states. Such audit shall be ordered within 30 days of the close of each fiscal year. Copy shall be filed with the state auditor and inspector within six months after the close of the fiscal year in accordance with applicable state law.

2. An auditor shall file with the state auditor and inspector, at the same time a certified copy of an audit or agreed upon procedures report is filed as required in subsection A1 of this section, 2 copies of a prescribed form setting forth for the fiscal year audited, the funds available to the town and the use of those funds. The form shall also include information relating to the duly constituted authorities of the town and shall be on a form approved by the state auditor and inspector. Copies have said audit and the form shall be made available for public inspection by the town and the state auditor and inspector.

B. Inspection of records: The books of the treasurer shall be subject to examination by the town board of trustees at all times. Likewise, the records of the town clerk and of the other town officers and employees shall be subject to inspection by the board of trustees at all times, except the records if any prohibited by law from such inspection.

Section 7-107 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-VIOLATIONS-EMPLOYEES OF FINANCIAL INSTITUTION

A. Except as otherwise provided by this Section, no Town officer or employee, or any business in which the officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

I. Selling, buying, or leasing property, real or personal, to or from the Town;

2. Contracting with the Town; or

3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the Town.

B. Provisions of this section shall not apply where competitive bids were obtained consistent with municipal ordinance or state law and two or more bids were submitted for materials, supplies, or services to be procured by the municipality, provided notice of bids was made public and open to all potential bidders.

C. All bids, both successful and unsuccessful, and all contracts requiring bonds shall be placed on file and maintained in the main office if the awarding municipality for a period of five (5) years from the date of opening of bids for a period of three (3) years from the date of the completion of the contract, whichever is longer, shall be open to public inspections and shall be matters of public record.

D. For purposes of this Section, "employee" means any person who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters into, recommends or participates in the decision to enter into any transaction described in subsection A of this Section. Any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of the person, or any business in which the person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless the surplus property is offered for sale to

the public after notice of the sale is published.

E. For purposes of this Section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any interest held by a blind trust.

F. Any person convicted of violating the provisions of this Section shall be guilty of an offense. Any transaction entered into in violation of the provisions of this Section is void. Any member of a governing body who approves any transaction in violation of the provisions of this Section shall be held personally liable for the amount of the transaction.

G. Notwithstanding the provisions of this Section, any officer, director, or employee of a financial institution may serve on a board of a public body. Provided, the member shall abstain from voting on any matter relating to a transaction between or involving the financial institution in which they are associated and the public body in which they serve.

Section 7-108 STATEMENT OF NON-COLLUSION.

A. Except as provided in subsections B and C of this Section, on every invoice submitted to the Town, for payment to an architect, contractor, engineer or supplier of material of Twenty-five Thousand Dollars ($25,000.00) or more shall be the following signed and notarized statement:

STATE OF OKLAHOMA)
) SS
COUNTY OF HARPER)

The undersigned (architect, contractor, supplier, or engineer), of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the (work, services, or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders, or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment of the invoice or procure the contract or

purchase order pursuant to which an invoice is required.

_____
(Contractor, supplier, or engineer)

Subscribed and sworn to before me this ___ day of _____, 202_

_____
Notary Public (or Clerk or Judge)

A notarized statement of non-collusion shall not be required on purchase orders to procure materials and equipment, provided this provision shall not exempt the requirement for a notarized statement of non-collusion on invoices for services or materials and equipment.

B. When the Town executes a contract with any architect, contractor, supplier or engineer for work, services or materials which are needed on a continual basis from such architect, contractor, supplier or engineer under the terms of such contract, the Town may require that the architect, contractor, supplier or engineer complete a signed and notarized affidavit in substantial form as provided by subsection A of this Section which shall apply to all work, services or materials completed or supplied under the terms of the contract and shall be in lieu of all individual affidavits for each invoice submitted in relation to such contract as required in subsection A of this Section.

C. In lieu of the affidavit required in subsection A of this Section, the following procedures may be used:

1. A purchase order issued by the Town shall require the signature of the vendor and include a notice to the vendor that the vendor's submission of the signed invoice or acceptance of payment pursuant to the purchase constitutes a statement by the vendor that:

a. the invoice or claim is true and correct,

b. the work, services or materials as shown by the invoice or claim have been completed or supplied in accordance with the plans, specifications, orders, or requests furnished the vendor, and

c. the vendor has made no payment, directly or indirectly, to any elected official, officer, or

employee of this state or any county or local subdivision of the state, of money or any other thing of value to obtain payment;

2. Any vendor who submits the signed invoice or accepts payment pursuant to a purchase order containing the notice provided for in paragraph 1 of this subsection shall be deemed to adopt and affirm the statement contained in the notice unless the vendor states on the invoice that the statement is incorrect in whole or in part; and

3. The Town may recover from the vendor the full amount paid pursuant to the purchase order if the statement adopted and affirmed by the vendor is false.

Section 7-109 FINANCIAL PROCEDURES FOR ADMINISTERING FEDERAL GRANTS

A. Cash Management Procedures - Grant Funding

In compliance with 2 CFR 200.305 the following procedures are implemented to address the responsibilities of the Town and Town staff when administering federal grants. The Town shall maintain accounting methods and internal control procedures that assure all financial responsibilities are met.

B. Reimbursement Payment Procedures

For reimbursements of federal grant funds, the Town will:

I. Monitor the fiscal activity (payments and reimbursements) under each grant on a continuous basis as provided by the grant administrator and/or engineer;

2. Request reimbursement for actual expenditures incurred under the federal grants quarterly or more often as the granting agency requires. Reimbursement will be limited to expenditures that have already been incurred and disbursed by the Town and comply with all applicable award requirements.

3. The Town will maintain source documentation/accounting records (invoices, engineer reports, time sheets, payroll stubs, etc.) that reconcile to the reimbursement request.

4. Reimbursements of actual expenditures will not involve

interest calculations.

C. Advance Payment Procedures

1. When the Town receives advance payments of federal grant funds, the Town shall minimize the time elapsing between the receipt of the funds by the Town and the expenditure of those funds on allowable costs of the applicable federal program. (2 CFR Sec. 200.305(b)). The Town shall attempt to expend all advances of federal funds within seventy-two (72) hours of receipt. In addition, the Town shall use their good faith and best efforts to:

   a. Monitor the fiscal activity (payments and reimbursements) under each grant on continuous basis as provided by the grant administrator and/or engineer;

   b. Draw down only the amount of funds necessary to meet the immediate needs of the program/project (including the proportionate share of any allowable indirect costs) and minimize the time between receiving and disbursing those funds;

   c. When applicable, the Town shall use existing resources available within a program before requesting additional advances. Such resources include program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds. (2 CFR Sec. 305(b)(5));

   d. Pay out federal funds for expenditures that comply with all applicable grant requirements as soon as administratively feasible;

2. The Town shall hold federal advance payments in insured accounts;

3. The Town shall hold federal advance payments in interest bearing accounts;

4. The Town may retain for administrative expense up to $500.00 per year of interest earned on federal grant cash balances;

5. Interest earnings exceeding $500 per year shall be remitted annually to the respective granting agency (2 CFR Sec. 200.305(b)(9)).

DIVISION 2

COMPETITIVE BIDDING

Section 7-109 PURPOSE AND EFFECT.

The primary purpose of Division 2 of this Article is to codify in the Laverne Municipal Code, the essential statutory requirements of the Competitive Bidding Act of 1974 (Title 61, Section 101 et seq. of the Oklahoma Statutes (2021 Supplement), as amended, and the essential requirements of the Title 60, Section 1076 H, known as competitive bidding requirements of the "Public Trust Law." A secondary but equally important purpose of this Division is to establish local competitive bidding procedures, which procedures are guidelines, but not requirements, to be considered for use during those times that neither the Competitive Bidding Act of 1974 nor any other state law requires competitive bidding. In that state law does not require municipalities to competitively bid professional services or the purchase of equipment, materials and supplies, in order to "fill the gap" and thereby reduce the potential for improprieties, these local competitive bidding procedures are adopted. Since such local competitive bidding procedures are merely guidelines, with respect to any individual purchase, the procedures may be followed or waived. The Town Board of Trustees may waive compliance with the local competitive bidding procedures, which waiver may often occur due to advantageous conditions in the marketplace or for such other reasons as listed in this Division. However, in each and every instance of such waiver under this Division, the Town Superintendent or his designee shall certify in writing the reason for the waiver as provided by Section 7-114 and the Town Board of Trustees shall approve such waiver. In addition, since these local competitive bidding procedures are discretionary and not mandatory, no resident, competing vendor or seller, or any other person, firm or corporation, may secure a temporary restraining order, injunction (temporary or permanent), or sue for damages, costs, or attorney fees, based on the Town Board of Trustees' waiver of competitive bidding, or any other failure to follow the procedure contained herein, unless such person proves that a

violation of federal or state law has occurred.

Section 7-110 DEFINITIONS

For the purposes of this Division, the following terms, phrases, words, and their derivations shall have the meaning given herein:

A. "Town" means this Town and means the Town government in all its forms, including not only the Town departments but also any agency, the Town Board of Trustees, or other persons or entities acting for or on behalf of the Town. The term "Town" shall be interchangeable with "public trust authority" and the term "Mayor and Town Board of Trustees" shall be interchangeable with "Chairman and Trustees" of the public trust authority.

B. "Contractual services" mean all non-professional services including but not limited to uniform and cleaning services; insurance; leases for all grounds, buildings, offices or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other Town-owned personal property. The term shall not include professional or other contractual services which are in their nature unique and not subject to competition;

C. "Emergency" means the conditions resulting from a sudden unexpected happening or unforeseen occurrence or a condition and situation wherein the public health or safety is in endangered;

D. "Personal property" for purpose of this Division shall include but not be limited to:

1. Portable, or otherwise moveable, buildings and structures;

2. Prefabricated metal buildings and structures, along with necessary utility services for such buildings or structures;

3. Roofs placed over existing roof structures; provided, lease purchase of retrofit metal roofs shall be awarded by competitive bids and the Town shall comply with the Act where the total payment of principal and interest provided by the lease-purchase contract are anticipated to exceed Twenty-five Thousand Dollars; and

4. Other structures that can be disassembled after

installation and removed without permanent damage to existing property.

E. "Public construction contract" or "contract" for purposes of Section 7-111 and the Public Competitive Bidding Act of 1974, as amended (hereinafter the "Act"), shall mean any contract, exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract, as defined by Title 61, Section 102.5 of the Oklahoma Statutes as amended, exceeding Fifty Thousand Dollars ($50,000.00), awarded by the Town or any of its public trust authorities for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance onto same, except where the improvements or buildings leased to a person or other legal entity exclusively for private and not for public use and no public tax revenues shall be expended on or for the contract unless the public tax revenues used for the project are authorized by a majority vote of the applicable public agency voting at an election held for that purpose and the public tax revenues do not exceed twenty-five percent (25%) of the total project cost. The amount of public tax dollars committed to the project will not exceed a fixed amount established by resolution of the governing body prior to or concurrent with approval of the project;

F. "Public improvement" means any beneficial or valuable change or addition, betterment, enhancement or amelioration of or upon any real property, or interest therein, belonging to a public agency, intended to enhance its value, beauty or utility or adapt it to new or future purposes. The term does not include the direct purchases of materials, equipment or supplies, or any personal property, including property defined by paragraphs 1 and 4 of Section 430.1 of Title 62 of the Oklahoma Statutes, as amended.

G. "Supplies" means and includes all supplies, materials, and equipment; and

H. "Using agency" means any department, board, Town Board of Trustees, agency, division, Section, bureau or other unit in the Town government using supplies or procuring contractual services as provided for herein and for purpose of Section 7-111, includes public trust authorities.

Section 7-111 OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT.

A. Unless otherwise provided by law, all public construction contracts exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract, as defined by Title 61, Section 102.5 of the Oklahoma Statutes as amended, exceeding Fifty Thousand Dollars ($50,000.00), shall be let and awarded to the lowest responsible bidder, by free and open competitive bidding after solicitation for sealed bids, in accordance with the terms of the Public Competitive Bidding Act of 1974, 61 Okla. Stat. 101, et seq. or as hereafter amended by the State Legislature. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the Town.

B. Notwithstanding subsection A of this section, in awarding public construction contracts exceeding One Hundred Thousand Dollars ($100,000.00) or construction management trade contracts or subcontracts exceeding Fifty Thousand Dollars ($50,000.00), the Town and its public trust authorities may provide for a local bid preference of not more than five percent (5%) of the bid price if the awarding public agency determines that there is an economic benefit to the local area or economy. Provided, however, the local bidder or contractor must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. Any bid preference granted hereunder must be in accordance with an established policy adopted by the governing body of the awarding public agency to clearly demonstrate the economic benefit to the local area or economy. Provided, further, no local bid preference shall be granted unless the local bidding entity is the second lowest qualified bid on the contract. The bid specifications shall clearly state that the bid is subject to a local bidder preference law. For purposes of this section, "local bid" means the bidding person is authorized to transact business in this state and maintains a bona fide establishment for transacting such business within this state. This provision does not apply to any construction contract for which federal funds are available for expenditure when its provisions may be in conflict with federal law or regulation.

1. Other construction contracts for the purpose of making any public improvements or constructing any public building or making repairs to the same for One Hundred Thousand Dollars

($100,000.00) or less shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible qualified contractor as provided in this subsection. In providing for such written bids, the Town Clerk may solicit bids from qualified bidders after posting a notice at Town hall for at least three (3) days preceding the last day set for the receipt of bids or by causing the notice inviting bids to be published in the local newspaper of the Town, at least once, three (3) days preceding the last day set for the receipt of proposals. The notice required herein, shall include a general description of the services required and shall state where bid blanks and specifications may be secured, and the time and place for opening bids. Work may be commenced in accordance with these purchasing policies of the Town.

2. Public construction contracts for less Ten Thousand Dollars ($10,000.00) may be negotiated with a qualified contractor and work commenced in accordance with the purchasing policies of the Town.

3. The Town or its public authorities shall not let or award a public construction contract exceeding One Hundred Thousand Dollars ($100,000.00) or a construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. The Town or its public authorities shall not let or award a public construction contract exceeding Ten Thousand Dollars ($10,000.00) up to One Hundred Thousand Dollars ($100,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of competitive bidding.

4. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00) unless the purchasing cooperative and its affiliated contractors have

complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding Five Thousand Dollars ($5,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of open competitive bidding.

C. For public construction contracts exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00), Department heads or third-party contractors shall prepare bid specifications along with requisitions and submit same to the Town Board of Trustees for their approval.

D. The Town clerk will develop a bidder's list. Bid solicitations will be made equally and uniformly known to all prospective bidders and the public:

1. For public construction contracts exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00), notice will be mailed twenty (20) days prior to the bid opening date to prospective bidders who have made known, in writing, to the using agency their interest in bidding within twelve (12) months immediately preceding the date of opening the bids;

2. For public construction contracts exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00), notice will be published in two (2) consecutive issues of a newspaper of general circulation twenty (20) days prior to the bid opening date; and

3. For public construction contracts exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00), notice will be sent to trade or construction publications when the estimated cost exceeds Fifty Thousand Dollars ($50,000.00).

E. Reserved.

F. A bidder on a public construction contract exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00), will accompany the bid with:

1. A certified or cashier's check or bid bond or irrevocable letter of credit in an amount equal to five percent (5%) of the bid, which shall be deposited with the Town as a guaranty; or

2. An irrevocable letter of credit containing terms the Department of Central Services prescribes, issued by a financial institution insured by the Federal Deposit Insurance Corporation for the benefit of the state, on behalf of the awarding public agency, in an amount equal to five percent (5%) of the bid. The Town shall deposit the irrevocable letter or credit with the Department of Central Service.

The cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder’s default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the Town, be forfeited to the Town in the event the apparently successful bidders fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the Town.

The cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder’s default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the Town, be forfeited to the Town in the event the apparently successful bidders fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the Town.

G. A non-collusion affidavit and a business relationship affidavit shall also accompany bidder proposals.

H. Any bid received by the Town or an officer and employee thereof, more than ninety-six (96) hours, excluding Saturdays, Sundays and holidays, before the time set for the opening of the bids, or any bid so received after the time set for opening of the bids, shall not be considered by the Town and shall be returned unopened to the bidder submitting the same.

I. All bids shall be sealed and opened only at the time and place mentioned in the bid Section and read aloud in the presence of an administrative officer of the Town. Such bid openings shall be open to the public and to all bidders.

J. Except as otherwise provided by law, within such period of time, not to exceed sixty (60) days, as shall be specified in the bid notice by the Town, a contract embodying the terms set forth in the bidding documents shall be executed by the Town and the successful bidder. No bidder shall obtain any property rights in a contract awarded under the provisions of the Public Competitive Bidding Act of 1974 until the contract has been fully executed by both the bidder and the Town.

K. Bonds, irrevocable letters of credit and insurance as provided by Section 113 of Title 61 of the Oklahoma Statutes, shall be provided by the successful bidder to the Town.

L. If an award is made to other than the lowest bidder, the Town shall accompany its action with a publicized statement setting forth the reason for its action. Such statement shall be placed on file, open to public inspection and be a matter of public record.

M. All invoices submitted for work performed shall be accompanied by a sworn certification by the architect or engineer that the work has been completed in accordance with specifications.

N. The Town Board of Trustees by a majority vote may reject any and all bids and rebid the project if the public interest would be better served.

O. If no timely bid is received on any public construction contract not exceeding One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00), the

Town Board of Trustees may direct the Town Superintendent to negotiate a contract with the prospective bidder. The amount of the contract which may be awarded by the governing body pursuant to this Section shall not exceed One Hundred Thousand Dollars ($100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars ($50,000.00), and the work to be performed shall be as specified in the initial bidding documents. The contract shall be executed within six (6) months after the date initially set for opening of bids. The contract and contract procedure shall conform to all the other applicable provisions of the Public Competitive Bidding Act of 1974.

P. Nothing herein shall be construed so as to prevent the Town or the courts from exonerating the bidder and other parties to the bid security document from liability upon a timely showing that the bidder committed what the courts have determined under the common law to be an excisable bidding error and for that reason it would not be equitable to enforce the bid security.

Q. Change Orders.

1. Change orders or addenda to public construction contracts of One Million Dollars ($1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

2. Change orders or addend to public construction contracts of over One Million Dollars ($1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars ($150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

3. Change orders or cumulative change orders which exceed the limits of Subsection Q1 and Q2 of this Section shall require a re-advertising for bids on the incomplete portions of the contract. All purchases

4. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to Subsection Q1 and Q2 of this Section.

5. When the unit price change does not exceed Ten Thousand Dollars ($10,000.00), the unit price change order computation

may be based on an acceptable unit price basis in lieu of the following cost itemization, which shall be performed as follows in all other incidents.

Such change orders shall contain a unit price and a total for each of the following items:

a. All materials with cost per item;

b. Itemization of all labor with number of hours per operation and cost per hour;

c. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;

d. Itemization of insurance cost, bond cost, social security, taxes, workers; compensation, employee fringe benefits and overhead cost;

e. Profit for the contractor.

Section 7-112 AUTHORITY

All purchases, supplies, materials, equipment, and contractual services for the town, and any sales thereof by the town, shall be made by the board of trustees or pursuant to authorization granted by the board and subject to the board's supervision and control.

Section 7-113 PURCHASE ORDERS

A. Submission of purchase orders and contracts:

1. Unless otherwise provided by Town ordinance, the town officers, boards, commissions and designated employees who are hereby referred to as the purchasing officer, having authority to purchase or contract against all budget appropriation accounts as authorized by law shall submit all purchase orders and contracts, prior to the time the commitment is made, to the officer charged with keeping the appropriation and expenditure records or the town clerk, who shall, if there be an uncovered balance in the appropriation made for that purpose, so certify in the following form:

I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this encumbrance is within the authorized available balance said appropriation.

Dated this __ day of _____, _____.

_____
Encumbering officer or clerk of the Town of Laverne

2. Provided, in instances where it is impossible to ascertain the exact amount of expenditures to be made at the time of recording the encumbrance, an estimated amount may be used in the encumbrance made in like manner as set forth above. Provided, no purchase order or contract shall be valid unless signed and approved by the town Superintendent and certified as above set forth by the officer or clerk charged with keeping appropriation and expenditure records. The clerk or encumbering officers shall retain and file one copy of the purchase order.

B. Payment of purchases and contracts:

1. Invoice: after satisfactory delivery of the merchandise or completion of the contract the supplier shall deliver an invoice. Such invoice shall state the suppliers name and address and must be sufficiently itemized to clearly describe each item purchased, its unit price, where applicable, the number or volume of each item purchased, it's total price, the total of the purchase and the date of the purchase. The appropriate town officer shall attach the itemized invoice, together with delivery tickets, freight tickets or other supporting information, to the original purchase order and, after approving and signing said original copy of the purchase order, shall submit the invoices, the purchase order and all supporting data for consideration for payment by the town board. All invoices submitted shall be examined by the town board to determine their legality. The town board shall approve such invoices for payment in the amount the board determines just and correct. No purchase order shall be approved before payment by the town board unless the required signed invoice for or delivery ticket is attached thereto.

2. Ordinance mayor or board approval: as an alternative to the provisions of subsection B1 of this section, the board of

trustees may elect to pay claims and invoices pursuant to the provisions of the adoption of a municipal ordinance to ensure adequate internal controls against unauthorized or illegal payments of invoices. The town board of trustees may also authorize the mayor or designee to approve payment of such invoices. In absence of such authority, the town board shall approve those payments.

C. Records kept: the town clerk shall keep records of appropriations, charges, approvals of claims, insert forms as prescribed by the state auditor and inspector, all in accordance with Title 62, Section 310.2 of the Oklahoma Statutes, as amended.

D. Blanket purchase orders:

1. The board of trustees may authorize the purchasing officer to issue blanket purchase orders for recurring purchases of goods or services if the maximum authorized amount for all purchases pursuant to a blanket purchase order is specified in the order and approved by the town board. The maximum authorized amount of a blanket purchase order may be increased to cover unforeseen expenses. A written explanation of said increase shall be attached to the blanket purchase order prior to payment.
2. Blanket purchase order shall be prepared, filed and encumbered in the manner provided for purchase orders and as authorized by law or ordinance, except no written requisition shall be required for a blanket purchase order. Before transacting any purchase pursuant to a blanket purchase order, the order should be delivered to the town board for its approval. After satisfactory delivery of goods or services pursuant to a blanket purchase order, a vendor's invoice shall be submitted to and approved by the town Superintendent and forwarded for payment. An itemized list of goods or services purchased pursuant to a blanket purchase order shall be attached to the vendors invoice if said vendor does not contain an itemized list of goods or services purchased pursuant to the blanket purchase order. Payment of invoices from vendors pursuant to requisition and approved blanket purchase order issued pursuant to the provisions of this subsection shall be authorized by the encumbering officer.

E. Unexpended balances notice to present claims:

1. All unencumbered balances appropriated by the town that are on hand as of the close of June 30th of each year may remain as a credit for said fiscal year up to the close of July 31st next.

2. The town clerk shall, at any time during the month of July, advertise in a newspaper of general circulation in the town and show cause, to be published for two consecutive weeks, a notice in the following form:

Public Notice

All persons having an indebtedness or claim against the town of Laverne, Oklahoma, are hereby notified that all invoices and documentation pertaining to said purchase order or contract must be recorded in the office of the town clerk on or before the Nexus seceding August 31st covering all debts now unpaid and incurred during the period from July 1st, and ending on June 30th, or set account shall be void and forever barred.

F. Exemption from purchase orders:

1. the board of trustees is authorized and allowed to pay regular periodic billing of any municipal utility or public utility whose rates are fixed by, and are subject to the approval of, the Oklahoma Corporation Commission, or any other public regulatory body or board of any other cooperative for services furnished by the utility to the town without the issuance of a purchase order and filing of an invoice by said municipal or public utility; provided further, that no municipal or public utility shall attach a late charge or deny a discount on any bill until a 30 day. Has elapsed from the receipt of the bill.

2. The encumbering officer town clerk may authorize payment of the following taxes and invoices as they become due without a purchase order or further approval of the town board:

a. Taxes, including but not limited to, withholding, Social Security, Medicare or unemployment compensation taxes.

b. Retirement or pension fund payments or contributions which are payable pursuant to our resolution, ordinance, contract or other appropriate agreement which has been approved by the town board.

c. Payments for insurance are related coverages, including but not limited to accident, health or life, workers compensation, or any property, vehicle, surety, liability or casually coverages which are payable under a valid contract, policy or other appropriate agreement which has been approved by the board.

3. a. The town Superintendent is hereby authorized, without further approval of the board of trustees, to make small purchases in any amount up to and including the sum of $5000, plus delivery and mailing charges as may be appropriately assessed on the purchase. No item shall be invoiced in separate invoices to keep the total purchase price under the authorized limits here in set. Each purchase shall be paid by attaching property itemized invoices to a purchase order, and after the same has been approved by the town Superintendent, it shall be submitted to the clerk for filing, encumbering and payment.

b. All purchases submitted in accordance with this subsection shall be duly filed in the same manner and sequence as other purchase orders, with the town Superintendent to keep an accurate record of purchases and to submit not less than once a month a list of the same to the town board of trustees for their information.

c. All purchases approved by the town Superintendent and duly filed for payment shall be paid no later than one month after the close of the month within which the purchase was made in accordance with the applicable statutes.

d. The town board reserves the right at any time to limit by resolution the authority granted to the town Superintendent in this subsection.

G. Process:

1. The town Superintendent issues the purchase order containing the amount or estimated amount of purchase on the contract.

2. The clerk encumbers the aunt and certifies that the appropriation is available to pay the encumbrance and retains a copy of the purchase order.

3. Supplier submits an itemized invoice with supporting

material. The invoice or delivery ticket must contain a statement signed by a town employee that the merchandise was delivered.

4. Appropriate officer attaches invoice and supporting data to the original purchase order and submits all to the town board for consideration for payment.

5. The town board, or town Superintendent, considers the invoices for legality, and if satisfied, authorizes payment.

6. Purchase order shall be of standard format and the clerk is authorized to prepare forms for use and make the same available.

Section 7-114 WAIVER OF COMPETITIVE BIDDING

The Town Board of Trustees may waive the requirement for competitive contractual bidding for the purchase of supplies, materials, equipment or contractual services (other than contracts required to be bid pursuant to Section 7-111 and Section 7-112) when (i) some material feature or characteristic of the item or service sought to be purchased is unique, (ii)the item or service is available from only one source or (iii) for any reason should same be deemed necessary in the public interest, and the Town Superintendent or his/her designee certify in writing such specific facts or reasons for the waiver. A full and complete statement of the reasons for approving such waiver of competitive bidding shall be entered in the minutes of the Town Board of Trustees. Nothing in this subsection shall be construed to prohibit emergency purchases made in accordance with Section 7-116 of this Division.

Section 7-115 ENCUMBRANCE OF FUNDS

Except in cases of emergency or as otherwise provided herein, no officer or employee shall issue any order for delivery on a contract or purchase order until the Accounting Clerk shall have certified that there is to the credit of the using agency concerned sufficient unencumbered appropriation balance in excess of all unpaid obligations, to defray the amount of such order.

Section 7-116 EMERGENCY PURCHASES

The provisions of this Division with reference to notice

and bids shall not apply to an emergency if:

1. The Town Board of Trustees declares by a two-thirds (2/3) majority vote of all of its members that an emergency exists; or

2. The Town Superintendent, without a governing body, declares that an emergency exists; provided however, the Town Superintendent's authority to declare an emergency whereby the provisions in reference to notice and bids shall not apply is limited to contracts less than One Hundred and Fifty Thousand Dollars ($150,000.00) in amount. The Town Superintendent shall notify the Town Board of Trustees within ten (10) days of the declaration of an emergency if the Town Board of Trustees did not approve the emergency. The notification shall contain a statement of the reasons for the action and shall be recorded in the official minutes of the Town Board of Trustees. For purpose of this section, the term "Emergency" shall be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition whereby the public health or safety is endangered. The Town Superintendent shall report an emergency within ten (10) days of the emergency declaration and include the official minutes of the Town Board of Trustees, to the State Construction Administrator of the Construction and Properties Division of the Office of Management and Enterprise Services.

Section 7-117 RESERVED.

ARTICLE 2

SALES TAX

Section 7-201 CITATION AND CODIFICATION

This chapter shall be known and may be cited as "Town of Laverne Sales Tax Ordinance."

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. Section 2701; 68 O.S. Section 1350 et seq.

Section 7-202 DEFINITIONS

A. The definitions of words, terms and phrases contained

in the Oklahoma Sales Tax Code, Section 1352 of Title 68 of the Oklahoma Statutes, and in Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.

B. A sale shall include the sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or otherwise occurs.

C. The definition of "gross receipts" in the State Sales Tax Code is hereby augmented to contain the additional following words: "The total retail sale price received for the sale, preparation or service of mixed beverages, ice and non-alcoholic beverages to be mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service occurs shall constitute the gross receipts from such transaction."

Section 7-203 TAX COLLECTOR DEFINED

The term "tax collector" as used in this Article 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 Article.

Section 7-204 CLASSIFICATION OF TAXPAYERS

For the purpose of this Article 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 Article, 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 Article became effective as to each cent tax after approval of majority of the registered voters of the Town voting on the ordinance in the manner prescribed by Section 16-112 of

Title 11 of the Oklahoma Statutes.

Section 7-207 PURPOSE OF REVENUES

A. It is the purpose of the two percent (2%) sales tax, which became effective on October 1, 1993, to provide revenues for the support of the municipal government of the Town.

B. Ordinance 2016-1, which became effective on July 1st 2016, levying a 1/4 of 1% sales (excise) tax, for the purpose of providing revenues to be used for funding improvements to streets, alleys, parks, park facilities airport facilities and other facilities belonging to the town by providing funds for the town, to be used for the benefit of the citizens of the town and the general good of all the citizens of the town. The town board of trustees shall determine, in its sole discretion the percentage or amount of said revenues to be expended for the various purposes described herein. Ordinance No. 2016-1 and the 1/4 of 1% sales excise tax referenced therein shall terminate and not be collected after June 30, 2026.

C. Ordinance No. 2018-1 and the collection of a new sales (excise) Tax of 1% levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code became effective on October 1st 2018, to provide revenues to be used for funding improvements to streets, alleys, parks, park facilities, and all other facilities belonging to the Town of Laverne, Oklahoma and funding all Town of Laverne, Oklahoma operations by providing funds for the town to be used for the benefit of the citizens of the Town of Laverne, Oklahoma, and the general good of all the citizens of the Town of Laverne, Oklahoma. The board of trustees of the town shall determine in its sole discretion the percentage or amount of said revenues to be expended for the various purposes described therein. Ordinance No. 2018-1 and the new 1% sales excise tax reference therein shall terminate and not be collected after September 30th, 2028.

Section 7-208 TAX IMPOSED; AMOUNT

A. There is hereby levied an excise tax in the amount of Three and One Quarter (3 1/4%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, as provided in the previous Section, including but not exclusive of the following:

1. Tangible personal property, except newspapers and periodicals;

2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, and associated delivery or transmission services, except water, sewage and refuse and those specifically exempt pursuant to the provisions of 68 O.S. §1357;

3. Transportation for hire to persons by common carriers, including railroads both steam and electric, motor transportation companies, Pullman car companies, airlines, and other means of transportation for hire, excluding:

a. transportation services provided by a tourism service broker which are incidental to the rendition of tourism brokerage services by such broker to a customer regardless of whether or not such transportation services are actually owned and operated by the tourism service broker. For purposes of this subsection, "tourism service broker" means any person, firm, association or corporation or any employee of such person, firm, association or corporation which, for a fee, commission or other valuable consideration, arranges or offers to arrange trips, tours or other vacation or recreational travel plans for a customer, and

b. transportation services provided by a funeral establishment to family members and other persons for purposes of conducting a funeral in this state;

4. Telecommunications services that originate and terminate in this state and that originate or terminate in this state and are charged to the consumer's telephone number or account in this state regardless of where the billing for such service is made, all mobile telecommunications services that are sourced to this state pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. 116-126, and all local telecommunications service and rental charges, including all installation and construction charges and all service and rental charges having any connection with transmission of any message or image. Provided:

a. the term "telecommunications services" shall mean the transmission of any interactive, two-way electromagnetic communications, including voice, image, data and information,

through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media, but shall not include the following: (1) sales of value-added non-vocal services in which computer processing applications are used to act on the form, content, code, or protocol of the information to be transmitted, including charges for the storage of data or information for subsequent retrieval but not including services commonly known as voice mail, (2) any interstate telecommunications service which is: (a) rendered by a company for private use within its organization, or (b) used, allocated, or distributed by a company to its affiliated group, or (3) sales of any carrier access services, right of access services, telecommunications services to be resold, or telecommunications services used in the subsequent provision of, use as a component part of, or integrated into end-to-end telecommunications service, and

b. the term "telecommunications services" shall include, but not be limited to sales of any interstate telecommunications services which: (1) entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the subscriber, or (2) entitle the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges, and c. the term "interstate" includes any international service that either originates or terminates outside of the fifty (50) United States and the District of Columbia;

5. Printing or printed matter of all types, kinds, or character and, except for services of printing, copying or photocopying performed by a privately owned scientific and educational library sustained by monthly or annual dues paid by members sharing the use of such services with students interested in the study of geology, petroleum engineering or related subjects, any service of printing or overprinting, including the copying of information by mimeograph, multigraph, or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information from magnetic tapes or other media furnished by customers;

6. Service of furnishing rooms by hotel, apartment hotel,

public rooming house, motel, public lodging house, or tourist camp;

7. Service of furnishing storage or parking privileges by auto hotels or parking lots;

8. Computer hardware, software, coding sheets, cards, magnetic tapes, or other media on which pre-written programs have been coded, punched, or otherwise recorded, including the gross receipts from the licensing of software programs;

9. Foods, confections, and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

10. Advertising of all kinds, types, and characters, including any and all devices used for advertising purposes except those specifically exempt pursuant to the provisions of 68 O.S. § 1357;

11. Dues or fees to clubs including free or complimentary dues or fees which have a value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;

12. Tickets for admission to or voluntary contributions made to places of amusement, sports, entertainment, exhibition, display, or other recreational events or activities, including free or complimentary admissions which have a value equivalent to the charge that would have otherwise been made;

13. Charges made for the privilege of entering or engaging in any kind of activity, such as tennis, racquetball, or handball, when spectators are charged no admission fee;

14. Charges made for the privilege of using items for amusement, sports, entertainment, or recreational activity, such as trampolines or golf carts;

15. The rental of equipment for amusement, sports, entertainment, or other recreational activities, such as bowling shoes, skates, golf carts, or other sports or athletic equipment;

16. The gross receipts from sales from any vending machine without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

17. The gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair, or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. If the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill, or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;

18. Flowers, plants, shrubs, trees, and other floral items, whether or not produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. All orders taken outside this state for delivery within this state shall not be subject to the taxes levied in this Section;

19. Tangible personal property sold to persons, peddlers, solicitors, or other salesmen, for resale when there is likelihood that this state will lose tax revenue due to the difficulty of enforcing the provisions of the Oklahoma Sales Tax Code because of:

a. the operation of the business,
b. the nature of the business,
c. the turnover of independent contractors
d. the lack of place of business in which to display a permit or keep records,
e. lack of adequate records,
f. the fact that the persons are minors or transients,
g. the fact that the persons are engaged in service businesses, or
h. any other reasonable reason;

20. Any taxable services and tangible personal property including materials, supplies, and equipment sold to contractors for the purpose of developing and improving real estate even though said real estate is intended for resale as real property, hereby declared to be sales to consumers or users, however, taxable materials, supplies and equipment sold to contractors as provided by this subsection which are purchased as a result of and subsequent to the date of a contract entered into either prior to the effective date of any law increasing the rate of sales tax imposed by this article, or entered into prior to the effective date of an ordinance or other measure increasing the sales tax levy of a political subdivision shall be subject to the rate of sales tax applicable, as of the date such contract was entered into, to sales of such materials, supplies and equipment if such purchases are required in order to complete the contract. Such rate shall be applicable to purchases made pursuant to the contract or any change order under the contract until the contract or any change order has been completed, accepted and the contractor has been discharged from any further obligation under the contract or change order or until two (2) years from the date on which the contract was entered into whichever occurs first. The increased sales tax rate shall be applicable to all such purchases at the time of sale and the contractor shall file a claim for refund before the expiration of three (3) years after the date of contract completion or five (5) years after the contract was entered into, whichever occurs earlier. However, the Oklahoma Tax Commission shall prescribe rules and regulations and shall provide procedures for the refund to a contractor of sales taxes collected on purchases eligible for the lower sales tax rate authorized by this subsection; and

21. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, hereby declared to be sales to consumers or users.

Section 7-209 EXEMPTIONS; SALES SUBJECT TO OTHER TAX

There is hereby specifically exempted from the tax levied by this Article 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, motor fuel, methanol, "M-85" which

is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural gas, or liquefied petroleum gas on which the Motor Fuel Tax, Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special Fuels Tax levied in Article 5, 6, or 7 of Title 68 of the Oklahoma Statutes has been, or will be 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 in Article 21 of Title 68 of the Oklahoma Statutes has been, or will be paid;

3. Sale of crude petroleum or natural or casing head gas and other products subject to gross production tax pursuant to the provisions of Articles 10 and 11 of Title 68 of the Oklahoma Statutes. This exemption shall not apply when such products are sold to a 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;

4. Sale of aircraft on which the tax levied pursuant to the provisions of Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes;

5. Sales from coin-operated devices on which the fee imposed by Sections 1501 through 1513 of Title 68 of the Oklahoma Statutes has been paid;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by Section 2103 of Title 68 of the Oklahoma Statutes;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes;

8. Sales of cigarettes or tobacco products to:

a. a federally recognized Indian tribe or nation which has entered into a compact with the State of Oklahoma pursuant to the provisions of subsection C of Section 346 of Title 68 of

the Oklahoma Statutes or to a licensee of such a tribe or nation, upon which the payment in lieu of taxes required by the compact has been paid, or

b. a federally recognized Indian tribe or nation or to a licensee of such a tribe or nation upon which the tax levied pursuant to the provisions of Section 349 or Section 426 of Title 68 of the Oklahoma Statutes has been paid; and

9. Leases of aircraft upon which the owners have paid the aircraft excise tax levied by Section 6001 et seq. of Title 68 or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes.

Section 7-210 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 7-211 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 7-212 EXEMPTIONS-GOVERNMENTAL AND NONPROFIT ENTITIES

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

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 this 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 article, except as hereinafter provided;

2. Sales of property to agents appointed by or under contract with agencies or instrumentalities of the United States government if ownership and possession of such property transfers immediately to the United States government;

3. Sales of property to agents appointed by or under contract with a political subdivision of this state if the sale of such property is associated with the development of a qualified federal facility, as provided in the Oklahoma Federal Facilities Development Act, and if ownership and possession of such property transfers immediately to the political subdivision or the state;

4. 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;

5. Sale of food in cafeterias or lunchrooms of elementary schools, high schools, colleges, or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

6. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members and dues paid monthly or annually to privately owned scientific and educational libraries by members sharing the use of services rendered by such libraries with students interested in the study of geology, petroleum engineering or related subjects;

7. 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 a similar business;

8. 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 or any public trust of which a county in this state is the beneficiary, for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters, and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

9. Sales of tangible personal property or services to the Board of Trustees organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Boys and Girls shall be exempt from sales tax;

10. Sale of tangible personal property or services to any county, municipality, rural water district, public school district, the institutions of The Oklahoma State System of Higher Education, the Grand River Dam Authority, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Municipal Power Authority, Town of Tulsa-Rogers County Port Authority, Muskogee Town-County Port 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 subdivisions 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 sales tax involved or incarcerated for not more than sixty (60) days or both;

11. Sales of tangible personal property or services to

private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice or sales ticket the nature of the purchases, and violation of this paragraph shall be a misdemeanor as set forth in paragraph 10 of this Section;

12. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

13. Sales of tangible personal property made by:

a. a public school,

b. a private school offering instruction for grade levels kindergarten through twelfth grade,

c. a public-school district,

d. a public or private school board,

e. a public or private school student group or organization,

e. a parent-teacher association or organization, or

f. public or private school personnel for purposes of raising funds for the benefit of a public or private school, public school district, public or private

school board or public or private school student group or organization. The exemption provided by this paragraph for sales made by a public or private school shall be limited to those public or private schools 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 include sale of admission tickets and concessions at athletic events;

14. Sales of tangible personal property by:

a. local 4-H clubs,

b. county, regional or state 4-H Board of Trustees,

d. county, regional or state 4-H committees,

d. 4-H leader associations,

e. county, regional or state 4-H foundations, and

f. authorized 4-H camps and training centers. The exemption provided by this paragraph shall be limited to sales for the purpose of raising funds for the benefit of such organizations. Sale of tangible personal property exempted by this paragraph shall include sale of admission tickets;

15. The first Seventy-five Thousand Dollars ($75,000.00) each year from sale of tickets and concessions at athletic events by each organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(4);

16. Items or services which are subsequently given away by the Oklahoma Tourism and Recreation Department as promotional items pursuant to Section 1834 of Title 74 of the Oklahoma Statutes;

17. Sales of tangible personal property or services to fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes which items are to be used for the purposes of the fire department. Any person making purchases on behalf of any such fire department 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 fire department and set out the name of such fire department. Any person who wrongfully or erroneously certifies that the purchases are for any such fire department or who otherwise violates the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or both;

18. Complimentary or free tickets for admission to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities which are issued through a box office or other entity which is operated by a state institution of higher education with institutional employees or by a municipality with municipal employees;

19. The first Fifteen Thousand Dollars ($15,000.00) each year from sales of tangible personal property by fire departments organized pursuant to Titles 11, 18, or 19 of the Oklahoma Statutes for the purposes of raising funds for the benefit of the fire department. Fire departments selling tangible personal property for the purposes of raising funds shall be limited to no more than six (6) days each year to raise such funds in order to receive the exemption granted by this paragraph;

20. Sales of tangible personal property or services to any Boys & Girls Clubs of America affiliate in this state which is not affiliated with the Salvation Army and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

21. Sales of tangible personal property or services to any organization, which takes court-adjudicated juveniles for purposes of rehabilitation, and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), provided that at least fifty percent (50%) of the juveniles served by such organization are court adjudicated and the organization receives state funds in an amount less than ten percent (10%) of the annual budget of the organization;

22. Sales of tangible personal property or services to:

a. any federally qualified community health center as

defined in Section 254c of Title 42 of the United States Code,

b. any migrant health center as defined in Section 254b of Title 42 of the United States Code,

c. any clinic receiving disbursements of state monies from the Indigent Health Care Revolving Fund pursuant to the provisions of Section 66 of Title 56 of the Oklahoma Statutes, and

d. any community-based health center which meets all of the following criteria:

(1) provides primary care services at no cost to the recipient, and

(2) is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

23. Dues or fees, including free or complimentary dues or fees which have a value equivalent to the charge that could have otherwise been made, to YMCAs, YWCAs or municipally owned recreation centers for the use of facilities and programs;

24. The first Fifteen Thousand Dollars ($15,000.00) each year from sales of tangible personal property or services to or by a cultural organization established to sponsor and promote educational, charitable and cultural events for disadvantaged children, and which organization is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

25. Sales of tangible personal property or services to museums; or other entities which have been accredited by the American Association of Museums. Any person making purchases on behalf of any such museum or other entity 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 museum or other entity and set out the name of such museum or other entity. Any person who wrongfully or erroneously certifies that the purchases are for any such museum or other entity or who otherwise violates the provisions of this paragraph shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than

sixty (60) days, or by both such fine and incarceration;

26. Sales of tickets for admission by any museum accredited by the American Association of Museums. In order to be eligible for the exemption provided by this paragraph, an amount equivalent to the amount of the tax which would otherwise be required to be collected pursuant to the provisions of Section 1350 et seq. of Title 68 of the Oklahoma Statutes shall be separately stated on the admission ticket and shall be collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the museum to effect the construction, enlarging or renovation of any facility to be used for entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket;

27. Sales of tangible personal property or services occurring on or after June 1, 1995, to children's homes which are supported or sponsored by one or more churches, members of which serve as trustees of the home;

28. Sales of tangible personal property or services to the organization known as the Disabled American Veterans, Department of Oklahoma, Inc., and subordinate chapters thereof;

29. Sales of tangible personal property or services to youth camps which are supported or sponsored by one or more churches, members of which serve as trustees of the organization;

30. Transfer of tangible personal property made pursuant to Section 3226 of Title 63 of the Oklahoma Statutes by the University Hospitals Trust;

31. Sales of tangible personal property or services to a municipality, county, or school district pursuant to a lease or lease-purchase agreement executed between the vendor and a municipality, county, or school district. A copy of the lease or lease-purchase agreement shall be retained by the vendor;

32. Sales of tangible personal property or services to any spaceport user, as defined in the Oklahoma Space Industry Development Act;

33. The sale, use, storage, consumption, or distribution in this state, whether by the importer, exporter, or another

person, of any satellite or any associated launch vehicle, including components of, and parts and motors for, any such satellite or launch vehicle, imported or caused to be imported into this state for the purpose of export by means of launching into space. This exemption provided by this paragraph shall not be affected by:

a. the destruction in whole or in part of the satellite or launch vehicle,

b. the failure of a launch to occur or be successful, or

c. the absence of any transfer or title to, or possession of, the satellite or launch vehicle after launch;

34. The sale, lease, use, storage, consumption, or distribution in this state of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity, including components thereof;

35. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property, placed on or used aboard any space facility, space propulsion system or space vehicle, satellite, or station possessing space flight capacity, which is launched into space, irrespective of whether such tangible property is returned to this state for subsequent use, storage, or consumption in any manner;

36. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property meeting the definition of "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, that is an integral part of and used primarily in support of space flight; however, Section 38 property used in support of space flight shall not include general office equipment, any boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States government, or any other property not specifically suited to supporting space activity. The term "in support of space flight", for purposes of this paragraph, means the altering, monitoring, controlling, regulating, adjusting, servicing, or repairing of any space facility, space propulsion systems or space vehicle, satellite, or station possessing space flight capacity, including the

components thereof;

37. The purchase or lease of machinery and equipment for use at a fixed location in this state, which is used exclusively in the manufacturing, processing, compounding, or producing of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity. Provided, the exemption provided for in this paragraph shall not be allowed unless the purchaser or lessee signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed by Section 1354 of this title shall be subject to the penalties provided by law. As used in this paragraph, "machinery and equipment" means "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, which is used as an integral part of the manufacturing, processing, compounding, or producing of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph;

38. The amount of a surcharge or any other amount which is separately stated on an admission ticket which is imposed, collected and used for the sole purpose of constructing, remodeling or enlarging facilities of a public trust having a municipality or county as its sole beneficiary;

39. Sales of tangible personal property or services which are directly used in or for the benefit of a state park in this state, which are made to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3) and which is organized primarily for the purpose of supporting one or more state parks located in this state;

40. The sale, lease or use of parking privileges by an institution of The Oklahoma State System of Higher Education; and

41. Sales of tangible personal property or services for use on campus construction projects for the benefit of institutions of The Oklahoma State System of Higher Education or private institutions of higher education accredited by the Oklahoma State Regents for Higher Education when such projects are financed by or through the use of nonprofit entities which

are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

42. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code,26 U.S.C. 501 (c)(3), in the course of conducting a national championship sports event, but only if all or a portion of the payment in exchange therefor would qualify as the receipt of a qualified sponsorship payment described in Internal Revenue Code, 26 U.S.C. 513(i). Sales exempted pursuant to this paragraph shall be exempt from all Oklahoma sales, use, excise, and gross receipts taxes.
State Law Reference: Similar provisions, 68 O.S. Section 1305.

Section 7-213 SAME-GENERALLY

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar ($1.00), or local transportation of persons within the corporate limits of a municipality except by taxicabs;

3. 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 Section 1350 et seq. of Title 68 of the Oklahoma Statutes. 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 salespersons who do not have an established place of business and a sales tax permit. The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel to a Group Five vendor, but the use of such motor fuel or diesel fuel by the Group Five vendor shall not be exempt from the tax levied by Section 1350 et seq. of

Title 68 of the Oklahoma Statutes. The purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for shipment outside this state and consumed by a common carrier by rail in the conduct of its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling, within this state, of any locomotive or other motorized flanged wheel equipment;

4. 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, and the servicing of any advertising devices;

5. 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 the purchaser 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;

1. Sale of natural or artificial gas and electricity, and associated delivery or transmission services, when sold exclusively for residential use after December 31, 1980. Provided, nothing herein shall be construed as limiting or prohibiting cities and towns, and counties levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, from levying and collecting taxes on the sale of natural or artificial gas and electricity. Provided further, any sales tax levied by a Town or town, or a county levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, 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;

7. In addition to the exemptions authorized by Section 1357.6 of Title 68 of the Oklahoma Statutes, sales of medicines or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicines or drugs. Provided, this exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil and chemical 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 one-way utensils, paper napkins, paper cups, disposable hot containers and other one-way carry out materials to a vendor of meals or beverages;

10. 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 in the federal food stamp program;

11. Sales of food or food products, or any equipment or supplies used in the preparation of the food or food products to or by an organization which: a. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), and which provides and delivers prepared meals for home consumption to elderly or homebound persons as part of a program commonly known as "Meals on Wheels" or "Mobile Meals", or b. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), and which receives federal funding pursuant to the Older Americans Act of 1965, as amended, for the purpose of providing nutrition programs for the care and benefit of elderly persons;

12. Sales of tangible personal property or services to or by organizations which are exempt from taxation pursuant to the

provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), and which are primarily involved in the collection and distribution of food and other household products to other organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), which facilitate the distribution of such products to the needy, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

13. Sales of tangible personal property or services to children's homes which are located on church-owned property and are operated by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

14. Sales of computers, data processing equipment, related peripherals and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or manufacturing facility. For purposes of this paragraph, "qualified aircraft maintenance or manufacturing facility" means a new or expanding facility primarily engaged in aircraft repair, building or rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of Five Million Dollars ($5,000,000.00) and which employs at least two hundred fifty (250) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, upon completion of the facility. In order to qualify for the exemption provided for by this paragraph, the cost of the items purchased by the qualified aircraft maintenance or manufacturing facility shall equal or exceed the sum of Two Million Dollars ($2,000,000.00);

15. Sales of tangible personal property consumed or incorporated in the construction or expansion of a qualified aircraft maintenance or manufacturing facility as defined in paragraph 14 of this Section. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified aircraft maintenance or manufacturing facility for construction or expansion of such a facility shall be considered sales made to a qualified aircraft maintenance or manufacturing facility;

16. Sales of any interstate telecommunications services which:

a. entitles the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the subscriber, or

b. entitles the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges;

17. Sales of railroad track spikes manufactured and sold for use in this state in the construction or repair of railroad tracks, switches, sidings, and turnouts;

18. Sales of aircraft and aircraft parts provided such sales occur at a qualified aircraft maintenance facility. As used in this paragraph, "qualified aircraft maintenance facility" means a facility operated by an air common carrier at which there were employed at least two thousand (2,000) full-time-equivalent employees in the preceding year as certified by the Oklahoma Employment Security Commission and which is primarily related to the fabrication, repair, alteration, modification, refurbishing, maintenance, building or rebuilding of commercial aircraft or aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an affiliated group as defined by Section 1504 of the Internal Revenue Code, 26 U.S.C. 1504;

19. Sales of machinery and equipment purchased and used by persons and establishments primarily engaged in computer services and data processing: a. as defined under Industrial Group Numbers 7372 and 7373 of the Standard Industrial Classification (SIC) Manual, latest version, which derive at least fifty percent (50%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer, and b. as defined under Industrial Group Number 7374 of the SIC Manual, latest version, which derive at least eighty percent (80%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer. Eligibility for the exemption set out in this paragraph shall be established, subject to review by the Tax Commission, by annually filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required

by the Tax Commission. For purposes of determining whether annual gross revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

20. Sales of prosthetic devices to an individual for use by such individual. For purposes of this paragraph, "prosthetic device" means a device which replaces a missing part of the human body and shall include any supplies physically connected to the device;

21. Sales of tangible personal property or services to a motion picture or television production company to be used or consumed in connection with an eligible production. For purposes of this paragraph, "eligible production" means a documentary, special, music video, or a television program that will serve as a pilot for or be a segment of an ongoing dramatic or situation comedy series filmed or taped for network or national or regional syndication or a feature-length motion picture intended for theatrical release or for network or national or regional syndication or broadcast. The provisions of this paragraph shall apply to sales occurring on or after July 1, 1996;

22. Sales of diesel fuel sold for consumption by commercial vessels, barges and other commercial watercraft;

23. Sales of tangible personal property or services to tax-exempt independent nonprofit biomedical research foundations that provide educational programs for Oklahoma science students and teachers and to tax-exempt independent nonprofit community blood banks headquartered in this state;

24. Effective May 6, 1992, sales of wireless telecommunications equipment to a vendor who subsequently transfers the equipment at no charge or for a discounted charge to a consumer as part of a promotional package or as an inducement to commence or continue a contract for wireless telecommunications services;

25. Effective January 1, 1991, leases of rail transportation cars to haul coal to coal-fired plants located in this state which generate electric power;

26. Beginning July 1, 2000, sales of aircraft engine repairs, modification, and replacement parts, sales of aircraft

frame repairs and modification, aircraft interior modification, and paint, and sales of services employed in the repair, modification and replacement of parts of aircraft engines, aircraft frame and interior repair and modification, and paint. The exemption provided by this paragraph shall be limited to aircraft repairs, modification, and replacement parts for aircraft weighing more than twelve thousand five hundred (12,500) pounds and less than one hundred thousand (100,000) pounds and which aircraft are brought into this state exclusively for such repairs or modification. The exemption provided by this paragraph shall be limited to repairs or modifications made by a new or expanded aircraft repair facility. As used in this paragraph, the term "aircraft" shall have the same meaning as such term is defined in Section 6001 of Title 68. The term "new or expanded aircraft repair facility" shall mean any new or expanded facility which repairs, modifies or replaces aircraft parts in which more than Four Million Dollars ($4,000,000.00) was invested to establish the new facility or expand an existing facility and which construction was commenced or was in progress on or after January 1, 1999; and

27. Sales of materials and supplies to the owner or operator of a ship, motor vessel or barge that is used in interstate or international commerce if the materials and supplies:

a. are loaded on the ship, motor vessel or barge and used in the maintenance and operation of the ship, motor vessel or barge, or

b. enter into and become component parts of the ship, motor vessel or barge.

Section 7-214 SAME-MANUFACTURERS

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sales of goods, wares, merchandise, tangible personal property, machinery, and equipment to a manufacturer for use in a manufacturing operation;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by Section 500.4 of Title 68 of the Oklahoma Statutes;

3. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden, or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles and the cartons, crates, pallets, and containers used to transport 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. Additionally, 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;

4. Sales of or transfers of title to or possession of any containers, after June 30, 1987, used or to be used more than once and which are ordinarily known as returnable containers and which do or will contain beverages defined by paragraphs 4 and 14 of Section 506] of Title 37 of the Oklahoma Statutes, or water for human consumption and the cartons, crates, pallets, and containers used to transport such returnable containers;

5. Sale of tangible personal property when sold by the manufacturer to a person who transports it to a state other than Oklahoma for immediate and exclusive use in a state other than Oklahoma. Provided, no sales at a retail outlet shall qualify for the exemption under this paragraph;

6. Machinery, equipment, fuels and chemicals or other materials incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of hazardous waste at treatment facilities specifically permitted pursuant to the Oklahoma Hazardous Waste Management Act and operated at the place of waste generation, or facilities approved by the Department of Environmental Quality for the cleanup of a site of contamination. The term "hazardous" waste may include low-level radioactive waste for the purpose of this paragraph;

7. Sales of tangible personal property to a qualified manufacturer to be consumed or incorporated in a new manufacturing facility or to expand an existing manufacturing facility. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified manufacturer for construction or expansion of a manufacturing facility shall be considered sales made to a qualified manufacturer. For the purposes of this paragraph, "qualified manufacturer" means:

a. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Five Million Dollars ($5,000,000.00) and in which at least one hundred (100) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility,

b. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Ten Million Dollars ($10,000,000.00) and the combined cost of construction material, machinery, equipment and other tangible personal property exempt from sales tax under the provisions of this paragraph exceeds the sum of Fifty Million Dollars ($50,000,000.00) and in which at least seventy-five (75) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility, or

c. any enterprise whose total cost of construction of an expanded facility exceeds the sum of Three Hundred Million Dollars ($300,000,000.00) and in which the manufacturer has and maintains an average employment level of at least one thousand seven hundred fifty (1,750) full-time-equivalent employees, as certified by the Employment Security Commission. For purposes of this paragraph, the total cost of construction shall include building and construction material and engineering and architectural fees, or charges directly associated with the construction of a new or expanded facility. The total cost of construction shall not include attorney fees. For purposes of subparagraph c of this paragraph, the total cost of construction shall also include the cost of qualified depreciable property as defined in Section 2357.4 of Title 68 of the Oklahoma Statutes and labor services performed in the construction of an expanded

facility. The employment requirement of this paragraph can be satisfied by the employment of a portion of the required number of new full-time-equivalent employees at a manufacturing facility that is related to or supported by the new or expanded manufacturing facility as long as both facilities are owned by one person or business entity. For purposes of this Section, "manufacturing facility" shall mean building and land improvements used in manufacturing as defined by the Standard Industrial Classification Code and shall also mean building and land improvements used for the purpose of packing, repackaging, labeling or assembling for distribution to market, products at least seventy percent (70%) of which are made in Oklahoma by the same company but at an off-site in-state manufacturing facility or facilities. It shall not include a retail outlet unless the retail outlet is operated in conjunction with and on the same site or premises as the manufacturing facility. Up to ten percent (10%) of the square feet of a manufacturing facility building may be devoted to office space used to provide clerical support for the manufacturing operation. Such ten percent (10%) may be in a separate building as long as it is part of the same contiguous tract of property on which the manufacturing facility is located. Only sales of tangible personal property made after June 1, 1988, shall be eligible for the exemption provided by this paragraph;

8. Sales of tangible personal property purchased and used by a licensed radio or television station in broadcasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. This exemption begins with the equipment used in producing live programming or the electronic equipment directly behind the satellite receiving dish or antenna and ends with the transmission of the broadcast signal from the broadcast antenna system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

9. Sales of tangible personal property purchased or used by a licensed cable television operator in cable casting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a cablecast signal or is such that the

failure of the machinery or equipment to operate would cause cable casting to cease. This exemption begins with the equipment used in producing local programming or the electronic equipment behind the satellite receiving dish, microwave tower or antenna, and ends with the transmission of the signal from the cablecast head-end system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

10. Sales of packaging materials for use in packing, shipping, or delivering tangible personal property for sale when sold to a producer of agricultural products. This exemption shall not apply to the sale of any packaging material which is ordinarily known as a returnable container;

11. Sales of any pattern used in the process of manufacturing iron, steel, or other metal castings. The exemption provided by this paragraph shall be applicable irrespective of ownership of the pattern provided that such pattern is used in the commercial production of metal castings;

12. Deposits or other charges made and which are subsequently refunded for returnable cartons, crates, pallets, and containers used to transport cement and cement products;

13. Beginning January 1, 1998, machinery, electricity, fuels, explosives, and materials, excluding chemicals, used in the mining of coal in this state; and

14. Deposits, rent, or other charges made for returnable cartons, crates, pallets, and containers used to transport mushrooms or mushroom products from a farm for resale to the consumer or processor.

Section 7-215 SAME-AGRICULTURE

The gross receipts of gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted for the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

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

place of business, as follows:

a. farm, orchard, or garden products, and

b. dairy products sold by a dairy producer or farmer who owns all the cows from which the dairy products offered for sale are produced; provided, the provisions of this paragraph shall not be construed as exempting sales by florists, nursery operators or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Livestock, including cattle, horses, mules or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

3. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;

4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone, and other generally recognized animal feeds for the following purposes and subject to the following limitations:

a. feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk, or meat for human consumption,

b. feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products, and

c. any stock tonics, water purifying products, stock sprays, disinfectants, or other such agricultural supplies. "Poultry" shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs. "Livestock" shall not be construed to include any pet animals such as dogs, cats, birds, or such other fur-bearing animals. 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 Oklahoma 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,

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. In addition to providing the vendor proof of eligibility as provided in Section 1358.1 of this Title 68 of the Oklahoma Statutes, the purchaser shall provide the name or names of such owner or lessee and operator and the location of the lands on which said materials are to be applied to each such land,

c. sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this article and said 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, and

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 subparagraph, "agricultural chemical pesticides" shall include any substance

or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. The exemption provided in this paragraph 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;

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. The exemption specified in this paragraph shall apply to such farm machinery, repair parts or fuel, oil, lubricants and other substances used by persons engaged in the business of custom production, cultivation, planting, sowing, harvesting, processing, spraying, preservation, or irrigation of any livestock, poultry, agricultural, or dairy products for farmers or ranchers. The exemption provided for herein shall not apply to motor vehicles;

7. Sales of supplies, machinery and equipment to persons regularly engaged in the business of raising evergreen trees for retail sale in which such trees are cut down on the premises by the consumer purchasing such tree. This exemption shall only be granted and extended when the items in fact are used in the raising of such evergreen trees; and

8. Sales of materials, supplies and equipment to an agricultural permit holder or to any person with whom the permit holder has contracted to construct facilities which are or which will be used directly in the production of any livestock, including, but not limited to, facilities used in the production and storage of feed for livestock owned by the permit holder. Any person making purchases on behalf of the agricultural permit holder 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 permit holder and set out the name and permit number of such holder. Any person who wrongfully or erroneously certifies that purchases are for an agricultural

permit holder or who otherwise violates this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of an amount equal to double the amount of sales tax involved or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment.

B. As used in this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes:

1. "Agricultural products" shall include horses; and

2. "Ranching" or "ranch" shall include the business, or facilities for the business, of raising horses. Provided, sales of items at race meetings as defined in Section 200.1 of Title 3A of the Oklahoma Statutes shall not be exempt pursuant to the provisions of this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes.

State Law Reference: Similar provision, 68 O.S. Section 1305a.

Section 7-217 TAX CONSTITUTES DEBT; TOWN SALES TAX SUBJECT TO OTHER TITLE 68 PROVISIONS

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. Moreover, Title 68 of the Oklahoma Statutes as it relates to all sales tax is hereby adopted by reference as if fully set out, as is hereby amended as such state laws are amended and is applicable to all municipal sales tax issues.

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

A. The tax is 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 refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, by any whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, 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 refuse 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 tax.

Section 7-220 INTEREST AND PENALTIES; DELINQUENCY

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required

by this chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

Section 7-221 WAIVER OF INTEREST AND PENALTY

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, 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.

ARTICLE 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 on or before the first day of April of each year, for the calendar year ending December 31 preceding, 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. Section 2601 et seq.

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

During continued substantial compliance with the terms of this article 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.

ARTICLE 4

UTILITIES TAX

Section 7-401 FEE LEVIED; APPLICATION

From and after the expiration of the any existing franchise granted by the town to any public service company, there is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of power, light, heat, gas, electricity or water in the Town. Such tax shall apply to all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, gas, electricity or water within the Town limits, except that it shall not apply to any person, firm, association or corporation operating under a valid franchise with the Town nor apply to utilities furnished by the Town.

State Law Reference: Authority of Board of Trustees to levy above tax, 68 O.S. Section 2601; tax not applicable to franchise holders, 68 O.S. Section 2602.

Section 7-402 TAX IS IN LIEU OF OTHER TAXES

The tax levied by this Article shall be in lieu of any other franchise, license, occupation, or excise tax levied by the Town.

Section 7-403 TAX TO BE PAID MONTHLY AND PLACED IN GENERAL REVENUE FUND

The tax levied under this Article shall be levied for a term of not less than one (1) year and shall be payable

quarterly and placed in the general revenue fund of the Town.

Section 7-404 FAILURE TO PAY; ACTION FOR COLLECTION

Any person failing or refusing to pay the tax levied by this chapter shall be regarded as a trespasser and may be ousted from the Town. In addition, thereto, an action may be maintained against such person for the amount of the tax and all expenses of collecting same, including reasonable attorneys' fees.

Section 7-405 TAX LIEN

The tax imposed by this Article shall constitute a first and prior lien on all the assets located within the Town of any person engaged in the business of selling power, light, heat, gas, electricity or water within the Town and subject to such tax.

ARTICLE 5

USE TAX

Section 7-501 DEFINITIONS.

The following words, terms and phrases when used in this Article shall have the meanings respectively given to them in this section:

"Maintaining a place of business within the state" includes any person having or maintaining in the state, directly or by subsidiary, an office, distribution house, sales house, warehouse, or other place of business. It also includes any person having agents operating in the state under authority of the retailer or subsidiary, whether the place of business or agent is within the state permanently or temporarily, or whether the person or subsidiary is authorized to do business within the state is immaterial;

"Person" shall mean and include any individual, company, partnership, joint venture, joint agreement, association (mutual or otherwise), limited liability company, corporation, estate, trust, business trust, receiver, or trustee appointed by the state or federal court, syndicate, this state, any county, Town, municipality, or other political subdivision or agency of the

state, or group or combination acting as a unit in the plural or singular number;

"Purchase" means and includes any method whereby a transferee receives from a transferor either the title or possession, for a valuable consideration, of tangible personal property, regardless of the manner, method, instrumentality, or device by which such transfer is accomplished. The term "purchase" also includes the exchange, barter, lease, or rental of tangible personal property where such exchange, barter, lease, or rental results in either the transfer of the title or the possession to the transferee;

"Purchase at retail" means and includes all purchases except purchases made for the purpose of resale;

"Purchase price" means the consideration paid or given or contracted to be paid or given by any person to the seller of an article of tangible personal property for the article purchased. The term "purchase price" also means the consideration paid or given or contracted to be paid or given by the transferee to the transferor for the article of tangible personal property;

"Retailer" means every person engaged in the business of selling tangible personal property for use within the meaning of the article; provided, however, that when in the opinion of the Tax Commission it is necessary for the efficient administration of this article to regard any salesmen, representatives, truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers, or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the Tax Commission may so regard them and may regard the dealers, distributors, supervisors, employers or persons as retailers for purposes of this article;

"Sale" means and includes the transfer of either the title or possession for a valuable consideration of tangible personal property, regardless of the manner, method, instrumentality, or device by which such transfer is accomplished. The term "sale" also includes the exchange, barter, lease, or rental of tangible personal property where such exchange, barter, lease, or rental results in either the transfer of the title or the possession;

"Tax Commission" means the Oklahoma Tax Commission;

"Taxpayer" means any person liable to pay a tax hereunder, or charged with the collection and remission thereof, or to make a report for the purpose of claiming any exemptions in payment of any tax levied by this Article; and

"Use" means and includes the exercise of any right or power over tangible personal property incident to the ownership or possession of that property, except that it shall not include the sale of that property in the regular course of business

SECTION 7-502 EXCISE TAX ON STORAGE, USE, OR OTHER CONSUMPTION OF TANGIBLE PERSONAL PROPERTY.

There is hereby levied and there shall be paid by every person storing, using, or otherwise consuming within this municipality, tangible personal property purchased or brought into this municipality, an excise tax on the storage, use, or other consumption in this municipality of such property at the rate of Three and One Quarter Percent (3 1/4%) of the purchase price of such property. 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; personal property intended solely for use outside the municipality, but which is stored in 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 7-503 EXEMPTIONS AND EXCEPTIONS.

All exemptions and exceptions provided by 68 O.S. 1401 et seq., or as such sections may hereinafter be amended, shall apply to the imposition of the municipal use tax.

SECTION 7-504 TIME WHEN DUE, RETURNS, PAYMENT.

The tax levied by this Article is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 7-505 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 7-506 COLLECTION OF TAX BY RETAILER OR VENDOR.

Except as otherwise provided by 68 O.S. §1401 et seq., every retailer or vendor maintaining places of business both within and without this state and making sales of tangible personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this Article from the purchaser and give to the purchaser a receipt therefore in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all the retailer's or vendor's agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this municipality. The retailer or vendor shall not collect the use tax levied by this Article from a purchaser who is a holder of a direct payment permit issued pursuant to 68 O.S. §1364.1.

SECTION 7-507 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING 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 municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible personal property at such out-of-state place of business for use in this municipality. Such retailer or vendor

shall be issued, without charge, a permit to collect such taxes, in such manner and subject to such regulations and agreements as the Tax Commission 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 municipality. Such authority and permit may be canceled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality 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 local sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

SECTION 7-508 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 Article or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in 68 O.S. § 1408, by order revoke 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 said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this Article, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

SECTION 7-509 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 said Code for the collection of State Use Taxes.

SECTION 7-510 INTEREST AND PENALTIES; DELINQUENCY.

Title 68 O.S. § 217, is hereby adopted and made a part of this Article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Article. 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 Article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Article.

SECTION 7-511 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty of any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipal 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 Use Tax provided in 68 O.S. § 227, 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 Article.

SECTION 7-512 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund of erroneous payment of the municipal 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 68 O.S. § 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

SECTION 7-513 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances 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 Article shall be an offense and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than One Hundred Dollars ($100.00) and costs. Each day

of noncompliance with this Article shall constitute a separate offense.

SECTION 7-514 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the municipal Use Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. § 205, 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 municipal Use Tax as is herein set forth in full.

SECTION 7-515 CLASSIFICATION OF TAXPAYERS.

For the purpose of this Article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

SECTION 7-516 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 Article hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose.

SECTION 7-517 PURPOSES OF REVENUES.

It is hereby declared to be the purpose of this Article to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

CHAPTER 8: HEALTH AND SANITATION

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CHAPTER 8: HEALTH AND SANITATION

ARTICLE 1

WEEDS AND TRASH

Section 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

No person, entity or corporation owning or otherwise in possession or control of real property located within the corporate limits of the Town shall allow trash to accumulate, or weeds to grow or stand upon such real property.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-111C.

Section 8-102 DEFINITIONS.

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

1. "Cleaning" means the removal of trash from property;

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;

3. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which in uncared for, discarded or abandoned; and

4. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;

b. Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;

c. Harbors rodents or vermin;

d. Gives off unpleasant or noxious odors;

e. Constitutes a fire or traffic hazard; or

f. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use.

Section 8-103 REPORTS OF ACCUMULATIONS 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 Superintendent, if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;

2. A hazard to traffic; or

3. A fire hazard to property.

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

Section 8-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY.

The Town may cause property within the corporate limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken.

The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless the work is performed within ten (10) days of the date of the notice the work shall be done by the Town and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the Town. At the time of mailing of notice to the property owner, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing of same, notice may be given by posting a copy of the notice on the property or by publication, as provided in Section 1-102 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action by the Town. If the Town anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by certified mail or publication, shall state:

a. That any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the Town;

b. That the costs of such abatement shall be assessed against the owner; and

c. That a lien shall be imposed on the property to secure such payment, all without further prior notice to the property owner.

At the time of each summary abatement the Town clerk shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided in Section 8-105. Provided however, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this Section;

2. The owner of the property may give his written consent to the Town authorizing the removal of the trash or the mowing

of the weeds or grass. By giving the written consent, the owner waives his right to a hearing by the Town;

3. The Town Board of Trustees hereby designate the Town Superintendent or his designee to carry out the duties of the Town Board of Trustees as provided by Sections 8-101 through 8-107 of this Article. A hearing may be held by the Town Superintendent or his designee of the Town to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the Town Board of Trustees from any order of the Town Superintendent or his 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; and

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefitted by the removal of such conditions, the agents of the Town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the Town. Immediately following the cleaning or mowing of the property, the Town clerk shall file a notice of lien with the county clerk describing the property and the work performed by the Town and stating that the Town claims a lien on the property for the cleaning or mowing costs.

Section 8-105 DETERMINATION AND ASSESSMENT OF COSTS.

The Town Superintendent or his designee shall determine the actual cost of such cleaning and mowing and any other expenses that may be necessary in conjunction therewith, including the cost of notice and mailing. The Town clerk shall forward by mail to the property owner specified in Paragraph 1 of Section 8-104 a statement of the actual cost and demanding payment. In cleaning and mowing are performed by the Town, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

Section 8-106 LIEN ON THE PROPERTY, CIVIL REMEDY.

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the statement, the Town clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located, and the same shall be levied upon the property and collected by the county treasurer as other taxes authorized by law. Until fully paid, the cost and interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the country treasurer. In addition, the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be 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 in this Section, the Town 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 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, if any, the Town clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

Section 8-107 EXCEPTION

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, a municipal governing body may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this Article but only if such weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way at intersections.

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 OPEN BURNING.

A. Definitions. For purpose of this section, the following definitions shall have the following meanings:

1. Combustible materials: Any substance that will readily burn.

2. Domestic refuse. Any refuse produced during normal daily household operations.

3. Open Burning. The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flue, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

B. Allowable Open Burning. Open Burning will be allowable for the following reasons and/or purposes:

1. Recreational Fires.

a. Campfires, bon fires, ceremonial occasions, or non-commercial preparation of food subject to terms of this section.

b. All bon fires and campfires require a permit and shall not be more than 5 feet by 5 feet in dimension and shall burn for less than three (3) hours. A bon fire or campfire shall consist of seasoned dry wood. No gasoline or other liquid hydrocarbon shall be used for ignition. Bon fires and campfires are not permitted in residentially zoned districts. Bon fires and campfires are permitted at CCC Lake/Park and Laverne Lake/Park if a permit has been secured.

c. Barbecue grills or other wood burning grills are allowed at Town parks if a permit is secured. This permit requirement does not apply to permanently affixed grills on Town property. All such fires shall be attended at all times by at

least one individual, until the fire is completely extinguished.

d. Fires used for food preparation purposes on private property, fueled by wood, charcoal and gas and confided within a metal or masonry appliance designed for such use are allowed without a permit provided: 1) the fires are supervised, 2) the size of the fire does not present a fire spread danger, and 3) the fires are being used expressly for the preparation of food. Food preparation fires are not permitted on the ground unless the containment is approved by the Fire Chief or his designee.

e. Barbecuing on combustible decks or balconies at multistory apartment complexes is not allowed unless non-combustible surfaces are in place to prevent embers or ashes from contacting combustible materials. Noncombustible surfaces are to be above, below, and adjacent to the site.

2. Agriculturally zoned property. Owners of agriculturally zoned property may burn debris originating on their property following a flood or other natural disaster, after securing a permit and subject to the regulations contained herein and state and federal laws regulating burning.

3. Land Clearing Burning Operations. Owners of a tract of real property of at least five (5) acres or greater involved in land clearing operation may burn tree and brush debris subject to the provisions of Subsection C and the following additional regulations:

a. No land clearing burning operation will occur within 300 feet upwind of any occupied structure unless such operation is conducted in an approved open pit;

b. No land clearing burning operation shall be permitted less than 150 feet of any occupied structure or public facility or appurtenance, unless otherwise approved by the Fire Chief;

c. Land clearing burning operations are restricted to the hours between sunrise and sunset. At sunset, the fires must be extinguished or covered to eliminate any residual smoke. The Fire Chief may grant an earlier start time, provided that weather conditions are favorable.

d. Land clearing burning operations shall be conducted so as to reduce the amount of wood to be burned during the operation,

including but not limited to reducing the size of the pile burned.

e. No burning from land clearing operations may be conducted within one hundred feet (100’) of the perimeter of the applicant’s real property.

C. Prohibited Open Burning. Open burning for the following reasons is prohibited:

1. Burning of domestic refuse.

2. Burning of debris, construction/demolition material, or materials other than wood and vegetation on agriculturally zoned districts following a flood or other natural disaster.

D. General conditions and requirements for all open burning:

1. No public nuisance 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 ambient air quality of the general area as well as the surrounding Town is not adversely affected.

4. Any open burning shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

5. The minimum distance for open burning from oil and gas wells shall be one thousand feet (1000') unless a risk analysis is performed and approved by the oil and gas lease holder and the Fire Chief’s Office. The risk analysis shall be presented in written form for review to the oil and gas lease holder and the Fire Chief’s Office. If the risk analysis states that a minimum hazard exists, the minimum distance can be reduced to 500 feet. The risk analysis should state any requirements on the burning or site conditions for the burn permit holder. The risk

analysis shall be conducted by a qualified company or person(s) and be approved in writing by a company representative for the oil well site affected. The risk analysis may be performed by the following person(s):

a. Field operations and safety coordinator for the oil company affected, if trained in fire behavior/prevention.

b. A person trained and certified by a nationally recognized independent organization accredited in fire behavior/prevention.

c. A private fire protection engineer.

d. A person trained in hazardous materials operations.

6. Distances from any electric and overhead utilities shall be a minimum of 150 feet.

7. Distances from any public roadway must be at least 300 feet. Permission to burn shall be obtained each day before burning is to take place. To receive permission to burn on any given day, between the hours of 8:00 a.m. and sunset, the applicant must contact the Fire Chief's Office prior to commencing the burning. If burning is to take place between sunrise and 8:00 a.m., the permit holder must contact the Fire Chief's Office the day before, during office hours, to receive permission for the following morning.

8. The Fire Department shall order the extinguishment of any open burning that creates or adds to a hazardous or objectionable situation. Permit holders are required to extinguish the fire upon the order of the Fire Department. Failure of a permit holder to extinguish a fire shall be an offense and will result in the Fire Department extinguishing the fire.

9. Wind speed must be less than ten (10) miles per hour and the ceiling has to be a minimum of a 4, or 1000 to 3000 feet, as indicated by the National Weather Service. No open burning, subject to a permit, shall be permitted during any local or state burn ban.

10. The burn permit site and the materials to be burned are subject to inspection at any time during the thirty (30) day

permit period by any officer of the Laverne Fire Department.

E. Permits Required. The following burning activities require a permit from the Fire Chief's Office:

1. Bon Fires

2. Campfires

3. Ceremonial Fires

4. Open burning on agriculturally zoned property following a flood or other natural disaster.

5. Land Clearing Burning Operations.

F. Permit Fees. The fee for permits shall be:

1. Bon Fires - $25.00 (no fee if camping permit is acquired).

2. Campfires - $25.00 (no fee if camping permit is acquired).

3. Ceremonial Fires - $25.00

4. Open burning on agriculturally zoned property following a flood or other natural disaster - $25.00

5. Land Clearing Burning Operations - $25.00

G. Acquiring a Permit.

1. A permit must be obtained from the Office of the Fire Chief.

2. Applications for permits shall be submitted to the Fire Chief's Office a minimum of one week prior to the date of burning, during regular business hours.

3. All permits shall be requested by and issued to the owner, or agent of the owner, of the land upon which the open burning is to take place. Individuals representing themselves as an "agent of the owner" shall provide sufficient documentation of agency.

4. Permits shall be for a period of 30 days. However, the Fire Chief may extend the period for an additional 30 days, if in the opinion of the Fire Chief there was not an adequate number of days to accomplish the burning for which the permit was issued.

H. Burn Permit Revocation. The Laverne Fire Department shall have the authority to revoke any burn permit at any time due to weather conditions, excessive and justifiable complaints, non-compliance with this section or other state or federal laws, and ant time it is deemed in the best interest of the Town of Laverne. Permit fees will be returned in cases where the revocation is based on conditions outside of the control of the owner or agent of the owner.

I. Penalty. It shall be an offense for any person, firm, corporation, or other entity to violate the terms of this section, by either action or omission.

Section 8-110 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 8-111 UNLAWFUL TO LITTER.

A. Littering is defined as throwing any trash, refuse, wastepaper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, roadways 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 8-112 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, wastepaper, tin cans or any other substance or refuse whatever.

Section 8-113 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 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 8-114 ABANDONED REFRIGERATOR; APPLIANCES.

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

B. It is unlawful to utilize the premises of any property for the open storage of any stove or other appliance which has been abandoned, discarded or is in disrepair.

ARTICLE 2

(RESERVED)

ARTICLE 3

NUISANCES

Section 8-301 DEFINITION.

A nuisance shall mean the doing of an act unlawfully or omitting to perform a duty, which act or omission:

1. Annoys, injures, or endangers the comfort, repose, health and safety of others; or

2. Offends decency; or

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 square, street highway or public parking; or

4. In any way renders other persons insecure in life, or in the use of property; or

5. Involves the maintenance of any building or structure within the Town limits which by reason of age, dilapidation or decay is unsafe for occupancy; or constitutes a haven or refuge for vermin and rodents; or presents a fire hazard and endangers the security of other property; or

6. Permits the accumulation of rank vegetation, weeds, grass or other noxious matter or putrid substances; or in maintaining any trash, piles of rubbish, manure or other refuse which is dangerous to health or which in any manner constitutes a fire hazard.

State Law Reference: Similar provisions, 50 O.S. Section 1.

Section 8-302 UNLAWFUL TO MAINTAIN NUISANCE.

No person shall create or maintain a nuisance or permit it to be created or maintained upon property owned by him or under his control.

Section 8-303 ABATEMENT.

A. In addition to prosecution for violation of Section 8-302, whenever a nuisance is found to exist, the Town Superintendent may cause notice thereof to be given to the person maintaining or creating the nuisance or to the person owning or having control of the property upon which said nuisance exists, to abate such nuisance within the period of time stated in the notice, which shall be not less than three (3) days from the receipt of said notice. The notice shall be served personally or by certified mail. In the event the address is unknown, or the person cannot be located the notice shall be posted upon the property involved and published in the official paper of the Town for a period of five (5) days. If

notice is published the person in charge shall have ten (10) days from the last publication in order to abate such nuisance. In the event the nuisance is not abated after such notice as required, the Town Superintendent shall have the authority to abate it and charge the cost thereof to the person creating, maintaining or owning or in control of the property upon which the nuisance is created or maintained, and the person so charged shall be afforded an opportunity to appear and present witnesses and be heard. Should the governing body find that a nuisance has been created or maintained the person responsible shall be given a reasonable length of time to abate it.

B. Any person who fails to abate any nuisance as required by this article shall be guilty of an offense.

State Law Reference: Authority to define, prevent, remove, and abate nuisances, 11 O.S. Section 22-121.

ARTICLE 4

JUNKED, WRECKED MOTOR VEHICLES

Section 8-401 NUISANCE.

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the Town in places other than authorized junk yard or other areas authorized by the Town Board of Trustees 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 8-402 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning

given herein.

1. “Appropriate screen” shall mean an aesthetic barrier with a minimum opaque barrier not less than five (5) feet 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.

2. “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 8-403B “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 8-403B, 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.

3. "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

4. "Private property" means any real property within the Town, which is privately owned, and which is not public property as defined in this Section.

5. "Public property" means any street, alley, or highway

which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel and shall also mean any other publicly owned property or facility.

Section 8-403 STORING, PARKING OR LEAVING JUNK MOTOR VEHICLE OR ABANDONED MOTOR VEHICLE ON PUBLIC OR PRIVATE PROPERTY 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 Town. 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 in 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 8-404 PRESUMPTION OF ABANDONMENT.

A rebuttable presumption shall exist that a motor vehicle has been abandoned when:

1. Weed or grass undergrowth would indicate to a

reasonable person that the motor vehicle has not been moved, thereby permitting such growth to occur;

2. One or more wheels are flat or missing and the motor vehicle displays an expired license;

3. Portions of the motor vehicle which are needed for its operation or control are missing;

4. The Town has received reports from others as to the length of time such motor 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
5. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated.

Section 8-405 NOTICE TO REMOVE FROM PUBLIC PROPERTY.

Whenever it comes to the attention of the Code Enforcement Officer 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 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 Town code and of the twenty-four (24) hours to remove the nuisance from the public property. Concurrent with the abatement notice placed on the motor vehicle, the owner of the motor vehicle shall be issued a citation. Failure to remove the motor vehicle shall be an offense and shall be punishable as provided in Section 8-108 of this code.

SECTION 8-406 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 motor vehicle on public property shall be liable for all expenses reasonably incurred by the removal and disposition.

SECTION 8-407 NOTICE TO REMOVE FROM PRIVATE PROPERTY.

A. The Code Enforcement Officer 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 motor vehicle 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 Town 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 8-408 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 Town Superintendent or his designee within the ten (10) day compliance period, for the purpose of contesting the Town's demand for removal.

B. The hearing shall be held as soon as practicable. Notice of the time and place of hearing shall be directed to the person making the request. The Town Superintendent or his designee may take any action based on the evidence presented.

C. Persons to whom the Notice to Remove is directed pursuant to the provisions of this chapter, or their duly authorized agent, shall appear in municipal court pursuant to the citation and summons. Those persons convicted of violating these provisions, including the failure to abate a public nuisance pursuant to this chapter shall be assessed court costs and assessments in addition to any fine 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 Town attorney may recommend to the municipal court that charges be dropped.

SECTION 8-409 REMOVAL OF MOTOR VEHICLES 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 Town Superintendent or his 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 Code Enforcement Officer to 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 Town or the Code Enforcement Officer authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

SECTION 8-410 NOTICE OF REMOVAL.

Within forty-eight (48) hours of the removal of such junk vehicle, the Code Enforcement Officer 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 8-411 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.

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

SECTION 8-412 OPEN STORAGE OF MATERIALS

The entire front yard, side yards and backyard of any residentially zoned lot located in the Town, 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, and camper shells not mounted on motor vehicles, and trash, and junk and debris filled boats and trailers, including utility trailers. This section shall not apply to the items enclosed within a building on private property.

SECTION 8-413 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.

ARTICLE 5

DILAPIDATED AND UNSECURED BUILDINGS; GRAFFITI

Section 8-501 DEFINITIONS.

A. As used in this Article:

1. "Dilapidated building" means:

a. structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public,

b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public,

c. a structure which is determined by the municipal governing body or Town Superintendent or his designee to be an unsecured building, as defined by Section 8-504 of this Article, more than three times within any twelve-month period,

d. a structure which has been boarded and secured, as defined by Section 8-504 of this Article, for more than six (6) consecutive months, or

e. a structure declared by the municipal governing body to constitute a public nuisance.

2. "Owner" means the owner of record as shown by the most

current tax rolls of the county treasurer.

Section 8-502 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 Article:

1. 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 Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined 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

2. The Town Superintendent or his designee is hereby designated by the Town Board of Trustees to carry out the duties of the Town Board of Trustees specified in this Article. A hearing shall be held by the Town Superintendent or his 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 Town Superintendent or his designee may cause the dilapidated building to be torn down and removed. The Town Superintendent or his 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 Town Superintendent or his designee 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 Town Superintendent or his designee. The property owner shall have the right of appeal to the Town Board of Trustees from any order of the Town Superintendent or his 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. Effective November 1, 2004, any action to challenge the order of the Town Superintendent or his designee or municipal governing body (provided a written notice of appeal was timely filed with the Town clerk), shall be filed with an appropriate judicial forum within thirty (30) business days from the date of the order.

Section 8-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS

A. The Town Superintendent or his 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 8-502. 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 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 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 Article 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 Article 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 8-504 BOARDING AND SECURING DILAPIDATED BUILDINGS, PROCEDURE, NOTICE.

A. After a building has been declared dilapidated, as provided in this Article, and before the commencement of the tearing and removal of a dilapidated building, the Town 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 Article.

B. The Town may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with Article 1.

C. The Town Superintendent or his designee is hereby designated by the Town Board of Trustees to carry out the following duties of the Town Board of Trustees. The Town Superintendent or his designee may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the Town 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 8-502. 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 mailee. 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 Town or Town Superintendent or his 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-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 his 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 Town Board of Trustees;

3. If the property owner does not give his written consent to such actions, a hearing may be held by the Town 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 Article 1. In making such determination, the Town Board of Trustees shall apply the following standard: the Town 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 Town 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 Town 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 Town 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 8-503. 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 mailee. 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 Town Board of Trustees from any order of the Town Superintendent or his 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.

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-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 subsection 1 of this Section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in subsection 7.

10. The Town 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 8-505 OTHER POWERS.

Nothing in the provisions of this Article 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 8-506 EXCEPTION.

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

Section 8-507 REMOVAL OF GRAFFITI.

A. The Town may cause graffiti to be removed from property within the Town limits in accordance with the following procedures:

2. The property owner and the tenant, if any, may give their written consent to the Town authorizing removal of the graffiti. By giving such written consent, the owner, and the tenant each waives the right to notice and a hearing by the Town as otherwise required by this Section;

2. If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the Town may remove the graffiti without such consent pursuant to the procedures set forth in this Section;

3. To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days of the date of the notice the work shall be done by the Town. At the time of mailing of notice to the property owner and the tenant, if any, 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(s). In addition, notice shall be given by

posting a copy of the notice on the property at least one time not less than ten (10) days prior to any hearing or action by the Town. If the Town Board of Trustees anticipates summary abatement of graffiti in accordance with the provisions of this Section, the notice shall state that any accumulations of graffiti on the property occurring within one (1) year from and after the date of the notice may be summarily abated by the Town without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the property once not less than two (2) business days prior to such summary abatement.

4. A hearing may be held by the Town Board of Trustees to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community;

5. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefitted by removal of such conditions, the agents of the Town are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the Town.

6. The Town hereby designates the Town Superintendent or his designee to perform the functions set forth in this Section. The property owner and the tenant, if any, shall have a right of appeal to the Town Board of Trustees from the decision of the Town Superintendent or his designee. Such appeal shall be taken by filing written notice of appeal with the Town clerk within ten (10) business days after the administrative order is rendered.

B. If a notice is given by the Town to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures provided for in subsection A of this Section, any subsequent accumulations of graffiti on the property occurring within a one (1) year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the Town, notice thereof shall be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk

show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to subsection A of this Section.

C. Removal of graffiti by a Town pursuant to the provisions of this Section shall be performed at the sole expense of the Town. In removing the graffiti, the Town shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

D. Nothing in the provisions of this Section shall prevent the Town from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public.

E. The Town and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this Section.

F. For the purposes of this Section:

1. "Advertising" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public;

2. "Graffiti" means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant;

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;

4. "Removal," "remove," or "removed," when used in relation to the eradication of graffiti means the act of taking

graffiti off of, or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure; and

5. "Tenant" means any person shown by the records of the county clerk's office as a lessee of property, or any person lawfully in actual physical possession of property.

ARTICLE 6

ENFORCEMENT

Section 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

Anywhere in this chapter where the word or words "health officer" are used it may be construed to mean the director of the county health department or his duly designated representative unless another person is designated by the Town Superintendent. It is the intent and purpose of the 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 of Trustees upon an appeal from an offender.

Section 8-602 OBSTRUCTING HEALTH OFFICER.

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

Section 8-603 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 8-604 APPOINTMENT OF CODE ENFORCEMENT OFFICER.

The Town Superintendent shall appoint the Code Enforcement Officer. The Code Enforcement Officer is authorized to enforce the provisions of the Laverne Municipal Code, as it now or may hereinafter be constituted, contained in Chapter 5 “Building Regulations and Codes”, Chapter 8 “Health and Sanitation”,

Chapter 12 “Planning, Zoning and Development”, other miscellaneous national and international codes adopted by reference within the previous cited chapters, and other sections of the Code as directed by the Town Superintendent (hereinafter referenced to as “code enforcement violations”). The Code Enforcement Officer shall have the authority to issue code enforcement violations to any person, firm, corporation, or any entity who violates such provisions of this Code.

CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

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CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

ARTICLE 1

OCCUPATIONAL LICENSE FEES

Section 9-101 LICENSE REQUIRED; FEE LEVIED ON CERTAIN OCCUPATIONS.

A. It is unlawful for any person to engage in, exercise or pursue any business, profession, trade, occupation, privilege or other activity for which a license is required or a license fee or tax is levied by any provision of this code or other ordinance of the Town, without paying the license fee or tax and securing and possessing a valid license therefor.

B. A license fee is levied on every person engaging in, exercising, or pursuing any of the businesses, professions, trades, occupations, or privileges in this Town, as may be provided by the Town Board of Trustees.

C. In order to receive a license under this code, every person, firm or corporation regulated pursuant to this Section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject collection of sales taxes under the sales tax code of the Town and state. A copy of this permit shall be provided by the applicant for a license to the Town clerk prior to issuance of the Town license.

Cross Reference: See also 3-101 et seq. on alcohol and beer licenses, 5-201 et seq. on plumbers, electricians.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Section 22-106, 22-107.

Section 9-102 SEPARATE LICENSES REQUIRED.

Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the Town, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

Section 9-103 LICENSE TO BE DISPLAYED.

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who request to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement device, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this Section.

Section 9-104 LICENSE MAY BE REVOKED.

Any license issued by the Town to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the Town Board of Trustees after adequate opportunity for a hearing.

Section 9-105 TRANSFER OF LICENSE PROHIBITED.

The assignment or transfer of licenses shall not be permitted in this Town.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

Section 9-106 DUPLICATE LICENSE.

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

Section 9-107 ISSUANCE AND EXECUTION.

The Town clerk shall issue a license required by this code or other ordinance, when the applicant has filed a proper application, therefor, paid the required tax or fee and complied with all other requirements prescribed for obtaining such license. Each such license so issued shall be signed by the Town Superintendent and Town clerk and the corporate seal of the Town shall be affixed thereto. Such license shall be in suitable form and express the purpose for which it is issued.

Section 9-108 SUBJECT TO STATE LAW AND TOWN ORDINANCES.

All licenses shall be issued subject to the ordinances of the Town and the laws of the state. No license shall be construed as authority to do or omit to do any act in violation of law or ordinance.

Section 9-109 APPEALS.

In the event any applicant shall be denied a license by the Town clerk, said applicant shall have the right to appeal to the Town Board of Trustees at the next regularly scheduled meeting, and said Town Board of Trustees shall have the right and power to overrule said denial and to issue a license.

ARTICLE 2

SOLICITORS AND CANVASSERS

Section 9-201 DEFINITIONS.

A. As used in this Article the terms "solicitor" or "canvasser," shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of every nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

B. As used in this Article the term "peddler" shall include the words "hawker" and "huckster" and shall mean any

person who travels by foot or by any type of conveyance from place to place, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance.

C. As used in this Article, the term "itinerant merchant/transient street vendor" shall mean any person engaged in the business or occupation of selling any merchandise, products or services from a temporary indoor or outdoor location obtained from an owner or lease holder or obtained by occupying the location without permission, or by occupying a location on a street right-of-way.

D. As used in this Article, the term "coupon book seller" shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sales of coupon books which are to be used for discounts or free goods, wares, merchandise, personal property of every nature whatsoever, for future delivery, whether or not such individual has, carries or exposes for sale a sample of the coupon book for sale or whether he is collecting advance payments on such sales or not.

E. The definitions of solicitor, canvasser, peddler, hawker, huckster, itinerant merchant/transient street vendor and coupon book seller also includes any person who, without invitation, goes on private or public property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes excepting the following shall be specifically exempted from regulation pursuant to these provisions:

1. Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;

2. Wholesale trade shows or conventions;

3. Fairs and convention center activities conducted primarily for amusement or entertainment;

4. Any general sale, fair, auction, or bazaar sponsored

by any church;

6. Any sale sponsored by public or private schools, boy scouts, girl scouts, campfire girls and similar organizations for children;

7. Trade fairs;

8. Flea markets;

9. Garage sales held on the premises devoted to residential use;

10. Sales of agricultural products, including Christmas trees and firewood;

11. Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of such premises;

12. Any person who maintains a permanent place of business in this state and has a registered agent therein upon whom process, notice, or demand permitted by law may be made;

13. Sales of Bibles.

Section 9-202 FRAUD, ETC.

It shall be unlawful and an offense for any solicitor, peddler, itinerant merchant/transient street vendor, or coupon book seller:

1. To harass, threaten, coerce, or otherwise unreasonably apply duress to any citizen or otherwise breach the peace while attempting to perform the services of a solicitor or coupon book seller;

2. To fail to provide any goods or services which have been paid for, in full or in part;

3. To defraud, trick, cheat or otherwise mislead any person into subscribing for or purchasing any good or service when the solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller knows or should know that the good or service will not be provided or delivered.

Any person denied a license may appeal to the Town commission by filing notice thereof with the Town clerk within five (5) days of the denial. The Town commission shall render a decision at its next regular meeting.

Section 9-203 REQUIRED.

A. No person shall engage in the business of solicitor without first having obtained a solicitor's license.

B. No person shall engage in the business of peddler without first having obtained a peddler’s license.

C. No person shall engage in the business of itinerant merchant/transient street vendor without first having obtained an itinerant merchant/transient street vendor's license.

D. No person shall engage in the business of coupon book seller without first having obtained a coupon book seller's license.

E. No person shall employ any person covered by subsection A or D hereof without having obtained a solicitor's business license or a coupon book seller's business license.

State Law Reference: Authority to license solicitors, 11 O.S. Section 22-106.

Section 9-204 APPLICATION.

An application for a solicitor's, peddler's, itinerant merchant/transient street vendor's or coupon book seller's license shall be sworn to and filed with the Town clerk. It shall contain the following:

1. Full name, description, birth date, and social security number of each individual applicant.

2. Address, both permanent and local.

3. Nature of business and kinds of goods to be sold, and if applicant is a farmer or truck gardener, whether said goods are produced by him on land he owns, cultivates, and controls.

4. If employed by another, the name and address of applicant's employer together with a brief description of

credentials showing the exact relationship.

5. Description and license number or other identification of any vehicle to be used.

6. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma Sales Tax claimed.

9. The names of at least two (2) reliable property owners in the Town, provided, however, for itinerant merchant/transient street vendors, two (2) reliable property owners from within the state will suffice, who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

10. Documents from the county court clerk's office that establish that the business has complied with state law, in particular the requirements of posting bond pursuant to Title 19 of Oklahoma Statues Section 1608. This provision is to apply only to itinerant merchant/transient street vendors.

Section 9-205 SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE; APPLICATION.

An application for a solicitor's business license or a coupon book seller's business license shall be sworn to and filed with the Town clerk. It shall contain the following:

1. Name and description of applicant, and, if applicable, corporation, business or firm represented.

2. Address of applicant, both permanent and local, and, if applicable, address of corporation, business or firm represented.

3. A description of the nature and type of business to be carried on, including kinds of goods to be sold. For coupon book sellers, a copy of all contracts with merchants for delivery of

goods and services shall be provided. For solicitors and coupon book sellers, a copy of the sales pitch shall be furnished the Town if one is to be made over the telephone.

4. Description and license number or other means of identification of automobiles or means of transportation to be used, if any.

5. The names of at least two (2) reliable property owners in the Town who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

6. A statement as to whether or not the applicant or any employees of applicant have been convicted of a crime or misdemeanor or violation of any municipal ordinance and if so, the nature of the same and the punishment assessed therefor.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma and local sales tax claimed.

9. The names, addresses and description of all solicitors and peddlers employed by applicant.

Section 9-206 INVESTIGATION AND ISSUANCE.

A. Upon receipt of the application for a solicitor's license, solicitor's business license, coupon book seller's license, or coupon book seller's business license, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.

B. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the chief of police shall so endorse on the application and return it to the director of finance, and no license shall be issued.

C. If, as a result of such investigation, the character of the business and responsibility of the applicant are found to be satisfactory, the chief of police shall so endorse on the

application and return it to the director of finance who shall then issue the license upon payment of the required fee.

D. The chief of police may deny a license under this article for any of the following reasons:

1. The location and time of solicitation or peddling would endanger the safety and welfare of the licenses or their customers;

2. An investigation reveals that the applicant falsified information on the application;

3. The applicant has been convicted of a felony, a misdemeanor or ordinance involving a sex offense, trafficking in controlled substances, or any violent acts against person or property, such conviction being entered with ten (10) years preceding the date of the application;

4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

5. There is no proof as to the authority of the applicant to serve as an agent to the principal; or

6. The applicant has been denied a permit under this Article within the past three (3) years or been convicted or an offense prohibited by this article within the past three (3) years, unless the applicant can and does show the chief of police that the reason for such earlier denial or conviction no longer exist.

Section 9-207 FEE.

No person shall be issued a solicitor's, peddler's, itinerant merchant/transient street vendor's, coupon book seller's license, solicitor's business license or coupon book seller's business license until he pays the following fee: Annual permit shall be $120.00 and $10.00 for a daily permit.

Section 9-208 EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER.

For purposes of the suspension or revocation of a

solicitor's business license or a coupon book seller's license, it shall be sufficient to show that any solicitor or seller in the employ of such license holder has violated any provisions of this article.

Section 9-209 TERM.

Any license issued pursuant to the terms of this article shall expire one year from the date of its issuance.

Section 9-210 DISPLAY.

Solicitors, peddler, itinerant merchant/transient street vendors and coupon book sellers employing solicitors, peddlers, itinerant merchant/transient street vendors and coupon book sellers shall exhibit their licenses at the request of any person.

Section 9-211 TRANSFER.

No license issued under the provisions of this article shall be transferable.

Section 9-212 EXCEPTION FOR INTERSTATE COMMERCE.

If any individual, whether a solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller is engaged in interstate commerce, the individual must bring in proof of the interstate commerce nature of his business to the director of finance. The director of finance will make a determination of whether or not the business does involve interstate commerce. If it does, a license will be issued, and the fee will be waived. If not, the individual can be licensed pursuant to the licensing requirements in this chapter. A denial of the interstate commerce exception of the fee process may be appealed to the Town commission.

Section 9-213 OTHER REGULATIONS.

A. No solicitor, peddler, itinerant merchant/transient street vendor, or coupon book seller, or any other person performing such same or similar operations although exempted from the requirement to obtain a license hereunder, shall be permitted to operate in the following areas of public space:

a. Within 25 feet of any street intersection or pedestrian

crosswalk.

b. Within 25 feet of any driveway, loading zone or bus stop.

c. On a median strip of a divided roadway

d. Against display window of fixed location businesses.

e. Any area within 1000 feet of a hospital, or public or private school.

f. Within 25 feet of any fire hydrant or fire escape.

g. Within 100 feet of any parking spaces or access ramp for persons with disabilities.

B. No solicitor, peddler, itinerant merchant/transient street, or coupon book seller, or any other person performing such same or similar operations although exempted from the requirement to obtain a license hereunder, shall do any of the following:

1. Unduly obstruct pedestrian or motor vehicle traffic flow.

2. Obstruct traffic signals or regulatory signs.

3. Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.

4. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

C. The provisions of this Section shall not apply to:

1. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;

2. The placing and maintenance of unattended stands or sales devices for the sale, display, or offering for sale of newspapers, magazines, periodicals, and paper bound books;

3. The distribution of free samples of goods, wares, and merchandise by an individual from his person.

ARTICLE 3

SECURITY AND FIRE ALARM SYSTEMS

Section 9-301 PURPOSE.

While recognizing the value of effective alarm systems in deterring crime and preventing fire losses and while encouraging the use of such alarm systems, it is the purpose of this article to require minimum standards for alarm systems and services and to license users thereof to improve system effectiveness and to reduce, insofar as possible, the misuse of emergency public service.

Section 9-302 DEFINITIONS.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Alarm business shall mean any person or firm engaging in the business of installing, assisting in the installation, servicing, maintaining, repairing, replacing, moving, or removing alarm systems in the Town, and duly licensed by the state, but shall not include the Town of Laverne or any department of such Town.

Alarm system shall mean any mechanism, equipment or device which is designed to detect the presence of a fire, or an unauthorized entry or activity in any building or on any property, or to direct attention to a fire, robbery, burglary, or other emergency in progress, and which is designed to signal the above occurrences either by a local or audible alarm which is visible or perceptible outside the building or property or by a silent or remote alarm, directly or indirectly (by a third party), to the police or fire department. The following exclusions are not considered alarm systems within the meaning of this definition:

1. Devices which only activate alarms that are audible, visible, or perceptible inside the protected premises.

2. Alarm devices affixed to motor vehicles.

3. Alarm devices installed on a temporary basis by the police or fire department.

4. Alarm devices installed in or on premises owned or leased by the Town.

Answering Service shall mean a telephone answering service providing, among its services, the receiving, on a continuous basis through trained employees, of emergency signals from alarm systems and the subsequent relaying of said messages to the police or fire department on a person-to-person basis.

Applicant shall mean any person who has requested or is requesting an owner or user permit to install, operate or maintain an alarm system at a particular location.

Automatic dialing service shall mean an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, any type of communication or message indicating the existence of an emergency situation that the alarm system is designed to detect.

Central Station shall mean an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals. For purposes of fire alarms, informational relay systems shall be in compliance with the National Fire Prevention Association (hereinafter "NFPA") standards as set forth in NFPA 71, Central Station Signaling Systems, NFPA 72A, Local Protective Signaling Systems, NFPA 72B, Auxiliary Protective Signaling Systems, or NFPA 72C, Remote Station Protective Signaling Systems.

Direct line shall mean a telephone line leading directly from a central station to the police or fire department, where such line is used only to report emergency signals.

Emergency shall mean the existence of a fire, the commission or attempted commission of a robbery, burglary, or other criminal action.

Employee shall mean any person who is employed by an alarm business and who installs, services, maintains, repairs, or replaces alarm systems in the Town.

Enhanced 911 system shall mean an emergency phone system which is designed to receive emergency phone calls by dialing the three-digit number 9-1-1. The system places the person requesting emergency service in touch with fire, police, and ambulance services by dialing a single number.

False alarm shall mean the activation of an alarm system through mechanical failure, malfunction, the negligence of the alarm business operator or his employees or agents, or the negligence of the owner, user or lessee of an alarm or his employees or agents, or which otherwise elicits a response by a law enforcement agency or the fire department when a situation requiring such response does not in fact exist. A false alarm shall also mean the activation of an alarm, the purpose of which is to communicate or indicate a specific emergency situation, when in fact that specific emergency situation does not exist. Such terminology does not include, for example, alarms activated by utility line mishaps, tornadoes, earthquakes, or other violent conditions of nature, or other conditions clearly beyond the control of the alarm manufacturer, installer, owner, or user.

Modified central station shall mean an office to which alarm systems are connected, where operators supervise the circuits but where guards are not maintained to investigate alarm signals.

Permittee shall mean any person to whom an alarm system owner or user permit is issued.

Trunkline shall mean a telephone line leading into the police or fire department and having the primary purpose of handling emergency signals or messages on a person-to-person basis originating through a central station, modified central station or answering service.

Section 9-303 ALARM BUSINESS TO POSSESS STATE LICENSE.

A. License required. It shall be unlawful for any person to own, manage, conduct, or carry on an alarm business within the Town unless there exists a valid license issued thereto pursuant to the state's alarm industry act. No person performing any of the alarm business functions at the time of the adoption of this article shall fail to obtain such a license within the time provided by the act.

B. Employees. It shall be unlawful for any person who is

employed for the purpose of engaging in the installing, servicing, maintaining, repairing, moving, or removing, in or on any building or other property within the Town, fire, burglary, robbery or other emergency alarm system, to engage in such activities unless such person is employed by a business duly licensed pursuant to the state's alarm industry act.

Section 9-304 PERMIT-OWNER OR USER OF ALARM SYSTEM; REQUIRED; APPLICATION FEE.

A. Owner or user permit required. No person shall install, connect, operate, maintain, or engage another person to install, operate, connect or maintain, an alarm system at a particular location without first obtaining an alarm system permit from the Town. No person owning or using an alarm system at the time of the adoption of this article shall fail to obtain the required permit within the time provided in this article. Such permit shall be maintained on the premises with the alarm system and shall be visible from the exterior and shall be located on or immediately adjacent to the front or main entrance of the premises.

1. Application. The application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected or maintained and the name of the person or state licensed alarm system business installing, maintaining, or servicing the system, as well as the type (fire, burglar, etc.) of system to be installed, operated or maintained. Such application shall also contain such additional information as the chief of police or fire chief shall reasonably deem necessary for the evaluation and proper processing of the application.

2. Fee. A person required to obtain an alarm system permit shall pay to the Town at the time of application, a non-refundable fee of Ten Dollars ($10.00).

Section 9-305 SUSPENSION, REVOCATION OR DENIAL; APPEALS.

A. Suspension or revocation. In addition to any penalties which may be imposed for the violation of the provisions of this article, the Town may, pursuant to the provisions of this Section, suspend or revoke an owner or user permit on any of the following grounds:

1. Fraud or willful and knowing misrepresentation or false statement made in an application for permit.

2. Failure to correct any deficiencies in equipment or operation within seven (7) days after receipt of notice of same from the chief of police or fire chief.

3. Failure to comply with any order or notice issued by the chief of police or fire chief after the permittee's rights to hearing and appeal have been exhausted, or failure to comply with the standards imposed by this article within seven (7) days after notice or order from the chief of police or fire chief.

4. Failure to comply with the regulations and requirements of this article or as otherwise established in this Code.

Section 9-306 NOTICE; EXCESSIVE FALSE ALARMS; SUSPENSION; CORRECTIVE ACTION; APPEALS; REINSTATEMENT FEE.

A. Notice. If an excessive number of false alarms occur at any alarm location, the police department or fire department shall give written notice to the alarm system permittee and to the alarm business responsible for maintaining and servicing the systems, as shown on the permit and application, to take corrective action within seven (7) calendar days to prevent future false alarms.

B. Excessive false alarms. An excessive number of false alarms shall be deemed to be more than four (4) false alarms within any three-month period.

C. Suspension after notice. If the corrective action is not accomplished and communicated in writing to the department giving notice within seven (7) days by the permittee or the alarm business, written notice of suspension of the alarm system permit shall be served upon the permittee by the police or fire department by certified mail, return receipt requested. Such suspension shall require the permittee to immediately remove or disconnect the alarm system.

D. Reinstatement. After an alarm permit has been suspended, the permit shall not be reinstated until the permittee submits a written request to the department suspending the permit, accompanied by a statement that corrective action has taken place. The department acting hereunder shall charge

the permittee a reinstatement fee.

E. Appeals. Is shall be unlawful for any person to operate or maintain or fail to remove or disconnect his alarm system while his alarm system permit is suspended or after it has been revoked. Any person aggrieved by the action of the police or fire department in ordering the suspension or revocation of a permit under this Section and requiring the disconnection or removal of the alarm system, may appeal such action to the Town Superintendent and Town Board of Trustees.

Section 9-307 ADMINISTRATION AND ENFORCEMENT; INSPECTION.

A. Administration. The provisions of this article shall be administered and enforced by the chief of police and the fire chief. The fire chief, or his designate, is authorized to make inspections of fire and other emergency alarm systems and of the premises where said device or system is located, or as otherwise provided herein.

B. Inspection. Any inspection of an alarm location or premises shall be the same as provided in this Code.

Section 9-308 INSTRUCTION AS TO OPERATION OF SYSTEMS.

A. Duty. The person owning an alarm business, or an employee of such business shall instruct the alarm system permittee in the proper operation of the system when it is installed. It shall also be the responsibility of the alarm business to see that all employees at the location at which said system is installed are instructed in proper operating procedures to avoid false alarm signals. It shall be the responsibility of the alarm system permittee to cause the system to be maintained in reliable operating condition.

B. Service contract required. All alarm businesses shall offer a service contract to ensure that emergency service and preventative maintenance are performed on the system.

Section 9-309 EMERGENCY NOTIFICATION; MAINTENANCE OF RECORDS; DESIGNATED PERSONNEL.

A. Emergency notification. Every person maintaining an audible fire, burglary, robbery, or other emergency alarm system shall make readily visible, either on or immediately adjacent to the front or main entrance of the building housing the alarm,

the permit assigned to that particular alarm system.

B. Records. The alarm business shall maintain records of at least two (2) personnel who are designated to respond in case of emergencies.

C. Designated personnel. Upon proper notification of any emergency condition, the owner's or user's designated personnel, which may by agreement be assumed by the alarm business, shall proceed immediately to the location of the activated alarm and render all necessary service and assistance to restore the alarm to normal condition.

Section 9-310 EMERGENCY CALL RECORDS.

Alarm businesses who request police or fire department response to alarm signals shall maintain a record of all such emergency calls stating the time, date, location of the alarm and the department called. The records shall indicate the cause of the alarm, and if that alarm is not caused by fire, burglary, robbery, or other emergency, the records shall state corrective action taken to prevent the recurrence of the alarm. This record shall be current and shall be made available for inspection by the chief of police and fire chief, or their designated representatives, at any time during normal business hours.

Section 9-311 MINIMAL SYSTEM REQUIREMENTS.

A. Fire, burglary, robbery or other emergency alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped so as to automatically discontinue the alarm within thirty (30) minutes, unless the system is maintained by an alarm business with twenty-four hour service employees who can respond within thirty (30) minutes after notification.

B. Every alarm system shall have an uninterruptible power supply system which will sustain the operation of the alarm system for a minimum period of four (4) hours.

C. All alarm systems and fire detection systems must also comply with NFPA 71, Central Station Signaling Systems, NFPA 72A, Local Protective Signaling Systems, NFPA 72B, Auxiliary Protective Signaling systems, or NFPA 72C, Remote Station Protective Signaling systems, adopted hereby and incorporated

herein by reference. If any inconsistency or conflict exists between this Code and the aforementioned NFPA provisions, the stricter standard shall apply.

Section 9-312 OPERATIONAL DEFECTS TO BE REMEDIED.

The sensory mechanisms used in connection with the fire, robbery, burglary or other emergency alarm systems shall be adjusted to suppress false alarms so that the service will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, or other forces unrelated to genuine alarms.

Section 9-313 NOTIFICATION OF TESTS.

Alarm businesses and permittee shall notify the police dispatcher at police communications and shall notify the fire marshal or the fire department dispatcher prior to any service, test, repair, maintenance, adjustment, alteration or installation of any alarm system which would directly or indirectly result in an emergency services response. Any alarm received after such notification while the system is out of service shall not constitute a false alarm. Alarm businesses and permittee shall notify the police and fire departments when said system is back in service.

Section 9-314 AUTOMATIC DIALING DEVICES AND PRERECORDED OR PROGRAMMED MESSAGE ALARM SYSTEMS REQUIREMENTS.

A. Automatic dialing devices with prerecorded or programmed messages shall be programmed or coded to dial the phone number designated by the police and fire departments, and to dial a third party whose name appears on the permit application.

B. The prerecorded or programmed message shall contain the following information:

1. The address and phone number at the location where the emergency exists.

2. The permit number issued and assigned by the Town to this system.

3. The type of emergency the system is designed to detect; for example, a fire, a break-in while the premises are unattended, or a life-threatening situation.

C. The prerecorded or programmed message shall not last longer than twenty-five (25) seconds and shall not be repeated more than twice, and if repeated shall have a ten second pause between the repeated message. In no case shall said messages or recordings transmit said information for a period of longer than sixty (60) seconds.

D. It shall be unlawful for any person to program an automatic dialing device to any telephone line which when activated dials the digits 9-1-1. When their permit is issued, the permittee shall be given a phone number designated by police and fire departments for use by alarm systems with automatic dialing devices.

E. It shall be unlawful for a permittee to fail to disconnect or reprogram an automatic dialing device which is programmed to dial the digits 9-1-1.

F. A violation of Section 5-33(4) or (5) shall be deemed an offense, and the responsible party shall further pay all fines, court costs, and an assessment for the resulting costs of any dispatching emergency personnel and equipment for each such offense.

Section 9-315 NOTICE OF DISRUPTION IN SERVICE.

When an alarm business' service to its subscribers is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers that protection is no longer provided.

Section 9-316 NOTIFICATION OF CHANGE OF INFORMATION REQUIRED ON PERMIT APPLICATION; OWNERSHIP; RENEWALS OR PERMITS; CONFIDENTIALITY.

A. Whenever a change occurs relating to the written information required on the permit application, listing requirements, or other documents filed with the Town, the applicant or permittee shall give written notice of said change to the police and fire departments within ten (10) days thereof.

B. Any changes of ownership at a location formerly or

currently utilizing an alarm system shall be construed as a new installation and shall require the necessary permit and fees.

C. The replacing, modifying, or altering of an existing permitted system shall not constitute a new installation. Such replacement shall be subject to the existing permit. However, any change of permit or license information caused by such action shall be given in writing to the police department within ten (10) days.

D. The information required by this article shall be maintained as confidential and shall only be used for law enforcement purposes, and statistical studies in which information on individuals could not be discovered. Any unauthorized disclosure is punishable as provided in this article.

Section 9-317 NOTICE REQUIREMENTS.

Whenever a written notice of revocation, correction, suspension, etc., is required of the Town, service shall be deemed complete upon deposit in the United States mail.

Section 9-318 APPLICABILITY TO EXISTING ALARM SYSTEMS, ALARM BUSINESSES, EMPLOYEES, OWNERS AND USERS.

The provisions of this article shall apply to all alarm systems, alarm businesses, alarm business employees and owners or users of alarm systems which are installed, connected, operated, maintained or existing on or before the effective date of this article, as well as all systems, businesses, employees and owners or users existing subsequent to the effective date hereof; provided, however, that for all systems existing, installed and operating on the effective date of this article, a permit may be obtained without charge within ninety (90) days of the effective date of this article; thereafter, the fee established herein shall be imposed; further provided, that the permits required for prior existing alarm systems and owners or users of alarm systems shall be obtained within ninety (90) days from the date on which this article becomes effective.

Section 9-319 VIOLATIONS AND PENALTIES.

Violations. Any person failing to comply with the provisions of this article shall be deemed in violation hereof and shall be subject to the penalty provided herein. Any person

violating any provision of this article shall, upon conviction thereof, be subject to a fine not to exceed Fifty Dollars ($50.00), plus costs, unless otherwise stated. Every day that a violation exists shall constitute a separate violation and shall be subject to the full penalty contained herein.

ARTICLE 4

CABLE TELEVISION SYSTEMS

Section 9-401 LICENSING REQUIREMENTS

There is hereby established a licensing requirement for operation of community antenna television systems in the town. The license shall be issued by the town clerk after application has been duly made and approval granted by the town board of trustees. Licenses issued should be nonexclusive and shall not exceed a period of 25 years and may be revocable by the town. A license issued may not be assigned or transferred without obtaining approval of the town board of trustees.

Section 9-402 FEES

The holder of any license shall pay to the town, as compensation for the right and privileges enjoyed under the license, a sum equal to 2% of the gross revenue received by the holder of the license, said fee to be due and payable in monthly installments on or before the 10th day of each and every month for gross revenues collected for the previous month. If sales tax is charged on the service or should hereinafter be charged on the service during the term of any license, then the license fee shall be abated during the term that sales tax is paid.

Section 9-403 SCOPE OF LICENSE

The license to be issued shall grant the right to construct, maintain and operate in the town all necessary wiring, cable poles and other apparatus for the purpose of operating and extending to the citizens of the town a system of cable television by transmission of electric impulses and television signals originating in a central studio or other facility over cables, wires or other means, such as visual and audible entertainment being reproduced through television sets or other electronic devices, and to use all of the streets, alleys and public places of the town now owned are hereafter acquired for said purposes.

Section 9-404 COMPLIANCE WITH TOWN REGULATIONS

It shall be the duty of the licensee to comply with the rules and regulations of the town and the use of the municipal utility poles for the purpose of carrying transmission lines of the licensee.

ARTICLE 5

MEDICAL MARIJUANA DISPENSARIES, MEDICAL MARIJUANA GROWER FACILITIES, AND MEDICAL MARIJUANA PROCESSOR FACILITIES

Section 9-501 DEFINITIONS.

1. "Application" means an Application for a Permit under this Article and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the "Applicant".

2. "Clerk" means the Laverne Town Clerk or his/her designee.

3. "Code Enforcement Officer" means the Laverne Code Enforcement Officer or his/her designee.

4. "License" means a current and valid License for a Medical Marijuana Dispensary facility issued by the State of Oklahoma.

5. "Licensee" means a person holding a current and valid Oklahoma license for a Medical Marijuana Dispensary facility.

6. "Permit" means a current and valid permit for a Medical Marijuana Dispensary facility issued under this Article, which shall be granted to a permit holder only for and limited to a specific Permitted Premises and specific Permitted Property.

7. "Permit Holder" means the person that holds a current and valid permit issued under this Article.

8. "Permitted Premises" means the particular building or buildings within which the permit holder will be authorized to conduct the facility's activities pursuant to the permit.

9. "Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which the permitted premises are situated.

10. “Person” means a natural person, company, partnership, profit or non-profit corporation, limited liability company or any joint venture for a common purpose.

11. “Medical Marijuana Grower Facility” means an establishment licensed under Title 63, Section 422 of the Oklahoma Statutes whereby the growing of medical Marijuana is conducted on the premises and then sold to a licensed retailer or processor.

12. “Medical Marijuana Dispensary” means an establishment licensed under Title 63, Section 421 of the Oklahoma Statutes whereby the retail sale of medical Marijuana is conducted on the premises.

13. “Medical Marijuana Processor Facility” means an establishment licensed under Title 63, Section 423 of the Oklahoma Statutes, whereby Marijuana plants are processed (packaged) into the concentrates, edible, and other forms for consumption and then sold to a licensed retailer.

Section 9-502 MEDICAL MARIJUANA DISPENSARY

1. No person shall operate a Medical Marijuana Dispensary at any time or any location within the Town of Laverne unless a currently effective permit for that business at that location has been issued under this Article.

2. Medical Marijuana Dispensary shall operate only as allowed under this Article.

3. The requirements set forth in this Article shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state, or local laws, regulations, codes or ordinances.

4. All operators of Medical Marijuana Dispensaries are required to obtain a Medical Marijuana Dispensary Permit from the Municipal Clerk.

5. The Medical Marijuana Dispensaries Permit Fee shall be Six Hundred Dollars ($600.00) per year. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration, and enforcement of retail marijuana establishments.

6. A Medical Marijuana Dispensary Permit shall only be located within the areas of the town which are commercial in nature, such as along Hwy. 58 and Main Street but not within any residential district.

7. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Town of Laverne with all material changes in any information submitted on an Application and any other changes that may materially affect any state license or its Town Permit.

8. No Permit issued under this Article may be assigned or transferred to any person unless the assignee or transferee has submitted an Application and all required fees under this Article and has been granted a Permit by the Town of Laverne. No Permit issued under this Article is transferrable to any other location except for the Permitted Premises on the Permitted Property.

9. The original Permit issued under this Article shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.

10. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, manager, agents and employees for any state, federal or local law enforcement to conduct lawful examinations of the facility and all articles of property in that facility during business hours to ensure compliance with this Article, and other local regulations, and with the Permit.

11. No Permit shall be granted or renewed for a Medical Marijuana Dispensary in a residence.

12. In addition to the terms of this Article, any Medical Marijuana Dispensary shall comply in all respect with the terms of its zoning district, and with all other applicable federal, state, and local ordinance, laws, codes and regulations. To the extent that the terms of this Article are in conflict with the terms of any other applicable federal, state, or local ordinances, laws, codes or regulations, the terms of the most restrictive ordinance, law, code, or regulation shall control.

13. No Medical Marijuana Dispensary shall be located within 1,000 feet from a public or private school. This distance is measured by a straight line (shortest distance) from the property line of the dispensary to any entrance of the school.

14. Application. An application for a Permit for a Retail Marijuana Establishment shall be submitted to the Town Clerk, and shall contain the following information:

A. The name, address, phone number and email address of the proposed Permit Holder and the proposed Medical Marijuana Dispensary location.

B. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Medical Marijuana Dispensary facility.

C. One (1) copy of all the following:

D. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Medical Marijuana Dispensary.

E. If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status, attach a copy of all company formation documents (including amendments), proof registration with State of Oklahoma, and a certificate of good standing.

F. A valid, unexpired driver's license or state issued ID for all owners, directors, officers, and managers of the proposed Establishment.

G. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.

H. Non-refundable Application fee.

I. Submit a Business and Operations Plan, showing in detail the Medical Marijuana Establishment's proposed plan of operation, including the anticipated number of employees, a

security plan, a description by category of all products to be sold, a description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from the outside of the Permitted Premises, and a plan for the disposal of Marijuana and related by-products that will be used at the establishment.

J. Whether the applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in the State of Oklahoma or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or non-renewal, including the licensing authority, the date each action was taken, and the reason for each action.

K. Information regarding any other Medical Marijuana Dispensary that the Licensee is authorized to operate in any other jurisdiction within the State of Oklahoma, or any other State, and the Applicant's involvement in each facility.

L. Any other information reasonably requested by the Town of Laverne to be relevant to the processing or consideration of the Application.

Section 9-503 CONDITIONS OF OPERATION

A. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

B. The Medical Marijuana Dispensary shall collect the applicable sales tax on any sales subject to municipal sales taxes.

C. Any violations of this Article will result in the revocation of the Medical Marijuana Dispensary permit.

D. It is the intent of the Town of Laverne that nothing in the Retail Marijuana Establishment Ordinance be construed to:

1. Allow persons to engage in conduct that endangers or causes a public nuisance;

2. Allow the use of marijuana for non-medical purposes; or

3. Allow any activity that is otherwise illegal and not permitted by state law.

Section 9-504 MEDICAL MARIJUANA GROWER FACILITIES

A. Medical Marijuana Grower Facilities shall not be permitted within the municipal boundaries of Laverne, Oklahoma.

Section 9-505 MEDICAL MARIJUANA PROCESSOR FACILITIES.

Medical Marijuana Processor Facilities shall not be permitted within the municipal boundaries of Laverne, Oklahoma.

Section 9-506 PERMIT INSPECTIONS AND OTHER REQUIREMENTS.

A. All permits outlined in this Article will be subject to inspection of the facilities by an authorized municipal inspector prior to issuance.

B. The inspection prior to a permit decision will occur at a time scheduled and approved by both the applicant and the municipal inspector.

C. The applicant will be required to be present during the inspection.

D. The smell of noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.

E. Other regulations: Smoking or using marijuana shall be prohibited on all Town property including vehicles, buildings, parks, or other facilities.

CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

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ARTICLE 12

REGULATING THE USE OF TOBACCO PRODUCTS AND/OR VAPOR PRODUCTS AND/OR MARIJUANA PRODUCTS ON MUNICIPAL PROPERTY AND INDOOR AND OUTDOOR AREAS AND OTHER PROHIBITTED CONDUCT

SECTION 10-1201	TOBACCO-FREE AND MARIJUANA-FREE IN TOWN-OWNED AND OPERATED BUILDINGS AND REAL PROPERTIES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF LAVERNE.
Section 10-1202	DEFINITIONS
Section 10-1203	PROHIBITION OF TOBACCO PRODUCTS AND MARIJUANA PRODUCTS AND VAPOR PRODUCTS ON TOWN-OWNED AND OPERATED PROPERTIES WITHIN THE CORPORATE LIMITS; PROHIBITED CONDUCT.
Section 10-1204	POSTING.
Section 10-1205	ENFORCEMENT.

CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

ARTICLE 1

IN GENERAL,

Section 10-101 ATTEMPT TO COMMIT AN OFFENSE.

Any person who attempts to commit a violation of any Town ordinance and does any act toward the commission thereof but fails or is prevented or interrupted from committing such violation, is guilty of an offense.

State Law Reference: Attempts, 21 O.S. Section 41 et seq.

Section 10-102 AIDING AND ABETTING.

No person shall knowingly aid, abet or assist, directly or indirectly, any other person in the commission of a violation of a Town ordinance.

State Law Reference: Aiding in a misdemeanor, 21 O.S. Section 28.

Section 10-103 - 10-109 RESERVED.

ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

Section 10-201 ASSAULT.

A. No person shall commit an assault.

B. As used in subsection A the term "assault" shall mean any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

State Law Reference: Assault defined, 21 O.S. Section 641; punishment for assault, 21 O.S. Section 644.

Section 10-202 BATTERY.

A. No person shall commit a battery.

B. As used in subsection A the term "battery" shall mean

any willful and unlawful use of force or violence upon the person of another.

State Law Reference: Battery defined, 21 O.S. Section 642; punishment for battery, 21 O.S. Section 644.

Section 10-103 FIGHTS OR QUARRELS.

No person shall wrangle, quarrel, fight, or challenge another to fight within the Town.

State Law Reference: Disturbing the peace by fighting, quarreling, etc. 21 O.S. Section 1362; duels and challenges, 21 O.S. Section 661 et seq.

Section 10-104 - 10-106 RESERVED.

ARTICLE 3

OFFENSES INVOLVING PROPERTY

Section 10-301 DEFINITIONS.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Petit larceny" shall mean the taking of personal property not exceeding Five Hundred Dollars ($500.00) in value, accomplished by fraud or stealth, with the intent to deprive another thereof.

"Private property" shall mean any property other than public property.

"Public property" shall mean that property which is dedicated to the public use and over which the federal, state, or municipal governments or any political subdivision thereof exercises control and dominion.

State Law Reference: Larceny defined, 21 O.S. Section 1701; petit larceny defined, 21 O.S. Section 1704.

Section 10-302 TRESPASS ON PUBLIC PROPERTY.

A. No person shall trespass on public property.

B. As used in this Section:

1. "Trespass" shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises or government in violation and contrary to the provisions of any official sign posted to regulate and govern such entry or use.

2. "Official sign" shall mean any permanently fixed notice posted by the federal, state, or municipal government owning or maintaining any said public property.

C. No person, who has the possession of any weapon, other than those persons exempted in this subsection, shall enter or remain on any public property, on which signs have been posted prohibiting the possession of any such weapons on said public property; provided however, the provisions of this subsection shall not apply to commissioned peace officers or duly CLEET licensed armed security personnel who are under contract with the posting entity which owns, controls, leases or operates the posted premises.

State Law Reference: Trespass, 21 O.S. Section 1835.

Section 10-303 TRESPASS ON PRIVATE PROPERTY.

A. No person shall trespass on private property.

B. As used in subsection A, the term "trespass" shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. "Trespass" shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. "Trespass" shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is

authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operation 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.

State Law Reference: Trespass, 21 O.S. Section 1835.

Section 10-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY.

No person shall maliciously injure, deface, or destroy any real or personal property, either public or private, which is not his own.

State Law Reference: Tampering, destroying, etc., property, 21 O.S. Section 349, 372, 1751, 1753-1755, 1757, 1758, 1759, 1762, 1765, 1767.1, 1768, 1770-1779, 1784-1787, 1789, 1831.

Section 10-305 LARCENY.

No person shall commit the offense of petit larceny.

State Law Reference: Larceny, 21 O.S. Section 1704, 1706, 1709, 1710, 1723, 1722, 1731.

Section 10-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.

A. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of Five Hundred Dollars ($500.00), or less, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of an offense.

B. As used in this Section:

1. The term "false or bogus check or checks" shall include checks or orders given for money or property or in any case

where the maker receives a benefit or thing of value 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, uttering 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; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

2. The word "credit" shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft, or order.

State Law Reference: Similar provisions, 21 O.S. Section 1541.1, 1541.4, 1541.5.

Section 10-307 TAMPERING WITH, DAMAGING OR LARCENY OF PUBLIC UTILITIES; OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT AUTHORIZATION.

A. For the purposes of this section, "public utility" shall mean any entity, public or private, which has a lawful right to use of the right-of-way for delivering services. It includes, but it not limited to, provision of gas, water, wastewater, stormwater, electricity, telephone, community antenna television services, Internet and telecommunications service, and includes but is not limited to the utilities owned and/operated by the Town of Laverne.

B. It is unlawful for any person to damage, molest, tamper with, or destroy, injure or alter, any distribution structure, transmission system, line, equipment, facility, wire, meter, pipe, pole or other part of public utility located within the corporate limits of the Town.

C. It is unlawful for any person to connect, cause to connect, or permit to connect or attach any kind of pipe, wire or other contrivance to any pipe, wire, line or other conductor carrying services from and owned by a public utility in such a manner as to enable such person to consume or use the services thereof without its passage through a meter or in any other way

so as to evade payment therefor. No person shall obtain any water, gas, electricity, cable, or other type of service from any public utility except by express authorization and in the manner directed by such public utility.

D. Any person who receives the benefit, directly or indirectly, of services when such person knew or should have known the public utility service was connected in violation of this section shall be guilty of an offense.

E. Any person who violates this section, by act or omission, shall upon conviction thereof be deemed guilty of an offense and shall pay a fine of not to exceed Five Hundred Dollars ($500.00), plus court costs, state assessments and fees, as appropriate. In addition, the court may order restitution to the utility, including payment for services used and actual costs to the utility, including but not limited to, service calls, repair service, disconnection, or reconnection.

F. A charge of violation of this section shall not preclude the public utility from pursuing civil remedies.

Section 10-308 - 10-310 RESERVED.

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

Section 10-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC.

No person shall appear in a state of nudity or make any indecent exposure of his genitals or perform any lewd act in any public place not designed for same.

State Law Reference: Indecent exposure, public lewdness, etc., 21 O.S. Section 1021.

Section 10-402 PROSTITUTION.

A. It shall be unlawful for any person to commit an act of prostitution.

B. No person shall knowingly or intentionally pay, or offer or agree to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person.

C. As used in subsection A the term "prostitution" shall mean any sexual intercourse or deviate sexual conduct, which is performed for money or other property.

State Law Reference: Prostitution, 21 O.S. Section 1028 et seq.

Section 10-403 GAMBLING, DEFINITION.

As used in the division the term "gambling game" shall mean any game of faro, monte, poker, roulette, craps, wheel of fortune, or any banking or percentage game, or any other gambling game of chance played with dice, cards or any other device whatsoever for property, money, checks, credit or any other representation of value.

Section 10-404 GAMBLING GAMES PROHIBITED.

No person shall deal, play, or carry on, or open or cause to be opened, or to conduct, either as principal or agent, whether for hire or otherwise, any gambling game.

Section 10-405 SLOT MACHINES.

No person shall set up, operate or conduct, or permit to be set up, operated or conducted in or about his place of business whether as owner, employee or agent, any slot machine or other mechanical or electrical device for the purpose of having or allowing it to be played for money, property, checks, credits, or for any other representation of value.

State Law Reference: Similar provisions, 21 O.S. Section 941.

Section 10-406 GAMBLING ROOMS AND PARAPHERNALIA.

Any person who keeps or maintains a gaming room, gaming table, or any policy or pool tickets used for gaming, or knowingly permits a gaming room, gaming table or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or any person having any

gaming paraphernalia in his possession, shall be guilty of an offense.

State Law Reference: Gambling, generally, 21 O.S. Section 941-995.18.

Section 10-407 DISORDERLY PLACES, DEFINITIONS.

As used in this chapter the term "disorderly house" shall mean 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 or Town ordinance; or

2. The violation of any ordinance or state statute regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one per cent alcohol by volume; or

3. The performance of any sexual act declared unlawful by ordinance or state statute including, but not limited to, soliciting for the purposes of prostitution, or

4. The violation of any ordinance or state statute prohibiting gambling.

Section 10-408 MAINTAINING A DISORDERLY HOUSE.

No person shall keep or maintain, aid, abet, or assist in keeping and maintaining a disorderly house.

State Law Reference: Keeping a disorderly house, 21 O.S. Section 1026.

Section 10-409 LEASING PROPERTY FOR DISORDERLY HOUSE.

A. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly

house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

B. The occurrence of any act in any house, building, structure, tent, vehicle, mobile home, or recreational vehicle which results in the conviction of any person in the municipal court for a violation of this Article, or of Section 10-408, shall, after the lapse of thirty (30) days from such conviction, constitute notice to all owners, lessors, and other persons having control thereof that such premises are being occupied as a disorderly house. However, no such notice as contemplated by this subsection shall be effective unless written notice of such conviction shall have been delivered in person to such owner, lessee, or other person having control over such premises by a duly authorized officer of the police department.

C. Any person required to discontinue any lease or permitted use of property by subsections A and/or B herein shall not accept any rents, fees, profits or consideration of any type from the lessees or other persons or corporations occupying or in control or possession of the premises at the time the disorderly house requiring such discontinuance of lease or permitted use occurred. Each day for which such rent, fee, profit, or consideration is accepted shall constitute a separate offense.

State Law Reference: Leasing property for a disorderly house, 21 O.S. Section 1027.

Section 10-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES.

No person shall knowingly reside in, enter into, or remain in a disorderly house, provided however, that 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 12-411 RESERVED.

SECTION 12-412 URINATING IN PUBLIC

A. For purpose of this section the following definition shall apply:

"Public Place" included streets and alleys, public highways or public buildings, public meeting halls, schools, playgrounds, parks, restaurants, stores, professional offices (and waiting rooms used in conjunction therewith), filling stations, and public conveyances of all kinds and any other place of like or similar nature which is open to and generally used by the public with the consent, express or implied, of the owner of the place or premises.

B. A person is guilty of urinating in public if he/she intentionally urinates or defecates in a public place, other than a washroom or toilet room, under circumstances where such act is or could be observed by any member of the public situated in or near a public place.

C. Urinating or defecating in public is an offense.

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

Section 10-501 RIOTOUS CONDUCT; DISTURBING PEACE.

No person shall conduct himself in a riotous or disorderly manner, or make or cause to be made any loud, or unnecessary, or offensive noise, or wantonly disturb the quiet of the Town or any lawful assembly of persons, or any church or religious meeting or any house, family or neighborhood, or any person.

State Law References: Riot generally, 21 O.S. Section 1311 et seq.; grossly disturbing the peace, 21 O.S. Section 22; disturbing the peace, 21 O.S. Section 1362.

Section 10-502 UNLAWFUL ASSEMBLY

A. Any person who collects or assembles in crowds and bodies for unlawful or mischievous purposes in any place in the Town to the annoyance or inconvenience of other persons, or who shall be involved in, or incite or attempt to incite a riot, or who shall fail to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

B. No three (3) or more persons shall assemble together or act in concert to do any act with force and violence against the property of the Town, the person or property of another, or against the peace, or to the terror of others or make any movement or preparation therefor. No person shall remain present at the place of such assembly after being warned by a police officer to disperse.

State Law Reference: Riots and unlawful assembly, 21 O.S. Section 1311 et seq.

Section 10-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.

Any person who collects or assembles and stands or sits in crowds or loiters about or hinders, obstructs, impedes or blocks the free and uninterrupted passage on any sidewalk, street, alley or driveway or in front of any place of business, or in any hall, stairway, office building or any other public place and who fails to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

Section 10-504 FIGHTING WORDS OR GESTURES.

Any person who utters any indecent, lewd or filthy words, or uses any threatening language toward any other person, or makes any obscene gesture to or about any other person in any public place which is likely to provoke the average person to retaliation and thereby cause a breach of the peace shall be guilty of an offense.

State Law Reference: Similar provisions, 21 O.S. Section 1362.

Section 10-505 MAKING CALLS TO THE 9-1-1 OPERATOR WHICH ADVERSELY AFFECT THE PUBLIC SERVICE; FALSE ALARMS.

A. For purpose of subsections B & C, the following definition shall apply:

"Public agency" means any county, municipal corporation, public district, public trust, public authority or any other entity, public or private, located within this state which provides, has the authority to provide, or is licensed to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

B. No person shall call the number 9-1-1 or any other telephone number answered by an on-duty 9-1-1 operator for the purpose of making a knowingly false alarm or complaint or knowingly reporting false information which could result in the dispatch of emergency services from any "public agency" as defined in subsection A of this section or call such telephone number(s) three (3) or more times within any twenty-four (24) hour period concerning any non-emergency matter, which call adversely affects the provision of dispatching services. Whether the provision of dispatching services has been adversely affected may be based on numerous factors, including but not limited to the number or length of such telephone calls, whether the caller's calls delayed, obstructed or adversely impacted the provision of emergency or other law enforcement, fire or ambulance services, the purpose or non-purpose of the calls, and whether the caller has been warned that continued calls may lead to a criminal offense with such calls nevertheless continuing. A false alarm shall also include the activation of an alarm, the purpose of which is to communicate or indicate a specific emergency situation, when in fact that specific emergency does not exist.

C. 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 any public agency or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the public agency or its officers or employees to make a useless run.

Section 10-506 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 10-507 ELUDING POLICE OFFICERS.

Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police vehicle, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does willfully attempt in any other manner to

elude such police officer, or who does elude such peace officer, is guilty of an offense.

Section 10-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

A. It is unlawful for any person to disturb the peace and quiet of any part of the Town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, or any other device, with or without a loudspeaker, in such a manner as to emit loud music, noise or words. However, this Section shall not prohibit religious bodies from playing chimes, bells, carillons, or other religious music.

B. It shall be unlawful for any person in lawful control of a motor vehicle to cause, suffer or allow any unreasonable loud and excessive noise in such motor vehicle, to include noise from a radio, car stereo or electronic audio equipment or similar equipment. A violation will occur if the noise is clearly audible from a location not less than fifty feet (50') from its source. Violations of this subsection may be filed only by police officers and code enforcement personnel.

Section 10-509 COMPRESSION BRAKE OR JAKE BRAKE.

No person shall operate or use any vehicle engine compression brake or "jake brake" within the corporation limits of the Town, between the hours of 7:00 p.m. and 7:00 a.m. on the following day, and except on any state or federal highway.

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

Section 10-601 OBSTRUCTING OR INTERFERING WITH OFFICIAL PROCESS.

No person shall willfully delay, oppose, obstruct, or otherwise interfere with a police officer or other public official in the discharge of his official duties.

State Law Reference: Obstructing police officers, 21 O.S. Section 540.

Section 10-602 RESISTING ARREST.

A. Resisting arrest is the intentional opposition or resistance to, or obstruction of, an individual acting in his

official capacity and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

B. The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation mean:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

4. Resisting arrest is an offense.

Section 10-603 AIDING IN ESCAPE.

No person shall set at liberty or rescue or attempt by force or in any other manner to set at liberty any person who is under the legal custody and charge of an officer.

Section 10-604 ESCAPES FROM CUSTODY.

No person held in custody by any peace officer shall escape or attempt to escape from such officer or to attempt to break jail.

State Law Reference: Attempts to escape from jail, 21 O.S. Section 436.

Section 10-605 IMPERSONATING AN OFFICER OR EMPLOYEE.

No person shall impersonate any officer or employee of the Town or falsely represent himself/herself to be such an officer or employee or exercise any duties, functions, and powers of any such officer or employee.

State Law Reference: Impersonation of public officer, 21

O.S. Section 263, 264, 1533.

ARTICLE 7

WEAPONS AND RELATED OFFENSES

Section 10-701 CARRYING DANGEROUS WEAPONS.

A. It shall be unlawful for any person to carry upon or about his person, or in a purse or other container belonging to the person, any dagger, Bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded can, billy, hand chain, metal knuckles or any other offensive or dangerous weapon, other than a forearm, where such weapon is concealed or unconcealed.

B. The provisions of subsection A shall not prohibit the proper use of knives for hunting, fishing, or recreational purposes, nor shall subsection A be construed to prohibit any use of weapons in a manner otherwise permitted by Town ordinance or state statute.

C. As used in subsection A the term "prohibited knife" shall mean any knife which is not being carried while engaged in the performance of a lawful occupation or business, when such knife is:

1. Over six (6) inches in length; or

2. Has a blade over four (4) inches in length.

D. The police department shall seize the weapon upon the arrest of, or issuance of a citation to, any person for violating subsection A. Upon conviction of such a person of a violation of subsection A such weapon shall be forfeited to the Town.

State Law Reference: Carrying dangerous weapons, 21 O.S. Section 1272.

Section 10-702 RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable

risk and probability of death or great bodily harm to another and demonstrating a conscious disregard for the safety of another person.

Section 10-703 DISCHARGING FIREARMS; EXCEPTIONS.

A. No person shall discharge any species of firearms, 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 law or ordinance.

B. It is unlawful to discharge a rifle, firearm, BB gun, dart gun, or pellet gun within the Town limits.

Section 10-704 FIREWORKS REGULATED

The sale, possession for sale and use of fireworks within the town is hereby permitted between the hours of 7:00 AM to 10:00 PM on July 1st and July 2nd and 7:00 AM to 12:00 AM on July 3rd and July 4th each and every year.

State Law Reference: Bottle rockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Section 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101; license and occupation taxes, Section 9-101.

ARTICLE 8

ALCOHOL, DRUGS AND RELATED SUBSTANCES

Section 10-801 RESERVED.

Section 10-802 RESERVED.

Section 10-803 DEFINITIONS.

As used in this article the following words and phrases shall have the meanings respectively ascribed to them in this Section:

"Administer" shall be defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Controlled dangerous substance" shall be as defined in

Section 2-101 of Title 63 of the Oklahoma Statutes.

"Deliver" or "delivery" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Drug paraphernalia" shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of state law. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled dangerous substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled dangerous substances;

3. Isomerization devices used intended for use, or designed for use in increasing the potency of any species of plant which is a controlled dangerous substance;

4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled dangerous substances;

5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled dangerous substances;

6. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled dangerous substances;

7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

8. Blenders, bowls, containers, spoons and mixing devices

used, intended for use in compounding controlled dangerous substances;

9. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled dangerous substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled dangerous substances;

11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parentally injecting controlled dangerous substances into the human body;

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons, and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

Statements by an owner or by anyone in control of the object concerning its use;

a. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled dangerous substance;

b. The proximity of the object, in time and space, to a direct violation of this article or of the State Uniform Controlled Dangerous Substance Act;

c. The proximity of the object to controlled dangerous substance;

d. The existence of any residue of controlled dangerous substances on the object;

e. Direct or circumstantial evidence of the intent of any owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of this article or the State Uniform Controlled Dangerous Substance Act; the innocence of the owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

f. Instructions, oral or written, provided with the object concerning its use;

g. Descriptive materials accompanying the object which explain or depict its use;

h. National and local advertising concerning its use;

i. The manner in which the object is displayed for sale;

j. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the

community, such as a licensed distributor or dealer of tobacco products;

k. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

l. The existence and scope of legitimate uses for the object in the community;

m. Expert testimony concerning its use.

"Marijuana" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, principal, proprietor, agent, servant or employee.

State Law Reference: Uniform Controlled Dangerous Substance Act, 63 O.S. Section 2-101 et seq.

Section 10-804 POSSESSION.

It is unlawful for any person knowingly or intentionally to possess any of the following controlled dangerous substances unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by state law:

1. Any substance listed in Sections 2-208, 2-209 or 2-210 of Title 63 of the Oklahoma Statutes; or

2. Any marijuana; or

3. Any substance included in subsection D of Section 2-206 of Title 63 of the Oklahoma Statutes.

State Law Reference: Similar provisions, 63 O.S. Section 2-402.

Section 10-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES.

A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate,

cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance in violation of this article or state law.

B. It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance in violation of this article or state law.

C. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Section 10-806 SMELLING, INHALING, ETC., OF GLUE, ETC.

A. It shall be unlawful for any person deliberately to smell, inhale, breathe, drink, or otherwise consume any compound, liquid, chemical, narcotic, drug or any other substance containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope or any other substance or combination.

B. The provisions of subsection A shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist, or podiatrist; or

State Law Reference: Similar provisions, 63 O.S. Section 465.20.

ARTICLE 9

CURFEW FOR MINORS

Section 10-901 CURFEW FOR MINORS

A. Definition. For the purpose of this Section, a minor shall mean any person under the age of eighteen (18) years but shall not include any person who is legally emancipated or certified as an adult.

B. Curfew Generally. No minor shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, to include, but not be limited to, driving, riding or parking any motorized or non-motorized vehicle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 12:00 Midnight and 6:00 A.M. of the following day, of every night and morning in the week.

C. Exceptions. The following shall constitute valid exceptions to the operation of Subsection B:

1. At any time, if the minor is accompanied by his or her parent, legal guardian or adult person having care and custody of the minor, or other person who has reached the age of 21 years old and who is specifically approved by the minor's parent, legal guardian, or adult person having care and custody of the minor, which person shall be responsible for the acts of the minor;

2. Until the hour of 1:00 A.M. on any day of the week, if the minor is on an errand as directed by his or her parent, legal guardian or adult person having care and custody of the minor;

3. If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written

statement from the employer attesting to the place and hours of employment;

4. If the minor is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;

5. If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment such as a movie, play, or sporting event. This exception will apply for one-half hour after the completion of such event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department at least 24 hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

6. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the chief of police by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

D. Violations.

1. A police officer who has probable cause to believe that a minor is in violation of this Section for the first time shall issue the minor a written warning with a copy of the warning mailed to the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this Section occurs or as otherwise provided by this Section. A police officer who has probable cause to believe that a minor is in violation of this Section for a second or subsequent time shall issue the minor a written complaint, if the minor signs the written promise to appear, with a copy of the complaint mailed to the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this Section occurs or as otherwise provided by this Section. In the event that the minor fails, refuses or neglects to sign the promise to appear or fails to go

home after being instructed to by the police officer, then the police officer may take the minor to the police station. At that time, the minor's parent, legal guardian, or adult person having the care and custody of the minor shall be immediately contacted. In the event that such parent, legal guardian or adult person having the care and custody of the minor does not appear, the minor may be referred to a state approved agency pursuant to state law, released to a responsible adult or relatives, or such other action as the police officer deems necessary.

2. The police shall send the minor’s parent, legal guardian or adult person having the care and custody of the minor, written notice of the violation, or by serving such notice personally on such person, warning them that two or more violations of this ordinance by the minor may result in the filing of a charge against such parent, legal guardian or adult person having the care and custody of the minor for a violation of subsection D3.

3. No parent, legal guardian or other adult person having the care and custody of a minor shall permit such minor to violate the provisions of Subsection B. In any prosecution for the violation of the provisions of this Section, proof that the minor violated Subsection B on two (2) or more occasions, together with proof that the parent, legal guardian or adult person having the care and custody of such minor was given written notice of two(2) or more previous violations of Subsection B as provided by Subsection D2, shall constitute in evidence a prima facie presumption that the parent, legal guardian or adult person having the care and custody of such minor permitted such minor to violate Subsection B of this Section.

4. Any parent, legal guardian or adult person having the care and custody of a minor who is contacted by the police pursuant to Subsection D1 hereinabove for a violation by such minor of Subsection B and who refuses to take custody of such minor, shall be guilty of an offense.

ARTICLE 10

PREVENTION OF YOUTH ACCESS TO TOBACCO AND VAPOR PRODUCTS AND OTHER TOBACCO REGULATIONS

Section 10-1001 DEFINITIONS

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

A. Cigarette: means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and costs of or contains:

1. any roll of tobacco wrapped in paper or in any substance not containing tobacco,

2. tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

The term "cigarette" includes "roll-your-own" (i.e. any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.) For purposes of this definition of cigarette, nine one-hundredths (0.09) of an ounce of "roll-your-own" tobacco shall constitute one individual "cigarette".

B. Person: means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

C. 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;

D. Sample: means a tobacco product or vapor product distributed to members of the public at no cost for the purpose of promoting the product;

E. Sampling: means the distribution of samples to members of the public in a public place;

F. Tobacco product: means any product that contains tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration.

G. 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

H. 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.

I. "Vapor product" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" 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.

Section 10-1002 FURNISHING OR SALE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS TO MINORS

A. It is unlawful for any person to sell, give or furnish in any manner any tobacco, tobacco product or vapor product to another person who is under Twenty-one (21) years of age, or to purchase in any manner tobacco, a tobacco products or vapor 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, tobacco products or vapor products when required in performance of the employee's duties.

B. A person engaged in the sale or distribution of tobacco, tobacco products or vapor 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 less than Twenty-one (21) years of age. If an individual engaged in the sale or distribution of tobacco, tobacco products or vapor 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 this subsection.

C. Any violation of subsection A or B of this section is an offense against the Town of Laverne; upon conviction of any such offense, the violator shall be punished as follows:

1. Not more than One Hundred Dollars ($100.00) for the first offense;

2. Not more than Two Hundred Dollars ($200.00) for the second offense within a two-year period following the first offense;

3. Not more than Three Hundred Dollars ($300.00) for the third or subsequent offense within a two-year period following the first offense.

D. 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 the violation if such person proves that:

1. The individual who purchased or received the tobacco product or vapor 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; or

2. 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 the 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.

Section 10-1003 RESERVED.

Section 10-1004 DISTRIBUTION OF TOBACCO PRODUCT AND VAPOR PRODUCT SAMPLES.

A. It shall be unlawful for any person or retailer to distribute tobacco, tobacco products, tobacco or tobacco product samples or vapor products samples to any person under Twenty-one (21) years of age.

B. No person shall distribute tobacco, tobacco product or vapor product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under Twenty-one (21) years of age.

C. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsections A or B of this section, the total of any fines, fees, or costs shall not exceed the following:

1. One Hundred Dollars ($100.00) for the first offense;

2. Two Hundred Dollars ($200.00) for the second offense; and

3. Three Hundred Dollars ($300.00) for the third or subsequent offense.

Section 10-1005 PUBLIC ACCESS TO DISPLAYED TOBACCO PRODUCTS AND VAPOR PRODUCTS.

A. It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the tobacco product or vapor products without assistance from the person displaying the tobacco product or vapor products 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.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed Two Hundred Dollars ($200.00) for each offense.

Section 10-1006 REPORT OF VIOLATIONS AND COMPLIANCE CHECKS.

A. Any conviction for a violation of this Article and any compliance checks conducted by the Police Department pursuant to Subsection B of this section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the [Court Administrator/Court Clerk] or his designee and compliance checks shall be reported by the Chief of Police or his designee.

B. Persons under Twenty-one (21) years of age may be enlisted by the Police Department to assist in enforcement of this Article pursuant to the rules of the ABLE Commission.

ARTICLE 11

TRUANCY

Section 10-1101 TRUANCY

A. Parental Responsibility. For those public, private and other schools wherein attendance is mandated by the State of Oklahoma, it shall be unlawful for a parent or legal guardian of a minor who is over the age of six (6) years and under the age of eighteen (18) years to neglect or refuse to cause or compel the minor to attend and comply with the rules of such public, private or other school of the parent or legal guardian’s choosing in which the minor is enrolled.

B. Refusal of Minor to Attend School: For those public, private and other schools wherein attendance is mandated by the State of Oklahoma, it is unlawful for any minor, who is over the age of six (6) and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of such public, private or other school or receive an

education by other means for the full term the schools of the district in which the minor attends are in session.

Section 10-1102 EXCEPTIONS

The following shall constitute valid exceptions to the operation of Section 11-1101 of this Article:

A. Mental or Physical Disability. If any such minor is prevented from attending school by reason of mental or physical disability as determined by the board of education of the district, upon a certificate of the school physician or public health physician; or if no physician is available, a duly licensed and practicing physician.

B. Emergency Situation. If any such minor is excused from attendance at school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent or legal guardian of the minor.

C. Excused by School and Parent: If any such minor is excused attending school by:

1. The administrator of the school or district where the minor attends school; and

2. The parent of the minor. Providing, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent or legal guardian of the minor unless and until it has been determined that such action is in the best interest of the minor and/or community, and that said minor shall, therefore, be under the supervision of the parent or legal guardian until the minor has reached the age of eighteen (18) years.

D. Observing Religious Holy Days. If any such minor is observing religious holy days, if, prior to the absence, the parent or legal guardian of the minor submits a written request for the absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

Section 10-1103 VIOLATIONS

A. Separate Offense Each Day. Each separate day of violation shall constitute a separate offense whether against the parent or legal guardian of a minor for violation of Section 11-1101A or the minor for a violation of Section 11-1101B of this Article.

B. Penalty. A violation of this Article shall be subject to a fine of not to exceed $250.00 plus costs and state assessments.

ARTICLE 12

REGULATING THE USE OF TOBACCO PRODUCTS AND/OR VAPOR PRODUCTS AND/OR MARIJUANA PRODUCTS ON MUNICIPAL PROPERTY AND INDOOR AND OUTDOOR AREAS AND OTHER PROHIBITTED CONDUCT

SECTION 10-1201 TOBACCO-FREE AND MARIJUANA-FREE IN TOWN-OWNED AND OPERATED BUILDINGS AND REAL PROPERTIES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF LAVERNE.

Section 10-1201 through Section 10-1205 shall be hereafter known as the Tobacco-Free and Marijuana-Free in Town-Owned and Operated Buildings and Real Properties located within the corporate limits of the Town of Laverne Ordinance.

Section 10-1202 DEFINITIONS

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

A. "Indoor area" shall mean any indoor Town-owned and operated property located within the Laverne corporate limits. An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees or the public, and 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. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed;

B. “Outdoor area” shall mean any covered area, partially covered area or area open to the sky that is on a property owned and operated by the Town of Laverne and located within the Laverne corporate limits;

C. “Recreational area” shall mean any area that is owned and operated by the Town of Laverne located within the Laverne corporate limits and open to the general public for recreational purposes, regardless of any fee or age requirement, and includes parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools and skateboard parks;

D. Tobacco product” shall mean any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes e-cigarettes and vapor products, with or without nicotine.

E. “Tobacco-free” shall mean to prohibit the use of any tobacco product by anyone, at any time, at any prohibited location as further defined by Sections 10-1201 through 10-1205.

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

G. “Marijuana products” shall be defined as all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt,

derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

H. "Marijuana-free" shall mean to prohibit the use of marijuana products by anyone, at any time, at any prohibited location as further defined by Sections 10-1201 through 10-1205.

Section 10-1203 PROHIBITION OF TOBACCO PRODUCTS AND MARIJUANA PRODUCTS AND VAPOR PRODUCTS ON TOWN-OWNED AND OPERATED PROPERTIES WITHIN THE CORPORATE LIMITS; PROHIBITED CONDUCT.

A. The possession of lighted tobacco or lighted marijuana products in any form is a public nuisance and dangerous to public health and is hereby prohibited:

1. When such possession is in any indoor or outdoor areas owned and operated by the Town of Laverne located within the Laverne corporate limits;

2. When such possession is in any indoor place used by or open to the public or any indoor workplace, unless otherwise exempted or excepted by state law; and

3. Within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

B. All buildings and other properties, including indoor and outdoor areas, owned and operated by the Town of Laverne located within the Laverne corporate limits, shall be entirely tobacco free to include all forms of tobacco products including vapor products and entirely marijuana-free to include all forms of marijuana products including vapor products using marijuana. No tobacco smoking or tobacco vaping or marijuana smoking or marijuana vaping shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in in this subsection.

C. All indoor and outdoor recreational areas owned and operated by the Town of Laverne located within the Laverne corporate limits, shall be entirely tobacco free to include all forms of tobacco products including vapor products and entirely marijuana-free to include all forms of marijuana

products including vapor products using marijuana.

D. Smoking Tobacco Products or lighted marijuana products is prohibited in all places in which Smoking Tobacco Products or lighted marijuana products is prohibited by Oklahoma state law.

E. Smoking or vaping Tobacco Products or lighted or vaping marijuana products is prohibited at all events on property operated by the Town, including the streets and sidewalks, during festivals and events, which festivals and events are permitted, sanctioned or conducted by the Town.

F. Smoking or vaping tobacco or smoking or vaping marijuana is prohibited in all vehicles owned or operated by the Town.

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

Note: See Title 21, Section 1247 and Title 63, Section 1-1521 through 1-1527 of the Oklahoma Statutes, as amended.

Section 10-1204 POSTING.

The Town of Laverne shall post a sign or decal, at least four inches by two inches in size, at each entrance of Town owned and/or operated property or building located within the Laverne corporate Limits indicating the property and/or building is tobacco-free and marijuana-free.

The posting of signs or decals is the responsibility of the Town Superintendent and/or supervisor of the Town owned and operated property located within the Laverne corporate limits.

Notwithstanding the provision of this section, the presence or absence of signs shall not be a defense to a charge of the violation of Section 10-1203.

Section 10-1205 ENFORCEMENT.

The Town of Laverne shall, at a minimum, do the following in order to prevent tobacco and marijuana products and vapor product use in Town owned and operated property located within the Laverne corporate limits:

Post signs at entrances to Town owned and operated properties located within the Laverne corporate limits which state that tobacco use and/or marijuana product use and/or vapor product use are prohibited; and

Ask tobacco users to refrain from using any form of tobacco products, including vapor products upon observation of anyone violating the provisions of this Ordinance. In addition, ask marijuana product users to refrain from using any form of marijuana products, including marijuana vapor products upon observation of anyone violating the provisions of this Ordinance.

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CHAPTER 11: LIBRARY AND MUNICIPAL HOSPITAL AND CLINIC

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CHAPTER 11

LIBRARY AND MUNICIPAL HOSPITALAND CLINIC

ARTICLE 1

LAVERNE DELPHIAN PUBLIC LIBRARY

ARTICLE 1

LAVERNE DELPHIAN PUBLIC LIBRARY

Section 11-101 LIBRARY ESTABLISHED

The town hereby establishments and creates the Laverne Delphinium Public Library for the education and cultural enrichment of the citizens of the town.

Section 11-102 BOARD OF DIRECTORS

A. Composition; Compensation. The library is to be governed by a board of directors consisting of five (5) members selected by the town board of trustees of which three (3) are to Delphian Club members. All library board directors shall serve without compensation.

B. Term of office; Vacancies: All directors shall serve for five years. From the first day of the month following their appointment. Vacancies in the Library Board of Directors shall be filled in the same manner as original appointments.

C. Officers; Rules and regulations: Immediately after the initial appointment. The directors shall meet and organize by electing one director as president, one director as secretary, and by electing such other officers as the directors may deem necessary. They shall adopt such rules and regulations for their own guidance and for the governance and operation of the library as may be expedient and not inconsistent with this code and the laws of Oklahoma, subject to approval by the town Board of Trustees.

D. Duties:

1. The director shall, with the approval of the town Board of trustees, appoint a suitable librarian and assistance, and set their compensation.

2. The directors shall recommend an annual budget to the Town Board of Trustees.

3. The directors shall set the policy of the library, control the expenditure of all monies collected and placed to the credit of the library, and supervise and care for the grounds, rooms or buildings constructed, leased or set aside for the library.

4. The Library Board of Directors shall make on or before July 31st, of each year, an annual report to the Town Board of Trustees. Such report shall include the condition of its trust on June 30th; the various sums of money and property received by the library and how such monies have been expended; the recommended budget figures for the library for the next fiscal year, and statistics on the general character and number of books and periodicals which are on hand, are lost, have been added, and have been loaned out, and the number of persons making use of the library during the year.

Section 11-103 LIBRARY FUND.

All monies received by the directors on account of the operation of the library, shall be paid to the town treasurer, who shall deposit the same in the municipal treasury, and placed in a special and separate account, designated the library fund. Such money shall be paid out only upon warrants authorized by the town Board of Trustees.

Section 11-104 DELPHIAN CLUB BOOKS

All books on loan from the Delphian Club are to be returned to the Delphinium Club upon cessation of business of Laverne Delphian in Public Library.

Section 11-105 APPROPRIATIONS

The Town Board of Trustees shall annually appropriate for the operation of the library, from funds available to the library, such monies as are necessary to operate the library.

ARTICLE 2

MUNICIPAL HOSPITAL AND CLINIC

Section 11-201 UTILIZATION BY TOWN

The town previously constructed a municipal hospital and clinic for medical and dental facilities., and when said facilities, and whole. Or part, are not fully utilized, It is the intention of the Town Board that said facilities be utilized as fully as possible for the following services.:

A. Medical clinic and facilities.
B. Dental clinic and facilities.
C. Town offices and meeting hall.
D. Offices for other professionals and/or used by individuals and corporations whose presence in the town is deemed by the Town Board of Trustees to be in the best interest of the town..
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Section 11-202 RENTAL OF FACILITIES

The Board of Trustees shall have the power and authority to rent, for terms not to exceed one year at a time, the said facilities originally constructed for hospital, dental and medical clinic purposes, upon such terms and conditions as are fair and reasonable, and at rentals that are comparable.

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CHAPTER 12: PLANNING, ZONING AND DEVELOPMENT

ARTICLE 1

BOARDS AND COMMISSIONS

DIVISION 1

PLANNING COMMISSION

Section 12-101 PLANNING COMMISSION CREATED.

There is hereby created a planning commission of the Town, which shall consist of five (5) residents of the Town, nominated by the Mayor and confirmed by the Town Board of Trustees. The members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation. Members may be removed by the Town Board of Trustees only for inefficiency, neglect of duty or malefaction in office.

State Law Reference: Planning commissions may be established, duties and powers, 11 O.S. Section 45-101 et seq.

Section 12-102 TERM OF OFFICE; PROVISION FOR VACANCIES.

Appointive members of the Town planning commission shall hold office for a term of three (3) years with the exception that beginning with the initial appointments made on or after December 15, 2005, two (2) shall be appointed to serve a term of two (2) year and two (2) for a term of three (3) years; appointments thereafter shall be made for a term of three (3) years. When a vacancy occurs, the appointment shall be made to fill the unexpired term by the Mayor, with confirmation by the Town Board of Trustees.

Section 12-103 EX OFFICIO MEMBERS.

The Mayor and the Town engineer shall be ex officio members of the Town planning commission but shall receive no compensation other than their affixed salary as such officials.

Section 12-104 QUORUM.

A majority of the members of the planning commission shall constitute a quorum for the transaction of business. No action shall be taken and be binding upon the Town planning commission unless concurred in by not less than a majority of the quorum.

Section 12-105 MEETINGS; ORGANIZATION AND RULES.

The members of the Town planning commission shall meet and organize by electing a chairman, a vice-chairman, and secretary, whose terms shall be one year with eligibility for re-election. The commission shall adopt from time to time such bylaws, rules, and regulations and amendments thereto as may be necessary to effectuate the purposes of this chapter.

Section 12-106 POWER TO EMPLOY STAFF.

The planning commission shall have the power and authority to employ planners, engineers, attorneys, clerks, and other help deemed necessary within the limits of the appropriation fixed by the Town Board of Trustees. The salary and compensation of such employees shall be fixed by the Town Board of Trustees and shall be paid out of the Town treasury as are other officers and employees. The Town planning commission may incur necessary expenses within the limits of its appropriation to carry out its purposes and responsibility.

Section 12-107 POWERS AND DUTIES.

The planning commission shall have the power and the duty to prepare and recommend to the Town Board of Trustees for adoption a comprehensive plan for the physical development of the Town. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of such municipality and may make recommendations as it may deem advisable concerning the adoption thereof to the Town Board of Trustees. The planning commission may make or cause to be made surveys, studies, maps, and plans in the conduct of its activities. Before final action is taken by the Town Board of Trustees on the location or design of any public building, statute, memorial, park, boulevard, street and alley, playground, public grounds, bridge or change in any location of any street or alley such question shall be submitted to the planning commission for investigation ad report. In the preparation of the comprehensive plan the planning commission may from time to time prepare and recommend to the Town Board of Trustees for adoption a part or parts thereof, which parts shall

cover one or more major geographical divisions of the Town or one or more major elements of the comprehensive plan. The planning commission may from time to time recommend extending, amending, or changing any portion of the comprehensive plan.

Section 12-108 PURPOSES OF COMPREHENSIVE PLAN.

In the preparation of such plan, the planning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town, and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town, and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

Section 12-109 SUBDIVISION OF LAND.

The planning commission may prepare and recommend to the Town Board of Trustees for adoption rules and regulations governing the subdivision of land within the corporate limits of the Town. All plans, plats, or replats of land laid out in two (2) or more lots, plats, or parcels, or streets, or other ways intended to be dedicated to public use within the corporate limits of the Town shall first be submitted to the planning commission for its recommendations. The planning commission shall, with the help of appropriate municipal officials, check the proposed dedications or subdivision of land to ensure compliance with the rules and regulations governing subdivisions of land and with other elements of the comprehensive plan for the Town. The disapproval of any such plan, plat, or replat by the Town Board of Trustees shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the Mayor, attested by the Town clerk, certifying the approval and acceptance thereof by the Town Board of Trustees.

Section 12-110 UNIFORMITY OF REGULATIONS.

The planning commission may recommend the division of the Town into districts of such number, size, and area as may be deemed best suited to carry out the zoning purpose. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts

Section 12-111 COMPREHENSIVE PLAN; PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town. The latest addition of the Comprehensive Plan of the Town of Laverne, Oklahoma, is on file in the Office of the Town Clerk and is incorporated herein by reference.

Section 12-112 PLANNING COMMISSION TO ACT AS ZONING COMMISSION.

The Town planning commission also shall act as the zoning commission and shall have the power to prepare and recommend to the Town Board of Trustees, zoning district boundaries and appropriate regulations relating to the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residence, and other purposes.

DIVISION 2

BOARD OF ADJUSTMENT

DIVISION 1 BOARD OF ADJUSTMENT

SECTION 12-121 BOARD OF ADJUSTMENT CREATED.

There is hereby created a board of adjustment consisting of five (5) members, who shall be appointed for a term of three (3) years, and removable for cause by the city council upon written charges and after public hearing. The members of the City Council shall not be members of the Board of Adjustment. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The board of adjustment in effect on the effective date of this section shall be constituted as the board of adjustment, with terms of three (3) years, or until their successors are appointed and qualified.

SECTION 12-122 MEETINGS AND PROCEDURES.

The board of adjustment shall elect one of its members as chairman. The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board of adjustment shall be subject to the open meeting laws of the state, and all meetings, deliberations and voting of the board shall be open to the public. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of all official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.

SECTION 12-123 APPEALS.

A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days after the decision by filing with the officer from whom the appeal is taken and with the City Clerk notice of appeal specifying the grounds therefore, and by paying the fee as provided in Section 12-129. The officer from whom the appeal is

taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.

C. Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the city clerk to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of the written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

D. The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

1. Legal description of the property and the street address or approximate location in the municipality;

2. Present zoning classification of the property and the nature of the appeal or variance requested; and

3. Date, time and place of hearing.

E. At the hearing, any party may appear in person or by agent or by attorney.

F. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.

SECTION 12-124 POWERS, APPEALS.

The board of adjustment shall have the powers to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of the zoning regulations set forth in Sections 12-201 et seq. of this code.

SECTION 12-125 POWERS TO GRANT VARIANCES.

The board of adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Sections 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

1. At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, or other extraordinary or exceptional situation or condition of a specific piece of property;

2. The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;

3. Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area;

4. Relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in Sections 12-201 et seq. of this code.

SECTION 12-126 POWERS RELATIVE TO EXCEPTIONS.

The board shall have the power to hear and decide special exceptions to the terms of this title upon which the board is required to pass under this title. Upon appeal, the board is empowered to permit the following exceptions:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;

2. To interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the office of the City Clerk; and

3. To grant exceptions to the off-street parking requirements set forth in Sections 12-280 et seq. of this code when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

SECTION 12-127 EXERCISE OF POWERS

In exercising its powers the board may, in conformance with the provisions of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as out to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this title, the board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the city. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal.

SECTION 12-128 APPEAL TO DISTRICT COURT.

A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the district court by filing notice of appeal, with the City Clerk and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit to the court clerk the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment from which the appeal is taken certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court or superior court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this title, and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

SECTION 12-129 EXPENSES.

Any person requesting a variance, special condition or any other relief from the Board of Adjustment shall pay an application fee of One Hundred Dollars ($100.00) to be used to defray any associated expenses, such as postage for notice to property owners within the 300' radius as required and all publication costs.

The applicant shall further submit with its application a certified abstractor’s, registered professional engineer’s or registered land surveyors list of the names of all property owners within a three hundred feet (300') radius of the exterior boundary of the territory on which the applicant seeks the amendment. The City will provide the stationary, labor, required

notices, mailing and publication.

ARTICLE 2

DIVISION 1

DEFINITIONS AND GENERAL PROVISIONS

Section 12-201 TITLE.

This chapter shall be known as and may be cited and referred to as the "Zoning Ordinance of the Town of Laverne".

Section 12-202 PURPOSE.

This chapter is enacted for the purpose of encouraging the most appropriate use of land throughout the community and promoting the development of the community in accordance with a comprehensive plan.

Section 12-203 INTERPRETATION AND APPLICATION.

The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinance, the provisions of this chapter shall control. Terms and words are to be used and interpreted as defined in Section 12-205 of this chapter. The word "shall" be mandatory and not directory, except where the natural construction of the writing indicates otherwise.

Section 12-204 JURISDICTION.

This ordinance shall be in full force and effect in the corporate limits of the Town. Territory annexed to the corporate limits of the Town, subsequent to the effective date of this chapter shall immediately be subject of the provisions of this chapter and shall be deemed to be designated as single-family residential district until altered or reclassified in the manner provided by law. In case any portion of this chapter shall be held to be invalid or unconstitutional, the remainder of the chapter shall not thereby be invalid but shall remain in full force and effect. Any ordinance now in effect that conflicts with any provision of this chapter is hereby repealed.

Section 12-205 DEFINITIONS.

For the purpose of these regulations, the following terms shall have the meanings respectively provided herein:

1. "Accessory building" means a building incidental and subordinate to the main building and located on the same lot with the main building;

2. "Accessory use" means a use customarily incidental, appropriate and subordinate to the principal use of the land or buildings located on the same premises;

3. "Advertising Sign or Structure" means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster or stone sign or other sign, device, or structure of any character whatsoever including statuary, placed for outdoor advertising purposes on the ground, or on any tree, wall, bush, rock, post, fence, building, or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking nailing, gluing, sticking, carving, or otherwise fastening affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross section of such structure. Neither directional warning nor other signs posted by the public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

4. "Alley" means a public passage or way affording A secondary means of vehicular access to a budding property and not intended for general traffic circulation;

5. "Apartment house or multiple family dwelling" means a single detached dwelling designed for and occupied by three or more families living independently of each other as separate housekeeping units including apartment houses, apartment hotels, and flats, but not including auto or trailer courts, or camps, hotels, or resort style hotels;

6. "Basement" means a story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than 1/2 of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises;

7. "Building" means any structure intended for shelter housing or enclosure of persons animals or chattels when separated by dividing walls without openings each portion of such structure so separated shall be deemed a separate structure;

8. "Building height", means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of the coping of a flat roof or the deckline of a mansard roof or to the average height of the highest Gable of a pitch or hip roof;

9. "Building, Main" means a building in which is conducted the principal use of the lot on which it is situated in any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated;

10. "Building Site" means a single parcel of land under one ownership occupied or intended to be occupied by a building or structure;

11. "Child care center" means any place, home or institution which receives three (3) or more children under the age of 16 years and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided however, this definition shall not include public and private schools organized and operated or approved under the law of the state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians a dwelling multiple attending services or meetings or classes or engaged in church activities;

12. "Coverage" means the percentage of the lot area covered by the building. The building area shall include all overhanging roofs;

13. "District" means any section or sections of the Laverne for which regulations governing the use of buildings and premises or height in area of buildings are uniform;

14. "Dwelling, Multiple" means a dwelling designed for occupancy by three or more families living independently of each other exclusive of auto or trailer courts or camps hotels or resort type hotels;

16. "Dwelling, single-family" means a dwelling designed to be occupied by one family;

17. "Dwelling, two family" means a dwelling designed for occupancy by two families living independently of each other;;

18. "Family" means one or more persons related by blood or marriage including adopted children;

19. "Garage, apartment" means a dwelling unit for one family erected above a public garage;

20. "Garage, private" means an accessory building or a part of a main building uniform used for vehicle storage purposes;

21. "Garage, Public" means any garage, other than a private garage, available to the public, used for the care, servicing, repair or equipping of or where such vehicles are parked or stored for renumeration, hire or sale;

22. "Gasoline Service, or Filling Station" means any area of land, including structures thereon, that is used for the sale of gasoline or oil fuels but not butane or propane fuels, or other automobile accessories in which may or may not include facilities for lubricating washing and cleaning or otherwise servicing automobiles but not including the painting thereof;

23. "Home Occupation" means an occupation conducted in a dwelling unit provided that no person other than members of the family residing on the premises shall be engaged in such occupation:

A. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

B. There shall be no change in the outside appearance of the building or premises or other visible evidence of the

conduct of such home occupation other than one sign not exceeding one square foot in area nonilluminated and mounted flat against the wall of the principal building.

C. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

D. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences, detectable to a normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

24. "Hotel" means a building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied as more or less temporary abiding place of persons who are lodged with or without meals for compensation but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint;

25. "Kennel" means any structure or premises on which three (3) or more dogs are kept;

26. "Laundromat" means a laundry provided home type washing drying and ironing machines for hire to be used by the customers on the premises;

27. "Lot" means any plot of land occupied or intended to be occupied by one main building and accessory buildings and uses including such other open spaces as are required by this title and other laws or ordinances and having its principal frontage on a street;

28. " Lot Area" means the total area measured on a horizontal plane included with lot lines;

29. "Lot, Corner" means a lot which has at least two adjacent sides abutting for their full lengths on a street;

provided, that the interior angle at the intersection of such two sides is less than 135°;

30. "Lot Depth" means the mean horizontal distance between the front and rear lot lines;

31. "Lot, Double Frontage" means automatically print a lot having a frontage on 2 non intersecting streets, as distinguished from a corner lot;

32. "Lot Frontage" means that dimension of a lot or portion of a lot of budding on a street, excluding the side dimensions of a corner lot

33. "Lot, Interior" means a lot other than a corner lot;

34. "Lot Lines" means the lines bounding a lot;

35. "Medical Facilities":

Convalescent rest or nursing home means a health facility where persons are housed and furnished with meals and continuing nursing care

Dental clinic or medical clinic means a facility for the examination and treatment of ill and afflicted human outpatients provided their patients are not kept overnight except under emergency conditions.

Dental office or doctor's office means same as the definition of dental clinic or medical clinic.

Hospital means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

Public Health Center means a facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories clinics and administrative offices operated in connection therewith.

Sanitarium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

36. "Nonconforming use" means a structure or land lawfully occupied by use that does not conform to the regulations of the district in which it is situated;

37. "Off Street Parking Space" means a parking space not on or extending over any public easement or right of way;

38. "Parking Space" means a permanently surfaced area enclosed or unenclosed, sufficient in size to store one automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley;

39. "Self-Service Laundry or Dry Cleaning Establishment" means any attended or unintended place, building or portion thereof, available to the general public, for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth fabrics, and textiles of any kind by means of a mechanical appliance which is operated by the customer;

40. "Story" means that portion of a building other than the basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it then the space between the floor and the ceiling next above it;

41. "Street" means any public or private thoroughfare which affords the principal means of access to abutting property ;

42. "Street, Intersecting" means any St. which joins another street at an angle whether or not it crosses the other;

43. "Structural Alterations" means any change in the supporting members of a building, such as bearing walls or partitions columns beams, or girders, or any substantial change in the roof or in the exterior walls;

44. "Tourist Home" means a dwelling occupied as a permanent residence by an owner or renter in which sleeping

accommodations are provided or are offered for transient guests for compensation;

45. "Trailor Court or Mobile Home Park" means a parcel of land under single ownership which has been designed or improved or is intended to be rented for occupancy by one or more trailer houses or mobile homes;

46. "Trailer Home or Mobile Home" means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation; or use as a selling or advertising device or use for storage and so designed that it is or maybe mounted on wheels and used as conveyance on highways;

47. "Trailer or Mobile Home Spaces" means a plot of ground within a trailer court designed for the accommodation of one motor home;

48. "Travel Trailers" means all vehicles and portable structures built on a chassis designed as a temporary or permanent dwelling for travel recreational and vacation use;

49. "Utility Easement" means private property used by the town for utility purposes;

50. "Yard" means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of the structure from the ground upward. Except where otherwise specifically provided in this title, an accessory building or structure may be located in a portion of a yard required for a main building in measuring a yard for the purpose of determining the width of a side yard the depth of a front yard or distance of a rear yard the shortest horizontal distance between the lot line and the main building shall be used;

51. "Yard, Front" means a yard located in the front of the front elevation of the building and extended across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. In unplatted areas or in any such instance where there is a question as to the orientation of the front yard, the front yard shall be determined by the board of adjustment;

52. "Yard, Rear" means the yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shell in all cases be on the opposite end of the lot from the front yard;

53. "Yard, Side" means a yard between the building and the side line of the lot and extended from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building;

DIVISION 2

ESTABLISHMENT OF DISTRICTS

Section 12-210 ZONING DISTRICTS ESTABLISHED.

For the purpose of this chapter and the promotion of public health, safety and general welfare of the community, the following districts are hereby established for the Town:

Agricultural

A-1 agricultural district

Residential

R-1 Single-family dwelling district
R-2 Two-family dwelling District
R-3 Multiple-family dwelling district

Commercial

C-1 General Commercial district

Industrial

I-1 Light Industrial District
I-2 Heavy Industrial District

Section 12-211 ZONING MAP INCORPORATED.

A. Adoption of map. Town is hereby divided into zones or districts as shown on the official zoning map which, together

with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

B. Signature and seal required. The official zoning map shall be identified by the signature of the mayor, attested by the town clerk, and bearing the seal of the town under the following words: we hereby certify that this map was adopted as a part of ordinance #2004-2 the zoning ordinance of the Town of Laverne introduced on the 3rd day of May 2024 and passed and adopted on the 3rd day of May 2024.

C. On file with the town clerk. Regardless of the existence of the purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the town clerk shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the town.

Section 12-212 DISTRICT BOUNDARIES ESTABLISHED.

The boundaries of a zoning district shall extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the "Zoning Map of the Town of Laverne" the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination.

Section 12-213 MAINTENANCE OF OFFICIAL ZONING MAP.

It shall be the duty of the zoning administrator to maintain an up-to-date official "Zoning Map of the Town of Laverne, Oklahoma", including all amendments directly adopted by the Town Board of Trustees.

DIVISION 3

GENERAL ZONING REGULATIONS

Section 12-231 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED.

It shall be a violation of this title for any person to change or permit the change in the use of land or buildings or structures or to erect alter move or improve any building or structure until a building permit or certificate of occupancy has been obtained from the building Superintendent as provided by the rules for building permits.

Section 12-232 CONDITIONS OF MORE RESTRICTED DISTRICT APPLY

Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district such uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.

Section 12-233 OPEN SPACE

A. No open space or lot area required for a building or structure shall during its life be occupied by or counted as open space for any other building or structure.

B. Open eaves, cornices, windowsills, and built courses may project into any required yard a distance not to exceed 1-foot open porches may project into a front or rear yard a distance not to exceed five feet.

C. Where the dedicated street right of way is less than 50 feet the depth of the front yard shall be measured starting at a point twenty-five feet from the center line of the street easement.

D. No dwelling shall be erected on a lot which does not abut on at least one St. for at least thirty-five feet and have a width of at least fifty feet at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys where they exist shall form only a secondary means of ingress and egress. A garage apartment may

be built to the rear of a main dwelling if all other provisions of this title are complied with.

E. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses it is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for the operation of the enterprise.

F. On any fence lot on which a front and side yard is required no wall fence sign structure or any plant growth having a height in excess of three feet above the elevation of the lowest point crown of the adjacent roadway shall be maintained and a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 30 feet along said front and side lot lines and connecting the points so established to form a site triangle on the area of the lot adjacent to the street intersection.

G. An attached or detached private garage which faces a street shall not be located closer than twenty-five feet to the street easement line.

Section 12-234 BUILDING HEIGHT

The regulations of this title qualify or supplement the specific district regulations appearing in the following chapters.

A. Fans in measuring heights, a habitable basement or attic shall be counted as a story provided that a story and a sloping roof the area of which story at a height of four feet above the floor does not exceed 2/3 of the floor area of the store immediately below it and which does not contain an independent apartment should be counted as a half story.

B. Chimneys, elevators, poles, Spires tanks, towers, and other projections not used for human occupancy may exceed above the height limit.

C. Churches, schools, hospitals, sanitariums and other public and semipublic buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased

by 1 foot for each 2 feet by which the height of such public or semipublic structure exceeds the prescribed height limit.

Section 12-235 GROUP HOUSING PROJECTS

In the case of A housing project consisting of a group of two or more buildings to be constructed on a plot of land of at least two acres not subdivided into the customary streets and lots, and which will not be so subdivided or where the existing or contemplated Street and lot layout make it impractical to apply the requirements of this chapter to the individual buildings in such housing projects the application of such requirements to such housing project shall be done by the town board in a manner that will be in harmony with the character of the neighborhood will ensure a density of land no higher and a standard of open space at least this high is required by this chapter in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is greater than the requirement of the district in which the housing project is to be located.

Section 12-236 ANIMALS

Animals in any district shall be kept only in accordance with town ordinances.

Section 12-237 STORAGE OF LIQUIFIED PETROLEUM GASES

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with this municipal code and the regulations of the liquefied petroleum gas administration of the state.

Section 12-238 TRAILER PARKS

Trailer parks shall be constructed in accordance with the requirements of this municipal code.

Section 12-239 MOBILE HOMES OUTSIDE MOBILE HOME PARKS

A. It shall be unlawful for any person to park, use or occupy any mobile home within the limits of the town of Laverne, except in a mobile Home Park is designated herein for mobile homes, without first having obtained a permit to do so.

B. A permit must be obtained by the mobile home occupant for any location outside a mobile Home Park, by making an application to the town clerk for such a permit.

C. No permit shall be issued unless the following provisions are met:

1. No permit for parking of a mobile home outside of a mobile Home Park is designated herein and shall be issued except upon the written consent of 70% of the owners of property within a radius of three hundred feet of the location of such mobile home.

2. The owner must produce proof in writing that the particular area in which the mobile home is to be located does not have plat restrictions prohibiting the moving in of a structure or would violate other plat restrictions which provide for the minimum size, type of construction, cost of construction, or other related matters.

3. The applicant must produce proof in writing that he is the owner of record of either the particular lot on which the mobile home is to be located or the owner of the mobile home structure.

4. The particular lot on which the mobile home is to be located must be a lot of record, free of other dwellings or principal structures and of sufficient size to comply with the provisions of this chapter.

5. Every mobile home within the corporate limits of the town of Laverne, whether in a mobile Home Park or without, shall be skirted or enclosed from the ground to the floor, so that the area there under cannot be used for the occupancy of animals, and in such a manner that the underside of said mobile home cannot be observed from the street. The skirting materials shall be of a durable, waterproof, and fire-resistant nature.

6. All electrical, water, sewer, and gas connections shall conform to the present requirements set forth in this municipal code.

7. Every mobile home within the corporate limits of the town of Laverne, whether in a mobile Home Park or without, must have

anchors of sufficient quantity and strength to resist a wind velocity of 90 mph imposed on the structure. Tie straps or cable, ground anchors, and all included hardware of the system must be designed for a holding capacity of sufficient quantity and strength to resist a wind velocity of 90 mph.

8. The mobile home shall be supported by foundation peers under at least the two widest spread structure under carriage beams of the mobile home. Each foundation pier shall have a solid masonry block footing with area bearing on the ground of not less than two blocks in width and with each block 8 inches by sixteen inches by four inches thick. The distance between piers shall not be more than ten feet center to center, and end piers should be within five feet of the end of the mobile home. In no case should there be fewer peers than number of anchor points of over-the-top tie downs. Pier construction above the solid masonry block footing should be termite resistant material. The bearing area of the pier shaft resting on the footing shall be not less than 9/10 of a square foot in area.

9. Upon meeting the above subsections, the mobile home may be placed on a particular lot and the owner will be given 60 days to meet the balance of the provisions of this section. Upon completion of all the provisions contained herein an inspection by the Town Superintendent, the permit shall be issued. At any time a mobile home is located on a lot under the provisions hereof, and is thereafter removed from that particular lot, and not replaced with another mobile home within one year, which mobile homes shall conform to the provisions of this chapter, the provisions of this section shall be met before a new permit is issued. The cost of the permit shall be $25.00 payable at the time of issuance.

D. Owners of existing mobile home structures shall have until January 1st, 2010, to comply with the provisions of this section.

E. Each day's violation of this section shall constitute a separate and distinct offense.

DIVISION 4

RESIDENTIAL DISTRICTS

A. R-1 SINGLE FAMILY DWELLING DISTRICT

Section 12-241 DESCRIPTION

The R-1 single family dwelling district is the most restrictive residential district. The principal use of land is for single family dwellings and related recreational religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness karma order and efficiency are encouraged by providing adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

Section 12-242 USES PERMITTED

Property and buildings in an R-1 single-family dwelling district should be used only for the following purposes:

Accessory buildings which are not a part of the main buildings, including a private garage, or accessory buildings which are a part of the main building, including a private garage.

Bulletin board or signs, not exceeding twenty square feet in area, appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

Church.

Detached one family dwelling.

Library.

Public park or playground.

Public school or school offering general educational courses the

same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.

Section 12-243 USES PERMITTED ON REVIEW

Uses may be permitted on review by the board of adjustment in accordance with this municipal code.

Section 12-244 LOT REQUIREMENTS

A. Yards:

1. Front yard: All buildings shall be setback from the street right of way lines to comply with the following front yard requirements:

a. The minimum depth of the front yard shall be twenty-five feet.

b. If 25% or more of the lots on one side of the street between 2 intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard or greater depth than 40 feet.

c. If a yard has a double frontage, the front yard requirement shall be provided on both streets.

2. Side yard:

a. For dwellings of one story located on interior lots, there shall be a side yard on each side of the main building of not less than 10 feet and if not less than 15 feet for dwellings of more than one story, except as provided in Section 12-242 of this chapter. For unattached buildings of accessory use, there shall be a side yard of not less than 10 feet: provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than 10 feet from an interior side lot line when all parts of the accessory building are located not less than 90 feet from the front property line.

b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting St. of not less than 15 feet in case such lot is back-to-back with another corner lot, and twenty-five feet in every other case. The interior side yard shall be the same As for dwellings and accessory buildings on an interior lot.

c. Churches and main accessory buildings, other than dwellings, and buildings accessory to dwellings, shall be set back from all exterior and interior side lot lines a distance of not less than 30 feet.

3. Rear yard: there shall be a rear yard for a main building of not less than 20 feet or 20% of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

B. Lot width: For dwellings, there shall be a minimum lot width of fifty feet at the front building line, and such law shall but on a street for a distance of not less than 30 feet.

C. Intensity of use:

1. For each dwelling, and building accessory thereto, there shall be a lot area of not less than seven thousand square feet.

2. Where a lot has less area than here in required and all the boundary lines of that lot touch lands under other ownership on the effective date hereof, that lot may be used for any of the uses, except churches, permitted by this article.

3. For churches and main accessory buildings, other than dwellings in buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this article and the off-street parking areas required in this chapter.

D. Lot coverage: main and accessory buildings shall not cover more than 25% of the lot area on interior lots, and 30% of the lot area on corner lots. Accessory buildings shall not cover more than 20% of the rear yard.

Section 12-245 BUILDING HEIGHT

No building shall exceed 2 1/2 stories or thirty-five feet in height except as provided in this municipal code.

B. R-2 TWO-FAMILY DWELLING DISTRICT

Section 12-246 DESCRIPTION

The R-2 two-family dwelling district is a residential district to provide for a slightly higher population density but with the basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element.

Section 12-247 USES PERMITTED

Property and buildings in an R-2 two-family dwelling district should be used only for the following purposes:

Any use is permitted in the R-1 single family dwelling district.

Two family dwellings or a single-family dwelling and a garage apartment.

Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

Section 12-248 USES PERMITTED ON REVIEW

The following uses may be permitted on review by the board of adjustment in accordance with this municipal code:

Any use permitted on review in an R-1 single-family dwelling district.

Section 12-249 LOT REQUIREMENTS

A. Yards:

1. Front yard: All buildings shall be set back from the street right of way lines to comply with the following front yard requirements:

a. The minimum depth of the front yard shall be twenty-five feet.

b. If 25% or more of the lots on one side of the street between 2 intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard or greater depth than 40 feet.

c. When a yard has a double frontage, the front yard requirement shall be provided on both streets.

2. Side yard:

a. For dwellings of one story located on interior lots, there shall be a side yard on each side of the main building of not less than 5 feet and if not less than and for garage apartments, except as otherwise provided in this Chapter. For unattached building of accessory use, there shall be a side yard of not less than 5 feet: provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than 3 feet from an interior side lot line when all parts of the accessory building are located not less than 90 feet from the front property line.

b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting streets of not less than 15 feet in case such lot is back-to-back with another corner lot, and twenty-five feet in every other case. The interior side yard shall be the same As for dwellings and accessory buildings on an interior lot.

c. Churches and main accessory buildings, other than dwellings, and buildings accessory to dwellings, shall be set back from all exterior and interior side lot lines a distance of not less than 25 feet.

4. Rear yard: there shall be a rear yard for a main building of not less than 20 feet or 20% of the depth of the lot, whichever amount is smaller. Garage apartments may be located in the rear of a single-family dwelling but should not be located closer than ten feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building.

B. Lot width: For single-family dwellings and accessory buildings, there shall be a minimum lot width of fifty feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.

C. Intensity of use:

1. For single-family dwellings and accessory buildings, there shall be a lot area of not less than seven thousand square feet.

2. For each two-family dwelling and accessory buildings, there shall be a lot area of not less than 7000 square feet period a lot for a garage apartment and a single-family dwelling shall have the same area requirements as a two-family dwelling period in all other cases comma a garage apartment shall be provided with the same lot area required by a single-family dwelling period.

3. For a lot has less area than required, and all boundary lines of that lot touch lands under other ownership on the effective date hereof, that lot may be used for any area, except churches, permitted in the R-1 single family district.

4. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this article and the off-street parking areas required by this municipal code.

D. Lot coverage: main and accessory buildings shall not cover more than 30% of the lot area on interior lots, and 30% of the

lot area on corner lots. Accessory buildings shall not cover more than 20% of the rear yard.

Section 12-250 BUILDING HEIGHT

No building shall exceed 2 1/2 stories or thirty-five feet in height except as provided in this municipal code.

C. R-3 MULTIPLE FAMILY DWELLING DISTRICT

Section 12-251 DESCRIPTION

The R-3 multiple-family dwelling district is a residential district to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses, which are functionally and more compatible with intensive residential uses than with commercial uses, are permitted, as are recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order, and efficiency are encouraged by providing adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

Section 12-252 USES PERMITTED

Multiple-family dwelling, apartment house.

Rooming or boarding house.

Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

Section 12-253 USES PERMITTED ON REVIEW

The following uses may be permitted on review by the board of adjustment in accordance with Town's provisions:

Any use permitted on review in an R1 or R2 residential district.

Childcare center

Medical facility.

Mobile home court or park in compliance with this municipal code.

An off-street parking lot associated with a commercial use is required under the provisions of this chapter.

Section 12-254 LOT REQUIREMENTS

A. Yards:

1. Front yard: All buildings shall be set back from the street right of way lines to comply with the following front yard requirements:

a. The minimum depth of the front yard shall be twenty-five feet.

b. If 25% or more of the lots on one side of the street between 2 intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard or greater depth than 40 feet.

c. When a yard has a double frontage, the front yard requirement shall be provided on both streets.

d. There shall be no parking allowed in the front yard.

2. Side yard:

a. For dwellings of one story located on interior lots, there shall be a side yard of not less than 10 feet provided on both sides of the main dwelling for the first story, and an additional five feet of side yard should be provided for each additional story or part thereof. For unattached buildings of accessory use, there shall be a side yard of not less than five feet.

b. For dwellings and accessory buildings located on corner

lots, there shall be a side yard setback from the intersecting streets of not less than 15 feet in case such lot is back-to-back with another corner lot, and twenty-five feet in every other case. The interior side yard shall be the same As for dwellings and accessory buildings on an interior lot.

c. Churches and main accessory buildings, other than dwellings, and buildings accessory to dwellings, shall be set back from all exterior and interior side lot lines a distance of not less than 25 feet.

5. Rear yard: there shall be a rear yard for a main building of not less than 20 feet or 20% of the depth of the lot, whichever amount is smaller. Garage apartments may be located in the rear of a single-family dwelling but should not be located closer than ten feet to the rear lot line. Unattached buildings of accessory use may be in the rear yard of a main building.

B. Lot width: There shall be a minimum lot width of fifty feet at the front building line for single-family and two-family dwellings, and ten feet additional width at the front building line for each family, more than two, occupying a dwelling. However, a lot width at the front building line shall not be required to exceed 150 feet. A lot shall abut on a street not less than 35 feet.

C. Intensity of use:

1. There shall be a lot area of not less than 7000 square feet for a single family dwelling, not less than 7000 square feet for two family dwelling, and not less than 2000 square feet for each family, more than two, occupying a dwelling.

2. There shall be a lot area of not less than seven thousand square feet where a garage apartment is located on the same lot with a single-family dwelling period. When a garage apartment is located on the same lot with the two-family or multiple-family dwelling, the lot area shall provide not less than two thousand square feet more than is required for a two family or multifamily dwelling.

3. Where a lot has less area than herein required and all boundary lines of that lot touch land under other ownership on the effective date hereof, that lot may be used for any use,

except churches, permitted in the R-1 single family dwelling district period.

4. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this article and the off-street parking areas required by this municipal code.

D. Lot coverage: Main and accessory buildings shall not cover more than 35% of the lot area. Accessory buildings shall not cover more than 30% of the rear yard.

Section 12-255 BUILDING HEIGHT

No buildings Chuck seed 2 1/2 stories or thirty-five feet in height, except as provided in this chapter.

Section 12-556 MOBILE HOME PARKS

Upon compliance with the provision set forth in section a mobile home will be allowed in a R-3 multi-family residential district:

A. Site plan required: The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan, locating all mobile home stands, screening, or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.

B. Lot requirements: The proposed site shall be a minimum of 30,000 square feet in size and shall contain no more than fifteen mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred feet on a street designated as a Major Street or Collector Street in the Traffic Ways Plan. All ingress or egress by automobile will be on such major streets. The proposed site shall be a minimum of 140 feet in depth.

C. Permanent and transient occupants: It shall be the intention of the proposed plan for the mobile Home Park to accommodate primarily permanent occupants, with not more than 10% of the mobile hole homestands devoted to purely transient purposes. These purely transient stands are to be located in one

area of the park, so they will no way interfere with the permanent residents.

D. Yards:

1. The proposed site shall have a front yard of not less than 20 feet from the corner or line of any mobile home stand to the street boundary of the park.

2. The site shall have side and rear yards of ten feet from any solid fencing, street plantings, or wall of six feet in height.

E. Off street parking requirements: The proposed site shall provide one off street parking space for each mobile home stand, Plus one additional off street parking space for each four mobile home stands.

F. Public Utilities: The proposed site shall provide a connection for each mobile home stand to all Public Utilities considered necessary for the health, safety, and general welfare of the public.

DIVISION 5

C-1 GENERAL COMMERCIAL DISTRICT

Section 12-557 DESCRIPTION

The C-1 General Commercial District is intended for the conduct. Of personal and business services and the general retail business of the Community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Trucks generated by the users will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

DIVISION 6

INDUSTRIAL DISTRICTS

C. I-1 LIGHT INDUSTRIAL DISTRICT

Section 12-261 DESCRIPTION

The I-1 Light Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesale and service uses. These uses do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air, or street transportation routes.

Section 12-262 USES PERMITTED

Property and buildings in I-1 Light Industrial District shall be used only for the following purposes:

A. No dwelling use, except sleeping facilities required by caretakers or night Watchmen employed on the premises, shall be permitted in an. By one light industrial district.

B. Any of the following uses:

Building material, sales yard, and lumberyard, including the sale of rock, sand, gravel, and the like. As in. Incidental part of the main business, but not including a concrete batch plant or transit mix plant.

Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors.
Freighting or trucking yard or terminal.

Oil field equipment storage yard.

Public utility service, yard or electrical receiving or transforming station.

No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building, unless it is so screened by fences, walls, or plantings that it cannot be seen from adjoining public streets or adjacent lots when

viewed by a person standing on the ground level.

C. The following uses when conducted within a completely enclosed building:

Assembly of electrical appliances, electronic instruments and devices, and radios and phonographs, including the manufacture of small parts. Only, such as coils, condensers, Transformers, crystal holders, and the like.

Automobile assembling, painting, upholstering, rebuilding, reconditioning, Body, and Fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

Blacksmith shop and machine shop, excluding punch presses over twenty tons rated capacity, drop hammers, and automatic screw machines.

Foundry casting lightweight nonferrous metal which does not cause noxious fumes or odors.

Manufacturing and maintenance of electric and neon signs, commercial advertising structures, Light sheet metal products, including heating and ventilating ducts and equipment, cornices, Eves, and the like.

Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fur, fiber, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals, or stone, shell, textiles, tobacco, wool, yarn, and paint not employing a boiling process.

Manufacture, compounding, Processing, packaging, or treatment of such products as bakery, goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfume, toilet, soap, toiletries, And food products.

Manufacture of musical instruments, toys, novelties, rubber, and metal stamps.

Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired

only by electricity or gas.

D. Buildings, structures, and uses accessory and customarily incidental to any of the uses enumerated in this section. The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes, or dust will emanate beyond the property line of the lot on which the use is located.

Section 12-263 YARDS

A. There are no specific front or side yard requirements for uses in the I-1 district. Except when a budding and are a residential district: In such event, a side yard of fifty feet shall be required.

B. Where a building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof, if not less than 50 feet in width or of adequate area in width, to provide for maneuvering of service vehicles, whichever is the greater. In all other cases, no rear yard is required.

C. Building shall be provided with a yard area adequate to meet the off-street parking requirements as set out in this Municipal Code.

Section 12-264 BUILDING HEIGHT

No building shall exceed 3 1/2 stories or forty-five feet in height, except as otherwise provided in this chapter.

D. I-2 HEAVY INDUSTRIAL DISTRICT

Section 12-265 DESCRIPTION

The I-2 Heavy Industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this Municipal Code. The intensity of uses permitted in this district must be approved by the Town Board of Trustees.

Section 12-266 USES PERMITTED

A. Property and buildings in an I2 heavy industrial district

may be used for any use except the following:

All residential uses except sleeping facilities required by night Watchmen and caretakers employed upon the premises.

All uses not complying with this chapter or any other county, state or federal regulation or law.

All of the following uses until they have been studied by the Board of Adjustment and have received the express approval of the Board of Adjustment. The following uses may require approval by the town. Or County Health Department, the state fire Marshal or other state or county regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare.

Acid manufacture.

Cement, lime, gypsum, or plaster of Paris manufacture.

Explosive Manufacturer or wholesale storage.

Gas manufacture.

Petroleum or its products, or the refining thereof.

Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.

Section 12-267 YARDS

A. There are no specific front or side yard requirements for uses in the I2 district, except when a budding a residential district; in such case, A 100-foot side yard setback shall be required.

B. Where a building is to be serviced from the rear, there shall be provided, and alleyway, service court, rear yard, or combination thereof, of not less than one hundred feet in width, or of adequate area in width to provide for maneuvering of service vehicles, whatever is the greater. In all other cases, no rear yard setback is required.

C. Buildings be provided with a yard area adequate to meet

the off-site parking requirements as set forth in this municipal Code.

Section 12-268 BUILDING HEIGHT

No building shall exceed 3 1/2 stories or forty-five feet in height, except as otherwise provided in this municipal code.

DIVISION 7

A-1 AGRICULTURAL DISTRICT

Section 12-271 DESCRIPTION

A. Agricultural or underdeveloped land.
B. Agricultural or underdeveloped land added to the town.

Section 12-272 USES PERMITTED

The following uses may be permitted on review by the planning commission in accordance with this municipal code.

Section 12-273 YARDS

A. Yards:

1. Front Yard: The minimum depth of the front yard shall be fifty feet.

2. Side Yard: There shall be a minimum side yard of twenty-five feet.

3. Rear Yard: There shall be a minimum rear yard of fifty feet,

B. Lot Width: There shall be a minimum lot width of 150 feet for all uses except a single-family dwelling, and it may be one hundred feet.

C. Intensity of Use: There shall be a minimum of five acres for all uses.

D. The maximum building coverage shall be 20% of the land area.

Section 12-274 BUILDING HEIGHT

No building shall exceed 2 1/2 stories or thirty-five feet in height except as provided in this municipal code.

DIVISION 8

OFF STREET PARKING AND LOADING

Section 12-281 INTENT; APPLICATION OF PROVISIONS

It is the intent of this division. That adequate parking and loading facilities be provided off the street for each use of land within the town. Requirements are intended to be based on the demand created by each use. This division shall apply to all uses in all districts.

Section 12-282 REQUIRED OPEN SPACE

A. Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

B. The area required for off-street parking shall be in addition to the yard areas here in required.; Except that the front yard required in a C-1 General commercial district. Or I-1 Light Industrial district may be used for uncovered parking area, and the front yard required. In a residential district, except R3, may be used for the uncovered parking for four or less vehicles associated, with a residential use, when the area is surfaced with pavement adequate to prevent the occurrence of mud and dust, with continued use, and may be used for uncovered parking for more than four vehicles in accordance with the provisions of this division.

Section 12-283 ADDITIONAL PARKING REGULATIONS

A. Location of parking lot: The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use and shall have direct access to the street or alley.

B. Size of parking spaces: The size of a parking space For one

vehicle shall consist of a rectangular area having dimensions of not less than 9 feet by twenty-one feet, plus adequate area for ingress and egress.

C. Parking lots in residential districts: Whenever off-street parking lots for more than four vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. Screening: All sides of the lot abutting the residential district shall be enclosed with an opaque ornamental fence, wall, or dense Evergreen hedge, a height of not less than six feet. Such fence, wall, or hedge shall be maintained in good condition.

2. Front yard parking; Sight triangle: No parking shall be permitted within a front yard setback line established ten feet back of the property line of interior and corner lots whenever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, no setback shall be required; provided, however, that on any corner lot formed by two intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure, or plant growth having a height in excess of three feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of 30 feet along said front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

3. Landscaping: All yards shall be landscaped with grass, shrubs, and Evergreen ground cover, and maintained in good condition the year round.

4. Driveways: Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five feet in width, exclusive of curb returns.

5. Paved surface: All the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by the continued use.

6. Lighting: The intensity of light and arrangement or of reflectors shall be such as not to interfere with residential district uses.

7. Signs: No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions in terms of the use of the lot. Only non-intermittent incandescent lighting of sign shall be permitted.

Section 12-284 NUMBER OF PARKING AND LOADING SPACES

Off street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

Commercial establishments not otherwise classified: One parking space for each 150 square feet of floor space in the building. Used for retail trade, or used by the public, whichever is the greater.

Community Center, Theater, auditorium, Church sanctuary: One parking space for each five seats, based on maximum seating capacity.

Convention hall, Lodge, Club, Library, Museum, Place of amusement or recreation: One parking space for each fifty square feet of floor area used for assembly or recreation in the building.

Dwelling Units:

Each single family detached unit in each unit of a two-family unit: Two parking spaces.

Multifamily structure: 1 1/2 parking spaces for each one-bedroom unit, 1 1/2 parking spaces for each two-bedroom unit, and two parking spaces for each 3-bedroom unit.

Hospitals: One space for each of the four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each of the three employees, including nurses, plus adequate area for the parking of emergency vehicles.

Industrial establishments: Adequate area to park all employee

and customer vehicles at all times., and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

Medical or dental clinics or offices: Four spaces per doctor, plus one space for each two employees.

Motel, Rooming house, or hotel: One parking space for each guest. Room providing overnight accommodation.

Office building: One parking space for each three hundred square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service area.

Sanitarium, convalescent, or nursing homes: 1 Space for each six patient beds, plus one space for each staff or visiting doctor, plus one space for each four employees, including nurses.

For all uses not covered above: The Board of Adjustments shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

DIVISION 9

NONCONFORMING BUILDINGS, STRUCTURES AND USES

Section 12-291 INTENT

Within the districts established by this chapter, or amendments that may later be adopted, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date hereof, or amendment hereof, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 12-292 ALTERATION OR ENLARGEMENT OF NONCONFORMING USE

Non-conforming uses are declared by this title to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of the structure and land in combination, should not be extended or enlarged after the effective date of by attachment on a building or premises of additional signs intended to be seen from off premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

Section 12-293 BUILDINGS UNDER CONSTRUCTION

To avoid, undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or design use of any building on which actual construction was lawfully begun prior to the effective date of or amendment hereto, and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials and permanent position and fastened in a permanent manner.

Section 12-294 NONCONFORMING LOTS OF RECORD

A. In any district in which single family dwellings are permitted, a single-family dwelling in customary accessory buildings may be erected on any single lot of record at the effective date hereof, or amendment hereto, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This subsection shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable to the district; provided, that yard dimensions and requirements other than those applying to area or width, or both, of the law shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained through action of the board of adjustment.

B. If two or more lots or combinations of lots and portions of lots with continuous frontage and a single ownership are of record at the effective date hereof, or amendment thereto, and if all or part of the lots do not meet the requirements

established for lot with an area, the lands involved should be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a matter which diminishes compliance with the lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with widths or area below the requirements stated in this chapter.

Section 12-295 NONCONFORMING USES OF LAND OR WITH MINOR STRUCTURES ONLY

Where, at the effective date hereof, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure, with a replacement cost exceeding $1000, the use may continue so long as it remains otherwise lawful provided:

A. No such non-conforming use. Shall be enlarged or increased, or extended to occupy a greater area of land that was occupied at the effective date hereof, or amendment thereto.

B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date hereof, or amendment thereto.

C. If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which the land is located.

D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.

Section 12-296 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date hereof, or amendment thereto, that could not be built upon the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or person thereof may be altered to increase its nonconformity.

B. Should such a nonconforming structure or non-conforming portion of the structure be destroyed by any means to an extent? Of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed, except in conformity with the provisions of this chapter.

C. Should such structure be moved for any reason, for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 12-297 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If a lawful use involving individual structures with a replacement cost of $1000 or more, or of structure and premises in combination, exists at the effective date hereof, or amendment hereto, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district. From which it is located.

B. Any use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date hereof, or amendment. Here too, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure in premises, May is a special exception, be changed to another nonconforming use: provided, That the board of adjustment, either by general rule or by making findings in the specific case, shall find that the

proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

D. Any structure, or structure in land, in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued in its, use, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

F. When a non-conforming use status applies to a structure and premises in combination, or removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction, for the purpose of this subsection, is defined as damage to an extent of more than 50% of the replacement cost at the time of destruction.

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PUBLIC SAFETY

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CHAPTER 13

PUBLIC SAFETY

ARTICLE 1

FIRE PREVENTION

Section 13-101 INTERNATIONAL FIRE CODE ADOPTED.

A. That a certain document is on file in the Office of the Town Clerk of the Town of Laverne, Oklahoma, being marked and designated as the International Fire Code, 2018 Edition, its appendices and annual amendments thereof, as published by the International Code Board of Trustees, be and is hereby adopted as the Fire Code for the Town of Laverne, State of Oklahoma, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Town Clerk of the Town of Laverne, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102 of this Article.

B. The following section of the International Fire Code, 2018 Edition are hereby revised:

All references to jurisdiction shall be amended to mean the Town of Laverne, Oklahoma.

All amendments made by the Oklahoma Uniform Building Code Commission to this Code are hereby incorporated by reference as herein set out.

State Law Reference: Building codes, adoption by cities, 11 O.S. § 14-107; 74 O.S. § 324.8.

Section 13-102 ENFORCEMENT.

The code hereby adopted is 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 is held to mean the Town.

Section 13-104 LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS; OUTSIDE STORAGE OF CYLINDERS CONTAINING LIQUIFIED PETROLEUM GASES; SUITABLE BARRIERS OR ENLCOSURES REQUIRED; EXCEPTIONS.

A. Except as otherwise provided or permitted in this municipal code, for purpose of the fire prevention code, the bulk storage of:

1. flammable liquids in outside aboveground tanks,

2. new bulk plants for flammable liquids,

3. liquefied petroleum gas (“LPG”), and

4. explosive and blasting agents are prohibited within the Town limits.

Bulk storage of LPG shall mean any container or tank with a capacity greater than 100 lbs. Provided however, the sale or lease of tanks containing LPG may occur in properly zoned commercial and industrial properties, but only pursuant to subsection B. This prohibition shall not govern deliveries of flammable liquids or LPG or such fuels under transport. All above ground storage tanks in place on the effective date of

this section are grandfathered so long as such above ground tanks are adequately maintained and do not adversely affect the health, safety and welfare of the community as determined by the Fire Chief.

B. Any person, firm, corporation or entity owning, leasing or in possession and control of any real property on which sets any outside display or storage of any cylinder or cylinders containing LPG, which outside display sets in a location whereby a vehicle could impact such cylinder or cylinders, shall erect suitable barriers or enclosures.

C. Notwithstanding the provisions of this code and consistent with protection of the health, safety and welfare of the community, the Fire Chief may issue a permit for the installation of an outside aboveground tank(s) constituting bulk storage within the Town limits if:

1. The specifications for the outside aboveground tank(s) are in conformance and compliance with NFPA 30 & 30A.

2. The outside aboveground tank(s) have been approved by and carry a seal certifying approval by UL 2085.

3. The outside aboveground tank(s) are placed in a location(s) deemed suitable and safe by the Fire Chief.

4. Any other requirement deemed necessary by the Fire Chief to protect the public safety, including but not limited to the following:

a. Requiring that any property upon which bulk storage is permitted under this subsection must be at least four (4) acres in size;
b. Requiring that the tank must be located at least one hundred feet (100') from any boundary line of any adjoining neighboring property; and
c. What type of fuel is proposed to be stored in the tanks.

Section 13-105 MODIFICATIONS.

The mayor, with the approval of the Town Board of Trustees, shall have power to modify any of the provisions of the code hereby adopted in his own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Mayor thereon is entered upon the records of the Board of Trustees, and for applications requesting change, a signed copy is furnished the applicant.

Section 13-106 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Town Superintendent, the chief of the fire department, and one person appointed by the mayor with approval of the Board of Trustees shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

Section 13-107 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.

ARTICLE 2

FIRE DEPARTMENT AND SERVICE

DIVISION 1

FIRE SERVICES

Section 13-201 FIRE DEPARTMENT.

A. There is a fire department, the head of which is the chief of the fire department. The fire department shall be organized as a combination fire department as provided by Title 11 O.S. Section 29-301, with both full-time salaried firefighters and not more than twenty-five volunteer firefighters.

B. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings.

C. The term volunteer call firefighter ("volunteer firefighter") means a person who is enrolled as a volunteer member of a combination fire department of the Town and who serves in that capacity without receiving a regular salary. A salaried employee of a municipality shall not serve as a volunteer firefighter as a condition of employment with the municipality. No public safety employee of the Town shall serve as a volunteer firefighter unless the person is off duty and such service is not a condition of employment. Volunteer firefighters shall:

1. Be required, when notified, to respond to alarms of fire and other emergencies.

2. Be required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters.

3. Be dropped from a fire department's rolls if such volunteer firefighter has two unexcused absences in succession or three unexcused absences in a period of three (3) months.

4. Notify the chief if such volunteer firefighter is leaving the municipality for an extended period of time.

5. Be expelled from the rolls if such volunteer firefighter refuses to attend training classes provided for him or her.

6. Be expelled from the rolls for the following offenses:

   a. conduct unbecoming of a firefighter

   b. any act of insubordination

   c. neglect of duty

   d. any violation of rules and regulations governing the fire department, or

   e. conviction of a felony; and

7. Reside in Harper County or a county which borders Harper County.

These positions, including the authorized number of each position, can be changed at any time by amendment to this section. The enactment of this section grants no contract or other right of continuing employment to any employee, it being the purpose of this section merely to name and number the positions within the Fire Department. Each position depends upon annual budget authorization and appropriation of sufficient funds. The Town reserves the right to determine and/or amend the composition of the Fire Department, including the right to organize and reorganize the Fire Department, to determine job classifications and ranks based upon duties assigned and employees in each rank and to determine the number of employees to be employed by the Fire Department.

State Law Reference: Fire departments generally, 11 O.S. Section 29-101 et seq.; Volunteer fire departments, provisions, and requirements, 11 O.S. Section 29-201 et seq.

Section 13-202 DUTIES OF THE FIRE CHIEF.

The chief is 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 he 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. He shall have supervision and control of the fire department, subject to the supervision and control of the Town;

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 a year;

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

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

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

6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism 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 purposes of making inspections and to serve written notice to immediately correct any hazards that may be found;

8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the Town Board of Trustees as it may require. The chief shall keep the Town Board of Trustees informed regarding the fire department and its needs.

Section 13-203 DUTIES OF THE ASSISTANT CHIEF.

In the absence of the fire 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.

Section 13-204 REPEALED

Section 13-205 REPEALED

Section 13-206 NEW MEMBERS.

New members of the volunteer department are on probation for one year after their appointment. Upon completion of their probation period, new volunteer members must be approved by the majority of the other members of the fire department, the chief, and the Town Superintendent.

Section 13-207 REPEALED

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 organizations, 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, and 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.

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 of Trustees. All moneys 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, are 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 are entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the Town. Compensation of firefighters is as provided by the Town.

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 is considered as an agent of the state, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by the virtue of Sections 13-210 to 13-214 of this code.

ARTICLE 3

POLICE DEPARTMENT

Section 13-301 POLICE DEPARTMENT, CREATED.

There is a police department, the head of which is the chief of police, who may also be the Town marshal, elected as provided in Section 2-102 of this code. The chief of police is an officer of the Town and has supervision and control of the police department. The police chief is subject to direction of the Town Superintendent. All police officers are officers of the Town.

State Law Reference: Police department and duties, 11 O.S. Section 34-101 et seq.

Cross Reference: Town marshal, See Part 2 of this code.

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 perform such duties as are required of them by the chief of police, Town ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace.

Section 13-304 EMERGENCY DUTIES IN OTHER CITIES.

A. Approval is hereby given for service of members of the regular police department of this Town as police officers of any other Town or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this Town, when such service is requested by the mayor or chief of police of the Town or town.

B. Requests for service under this Section are made by writing or by telephone, or other means of communications, to the mayor who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this Town, and after consultation with the marshal, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

Section 13-305 COMPOSITION OF THE POLICE DEPARTMENT

The Police Department of the Town shall consist any number of personnel.

These positions, including the authorized number of each position, can be changed at any time by amendment to this section. The enactment of this section grants no contract or other right of continued employment to any employee, it being the purpose of this section merely to name and number the positions within the Police Department. Each position depends upon budget appropriation in order to fund each position. The Town reserves the right to determine and/or amend the composition of the Police Department, including the right to organize and reorganize the Police Department, to determine job classifications and ranks based upon the duties assigned and employees in each rank and to determine the number of employees to be employed by the Police Department.

ARTICLE 4

RESERVED

ARTICLE 5

DEPARTMENT OF EMERGENCY MANAGEMENT

Section 13-501 Emergency Management Director.

1. The Office of Emergency Management Director is hereby created, to be appointed by the Board of Trustees. Such person may be a volunteer or a part or full-time position. Such person shall have the minimum qualifications as provided under Tit. 63, Section 683.11 of the Oklahoma Statutes, or as such section is hereafter amended.

2. The Director of Emergency Management shall be executive head of the Department of Emergency Management and shall be responsible for carrying out the Emergency Management Program of the Town of Laverne, Oklahoma.

3. The Emergency Management Director shall have the responsibility to:

A. Form an organization to prepare and implement an Emergency Management Program;

B. Form committees to perfect such an organization;

C. Appoint the chairmen of such committees;

D. Cooperate with other governmental emergency management agencies; and

E. Formulate plans, gathers, or assigns a designee to gather information and maintain records for the Emergency Management Department, FEMA and Oklahoma Emergency Management.

4. The Emergency Management Director may be reimbursed for expenses incurred in the performance of his/her duties, provided such expenses are at the direction of, and approved by, the Town Superintendent.

5. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Emergency Management Director, after authorization from the Mayor, shall have the authority to enforce all regulations relating to emergency management, for the purpose of protecting the residents of the Town of Laverne, Oklahoma.

Section 13-502 Emergency Management Department.

1. There is hereby established an Emergency Management Department under the executive branch of government, which shall consist of an Emergency Management Director.

2. The purpose of said Department shall be to be prepared for, and function in the event of, emergencies endangering the lives and property of the people of the Town of Laverne, Oklahoma, and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of said community.

Section 13-503. Definitions.

1. Emergency Management. The term "Emergency Management" shall mean the preparation for, and carrying out of, all emergency functions, other than functions for which primary responsibility is assigned elsewhere by Federal, State or local Law or Ordinance, to protect the public peace, health and safety and to preserve lives and property in the Town of Laverne, Oklahoma, during any emergency resulting from enemy attack, sabotage or other hostile action, or from any flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near said community, and involving

imminent or actual peril to life and property. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, streets and sewers service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation and all other functions necessary or incidental to the preparation for any carrying out of the foregoing functions.

2. Enemy-Caused Emergency. The term "enemy-caused emergency" shall mean any state of emergency caused by actual or impending attack, sabotage, or other hostile action, anywhere within the United States and involving imminent peril to lives and property in the Town of Laverne, Oklahoma. Such emergency shall be deemed to exist only when the Mayor shall so declare any public proclamation and such emergency shall be deemed to exist until the aforesaid Mayor shall declare its termination by public proclamation or until the Town Board of Trustees shall declare its termination by Resolution.

3. Natural Emergency. The term "natural emergency" shall mean any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near the Town of Laverne, Oklahoma, and involving imminent peril to lives and property. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an "enemy-caused emergency".

Section 13-504 Liability.

1. Neither the Town of Laverne, Oklahoma, nor any officer or member of the Emergency Management Organization provided for in this Article, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer Emergency Management worker or member of any agency engaged in Emergency Management activity prior to, or during, either an enemy-caused or a natural emergency.

2. Nor shall the Town or any such officer or member be liable for the death or injury of any persons, or damage to property, resulting from such emergency management activity prior to, or during, either an enemy-caused or a natural

emergency.

Section 13-505 Federal, State or Private Aid May Be Accepted.

Whenever the Federal government, the State of Oklahoma, or any person, firm or corporation shall offer to the Town of Laverne, Oklahoma, any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of Emergency Management, the Mayor may accept such offer and may authorize the Emergency Management Director to receive the same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

ARTICLE 6

UNCLAIMED PROPERTY

Section 13-601 DELIVERY TO CHIEF OF POLICE REQUIRED; RECORDS.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and the name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

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

Section 13-602 DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES.

A. The Chief of Police is authorized to dispose of personal property or money, or legal tender as provided in this Section, which has come into his possession in any manner if:

1. The owner of the personal property or money or legal tender is unknown or has not claimed the property;

2. The property or money or legal tender has been in the custody of the chief of police for at least six (6) months; and

3. The property or money or legal tender or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

B. The Chief of Police shall file an application in the Harper County District requesting the authority of the court to conduct a sale of such personal property which has a fair market value of more than its face value. The Chief of Police shall attach to the application a list describing such property including any identifying numbers and marks, the date the property came into the possession of the Chief of Police, and the name of the owner and the person in last possession, if different and the address of such person, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.

C. In any instance where the property has an actual or apparent value of more than Twenty-five Dollars ($25.00), at least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified mail to each owner at the address as listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars ($500.00) is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is in custody. Said notice shall contain a brief description of the property of said owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of municipal notices, and at two other public places in the municipality. If no owner appears and establishes ownership to the property at the hearing, the court shall enter an order authorizing the Chief of Police to donate the property having value of less than Five Hundred Dollars ($500.00) to a not-for-profit corporation as defined in Title 18 of the Oklahoma Statutes for use by needy families or to sell the personal property for cash to the highest bidder, after at least five (5) days' notice of the sale has been published. The Chief of Police shall make a return of the donation or sale and the order of the court confirming the donation or sale shall vest title to the property in the recipient or purchaser. After payment of court costs and other expenses, the remainder of money received from the sale of the personal property shall be deposited in the municipal general fund. E. All money or legal tender which has come into the possession of the Chief of Police pursuant to the circumstances provided for in subsection A of this Section shall be transferred by the Chief of Police to the municipal clerk for deposit in the municipal general fund. Prior to any such transfer, the Chief of Police shall file an application in the district court requesting the court to enter an order authorizing the Chief of Police to transfer the money for deposit in the municipal general fund. The application shall describe the money or legal tender, the date the same came into the possession of the Chief of Police, and the name of the owner and the address of the owner, if known. Upon filing the application which may be joined with an application as described in subsection B of this Section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the application. Notice of the hearing shall be given as provided for in subsection C of this Section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order

the same to be deposited in the municipal general fund. The notice may be combined with a notice to sell personal property as provided for in subsection B of this Section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the municipal general fund as provided in this subsection.

F. The provisions of this Section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.

G. The municipality is hereby authorized to establish a procedure for the registration of "lost and found" property. Such procedure shall give the finder of any property the option of relinquishing any future claim to found property at the time its possession is surrendered to the police or other agent of the municipality, or of retaining possession of the property after registering its description and the finders identity with the police department or other agent of the municipality. Only property in which the finder relinquishes any future claim to its ownership will be stored in municipal police property rooms.

H. An amount not greater than 25% of the money or legal tender deposited in the municipal general fund as provided in subsection D or E of this Section may be paid as a finders' fee for services rendered to any person who found the unclaimed personal property or money or legal tender and delivered it to, or registered it with, the Chief of Police or other agent of the municipality. All such fees must be first authorized by the Town Superintendent.

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

Section 13-603 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITION.

A. If any personal property used for the purpose of violating any of the gambling laws of this state, shall be seized by any officer or person with or without a search warrant, such officer or person is hereby required within five (5) days of the seizure to make a written report under oath and file the same with the county clerk, which report shall in detail state the name of the officer or person making the seizure, the place where seized and an inventory of the property or articles so taken into possession. Within five (5) days after seizing such property, the officer shall deliver the property to the sheriff of the county and take the sheriff's receipt therefor, in duplicate, and the sheriff shall retain the same and all thereof until the same shall be destroyed pursuant to the orders of the court.

B. In computing time, five (5) days, Sundays and holidays shall be excluded and not counted.

C. A duplicate copy of the receipt shall be filed with the county clerk, who shall keep a record of same. However, the sheriff and his deputies shall be required to make the affidavit and issue the receipt and otherwise comply with the provisions of this Section. The sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him under the provisions of this Section.

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

Section 13-604 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION.

If the Town police officers seize:

A. Any apparatus, equipment, vehicle, or instrumentality used for, or intended for use in manufacturing or transporting any alcoholic beverages in violation of the state alcoholic beverage control laws; or

B. Any alcoholic beverages possessed, sold, transported, manufactured, kept or stored in violation of the state alcoholic beverage control laws, and if the court finds from a preponderance of the evidence that the property seized was lawfully subject to seizure, then the court shall render judgment accordingly and order the property forfeited to the Town in which the seizure of the property took place. Such seized property shall be sold by the police chief, after giving ten (10) days' notice by one publication in a legal newspaper of the county at least ten (10) days before such sale. Appeal from such an order may be taken as in civil cases. When such property is sold under the provisions of this Section, the proceeds thereof shall be distributed as follows:

1. First, to the payment of the costs of the case in which the order of forfeiture was made and the actual expenses of preserving the property; and

2. Second, the remainder shall be deposited with the Town.

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

Section 13-605 PROPERTY OF DECEASED PERSONS.

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

Section 13-606 NOTICE OF SALE.

Ten (10) days before the sale of nonessential Town stock or property, the police chief or his designee, shall cause to be posted in at least four (4) public places in the Town (one of which shall be the main bulletin board in Town hall) notices of the time, place and manner of the sale, and a general description of the property to be sold. The police chief or his designee shall also cause at least one published notice to be given in a newspaper of general delivery within the Town. This notice shall include information as to the time, place, and manner of the sale, and a general description of the property to be sold.

Section 13-607 LIBRARY BOOK DISPOSITION.

A. All books withdrawn from the collection of the public library which are obsolete, as duplicates of titles no longer popular, have been replaced by better more comprehensive or updated editions, or because they are badly worn, regardless of whether the book was obtained through Town funds or through donations, shall be disposed of by placement in a prominent place within the main library or branch. These books shall be those in usable condition and shall be priced as determined by the librarian. Books will be sold for cash only.

B. Monies collected for these books shall be deposited in the general fund. Books that are badly worn and cannot be sold or books which have not been sold within sixty (60) days shall be forwarded to the recreation and supply director for disposition as described within.

C. In addition to the above, the librarian may from time to time sell books at book fairs or art festivals which are held throughout the year within the Town limits.

Section 13-608 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS.

A. Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the chief of police, with the approval of the police chief or his designee, for new weapons for use by the police department. The unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the police chief or his designee, are reputable.

B. In trading such unclaimed or confiscated weapons, the chief of police shall, with the approval of the police chief or his designee, advertise for bids for such trade. Such advertisement for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the Town. In no case may the fair market value of the weapons received in such trade exceed Two Thousand Dollars ($2,000.00) unless such trade is accomplished pursuant to formal bid procedure.

C. The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value of the new weapons received in such trade.

CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

Section 14-101 TREES AND SHRUBBERY TO BE TRIMMED.
Section 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY
Section 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS PARKWAYS, STREETS, AND ALLEYS WITH MERCHANDISE
Section 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS & STREETS
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Section 14-108 NOTICE; PENALTY
Section 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE
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Section 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET
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Section 14-113 INSECTS AND WORMS
Section 14-114 PERMIT TO STRING WIRES
Section 14-115 ENCLOSING SIDEWALKS, STREETS, ALLEYS OR PUBLIC WAY WITH A FENCE, BUILDING OR STRUCTURE PROHIBITED; FENCING OR ENCLOSING PUBLIC EASEMENTS
Section 14-116 MOWING AND/OR SWEEPING GRASS CLIPPINGS, VEGETATIVE MATERIAL OR OTHER LITTER IN THE STREETS OR OTHER PUBLIC PLACE PROHIBITED

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

Section 14-201 NOTIFICATION TO TOWN
Section 14-202 FEE TO BE PAID TO TOWN
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CHAPTER 14

STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

Section 14-101 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 Section 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 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the Town; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

Section 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, 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 the same thereon; or to use the same as a place to carry on a business or trade.

Section 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the 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 14-105 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 14-106 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 14-107 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 14-108 NOTICE; PENALTY.

If any property owner, occupant or agent of such property shall fail or refuse to repair or clean off the sidewalk abutting or adjacent to the property owned or occupied by him within seventy-two (72) hours after notice served on him by any police officer, health officer, or any other agent of the Town, the property owner or occupant or agent so failing or refusing after notice so to do, to repair or clean off such sidewalk, shall be deemed guilty of an offense.

Section 14-109 NO OBSTRUCTIONS 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 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS.

Any person who shall willfully or wantonly cut or break or remove, or in any manner displace any curbing, guttering, or who shall recklessly or intentionally, drive any vehicle loaded with asphalt materials, lumber or building materials, or any kind, into or on the curbing, or concrete guttering of any paved street, shall be guilty of an offense.

Section 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET.

The owner, driver, operator or mover of any vehicle over any street or alley of the Town and specifically vehicles of a load weight in excess of passenger automobiles and light delivery trucks, shall be responsible for all damages which streets or alleys may sustain as a result of the use thereof by such vehicles. This shall not be applicable to deterioration caused by normal vehicular use of such streets and alleys. The amount of such damage may be recovered in an action in the court of proper jurisdiction in the name of the Town.

Section 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED.

It is unlawful for an owner or occupant of premises abutting on a sidewalk in the Town to store on the sidewalk, goods, wares and merchandise of a space at least six (6) feet in width, is left clear for passage of traffic or pedestrians. Such goods, wares and merchandise may not be stored or displayed on the sidewalk in such a manner that vehicles parking at the curb could be damaged thereby. Such goods, wares and merchandise must be removed by the owner or occupant of the premises at least once during each twenty-four (24) hour period.

Section 14-113 INSECTS AND WORMS.

Each owner, agent, or occupant in front of or on whose lots shade trees have been planted or are growing shall use every reasonable precaution to protect the same from insects and worms.

Section 14-114 PERMIT TO STRING WIRES.

A. It is unlawful and an offense for any person to trim, cut or otherwise mutilate any shade or ornamental tree on any street, parking, or other public place in the Town for the purpose of stringing wires or cables along or across the parking or other public places, without first obtaining a permit therefor in writing from the Town, which shall be filed with the Town clerk.

B. Whenever any telephone, telegraph, or electric light and power company or any other person with authority to use the streets for such purposes, desires to string any wires or cables along or across any of the street parking, or other public place, such person shall make application to the Town. If the Town Superintendent determines that it is necessary for the proper stringing of the wires to trim or cut any such trees, and the same can be done without serious injury to the trees, he shall issue his written permit, stating the nature and extent of such trimming or cutting, which shall be filed with the Town clerk as heretofore provided. All such trimming or cutting shall be done under the direct supervision and control of the Town Superintendent or some competent person designated by him.

Section 14-115. ENCLOSING SIDEWALKS, STREETS, ALLEYS OR PUBLIC WAY WITH A FENCE, BUILDING OR STRUCTURE PROHIBITED; FENCING OR ENCLOSING PUBLIC EASEMENTS.

A. It is unlawful for any person to fence or enclose any sidewalk, street, alley, or public way within the Town, or to erect or maintain a fence, building, structure, or other obstruction on or across the same. This section shall not prohibit the closing of a sidewalk and/or part of a street with the approval of Town Superintendent to protect the public from injury from a building or other thing under construction, alteration, or repair.

B. Fencing which encroaches a public easement shall not interfere with the purpose of the public easement or ingress or egress thereto, including access by the Town or utility or public service company or easement holder to the public easement. The Town or utility or public service company or easement holder may remove any improvement, including fencing, interfering with the use of the public easement, and the property owner shall be responsible for replacing any improvement, including fencing, at his own expense and may be required to reimburse the Town or utility or public service company or easement holder for removal costs. The Town or utility or public service company or easement holder shall give the property owner at least three (3) days' notice of its intent to utilize the public easement by placing a door hanger on the real property stating the time and date that the use will commence; no such notice shall be required in the event of an emergency.

C. No person, firm or other entity shall violate the terms of this section by act or omission.

Section 14-116 MOWING AND/OR SWEEPING GRASS CLIPPINGS, VEGETATIVE MATERIAL OR OTHER LITTER IN THE STREETS OR OTHER PUBLIC PLACE PROHIBITED.

No person shall operate mowing equipment adjacent to a public street or other public place in such a manner as to cause the discharge of grass clippings, vegetative material or other litter, to be discharged or remain in the public street or other public place. No person shall sweep into or deposit any grass clippings, vegetative material or other litter onto any sidewalk, street, alley, gutter, or other public place. Persons owning or occupying property shall keep the sidewalk, street, or other public place free of grass clippings, vegetative material, or other litter.

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

Section 14-201 APPLICATION FOR A TOWN PERMIT.

Prior to commencement of any boring, cutting or excavation under, across or through any street or alley, the party about to perform the same ("permittee") shall apply for a permit on the appropriate Town form stating the type, nature and manner that the proposed boring, cutting or excavation is intended to be done, the location thereof, and the necessity of such boring, cutting or excavation. The appropriate permit fee as provided in Chapter 18 shall accompany the application. The application shall also state the type of fill materials being used. The application must be approved, and a permit issued by the Town Superintendent or designee prior to any such boring, cutting or excavation.

Section 14-202 RESERVED.

Section 14-203 MAINTENANCE AND INDEMNITY BOND.

Prior to commencement of any boring, cutting or excavation of any street or alley, the party to perform the same shall post with the Town Clerk a good and sufficient surety or indemnity bond, payable to the Town in the amount of at least $5,000.00, to protect the Town against defective workmanship and material for a period of one (1) year from the date of the closing of the bore, cut or excavation, and otherwise to protect and save the Town harmless from any and all damages caused by any such boring, cutting or excavation.

Section 14-204 TO FILL EXCAVATION, APPROVAL & SPECIFICATIONS

A. After the installation, replacement or repair of any utility line or other line accomplished, the permittee shall fill the bore, cut or excavation in the following manner:

1. Cover the main line and connection with approximately one (1) foot of compacted sand; and

2. Cover the one (1) foot of compacted sand with one (1) of the following permitted fill materials:

a. Fill the hole with one and a half (1 ½) inches crusher run rock within six (6) inches of the surface. Material to be compacted every twelve (12) inches. The permittee shall haul the rubble from the work site, finish filling the hole to surface grade with compacted one and a half (1 ½) crusher run rock, asphalt or other surface material as is appropriate and consistent with the material that was removed. Permit holder shall be legally responsible, both under the bond or otherwise, for any required re-surfacing needed to the existing roadway surface for one (1) year from the date of the closing of the bore, cut, excavation or other repair.

b. Fill the hole with dry earthen material within six (6) inches of the surface. Material shall be compacted every twelve (12) inches. The permit holder shall haul the rubble from the work site, finish filling the hole to surface grade rock, asphalt or other surface material as is appropriate and consistent with the material that was removed. Permit holder shall be

legally responsible, both under the bond or otherwise, for any required re-surfacing needed to the existing roadway surface for a one (1) year from the date of the closing of the bore, cut or excavation and be legally responsible, both under the bond or otherwise, for any required re-surfacing needed to the existing roadway surface for an one (1) year from the date of the closing of the bore, cut, excavation or other repair. Upon completion of all restoration work the Town Superintendent or designee shall examine the location to determine if such filling, tamping, or paving complies with this Article. If such restoration does not comply with this, the Town may cause proper and necessary repairs at the sole cost of the permittee.

B. It is the Town Superintendent or designee's discretion as to the repair and replacement of streets and alleys, either being trenched or bored.

B. Any permittee who violates the terms and provisions of this Article, either by an act or omission, shall be guilty of an offense.

Section 14-205 PERMIT REQUIRED FOR CURB CUT AND/OR DRIVEWAY OPENINGS TO A STREET

No person, firm or entity shall cut the curb of any street and/or otherwise provide for a driveway opening to any street (the "work") without filing an application, paying the relevant fee, and obtaining a permit authorizing such work, from the Town Clerk. All such work shall be made in accordance with the relevant Section of the Laverne Sub-division Regulations of the Town of Laverne, 1980 (the "regulations"), or as such subsequently amended, and as filed in the office of the Town Clerk; provided however, the Town Superintendent or designee shall have the right and authority to waive and/or alter such regulations and provide for amended or different requirements with respect to any specific work, in the event same is necessary for better traffic control or other engineering purposes in order to promote the public's health, safety and welfare. No person, firm or entity shall fail to install such work in accordance with such regulations or as otherwise required and directed by the Town Superintendent or designee.

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CHAPTER 15

TRAFFIC AND VEHICLES

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GENERAL PROVISIONS

Section 15-101 CITATION OF CHAPTER.

The chapter and all amendments hereto may be cited or referred to as the "Traffic Code, Town of Laverne", and may so appear upon all official documents, records, or instruments.

Section 15-102 TRAFFIC CODE CONTROLLING.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of Town streets, alleys, thoroughfares, parks parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the Town, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest.

Section 15-103 DEFINITIONS.

As used herein:

1. "Alley" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;

2. "Ambulance" means a motor vehicle constructed, reconstructed, or arranged for the purpose of transporting ill, sick, or injured persons;

3. "Bicycle" means a device propelled by human power upon which any person may ride, having two (2) tandem wheels;

4. "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

5. "Business district" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for businesses or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;

6. "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

7. "Commercial vehicles" means every vehicle designed, maintained, or used primarily for the transportation of property;

8. "Center lane" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

9. "Cross walk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

10. "Double park" means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway;

11. "Driver or operator" means a person who drives or is in actual physical control of a vehicle;

12. "Emergency" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impeded the flow of traffic;

13. "Emergency vehicle" means vehicles of the fire department, police vehicles and ambulances;

14. "Highway", see street;

15. "Intersection" means:

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or

b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersection street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then ever crossing of two (2) roadways of such streets shall be regarded as separate intersections;

16. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

17. "Limited access highway", see controlled access highway;

18. "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;

19. "Limit lines" means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;

20. "Motor cycle, motor scooter, and motor bicycle" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on no more than three (3) wheels in contact with the ground, but excluding a tractor;

21. "Motor vehicle" means every vehicle which is self-propelled;

22. "Official time" shall mean whenever certain hours are named herein, they shall mean Central Standard Time, or Daylight Savings Time, as may be in current use in the Town;

23. "Official traffic control device" means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

24. "Park or parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is an authorized place;

25. "Pedestrian" means any person a foot;

26. "Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;

27. "Private road or roadway" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

28. "Public parking lot" means a parking lot or right of way dedicated to the public use or owned by the state or a political subdivision thereof;

29. "Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;

30. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

31. "Residence district" means the territory contiguous to and including a highway not comprising a business district;

32. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

33. "Roadway" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively;

34. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

35. "School zone" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

36. "Sidewalk" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for the use of pedestrians;

37. "Stand" or "standing" means any stopping of a vehicle whether occupied or not;

38. "Stop", when required, shall mean the complete cessation from movement;

39. "Stop or stopping", when prohibited, means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal;

40. "Street or highway" means the entire width between the boundary liens of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

41. "Through street or highway" means a street, or boulevard or highway or portion thereof at the entrances to which:

a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and

b. Stop signs are erected as provided in this part;

42. "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

43. "Traffic control devices or signals" mean any device legally authorized and used for the purpose of regulating, warning, or guiding traffic;

44. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

45. "U-turn" means a turn by which a vehicle reverses its course of travel on the same street; and

46. "Vehicle" means every device in, upon or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic code, 47 O.S. Section 1-101 et seq.

Section 15-104 ADOPTION OF STATE TRAFFIC CODE.

The provisions of the state motor vehicle code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the Town within the Town limits as if set out at length herein.

State Law Reference: State rules of the road, 47 O.S. Section 10-101 et seq.; state motor vehicle code, 47 O.S. Section 1-101 et seq.

ARTICLE 2

ENFORCEMENT AND GENERAL PROVISIONS

Section 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this Town and all the state vehicle laws applicable to street traffic in this Town. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this part and any other traffic ordinances of this Town. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident.

Section 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity.

Section 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.

Section 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Section 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The mayor, subject to any directions which the Board of Trustees may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this Town and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The Town Superintendent may have traffic control devices tested under actual conditions of traffic.

Section 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

State Law Reference: Similar provisions; 47 O.S. Section 11-104.

Section 15-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinances of this Town.

Section 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, Town, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted by state statute. This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

State Law Reference: Municipal drivers to obey state rules of the road, 47 O.S. Section 16-103.

Section 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS.

Unless specifically made applicable, the provisions of this chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flag persons. The provisions of this chapter shall apply to any of the persons and vehicles exempted by this Section when traveling to and from such work.

Section 15-210 MAINTENANCE AND CONSTRUCTION ZONES.

A. Town personnel or contractors, while repairing or improving the streets of the Town, and Town personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the Board of Trustees, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor, or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A of this Section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such traffic control devices or barricades, or otherwise to enter the closed area.

The provision of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the Town personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flag persons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

Section 15-211 AUTHORIZED EMERGENCY VEHICLES.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions stated in this Section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this Section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this Section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Emergency vehicle driving rules, 47 O.S. Section 11-106.

Section 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State Law Reference: Authorized emergency vehicles and their equipment, 47 O.S. Section 11-106, 11-405, and 12-218; approach of emergency vehicles, 47 O.S. Section 11-405.

Section 15-212.1ELUDING POLICE OFFICERS

A. No person operating a motor vehicle who has received a visual and audible signal (a red light and a siren in the case of a clearly designated police vehicle driven by a police officer) directing the operator to bring his vehicle to a stop shall willfully increases his speed or extinguishes his lights or in any other manner attempt to or actually elude such police officer.

B. Any person convicted of violating any of the provisions of Subsection A shall be punished by a fine of not to exceed $500.00, plus costs.

Section 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED.

The driver of any vehicle other than the one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than five hundred (500) feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

Section 15-214 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command.

State Law Reference: Similar provisions 47 O.S. Section 11-1109.

Section 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED.

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this Section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him.

State Law Reference: Driver's licenses, 47 O.S. Section 6-101.

Section 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED; UNLAWFUL TO COMMIT OTHER UNLAWFUL ACTS WITH DRIVERS LICENSE OR IDENTIFICATION CARD.

A. No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked, or denied. Any person convicted of violating this Section shall be punished as provided in Section 1-108 of this code. Each act of driving on the streets or highways as prohibited by this Section shall constitute a separate offense.

B. It is unlawful for any person:

a. To lend one's own license or identification card to any other person or knowingly permit the use thereof by another,

b. To display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,

c. To permit any unlawful use of a license or identification card issued to oneself, or

d. To add to, delete from, alter, or deface the required information on a driver license or identification card.

Section 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE.

It is unlawful to operate a vehicle of any kind upon a street of the Town without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

Section 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle.

Section 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.

A. The driver of any vehicle involved in an accident resulting in injury to, or death of, any person shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsections C and D hereof. Every such stop shall be made without obstructing traffic more than is necessary.

B. The driver of any vehicle involved in an accident resulting only in damage to a vehicle, which is driven or attended by any person, shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsection C hereof. Every such stop shall be made without obstructing traffic more than is necessary.

C. The driver of any vehicle involved in an accident shall give his correct name and address and the registration number of the vehicle he is driving; and shall exhibit his operator's or chauffeur's license to the person struck, or the driver, or person injured in the accident reasonable assistance. If the driver does not have any operator's or chauffeur's license in his possession, he shall exhibit other valid evidence of identification to the occupants of a vehicle, or to the person collided with.

D. The driver shall upon request and if available exhibit his operator's or chauffeur's license and his security verification form, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

E. Any driver of any vehicle involved in an accident who is cited for any traffic offense where said accident resulted in the immediate death of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of 47 O.S. Section 752 and the procedures found in Section 752 shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

F. Any person failing to stop or to comply with any of the requirements of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, accident reports, 47 O.S. Section 6-303.

Section 15-220 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES.

A. The driver of any vehicle which collides with a vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of the vehicle, of the correct name and address of the driver and the owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck a written notice giving the correct name and address of the driver and of the owner of the vehicle doing the striking, and shall provide the same information to an officer having jurisdiction.

B. The driver of any vehicle involved in an accident resulting in damage to fixtures legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property, of the fact, and of his name and address, and of the registration number of the vehicle he is driving, and shall exhibit his operator's or chauffeur's license, if the operator's or chauffeur's license if in his possession at that time, and the driver shall make report of such accident when and as required by law.

Section 15-221 REPORTING ACCIDENTS.

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 unless settlement of the collision has been made within six (6) months after the date of the accident. 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.

State Law Reference: Similar provisions, 47 O.S. Section 10-108.

Section 15-222 ISSUANCE OF CITATION TAGS.

A. Police officers are hereby authorized to give notice to persons violating provisions of this article by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this Section shall be construed to abridge the power of the police officer to arrest any violator and take him into custody.

C. The chief of police may require that the police officers use citation tags furnished by the Town and that such tags are serially numbered and may regulate the use and handling of the citation tags.

Section 15-223 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event that form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

Section 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this Section.

Section 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with the 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 Section has been followed.

Section 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

Section 15-227 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicle 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 municipal judge or court clerk shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour.

D. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture.

Section 15-228 INSURANCE OR CERTIFICATE REQUIRED.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the 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 issued by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of 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 and which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the 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 vehicle with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy:

a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;

b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma;

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the Town's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from the 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 an offense and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

F. 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 of such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. Court costs may be assessed by the Town.

G. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

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

Section 15-229 TEXTING WHILE DRIVING PROHIBITED; DEFINITIONS; EXCEPTION

A. Definitions. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic

device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video, or electronic mail.

B. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the Town while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

C. Any person who violates the provisions of subsection B of this section shall, upon conviction, be punished by a fine of Seventy Dollars ($70.00) and court costs.

D. The provisions of subsection B of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;
2. A hospital, physician's office, or health clinic;
3. A provider of ambulance services;
4. A provider of firefighting services; or a law enforcement officer.

ARTICLE 3

VEHICLE EQUIPMENT, INSPECTION

Section 15-301 CERTAIN VEHICLES PROHIBITED; VEHICLES INJURIOUS TO STREETS.

No vehicle or object which injures or is likely to injure the surface of a street, shall be driven or moved on any street.

State Law Reference: Required equipment of vehicles, 47 O.S. Section 12-101 et seq.

Section 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit.

Section 15-303 EQUIPMENT.

Every vehicle operated upon the streets of the Town shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the Town which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the Town.

State Law Reference: For state law relating to equipment, see 47 O.S. Section 12-201 et seq.

Section 15-304 MUFFLERS, CUT-OUTS.

It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. No muffler cut-out, by-pass or similar muffler elimination device, exhaust or vacuum whistle shall be used on any motor vehicle while operating within the Town; however, exhaust whistles may be used on authorized emergency vehicles.

Section 15-305 WIDTH, HEIGHT, LENGTH AND LOAD.

No person shall drive or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

Cross Reference: See also Section 16-536 of this code on trucks.

State Law Reference: For state law relating to size, weight, and load, see 47 O.S. Section 14-101 et seq.

Section 15-306 INSPECTION OF VEHICLES.

A. No person shall drive or move on any road, street, or highway of this Town any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this Town, or any combination thereof, unless the vehicle is:

1. In good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants; and

2. Bearing a valid official inspection sticker issued by an official inspection station licensed by the Department of Public Safety.

The provisions of this Section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

B. Any person who violates the provisions of this Section shall upon conviction thereof, be subject to punishment as provided in Section 1-108 of this code.

Section 15-307 GOLF CARTS REGULATED.

A. Golf carts, privately or publicly owned in the town of Laverne, Oklahoma, maybe operated on the streets and alleys of said town, under the following conditions as set out hereinafter.

B. Definitions:

"Golf Cart" shall mean and designate motor vehicles of any kind typically used for carrying golf equipment and includes motorized vehicles powered by electricity. It does not include ATV's (All-terrain vehicles).

"Town" shall mean and designate the Town of Laverne, Oklahoma.

C. Hours of operation. Golf carts may be operated on the streets and alleys within the municipal limits of the town during daylight hours only.

D. Allowable Streets. Golf carts may operate on municipal streets where the posted speed limit does not exceed 25 mph. Golf carts may operate on municipal streets with speed limits greater than 25 mph and upon state highways with municipal limits of the city only if making a perpendicular crossing of the street or state highway within the municipal limits of the town. Otherwise, golf carts shall not operate on state or federal highways.

B. Age requirement. All drivers of golf carts within the municipal limits of the town must possess A valid driver's license and be 16 years of age or older.

C. Equipment requirements. All golf carts driven on streets within the municipal limits of the town must be equipped with working brake lights and a slow-moving triangle on the rear of the golf cart and the six foot orange colored flag on the back of the golf cart.

D. Speed limits and traffic rules. All golf carts driven on the streets and alleys of the town shall not exceed a speed limit of 25 miles an hour all drivers of golf cart shall obey all state, county and local laws and regulations and be granted all rights to all provisions of the traffic ordinances of the town as they apply to motor vehicles with the exception of the requirement for tags.

E. Insurance. Prior to the operation of golf carts the owner of the golf cart shall provide to the town Superintendent or town clerk proof of liability insurance in an amount no less than the amount required by the state of Oklahoma for the operation of a motor vehicle ensuring the general public against personal and/or property damage as a result of the action by the person driving said golf cart.

F. Permit. All golf carts driven on the streets within the limits of the town shall be permitted with a $25 yearly non refundable permit issued by the town clerk. The permit shall contain thereon the make, model, and serial number of the golf cart, and shall permit the vehicle to be operated by any insured operator 16 years of age or older. Set permit shall cover a period from January 1st of the calendar year to December 31st of the calendar year. Upon proof the vehicle is covered by said insurance coverage and upon payment of the permit fee, the permit shall be issued. The permit must be displayed on the front of the golf cart at all times that the golf cart is operating on the streets and alleys within the corporate limits of the town.

G. Seating requirements. No driver of any golf cart shall allow more than one passenger per golf cart unless the cart is equipped with the rear seat. In that instance two additional riders will be allowed. All passengers must be seated at all times. All persons should be properly seated with no limbs protruding from the golf cart.

H. State and county roads. Nothing contained herein shall be construed as granting by the town authority to any person to operate a golf cart on a state or Federal Highway or any county maintained roadway.

I. Penalty. Any person driving a golf cart who by act or emission violates any term of this ordinance shall be punished as provided by the general penalty section of this municipal code.

ARTICLE 4

SPEED REGULATIONS

Section 15-401 SPEEDLIMITS GENERALLY, EXCEPTIONS.

A. No vehicle shall be driven at a greater speed than thirty (30) miles per hour in the Town except;

1. On designated and numbered state and federal highways, the maximum is as posted;

2. Emergency vehicles being lawfully driven as provided in this code;

3. When a different speed limit is otherwise designated and posted; or

4. When a different speed limit is established and posted as required in this code.

B. Town personnel, subject to such direction as the Town Board of Trustees may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when so provided, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

State Law Reference: Basic and minimum speed rules, 47 O.S. Section 11-801, 11-804, Town powers 47 O.S. Section 22.1.

Section 15-402 SCHOOL ZONES.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.

State Law Reference: Local authority to set speed limits, 47 O.S. Section 15-102, 11-803.

Section 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS.

1. Any person driving a vehicle on a street, road or alley shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, taking into consideration among other things, the condition of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, obstruction of views and any other condition then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him 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 A1 of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, 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.

2. Any person who shall violate Subsection A or B hereinabove, by act or omission, shall be guilty of any offense.

Section 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS.

No vehicle shall be driven at such an unreasonable slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable.

Section 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS.

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs.

ARTICLE 5

DRIVING, OVERTAKING, PASSING

Section 15-501 CHANGING LANES.

A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway which has been 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.

3. Official signs may be erected directing the slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign.

Section 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS.

A. Upon all roadways of sufficient width, a vehicle shall be driven to the right of the center of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and

4. Upon a roadway designated and signposted for one-way traffic.

B. All vehicles shall keep to the right roadway on all streets or highways which are divided into two (2) roadways. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

Section 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right of way only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Section 15-504 OVERTAKING A VEHICLE ON THE LEFT.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaking vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

4. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

5. When approaching within one hundred (100) feet of any bridge, viaduct, or tunnel or when approaching within fifty (50) feet of or traversing any intersection or railroad grade crossing.

Section 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width from not more than one line of traffic in each direction each driver shall give to the other at least one-half (½) other main-traveled portion of the roadway as nearly as possible.

Section 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

A. Town personnel, subject to any directions given by the Board of Trustees by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.

B. Whenever the Town designates any street or alley or part thereof as a one-way street or alley, Town personnel shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

State Law Reference: Similar provisions, 47 O.S. Section 11-308.

Section 15-508 FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-310.

Section 15-509 NO PASSING ZONES.

A. The State Department of Transportation, as regards state and federal highways, and the Town Board of Trustees as regards all other streets, arm hereby authorized to determine those portions of any highways where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this Section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

Section 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

State Law Reference: Local powers to regulate processions, 47 O.S. Section 15-102.

Section 15-511 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified by headlights or as may be determined and designated by the police department.

Section 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES.

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

Section 15-514 OVERTAKING AND PASSING SCHOOL BUS.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus shall use caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus.

State Law Reference: Similar provisions, 47 O.S. Section 11-705.

Section 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING.

A. The provisions of Section 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.

B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated.

State Law Reference: Similar provisions, 74 O.S. Section 11-705.

Section 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED; EXCEPTION.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway.

Section 15-517 LIMITATIONS ON BACKING VEHICLE.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an intersection.

Section 15-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND MOTOR SCOOTERS.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this Section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the Town.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold onto any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only on the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are exempted from the provisions of this subsection.

F. No person under the age of sixteen (16) shall operate any motorcycle, motor bicycle, or motor scooter within the Town between and during the hours of 10:00 P.M. of one day and 4:00 A.M. of the next day.

Section 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR.

A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:

1. Handlebars which do not exceed twelve (12) inches in height, measured from the crown or point of attachment;

2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance not less than one hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake;

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided;

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

6. One lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the vehicle is proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead; and

7. A windshield of sufficient quality, size, and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this Section unless the person is equipped with and wearing on the head a crash helmet of the type and as not to distort the view of the driver. Such headgear shall comply with the regulations issued by the State Department of Public Safety as provided in Section 40-106G of Title 47 of the Oklahoma Statutes.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle.

Section 15-520 CLINGING TO VEHICLES PROHIBITED.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway.

Section 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

Section 15-522 RECKLESS DRIVING.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of reckless driving, and upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

Section 15-524 FULL TIME AND ATTENTION REQUIRED.

The operator of every motor vehicle while driving upon the streets and highways of the Town shall devote full time and attention to such driving.

Section 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the public way and any other conditions then existing.

Section 15-526 SPEED CONTEST PROHIBITED.

A. No person shall engage in, aid, or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three (3) or more persons assemble to witness or participate in any unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

Section 15-527 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island.

Section 15-528 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Section 15-529 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 provision, 47 O.S. Section 11-1105.

Section 15-530 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM.

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Section 15-531 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

Section 15-532 UNLAWFUL RIDING.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

Section 15-533 PRIVATE SERVICE DRIVES.

No vehicles or animal shall be driven through any private service driveway or private service area except for the purpose of obtaining service or merchandise.

Section 15-534 TRUCK ROUTES; PARKING OF CERTAIN VEHICLES, BOATS AND TRAILERS PROHIBITED ON RESIDENTIAL STREETS AND RESIDENTIAL LOTS OR TRACTS; EXCEPTIONS; PENALTIES

A. No person shall drive a truck on any street, road or highway that is not designated as part of a truck route. Except as otherwise provided, no person shall park a truck, bus, motor home, boat, recreational vehicle, livestock trailer, commercial trailer, travel trailer, camping trailer, hauling trailer, goose neck trailer, or any other type of trailer in excess of sixteen (16) feet in length, on any residential street or upon any residential lot or tract within the corporate limits of the Town. For purpose of this section the word "truck" shall mean any motor vehicle, truck, truck tractor, motor truck and trailer combination, or truck tractor and semitrailer combination, which exceeds 10,000 pounds gross vehicle weight (GVW). For purpose of this section, the word "bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation (state law reference 47 OS § 1-105).

B. Exceptions to prohibition

(1) When the destination of the truck requires traveling on streets not part of the truck route for a delivery to or from a customer or to provide a service at a residence or business. In such an event the route must be limited to the minimum necessary to accomplish the delivery or service call;

(2) When the parking of the bus, motor home, recreational vehicle, livestock trailer, commercial trailer, travel trailer, camping trailer, hauling trailer, goose neck trailer, or any other type of trailer in excess of sixteen (16) feet in length, on any residential street to provide a service at a residence or pick up or deliver a passenger. In such an event the parking must be limited to the minimum necessary to accomplish the pick-up, delivery or service call;

(3) When the parking of the bus, motor home, recreational vehicle, livestock trailer, commercial trailer, travel trailer, camping trailer, hauling trailer, goose neck trailer, or any other type of trailer in excess of sixteen (16) feet in length, on any residential street does not exceed seventy-two (72) hours;

(4) Public transit vehicles;

(5) Fire trucks, military or other emergency vehicles;

(6) Road construction and maintenance vehicles, while such vehicles are being used for road construction and maintenance purposes;

(7) Utility service vehicles, while such vehicles are being used for utility service purposes;

(8) Sport utility vehicles or light or full-size pickups.

(9) When such motor home, boat, recreational vehicle, livestock trailer, commercial trailer, travel trailer, camping trailer, hauling trailer, goose neck trailer, or any other type of trailer in excess of sixteen (16) feet in length is:

a. Enclosed within a building on private property;
b. Parked in the backyard of the residence and not visible from the frontage street.

C. Truck routes are designated as the following: Transport Road #EW20, N Transport Road #N1750, S Transport Road #N1750, E Transport Road #220, and Broadway/Hwy 283.

D. Notwithstanding any other provision in this section, any person who shall secure the written consent of seventy percent (70%) of the property owners located within three hundred feet (300) of the person’s residence and on the same street, may apply with the town clerk for a permit to park a tractor trailer cab without trailer, or other truck without trailer as herein defined, on the street in front of such person’s residence, and upon payment of an annual twenty-five dollar ($25.00) permit fee and proof of such written consent, may be issued a permit to park such tractor trailer cab without trailer, or other truck without trailer as herein defined, on the street in front of such person’s residence. No permit shall be issued if the parking of such tractor trailer cab without trailer causes a

sight triangle hazard or prevents the passage of emergency vehicles and equipment. The permit shall be effective from July 1st to the next succeeding June 30th and the annual permit fee shall not be prorated.

E. Any person, firm, corporation or other entity owner or person in lawful possession of the real property—who shall by act or omission violate this section shall be guilty of an offense and if convicted shall be subject to a maximum fine of two hundred dollars ($200.00) plus costs for a first offense, a maximum fine of three hundred and fifty dollars ($350.00) plus costs for a second offense and a maximum fine of five hundred dollars ($500.00) plus costs for a third and subsequent offense.

Section 15-535 LOADS ON VEHICLES.

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

Section 15-536 VEHICLE APPROACHING OR ENTERING INTERSECTION.

A. When two (2) vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however, the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

B. The right-of-way rule declared in Subsection A of this Section is modified at through highways as otherwise stated in this chapter.

State Law Reference: Right of way at intersections, 47 O.S. Section 11-401.

Section 15-537 VEHICLE TURNING LEFT AT INTERSECTIONS.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

Section 15-538 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN.

The driver of a vehicle approaching a "Yield Right-of Way" sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard.

State Law Reference: Similar provisions, 47 O.S. Section 11-403.

Section 15-539 VEHICLE ENTERING THROUGH HIGHWAY.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard.

Section 15-540 VEHICLES FACING STOP, SLOW, WARNING OR CAUTION SIGNAL.

If the two (2) or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection.

Section 15-541 THROUGH STREETS.

A. Town personnel, subject to such direction as the Board of Trustees may give, may designate any street or part of a street a through street.

B. Whenever the Town designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the Town if deemed desirable.

Section 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

The Town Superintendent, subject to any directions given by the Board of Trustees by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or

2. Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required.

Section 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT.

Every stop or yield sign erected pursuant to this chapter shall bear the word "Stop" or "Yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalks on the near side of the intersection or if there is not crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

Section 15-544 VEHICLE ENTERING STOP INTERSECTION.

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is not marked stop line, then the driver shall stop at the point nearest the intersecting road where the river has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

Section 15-545 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this Section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the drier shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Section 15-546 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-404.

Section 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING.

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists.

Section 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11-704.

Section 15-549 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed;

Section 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

Section 15-552 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 mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this 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 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 are in use; and

5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this Section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provisions of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for the damages. If any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this Section. Any person convicted of violating subsection A of this Section shall be punished by a maximum fine as set by state law or by the Town, whichever is greater, and court costs.

ARTICLE 6

TRAFFIC CONTROL DEVICES

Section 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

Town personnel, subject to any directions given by the Board of Trustees by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this Town to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this Town or under state law or to guide or warn traffic.

Cross-Reference: For state law relating to traffic control devices, see 47 O.S. Section 11-201 et seq.

Section 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS.

A. All traffic control signs, signals, and devices shall conform to the manual of Uniform Traffic Control Devices approved by the State Department of Public Safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the Town. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

Section 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Drivers to obey traffic devices, 47 O.S. Section 11-201.

Section 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently eligible to be seen by an ordinarily observant person. If a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

Section 15-605 TRAFFIC CONTROL SIGNAL LEGEND.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone, "Go":

a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and

b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "walk" signal indicator is operating;

2. Steady yellow or amber alone, "caution":

a. The showing of such signal color following green shall constitute a warning that the "red" or "stop" signal will be exhibited immediately thereafter; and

b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the "caution" signal first flashes that a stop cannot be made in safety, in which event vehicle may proceed cautiously through the intersection and clear the same before the "red" signal flashes;

3. Red alone, "stop":

a. Vehicular traffic facing the signal shall stop before entering the crosswalk and shall remain standing until green or "go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and

b. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so, by a pedestrian "walk" signal;

1. Steady red with green arrow:

a. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicted by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and

b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal; and

5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed.

State Law Reference: Similar provisions, 47 O.S. Section 11-202.

Section 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS:

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

1. "Walk". Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. "Wait" or "Don't Walk". No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.

Section 15-607 FLASHING SIGNALS.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red". When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "Flashing Yellow". When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This Section shall not apply at railroad crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

Section 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. "Flashing Yellow":

a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and

b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;

2. "Steady yellow alone":

a. Vehicular traffic facing the signal is thereby warned that the red of "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited; and

b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;

3. "Steady red":

a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;

b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and

4. "Steady red and steady yellow combined":

a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and

b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles.

State Law Reference: Similar provisions, 47 O.S. Section 11-203.

Section 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED.

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain, nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This Section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice.

State Law Reference: Similar provisions, 47 O.S. Section 11-206.

Section 15-610 DEFACEMENT OF TRAFFIC CONTROL DEVICES.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injury, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant, or trustee of any governmental agency; or

2. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility, or railroad company.

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

Section 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH.

Town personnel, subject to any directions given by the Board of Trustees, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping protect the same.

Section 15-612 PLAY STREETS, RESTRICTION ON USE.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

Authorized Town personnel, subject to any directions given by the Board of Trustees, may:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway and crosswalks at intersections, where in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and

2. Establish safety zones or islands of such kind and character and at such places as deemed necessary for the protection of pedestrians.

Section 15-614 TRAFFIC LANES.

A. Town personnel, subject to any directions given by the Board of Trustees, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

ARTICLE 7

STOPPING, STANDING AND PARKING GENERALLY

Section 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.

Section 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS.

Town personnel, subject to directions given by the Board of Trustees by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

Section 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES.

No person shall park any vehicle or trailer on any street for a period of time longer than forty-eight (48) hours. This Section shall not affect parking limits established for shorter periods.

Section 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

Section 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

The Town Superintendent, subject to any direction by the Town Board of Trustees by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.

Section 15-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicted by such signs or markings.

Section 15-708 PARKING IN SPACES MARKED OFF.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space.

Section 15-709PERMITS FOR LOADING OR UNLOADING AT ANGLE TO CURB.

A. The Town Superintendent is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The Town Superintendent may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 15-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING.

A. Town personnel are hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing, or parking would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in Subsection A of this Section, no person shall violate such signs.

Section 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;

2. In front of a public or private driveway;

3. Within an intersection;

4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance of any fire station within seventy-five (75) feet of the entrance when properly signposted;

11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or any unlawful distance away from a curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

Section 15-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY.

1. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The Town Board of Trustees may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS.

Town personnel may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such sign.

Section 15-715 PARKING ADJACENT TO SCHOOLS.

A. Town personnel may have signs erected indicting no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such sign.

Section 15-716 PARKING PROHIBITED AT INTERSECTIONS.

The parking of vehicles at the curb where streets intersect shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection.

Section 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property.

Section 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF.

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given.

Section 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY.

A. Upon any street, no person shall stop, park, or leave standing any vehicle, whether attended or unattended upon the paved or main traveled part of the street when it is practical to stop, park, or leave the vehicle off such parts of the street, except that delivery vehicles, either loading or unloading, may park in the center of street, while in the process of loading or unloading and making delivery to or pick up at any local business establishment.

B. This Section shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Section 15-720 DOUBLE PARKING PROHIBITED.

A. No vehicle shall be double parked on any street within the Town limits, except in compliance with the directions of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.

B. Delivery vehicles, either loading or unloading, may double park in the right-hand lane while in the process of loading or unloading and making delivery to local business establishments; provided that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved and further providing that the double parking shall be permitted only so long as both traffic lanes are not blocked.

Section 15-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING HAZARDOUS MATERIALS PROHIBITED.

A. It is unlawful for any person to park a truck of over one-ton capacity, or a trailer over twenty (20) feet in length, for more than three (3) consecutive hours on any street or alley in the Town.

B. It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the Fire Prevention Code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the Town. However, the trucks and vehicles restricted in this Section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquefied petroleum gases for a period not to exceed one and one-half (1 1/2) hours during any twenty-four (24) hour period.

Section 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;

2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or

3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated for emergency.

Section 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb.

State Law Reference: Parking rules, 47 O.S. Section 11-1004.

Section 15-724 NEGLIGENT PARKING.

No person shall park, cause to be parked, stop, or leave unattended any vehicle as follows:

1. In a careless or negligent manner;

2. In such a manner as to endanger life, limb, person, or property; or

3. In such manner as to endanger or interfere with the lawful traffic or use of the streets.

Section 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space.

Section 15-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR PRIVATE PARKING.

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 by a fine 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 8

LOADING

Section 15-801 DEFINITIONS.

As used in this chapter:

1. "Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment, or re-sale;

2. "Commercial vehicle" means:

- A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling or merchandise or freight and which bears a regular state commercial license tag:

- A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the Town at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle; and

- "Passenger loading zone" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles.

Section 15-802 CURB LOADING ZONES, DESIGNATION.

A. The mayor, subject to any directions given by the Board of Trustees by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this Section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this Section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the Town an amount of money estimated by the Town Board of Trustees to be adequate to reimburse the Town for all costs of establishing and signing the same.

Section 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law.

Section 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period of not to exceed three (3) minutes.

Section 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE.

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading or materials during hours when the provisions applicable to such zones are in effect. In no case shall the driver stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone.

Section 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS.

The Town Board of Trustees may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands or other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs.

Section 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone.

Section 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

ARTICLE 9

TURNING MOVEMENTS

Section 15-901 TURNING MARKERS OR INDICATORS.

A. The Town Superintendent, subject to any directions given by the Board of Trustees by motion or resolution, is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 15-902 DESIGNATION OF RESTRICTED TURNS.

The Town Superintendent is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this Section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted.

Section 15-903 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left, or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign.

Section 15-904 U-TURNS.

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the Town at the following locations:

1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;

2. Where a police officer is directing traffic except at the latter's direction; or

3. At any other location where an official "No U-Turn" sign has been placed and is maintained.

B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner;

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the return is completed, proceeding to make the turn across the intersection;

2. In one continuous movement without stopping or backing the vehicle;

3. By yielding the right-of-way at all time to all vehicles until such turn is completed; and

4. Without constituting a hazard to or interfering with any other vehicle.

Section 15-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED, EXCEPTIONS.

It is unlawful and an offense for any person to turn a vehicle across the center line unless the turn is at an intersection at which left hand turns are permitted or into a private road or driveway.

Section 15-906 POSITION AND METHOD OF TURNING.

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or

3. Left turns, on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered.

State Law Reference: Similar provisions, 47 O.S. Section 11-601.

Section 15-907 TURNING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or stopping.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

Section 15-908 MEANS OF GIVING TURN SIGNALS.

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma Department of Public Safety, except as provided in Subsection B of this Section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects twenty-four (24) inches or more to the left of the center of the steering wheel;

2. Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post.

Section 15-909 METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;

2. Right turn - hand and arm extended upward; and

3. Stop or decrease speed - hand and arm extended downward with palm to the rear.

ARTICLE 10

PEDESTRIANS

Section 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians shall be subject to traffic control signals as provided for in this chapter, but at all other place's pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

State Law Reference: Pedestrian rights and duties, 47 O.S. Section 11-501 to 11-507.

Section 15-1002 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or

2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle.

Section 15-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk.

Section 15-1004 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

Section 15-1005 WHEN PEDESTRIANS SHALL YIELD.

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The provisions of this Section are not applicable where pedestrian crossings are prohibited.

Section 15-1006 PEDESTRIANS WALKING ALONG ROADWAYS.

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

Section 15-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS.

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment, or business from the occupant of any vehicle.

B. No person shall

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;

2. Sell or attempt to sell anything to any person in any vehicle;

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir, or gift; or

4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

Section 15-1008 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway.

Section 15-1009 CROSSING PROHIBITED.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk.

Section 15-1010 OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

ARTICLE 11

BICYCLES

Section 15-1101 APPLICATION OF BICYCLE REGULATIONS.

The provisions of this Article shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201 et. seq.

Section 15-1102 APPLICATION OF TRAFFIC LAWS TO BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

Section 15-1103 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians.

Section 15-1104 RIDING ON BICYCLES.

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 15-1105 RIDING ON ROADWAYS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle proceeding in the same direction.

B. Person riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and not use the roadway.

Section 15-1106 SPEED OF BICYCLE.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 15-1107 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways.

Section 15-1108 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handlebars.

Section 15-1109 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

Section 15-1110 RIDING ON SIDEWALKS.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The Town Board of Trustees, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 15-1111 LAMPS AND EQUIPMENT ON BICYCLES.

A. Bicycles in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

B. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

C. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

ARTICLE 12

ELECTRIC SCOOTERS

Section 15-1201 DEFINITIONS.

"Electric Scooter" shall mean a vehicle with two tandem wheels, handlebars and foot support for the use of the operator that is powered by an electric motor and/or human power and has a maximum speed of no more than 20 miles per hour.

Section 15-1202 RESTRICTION ON USE OF ELECTRIC SCOOTERS.

No person shall operate an electric scooter on any roadway with a posted speed limit of greater than thirty miles per hour. Electric Scooters must be equipped with lights to be operated on roads.

(State law reference: 47 O.S. §11-805)

Section 15-1203 RULES OF THE ROAD.

A. Every person operating an electric scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as is safe to the right-hand curb or edge of the roadway except in the

following situations:

1. When over taking or passing a vehicle proceeding in the same direction;

2. When preparing for a left turn at an intersection, into a private road or driveway;

3. When reasonably necessary to avoid conditions and while exercising due care, including but not limited to fixed or moving objects, parked or moving vehicles, pedestrians or animals; surface hazards, or,

4. Anytime it is unsafe to continue along the right-hand curb or edge of the roadway; and when riding in the right turn only lane.

B. Any person riding an electric scooter upon a one-way street or highway with two or more marked lanes of travel may ride as close is safe to the left-hand curb or edge of the street or highway.

C. No person riding an electric scooter shall pass other vehicles between lanes of traffic traveling in the same direction.

D. No person riding an electric scooter upon a roadway shall ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or electric scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic, and, on a laned roadway shall ride in a single lane.

E. An electric scooter may only carry one person on it.

F. Any person riding an electric scooter on a roadway shall wear a safety helmet.

(State law references: 47 O.S. §11-1203; §11-1205)

Section 15-1204 PARKING.

1. Electric Scooters may be parked in bicycle racks, designated electric scooter locations, parking spots for motorcycles, or on private property for which the rider has permission from the owner.

2. Electric Scooters shall not be left in the right of way for longer than twenty-four hours and if left in the right of way the location must not be in the roadway or on a sidewalk.

3. Rented electric scooters shall be picked up for maintenance, service, charging and relocation within thirty-six hours of the completion of their use by the rental company or its agents.

Section 15-1205 SIDEWALKS.

Electric Scooters may be used on the Town sidewalks but scooters must give the right of way to pedestrians and persons in wheelchairs.

Section 15-1206 EXCEPTIONS.

1. An electric scooter is not required to be registered by the state.

B. The operator of an electric scooter is not required to possess a driver's license or to comply with the vehicle insurance or financial responsibility laws of the state.

(State law reference: 47 O.S. §1-133.3)

Section 15-1207 TRAFFIC LAWS APPLY.

Every person riding an electric scooter upon a roadway shall be granted the rights and shall be subject to all of the duties applicable to a driver of a vehicle, unless excepted by this Chapter or by state law.

(State law reference: 47 O.S. §11-1202)

Section 15-1208 PENALTY.

A violation of this chapter is punishable by a maximum fine of $100.00, plus costs.

ARTICLE 13

IMPOUNDMENT OF VEHICLES

Section 15-1301 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of the provisions of this Article shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

State Law Reference: Grounds for removal of vehicles on highways by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

Section 15-1302 PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this Article shall be removed to the nearest garage or place of safekeeping designated by the Town and to no other place.

Section 15-1303 DURATION OF IMPOUNDMENT.

A. Except as otherwise provided, any vehicle impounded under the authority of this Article shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

Section 15-1304 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this Article.

Section 15-1305 DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

Section 15-1306 VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct, or causeway, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

Section 15-1307 ARREST AND DETENTION OF DRIVER OF VEHICLE.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded, unless the driver or person in charge can provide immediately for the vehicle's custody or removal.

Section 15-1308 VEHICLE CONSTITUTES TRAFFIC HAZARD.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

Section 15-1309 ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this Section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

Section 15-1310 VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code, for more than forty-eight (48) hours, shall be impounded.

Section 15-1311 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 15-1312 VEHICLES PARKED IN INTERSECTION.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

Section 15-1313 STOLEN VEHICLES; RECOVERY BY POLICE.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded.

Section 15-1314 VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this chapter.

ARTICLE 14

PENALTIES

Section 15-1401 OBEDIENCE TO TRAFFIC CODE.

A. It is an offense against the Town for any person to do any act forbidden or to fail to perform any act required by this chapter.

B. It is an offense against the Town for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this chapter.

Section 15-1402 PENALTIES, SPECIFIC AND GENERAL.

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the Town, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and upon conviction thereof shall be fined or punished as provided in Section 1-108 of this code.

CHAPTER 16

TRANSPORTATION

ARTICLE 1

RAILROADS

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Section 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS
Section 16-103 CLIMBING ON TRAINS
Section 16-104 RESERVED
Section 16-105 CROSSING GATES OR SIGNALS
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ARTICLE 2

MUNICIPAL AIRPORT

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CHAPTER 16

TRANSPORTATION

ARTICLE 1 RAILROADS

Section 16-101 RAILROADS TO IMPROVE 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 (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the Board of Trustees 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 Board of Trustees 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 (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the Board of Trustees by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the 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 Town 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 16-102 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 16-103 CLIMBING ON TRAINS.

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the Town, 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 16-104 RESERVED.

Section 16-105 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 16-106 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 16-107 UNNECESSARY NOISES 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.

ARTICLE 2

MUNICIPAL AIRPORT

Section 16-201 VEHICLE REGULATIONS ON AIRPORT PROPERTY

A. Ramp or landing areas: No private vehicle shall be driven onto the ramp or landing area except as necessary to go directly to and from the designated parking areas or to specific. Aircraft for loading and unloading baggage or other special purposes.

B. Operation and parking:

1. No person may operate a pedal driven or motor driven vehicle on the airport in a careless or reckless manner. Each person under control of such a vehicle on the airport shall operate said vehicle so as to have it under proper control at all times.

2. No person may park or stand such a vehicle on the airport except in an area designated for parking or standing.

3. It shall be deemed an offence for anyone to operate or park any pedal driven or motor vehicle within 50 feet of the runway. It is further provided that a fine as provided in the general penalty section of this code may be levied for each violation of this section.

B. Towing of improperly parked or abandoned Vehicles: The town or its authorized representatives may tow away and remove any motor vehicle on the airport that is parked in violation of this section. Any vehicle abandoned or left for a period of more than 30 days will be removed. The town may charge a reasonable amount for the moving service and the storage of the vehicle, if any. The owner of the vehicle is subject to a lien for that charge.

Section 16-202 AIRCRAFT USE OF TAXIWAYS AND RUNWAYS

All aircraft shall avoid using the active runway for taxiing, stopping, or waiting, or for any purpose other than landing and takeoff, insofar as it is possible to do so.

Section 16-203 HANGAR ENTRANCES TO BE CLEAR

Hanger entrances shall be kept clear at all times.

Section 16-204 PARKING AIRCRAFT

All aircraft parked on the airport, whether temporary or permanent, shall be parked only in the assigned or designated parking areas. The operator of each aircraft permanently based and parked on the airport will be responsible for properly securing the aircraft to protect it and other aircraft from wind damage.

Section 16-205 ADVERTISING PERMIT REQUIRED

No person may post, distribute, or display a sign, advertisement, circular, or other written material on the airport without the permission of the town board of trustees.

Section 16-206 APPLICATION OF TOWN REGULATIONS

All existing provisions of this Code which are applicable are made part of this article.

CHAPTER 17. UTILITIES

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UTILITY SYSTEMS GENERALLY

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CHAPTER 17. UTILITIES

ARTICLE 1

UTILITY SYSTEMS GENERALLY

Section 17-101 LEASE OF SYSTEMS.

The Town leases its water, electric, sewer and sanitation systems to the Laverne Public Works Authority, (hereinafter "authority" or "Authority" or "trust" or "Trust") a public trust. The trust has the power to set rates and otherwise to regulate the water, sewer, electric and sanitation systems. The motions and resolutions adopted by the trust replace any ordinances which the Town had relating to these matters. For the motions and resolutions passed by the trust, please refer to the minutes of the Laverne Public Works Authority. A copy of the trust indenture relating to the leasing of these systems is on file in the office of the Town clerk.

Ed. Note: See also special ordinances for various ordinances setting rates and governing the utilities.

Ed. Note: Water, sewer, electric and refuse collection systems are leased to the Laverne Public Works Authority and regulated by the authority. The ordinances and indenture grant to the Laverne Public Works Authority the ability to govern these utilities.

Section 17-102 ACCESS TO TOWN AND AUTHORITY; AGENTS.

A. It is unlawful and an offense for any person to obstruct or deny access to or prevent the reading of water and electric meters in the Town by the Town or authority, its agents, employees, or officers by parking any vehicle or place any obstruction over or on top of the water meter covers or to permit any vehicle to be parked or located above or on top of the water meters. Each day's continuation of any such violation shall be deemed a separate offense.

B. It is unlawful to make threats of any type to officers, agents, or employees of the Town or authority in the performance of their duties or to prevent the officers, agents, or employees from performing their official duties in reading the water meters or by limiting the access to water meters in any other manner not limited to those mentioned above.

Section 17-103 RULES ADOPTED, PENALTY.

The rules, regulations, or rates of the Laverne Public Works Authority, as amended from time to time, are hereby adopted and incorporated herein by reference. Any violation of the rules, regulations or rates is punishable as provided in Section 1-108 of this code.

ARTICLE 2

BILLINGS AND GENERAL PROVISIONS

Section 17-201 UTILITY FEES AND BILLINGS IN GENERAL.

All fees and charge in connection with any customer's use of the sanitary sewer system, the water facility system, the collection and disposal of refuse and garbage, or the electrical service system are billed in accordance with applicable rates set by motion or resolution of the authority. All fees and charges owing for any of these utility services shall be billed monthly. The utility bills submitted under the terms of this Section are payable on or before the past due date which is printed on the bill.

Section 17-202 UTILITY TAPS AND CONNECTIONS; FEES; UTILITY DEPOSITS; SUB-METERING.

A. The appropriate Town department head shall approve any request for a water tap and connection, a sewer tap to an existing line or a sewer tap to a new line and any electrical service connection. Approvals shall be based on engineering and legal considerations. An appeal from the denial of an application request may be taken by filing a written appeal to the Town Board of Trustees within ten (10) days of the denial. Prior to granting this approval, the customer shall have paid the deposit and connection or charge as applicable and set by motion or resolution. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed in connection with the utility service. It shall be held in trust by the authority. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the Town have been satisfied, shall be returned to the customer, or to the state if unclaimed by the customer, after notice as required by law.

B. The following deposits shall be collected for the respective utility services:

Residential	
Water and/or electric	$150.00
Commercial or Industrial	
Water and/or electric	$200.00

All customers must show sufficient proof of rights as a tenant to the rental property (For Example: lease agreement or signed letter from landlord) or ownership of the real property (For Example: deed, or closing documents) as a part and condition of receiving utility service.

C. At any time, the person having made the deposit, should desire to discontinue the use of utility services, he shall notify the Town clerk, in writing, and shall accompany his notice with all arrears, if any. In the case the notice is not accompanied with the charges, then the Town shall deduct from the deposit the amount of the utility charges against the meter, and the balance, if any, shall be returned to the person making the request for discontinuance.

D. Whenever the utility termination procedures as set out in Sections 17-208 through 17-210 have been fully complied with by the Town and a customer's utility bill remains delinquent, the Town Superintendent or designee shall direct a Town employee, by appropriate work order, to disconnect the utility service(s). After 8:00 A.M. on cut-off day, a customer service charge of Thirty-five Dollars ($35.00) per utility service disconnected2; the payment of such disconnection fee per utility, plus payment in full of the past bill and penalties, shall be charged and collected prior to reconnection of any utility service(s), and without regard to whether the utility service(s) was actually disconnected.

E. Notwithstanding any other provision in this municipal

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2 $10.00 of such amount is charged to the user each and every time a disconnect notice is provided to the user, whether the service is disconnected or not; $25.00 is for each trip charge per utility service as a result of the user failing to timely pay.

code, all utility customer payments received by the Town, and made pursuant to a unified Town billing statement, shall be credited the customer's account in the following order, and without regard to whether the customer actually uses or desires such service):

Taxes are credited first
Unpaid balances are credited second
Solid Waste Collection and Disposal Fees are credited third
Sewer Fees are credited fourth
Water Fees are credited fifth
Electric fees are credited sixth
All other fees, interest and penalties are credited seventh

If a customer is delinquent in the payment of any respective account, after such crediting procedure is applied, the account so delinquent shall be subject to termination pursuant to Sections 17-207 through 17-209.

F. Refund, Credit of Deposits:

1. Refund of Credit upon Termination of Service; Refund after timely Payment: Money deposited from utility deposits a customer shall be refunded or credited to the customer upon termination of the utility service and payment of all charges due and connected with the Service or at an earlier date as may be allowed by the board of trustees. If after a period of 24 consecutive months, and the customer has a record of timely payments, the deposit shall be applied against the 25th billing, or, if requested in writing by the customer, shall be refunded to the customer.

2. Notices: If the deposit has not been claimed, were refunded to a customer within one year following termination of utility service to the customer, the treasurer shall send notice to the customer at his last known address stating the deposit will be paid over to the utility fund of the town, unless it is claimed by the customer within 90 days from the date the notice is mailed, the Treasurer shall thereupon publish in newspaper of local circulation a list of names and last known addresses of customers, stating that the deposit will be paid over to the town, if not claimed within 90 days.

3. Failure to Claim Deposit: Monies to Town: If the money is not claimed or refunded within 90 days, the amount of deposit shall be paid into the fund of the municipal utility, for which

the deposit was collected or to the general fund, as may be determined by the Board of Trustees.

4. Time limit to make claim: No utility customer shall have a right to claim any refund of deposit after written notice, publication, and an expiration of 90 days.

G. Sub-metering of Utilities is Prohibited: Notwithstanding any other provision contained within this municipal code to the contrary, the sub-metering of any town utilities by any customer receiving utility services is prohibited. Any customer found to be sub-metering any town utilities shall be guilty of an offense. In addition, the town, after complying with its own internal procedures with respect to terminating utility accounts, may terminate utility services to the customer.

Section 17-203 RETURNED CHECK FEE.

There shall be charged to the utility bill of any user of utility services of the town, a fee of $50.00 for any check given to the Town for payment of utilities, services, goods, or any obligation, whatsoever, when said check is returned without funds of the maker of such check being deposited to the town's account.

Section 17-204 APPLICATION FOR SERVICE.

Any person desiring to have premises connected with the electrical distribution system of the Town shall make application to the Town which application shall contain the name of the applicant, the lot and block number, the address, the kind of building and the name of the owner or account. When the application has been properly filed and deposit made as set forth, the Town shall inspect the premises, and if they conform with the rules and regulations of the Town for the distribution of electrical current, the application shall be approved and the installation made.

Section 17-205 CONSUMER TO ADVISE OF CORRECT ADDRESS.

Every utility consumer, whether he be the owner or tenant, shall keep the utility department advised as to his correct mailing address. Failure to receive utility bills shall not be a valid excuse for failure to pay same when due.

Section 17-206 JOINT BILLING.

The monthly charges to any premises for utility services shall be billed monthly on a single bill or statement to each owner or occupant liable therefor; provide however, that such bill or statement shall separately state the charges for each utility service rendered to the premises.

Section 17-207 DUE DATE AND PENALTY FOR PAYMENT.

Utility bills shall be rendered monthly by the Town, and all bills shall be due and payable according to the stated due date listed on the bill.

Section 17-208 NOTICE OF INTENTION TO TERMINATE SERVICE.

Utility consumers' bills will be computed at the net rates and shall be payable on or before the date as set out in Section 17-207, each and every month (hereinafter the "due date"). Bills of all utility customers not paid by 4:00 P.M. on the due date of each and every month, or in the event that the due date falls on a holiday, then on the first business day after the due date of each and every month (hereinafter referred to as the "penalty date"), will be classified as delinquent and shall be subject to an additional charge equivalent to ten percent (10%) of the account balance (excluding taxes). If any utility bill, or part thereof, shall remain unpaid after the penalty date, or if one or more of the enumerated reasons as provided by Section 17-209 permitting termination of utility service is alleged to have occurred, the Town shall give written notice to the customer (by mailing by United States mail or hanging of a written notice on the door or elsewhere at the service location) of the enumerated reason for termination to the person listed as the utility customer of the premises for which such bill was rendered, who shall be deemed the agent of the owner of the premises for the purpose of notice, specifying the amount due, with penalties and/or setting out specifically the enumerated reason for termination of utility service, and advising of the utility department's intention to terminate service on a given date ("termination date"), which date shall not be less than forty eight (48) hours from the date the written notice is mailed, posted or provided. Such notice shall also contain a statement to the effect that the owner or occupant may request a hearing before a trust officer or employee prior to such termination date and state the telephone number at Town hall where such officer or employee may be contacted to request such

a hearing.

Section 17-209 ENUMERATED REASONS FOR TERMINATION OF UTILITY SERVICE; TERMINATION OF SERVICE; RECONNECTION SERVICE CHARGE.

A. The Town may disconnect and terminate service to a utility customer for any of the following reasons:

1. Nonpayment of all or any portion of an undisputed bill or a bill which is no longer disputed or for which the Town's dispute process has been completed.

2. Failure to comply with the terms and conditions of a payment agreement as provide for in Section 17-210.

3. Failure to post a deposit as prescribed by Town Code.

4. Failure to make application for service.

5. Misrepresentation of identity or facts for the purpose of obtaining service or use of an alias, trade name, business name, relative's name or another person's name as a device to escape payment of an unpaid obligation for Town service provided to the utility customer. For purpose of further interpretation of this subsection, the failure of a previous owner or occupant at the premises to pay an unpaid or delinquent account shall not constitute grounds for termination, unless the previous occupant remains an occupant or user of the Town service at the premises, and in such event, the service may be properly terminated.

6. Violation of any rule or regulation of the Town.

7. Unauthorized use of a Town utility accomplished through bypassing of the Town's measuring equipment or tampering with wires, meters, pipes, or other Town equipment.

8. Whenever the Town has reason to believe that continued service will create a condition on the utility customer's premises that is dangerous to persons or property.

9. Refusal to grant access at reasonable times for the purpose of installation, inspection, maintenance, replacement, or reading of Town equipment installed upon the premises of the utility consumer, or obstructed Town easement of right-of-way, or maintaining any obstruction that would deny access for these premises.

10. Potential adverse effect of the service required by the consumer on the service of other utility customers of the Town, provided the utility customer has been notified and given a reasonable opportunity to correct the adverse effect.

11. Abandonment of the premises served.

12. Upon request of the utility customer.

13. Causing an injury or threatening to cause an injury to an employee of the Town or the family of an employee of the Town or the property of the Town for the purpose of preventing a Town employee from engaging in activities authorized by law or in retaliation for such activities.

14. Violation of the Town's rules regarding the operation of nonstandard equipment or unauthorized attachments if the utility customer was notified first and given a reasonable opportunity to comply with the rules.

15. Violation of federal, state, or local laws or regulations through use of the service.

16. Causing damages to Town property.

17. A condition exists which poses a health or safety hazard.

B. If a utility bill remains unpaid, in whole or in part, or such service is subject to disconnection allegedly based on one of the enumerated reasons set out in subsection A hereinabove, after service of the required termination notice and the appropriate time period of such notice has expired, and if:

1. No hearing before a trust officer or employee has been requested; or

2. After such hearing, such charges are found to be properly imposed and/or the enumerated reasons found to have occurred;

then the utility service may be terminated.

C. In the event that a tenant terminates its tenancy and the Town does not receive the delinquent utility amount owed, prior to the re-establishment of service to a new tenant at such same residence or business, both the new tenant and the landlord shall establish utility service with the Town, with both the new tenant and landlord responsible for the payment of the monthly billing.

Section 17-210 PAYMENT ARRANGEMENTS.

The Town officer or employee may make payment arrangements with any utility customer who have had continuous utility service with the Town for at least one year, have had no more than one (1) payment arrangement in the past twelve (12) months, and who make a personal visit to Town hall before the termination date as set out in Section 17-208. If payment arrangements are desired and approved by the Town officer or employee, the utility customer may be required to sign a written agreement acknowledging the owed amount and agreeing to the payment arrangements. Payment arrangements may only be signed after the account is delinquent (after the due date of each successive month). At least one half (1/2) of the current bill, including any delinquency, must be paid at the time of making any payment arrangement. If the balance of the utility customer's gross bill, including any subsequent month’s service incurred after signing a payment arrangement contract, is not totally paid within the previously agreed upon payment arrangement date, the Town may terminate the utility service without further notice.

Section 17-211 PERSONNEL MAY INSPECT PRIVATE PREMISES.

Authority personnel in the service of the utility systems may enter any private premises served by the water, electricity, sewer, or other utility systems at any reasonable time, and inspect the pipes, lines, fixtures, and connections on the premises.

Section 17-212 RURAL UTILITY USERS.

Every person being furnished utility services by the Town, outside the corporate Town limits of the Town, shall be deemed and known as a "rural user".

Section 17-212 RURAL UTILITY USERS.

A. Rural water service will be granted only after a request has been made in writing to the Town. The Water Superintendent shall consider, and if appropriate, approve the request. The approval shall be based on engineering considerations such as the availability of potable water at adequate pressure and legal considerations, if appropriate. An appeal from the denial of an application request may be taken by filing a written appeal to the Town Board of Trustees within ten (10) days of the denial. Water extensions outside of the Town limits of the Town will not be made except on property on which the Town has an easement, which has been granted the Town or dedicated for public use. All such extensions, lines, valves, fittings, and connections shall be dedicated to the Town for rural water service. All water extensions outside of the Town shall be subject to the Town plumbing code, and after inspection, shall be accepted by the Town Board of Trustees of the Town, before being put in service.

B. In the event the Town Board of Trustees of the Town determines by resolution, duly adopted and approved, that there is a water shortage in the Town, and that it would be in the best interest of the inhabitants of the Town, to disconnect all water connections to rural users, those persons, firms or corporations shall be disconnected from the water system of the Town, from and after being given a three (3) days written notice thereof by the Town clerk.

Section 17-213 TOWN'S RIGHTS AND RESPONSIBILITIES.

A. When an application for utility services has been approved, the Town shall cause to be installed a meter or tap as appropriate and connect the same with the authority for utility service. The Town, at all times, shall have the right to enter upon the premises for the purpose of inspecting, maintaining, (including tree-trimming), reading of meters, and for the purpose of repair or adjustments of meters, lines and wires of the authority. The application and the installation of a meter or tap on the premises shall constitute a contract and agreement between the Town and the persons making the application to pay for utility services applied for at the rate and manner specified by the Town. The Town does specifically reserve the right to charge and collect the rate and enforce the penalties in the manner herein provided, to change the rates at any time by ordinance or resolution, to temporarily discontinue the service at any time, without notice to the customer when necessary for repairs or some other emergency at the discretion of the Town. Unreasonable impediments to the reading of any utility meter shall constitute sufficient grounds for discontinuation of service (following proper notice) until the impediment has been removed by the customer or his agent to the satisfaction of the Town.

B. The Town will use reasonable diligence to supply steady and continued service at the point of delivery but will not be liable to the customer for any damages occasioned by irregularities or interruptions. The Town may, without further notice, discontinue service to any customer when a defective condition of wiring or equipment upon the premises of the customer results, or is likely to result, in danger to life or property, or interfere with proper service. In order to make repairs or changes in the Town's facilities for supplying utility service, or some other emergency, the Town reserves the right without incurring any liability therefore to suspend service without notice to the customer for such periods as may be reasonably necessary.

Section 17-214 CUSTOMER REGULATIONS AND RESPONSIBILITIES.

A. The customer will not sell the utility service purchased from the Town to any other person unless the rate schedule under which he is served provides for such a resale. The customer will not be permitted to extend or connect the installation of lines across or under a street, alley or other public space in order to obtain service for adjacent property through one meter or tap unless such adjacent property is a part of the same business, actually continuous except for intervening public space.

B. The customer will be responsible for all damage to, or loss of, the Town's property located upon his premises, unless occasioned by causes beyond his control, and shall not permit anyone who is not an agent of the Town to remove or tamper with the Town's property.

C. As costs for handling and processing, Fifty Dollars ($50.00) shall be charged any person making a payment to the Town with a credit card, debit card, ACH (Automated Clearing House) or other negotiable instrument or method or means of payment absolutely upon an account containing funds insufficient to pay the charge.

Section 17-215 COLLECTION FEE

Whenever the Town or one of its public trust authorities refers an unpaid debt or an unpaid account receivable to a collection agency, including but not limited to an unpaid fee, penalty, interest, or other sum due, or a court penalty, cost, fine or fee in cases in the municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court (hereinafter collectively referred to as an “unpaid debt or account”),pursuant to a written contract, a collection fee of thirty-five percent (35%) of the unpaid debt or account shall be added to the amount of the unpaid debt or account and assessed and collected.

Section 17-216 AVERAGE BILLING PROGRAM

There is hereby created the Average Billing Program for the Town of Laverne, Oklahoma (hereinafter the "Program"). The Program provides for the establishment of a revolving average monthly utility payment plan which is calculated using the current bill and outstanding balance added to the previous 11 months bill (recalculation shall occur at least every four (4) months or whenever the account balance is 1 times over or under the current calculated average monthly utility payment plan). In order to participate in the Program, the customer must:

1. Be a utility customer of the Town for at least one year at the same address prior to the date of signing up for the Program and on that date have a zero-utility balance;

2. Have had no late fees assessed and/or returned checks or drafts for at least one (1) year prior to the date of signing up for the Program.

3. Must remain enrolled in the Program for at least one year from the date of signing up for the Program; and

4. Enroll in the Program during the months of October through December of each successive year (Enrollment in the Program will not be permitted at any other time during the year for new enrollees).

Under the terms of the Program, if any single payment is late or if a payment is not made, the account will be subject to automatic removal from the Program, the account balance becomes due in full, and the account may become subject to cut-off for non-payment.

A customer must stay enrolled in the Program for at least one (1) year; thereafter, a customer may elect to be removed from the Program at any time. Whenever any customer properly elects to be removed from the Program, such customer's current account balance will be paid in full immediately. Whenever termination of service at any address occurs, such account balance must be paid in full immediately prior to the initiation of the Program at the customer's new address. Except when a customer changes their Program address and fully complies with the aforementioned provisions, new customers seeking to enroll in the Program may only apply from October 1 through December 31 of each successive year (hereinafter "enrollment period").

If the Program is canceled by the Town with respect to any customer or the customer properly withdraws from the Plan, the customer will not be eligible to enter into the Program for at least one full calendar year and thereafter only during the enrollment period. If the customer's account has a credit balance, this balance cannot be used for payment unless the customer withdraws from the Plan.

At times it may be impossible or impracticable to accurately determine the average monthly billing for accounts; sizable adjustments may be necessary to be made based on actual or historical usage. In addition, the Town Superintendent is authorized to make adjustments to the implementation of this policy which are reasonable and/or in the best interest of fairness and responsible utility practices.

Section 17-217 DISTRIBUTED GENERATION RULES AND REGULATIONS

A. IN GENERAL. This section provides for the rules and regulations concerning customer-owned, grid-connected non-utility owned electric generating systems (hereinafter referred to as "Generation systems ") connected for parallel operation with the electrical system of the Town of Laverne and the Laverne Public Works Authority (hereinafter for purpose of convenience only referred to as the "Town").

1. Generation systems will be permitted to interconnect to the Town's electric distribution system at the service level voltage only after a determination by the Town that such interconnection will not interfere with the operation of the distribution or transmission system and that such interconnection ensures the safety of Town employees and customers.

2. All customers shall ensure that any back feed of electricity into the Town's system is safe and constructed and/or operated in accordance with all state and local electrical codes and the Town has the right to inspect the customer's system to ensure such connection standard.

3. The Town will not pay or credit any amount whatsoever for any electric generation received by the Customer's Generation System.

4. Any customer who shall construct, install, operate and/or use, or permit the construction, installation, operation and/or use of a distributed generation service at such customer's residence, shall notify the Town of such fact by making a personal visit to Town hall at least ten (10) business days prior to the date of such construction, installation, operation and/or use of the distributed generation system.

5. All agreements contained in the original Application/Contract for Utility Services between the Customer and the Town as well as other terms and conditions of service as provided in this municipal code shall remain in effect including, but not limited to paying for electricity used and the penalties assessed for payment failure.

B. **Interconnection Requirements**

1. Any customer who shall construct, install, operate and/or use, or permit the construction, installation, operation and/or use of a distributed generation service at such customer's residence, shall notify the Town of such fact by making a personal visit to Town hall at least ten (10) business days prior to the date of such construction, installation, operation and/or use of the distributed generation system. During such personal visit, said customer's rate shall be adjusted to the rate provided herein and a date and time for inspection of the facilities at the customer's home shall be set, and continued from time to time as required, to ensure that the installation is approved for use by the Town, prior to its actual use by the customer.

2. Customer shall operate, at its own expense and election, a Generation system. No customer may install any wind, solar or other grid-connected non-utility owned Generation System at any location in the Town which will generate more than that customer's annual peak kWh. The generation system is intended to offset either all or part of the customer's electrical requirements.

3. Customer's Generation system shall supply alternating current power, 60 Hertz, at a voltage and phase of the

Town's established secondary or primary distribution system.

4. If the Customer's Generation system full output capacity is larger than ten percent (10%) of the substation, feeder, or distribution line tap minimum load at the point of interconnection, additional studies and equipment may be required to provide proper line protection and voltage regulation. The Customer is responsible for the cost of any studies and/or upgrades required to allow safe interconnection of the Customer-owned generation.

5. Generation systems which produce frequencies that result in interference or generate distorted wave forms into the 60 Hertz Town electric system which adversely affect the operation of Town's electric system shall be corrected at the expense of the Customer.

6. Any costs or expenses incurred by the Town due to modifications made to the Town's existing electrical system as a result of the interconnection of Customer's Generation system shall be paid by the Customer.

7. Customer shall be the owner of the renewable attributes of the electricity that is generated, to include any and all credits, certificates, benefits, environmental attributes, emission reductions, offsets, and allowances, however entitled, attributable to the generation of electricity from the Customer-owned renewable generation and its displacement of conventional energy generation; provided however, the Town will not compensate, reimburse, refund, credit, or pay any customer for any generation created or received by the Generation system.

8. Town may require Customer to interrupt the operation of their Generation system when necessary in order to construct, install, maintain, repair, replace, remove, investigate, or inspect any of its equipment or part of its system.

9. Customer shall comply with all the latest applicable National Electric Code (NEC) requirements, NESC requirements, State of Oklahoma requirements, building codes, and shall obtain electrical permits for the

equipment installation. Installation shall comply with local site permitting requirements.

10. The meter and transformer or transformer pole serving the Generation system shall be labeled to indicate there is no potential electric current back feed into the Town's electrical distribution system, and no change shall be made to the Generation system or label which permits electrical current back feed into the Town's distribution system.

11. Customer assumes full responsibility for all maintenance of generators, inverters, and associated equipment including protective equipment. Customer shall keep record of maintenance activities and provide such records to the Town upon request.

12. Customer's Generation systems shall comply with NEC Articles 690 and 705 and applicable and current Institute of Electrical and Electronics Engineers (IEEE) standards including Standard 1547 "Interconnection Distributed Resources with Electric Power Systems" and any future updates or revisions for parallel operation with the Town's electric system, in particular: a) Power output control system shall automatically disconnect from the Town's source upon loss of voltage and not reconnect until Town's voltage has been restored for at least five (5) minutes continuously, b) Power output control system shall automatically initiate a disconnect from the Town's power source within six (6) cycles (0.1 second) if Customer's voltage falls below 50% of nominal on any phase, c) Power output control system shall automatically initiate a disconnect from the Town's power source within two (2) seconds if Customer's voltage falls below 88% of nominal or rises above 120% of nominal on any phase.

13. Customer shall provide a written description of how the protection devices will achieve compliance with the requirements of this section as part of the building permit application.

14. Customer shall furnish and install on Customer's side of meter a UL-approved safety disconnect switch, or transfer switch, which shall be capable of fully disconnecting the Customer's generating facility from the Town's electric

system. The disconnect switch shall be located adjacent to the Town's meter and shall be of the visible break type in a metal enclosure which can be secured in the "Off" position with a padlock and with the Town possessing the only key. The switch shall be accessible to Town personnel at all times. The switch shall always be in the "Off" position.

15. For systems up to five (5) Kw, the Customer shall, at its own expense, maintain in force general liability insurance in the amount of $1,000,000.00, which insurance will protect against third party claims of property damage or injury to persons, including death, without any exclusion for liabilities related to the interconnection.

16. For purposes of gathering research data, Town may at its expense install and operate additional metering and data-gathering devices on the Generation systems.

17. Nothing in this section shall apply to emergency generation of power on the customer's property during an emergency event when public power is not available; but shall fully apply at all other times.

C. **Specifications and System Diagram:**

1. Customer shall supply specifications for the proposed Generation system as part of the building permit process.
2. Customer shall supply a system diagram for use of Town in determining the safety and functionality of a Generation system that will be kept in Town files.

3. Customer shall supply a certificate of completion from a qualified professional engineer or electrician that the Generation system meets all the requirements of this section.

4. All customers will sign a statement that they will adhere to the provisions of this section during the construction, installation, and operation of their Generation system.

Any customer who shall violate any provision of this section, by act or omission, shall be guilty of an offense and be subject to a fine of Two Hundred Dollars ($200.00), court costs and all

applicable fees and state assessments, with each such day of continued violation deemed an additional offense.

ARTICLE 3

ELECTRIC SYSTEM

Section 17-301 DEFINITIONS

Definitions of words and terms, as used in this Article, unless the context otherwise indicates, are as follows:

Commercial User shall mean a customer commonly known as a business or industry who sells a service or product to a customer or another.

Residence means a single-family dwelling unit and in case of multiple units, each unit is a residence.

User shall mean any person, persons, firm, partnership, corporation, association, company, organization or any other entity of any kind that uses electric services distributed by the Town of Laverne, Oklahoma.

Section 17-302 COMMERCIAL SERVICE

Commercial distribution shall, be available to all commercial and general power users with the following type of service:

Single-phase 115/230 volts
3-phase 230 volts, 60 cycles

Section 17-303 FEES, RATES AND CHARGES

A. Hookup charge: There shall be charged by the Town a nonrefundable hookup charge of twenty dollars ($20.00) for all new users of electricity.

B. User Rates Established:

1. Commercial Users: The rate of service charged to all commercial users of electricity distributed by the Town shall be fixed at the following rates:

Customer Charge: $25.00 per month

Plus the emergency charge

Summer Season: 4/20 through 10/20	Winter Season: 10/21 through 4/19
First 2,000 kWh @ $0.1400	First 2,000 kWh @ $0.1400
Over 2000 kWh @ $0.0975	Next 3,000 kWh @ $0.975
	Over 5,000 kWh @ $0.0595

2. Residential Users: Electric service shall be available to residential users for all domestic uses and the type of service being single-phase, 60 cycles, at secondary voltages distributed by the town shall be fixed at the following rates:

Customer Charge: $12.50 per month
Plus the emergency charge

Summer Season: 4/20 through 10/20	Winter Season: 10/21 through 4/19
First 400 kWh @ $0.1400	First 400 kWh @ $0.1400
Over 400 kWh @ $0.0975	Next 300 kWh @ $0.975
	Over 700 kWh @ $0.0505

3. Residential, Commercial and Industrial Distributed Generation Customer's Rates.

a. Wind, Solar and other Grid-Connected Non-Utility Owned Electric Generation Customers (hereinafter referred to as "Residential Distributed Generation Customers" or "Customers") Residential Distributed Generation Customers shall pay shall pay a customer charge of $58.00 per month and the usage rate per month based on actual metered consumption of $0.07 per kilowatt hour (kWh) for the first 1000 kWh used, which per kilowatt hour (kWh) charge shall substituted for the regular residential or commercial per kilowatt hour (kWh) charge for such customer and used together with the other applicable rate variables in determining and calculating the rate as provided in this code and after such 1000 kWh usage, the per kilowatt hour (kWh) charge shall be the same per kilowatt hour (kWh) charge as provided for all other users in such similar class of customer. All customers shall ensure that any back feed of electricity into the Town's system is safe and constructed, operated and maintained in accordance with all state and local electrical codes and the customer agrees that the Town has the right to inspect the customer's system to ensure such connection standard. The Town will not pay or credit any amount whatsoever for any electric generation received by the Town from a Customer's Generation system. Any customer who shall construct, install, operate and/or use, or permit the construction,

installation, operation and/or use of a distributed generation service at such customer's residence, shall notify the Town of such fact by making a personal visit to Town hall at least ten (10) business days prior to the date of such construction, installation, operation and/or use of the distributed generation system. During such personal visit, said customer's rate shall be adjusted to the rate provided herein and a date and time for inspection of the facilities at the customer's home shall be set, and continued from time to time as required, to ensure that the installation is approved for use by the Town, prior to its actual use by the customer. No customer may install any wind, solar or other grid-connected non-utility owned Generation System at any location in the Town which will generate more than that customer's annual peak kWh. Any customer who shall violate any provision of this section, by act or omission, shall be guilty of an offense and be subject to a fine of Two Hundred Dollars ($200.00), court costs and all applicable fees and state assessments, with each such day of continued violation deemed an additional offense.

b. Commercial or Industrial Electric Distributed Generation Customer's Rate. Wind, Solar and other Grid-Connected Non-Utility Owned Commercial or Industrial Electric Distributed Generation Customers (hereinafter referred to as "Commercial or industrial Electric Distributed Generation Customers" or "customers") shall pay a customer charge of $184.59 per month and the usage rate per month based on actual metered consumption of $0.09684 per kilowatt hour (kWh) energy charge, which per kilowatt hour (kWh) charge shall be used to calculate the rate as provided in this code. In addition, the customer shall be charged a Demand Rate at $9.03 per kW, with the minimum monthly kW being the kW for the highest Demand established during the twelve (12) months ending with the current month or 75 kW whichever is higher. The Town will not pay or credit any amount whatsoever for any electric generation received by the Town from a Customer's Generation system No customer who constructs, installs or uses, or permit the construction, installation or use of a distributed generation service at the customer's business or industry, shall fail to notify the Town of such fact by making a personal visit to Town hall at least thirty (30) calendar days prior to the date of such construction, installation, operation and/or use of the distributed generation system. During such personal visit, said customer's rate shall be switched to the rate provided herein and a date and time for inspection of the facilities at the customer's business or industry shall be set, and continued from time to time as

required, to ensure that the installation is approved for use by the Town, prior to its actual use by the customer. No customer may install any wind, solar or other grid-connected non-utility owned Generation System at any location in the Town which will generate more than that customer's annual peak kWh. Any customer who shall violate any provision of this section, by act or omission, shall be guilty of an offense and be subject to a fine of Two Hundred Dollars ($200.00), court costs and all applicable fees and state assessments, with each such day of continued violation deemed an additional offense.

4. Annual Credit: An annual credit of $15.00 will be paid by the Laverne Public Works Authority customer, who contracts with the Laverne Public Works Authority under its Load Management Program, and who participates in the program for the entire peak season of July, August and September. Payment will be made subject to the above conditions in October of each year.

5. The charges for electric service by the Laverne Public Works Authority shall be increased or decreased by the amount in cents per kWh, or fraction thereof, by which the cost of the purchased power for the previous month, plus one twelfth ($1/12^{th}$) the cost of the load management program divided by the previous month's energy purchases exceeds or is less than six (6)cents per kWh, calculated in accordance with the following formula:

$$PCA=(A+B)/C - \$0.0600) (D)$$

Where:

A = The cost of purchased power during the previous month
B = One-twelfth ($1/12^{th}$) the cost of the load management program, including rate incentives, from the previous calendar month
C = Energy purchased for the previous month in kWh
$0.0600 = The cost of power per kWh at the time of the last rate revision
D = The ratio of kWh purchased to kWh sales.

C. Base Customer Charg: All , residential and general power. Users of electricity distributed by the town shall pay a minimum customer monthly service. Charge as established in subsection B of this section.

D. Transfer Charge: There shall be charged by the town a non-refundable transfer charge of $20.00 to the user of electricity who moves from one location to another, whether the same be

business or residence.

E. 75-WATT LED Yard Lights:

1. The Town of Laverne, Oklahoma, shall provide a 75 Watt LED yard light, for a monthly rental fee for each light on the user's property, as follows:

Residential	$15.00 per light
Commercial	$15.00 per light

2. New installations will be made on existing poles, but if no pole is available, the user shall provide a pole for installation at his own expense.

3. Said monthly fee is to be billed on the user's regular utility bill.

Section 17-304 IMPROPER CONNECTIONS

A. Prohibited: It shall be unlawful for any user who is properly hooked up with the town electrical utility service to make any connection from a properly hooked up service to another user who is not properly hooked up with the town electrical service by the means of any cord, wire, line, conduit or other equipment, to provide electricity to the user not properly hooked up, in order to avoid paying the minimum deposit required for electrical service hookup, before becoming properly connected to electrical service.

B. Notice of violation: person found to be violating any provision of this section shall be served by the town with written notice stating the nature of the violation. The offender shall permanently cease all violations upon the service of the notice.

C. Misdemeanor Violation; Penalty: Any person who shall continue to violate this section after the service of notice, as provided herein, shall be guilty of a misdemeanor and shall be punishable as provided by Section 1-108 of this municipal code.

Section 17-305 INDUSTRIAL, COMMERCIAL AND/OR CERTAIN RESIDENTIAL CUSTOMERS TO PAY THE UPFRONT ESTIMATED COSTS OF ESTABLISHING, ALTERING AND/OR ADDING ELECTRIC SERVICE; EXCEPTIONS.

A. Except as may be excepted by the terms of an economic development agreement, any industrial or commercial customer requesting the establishment, alteration and/or addition of electric services within or without the Town, shall first pay the estimated cost of the installation, alteration and/or addition of such electric service, including but not limited to all capital expenditures required thereby.

B. Any residential customer requesting the establishment, alteration and/or addition of electric services larger than a 200 amp service, within or without the Town, shall first pay the estimated cost of the installation, alteration and/or addition of such electric service, including but not limited to all capital expenditures required thereby.

C. In the event there is a difference between the estimate and the actual cost, the credit or debit, respectively, shall be credited or debited on the customer's utility bill. All electric installations so provided shall remain the property of the Town.

ARTICLE 4

WATER SERVICE

Section 17-401 DEFINITIONS

Definitions of words and phrases, as used in this Article, unless the context otherwise indicates, shall be as follows:

Residence means a single-family dwelling unit and shall include every mobile home; provided, that in the evet of multiple living units, each unit shall be considered a separate residence.

User shall mean any person, persons, firm, partnership, corporation, association, company, organization or any other entity of any kind that uses water and/or water services distributed by the Town of Laverne, Oklahoma.

Section 17-402 TAP FEES

The Town of Laverne shall make available to all users of water within the Town hookups at the following respective rates:

¾ inch tap with shutoff valve	$125.00
1 inch tap with shutoff valve	$150.00

Section 17-403 RATES ESTABLISHED

A. Inside Town Limits: The rate for water usage per residence or user as defined in Section 17-401 shall be:

Base rate for up to 3,000 gallons:	$45.00
3,001- 20,000 gallons:	$1.78 per 1,000 gallons
20,000+ gallons:	$2.00 per 1,000 gallons

Any residence or user of water in the Town who is a water customer on October 5, 2020, shall pay a single base rate fee of $45.00 for up to 3,000 gallons without regard to the number of water meters serving such single service location; provided however, from and after such date any customer requesting more than one water meter to be installed for a service location shall pay one-third of the singe base rate per additional water meter, in addition to the other rates as provided herein.

B. Outside Town Limits: The Town Treasurer is hereby authorized and directed to collect from the users that are not situated within the corporate limits of the town the same rates as set forth in subsection A of this section, plus a surcharge of $1.00 per month.

Section 17-404 RESTRICTION OF USE OF WATER FOR LAWNS AND GARDENS

Use of water from the Laverne water system by any method or means by residential users to water lawns and or gardens, between the hours of 12:00 PM to 8:00 PM is prohibited during the months of July, August and September. This restriction applies only to residential users and all other users are excluded. Provided further:

On odd numbered days, for residential users living north of Jane Jayroe Blvd, the use of water will be permitted between 12:00 PM. and after 8:00 PM.

On even numbered days, for residential users living South of Jane Jayroe Blvd, the use of water will be permitted before

12:00 PM and after 8:00 PM.

Any person who shall violate the provisions of this section by using water during a time when the same is prohibited shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not greater than $50 plus costs; provided however, upon conviction thereof for a second or more offenses in any one calendar year, such person shall be fined not to exceed $100 per day; Each day of continuing violation shall constitute a separate violation.

ARTICLE 5

SEWER SERVICE

Section 17-501 DEFINITIONS OF TERMS

ASTM ANF EPCF means the American Standard for Testing Materials and Water Pollution Control Federation.

B.O.D. (Biochemical oxygen demand) means the quantity of oxygen by weight, expressed in mg/1, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees (20) Centigrade expressed in milligrams per liter.

BUILDING DRAIN means part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning 5 feet outside the interface of the building wall.

BUILDING SEWER means the extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWAGE means a sewer receiving both surface runoff and sewage.

GARBAGE means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

HEALTH OFFICER means a person having public health responsibility by the state of Oklahoma or by Harper County in the state of Oklahoma.

INDISTRIAL WASTES means the liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.

NATURAL OUTLET means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

PERSON means any individual, firm, company, association, society, corporation, or group.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHEDDED GARBAGE means wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally pre- vailing in public sewers, with no particles greater than one-half inch (1/2”) (1.27 cm) in any dimension.

PUBLIC SEWER means a sewer in which all owners of abutting properties have equal rights and is controlled by a public authority.

SANITARY SEWER means a sewer which carries sewage and to which storm, surface, and ground water are not intentionally admitted.

SEWAGE means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT means any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS means all facilities for collecting, pumping, treating and disposing of sewage.

SEWER means a pipe or conduit for carrying sewage.

SHALL is mandatory; "MAY" is permissive.

SLUG means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in

quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operations.

STORM DRAIN (SOMETIMES REFFERED TO AS STORM SEWER means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial waste, other than unpolluted cooling waters.

SUPERINTENDENT means the superintendent of the Town of Laverne, Oklahoma or his authorized deputy, agent or representative.

SUSPENDED SOLIDS means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

TOWN means the Town of Laverne, Oklahoma.

WATERCOURSE mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 17-502 USE OF THE PUBLIC SEWERS REQUIRED

A. Discharge Of Human And Animal Wastes: It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable wastes.

B. Discharges Into Natural Outlets: It shall be unlawful to discharge to any natural outlet within the town, or any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.

C. Private Systems: Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. Required: The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so; provided, that said public sewer is within one hundred feet (100') of that property line.

E. Outside Town Limits: No sewer connection will be permitted for areas outside of the town limits until the developer or owner plats the area and presents the same to the town board and obtains their approval. Said plat, once approved by the town board, must be recorded with the county register of deeds office. Any sewer lines needed to connect with existing town sewer mains and laterals must conform to town and state specifications for same. In order to obtain sewer service, the town reserves the privilege of furnishing, at its option, any or all utilities, namely, gas, water or electricity. As a further condition of permitting sewer service for areas outside the town limits, the owners of property served must agree to permit annexation of such properties when such action is deemed necessary by the town.

Section 17-503 BUILDING SEWERS AND CONNECTIONS

A. Permit to Connect:

1. Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Town Superintendent.

2. Calls of Permit; Applications:

a. There shall be one class of building sewer permit: Residential and commercial service. The owner or his agent shall make application on special forms furnished by the town.

b. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the town Superintendent.

B. Separate Building Sewers Required: A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another or an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered one building sewer.

C. Use Of Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet

all requirements of this chapter.

D. Construction Specifications:

1. The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the "ASTM And WPCF Manual Of Practice No. 9" shall apply.

2. Whenever possible, the building sewer shall be brought to the building at the elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

E. Connections To System: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the "ASTM And WPCF Manual Of Practice No. 9". All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

F. Excavations: All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property shall be restored in a manner satisfactory to the town.

G. Discharge Of Surface Waters Prohibited: No person shall make a connection of roof downspouts, exterior foundations, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

H. Inspections: The applicant for the building sewer permit shall notify the superintendent when the building

sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative within ninety-six (96) hours of the receipt of the notice of the superintendent.

I. Liability For Costs And Expenses: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly be occasioned by the installation of the building sewer.

J. Connection to public sewer required: The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town, and abutting on any street, alley, or right of way in which there is now located, or may be in the future, located a public sanitary sewer of the town, is hereby required, at his own expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 30 days after date of official notice to do so; provided, that said public sewer is within 100 feet of that property line.

Section 17-504 DISCHARGES INTO PUBLIC SYSTEM

A. Storm And Surface Water Runoff; Storm And Combined Sewers:

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers as approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet. (Such flows are also subject to federal and state regulations.)

B. Prohibited Discharges: No person shall discharge or cause to be discharged any of the following described waters

or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

3. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshings, entrails, paper dishes, cups, milk containers, etc., whether whole or ground by garbage grinders.

5. Any waters or wastes having: a) a five (5) day biochemical oxygen demand greater than three hundred parts per million (300 ppm) by weight; or b) containing more than three hundred fifty parts per million (350 ppm) by weight of suspended solids; or c) having an average daily flow greater than two percent (2%) of the average sewage flow of the town, shall be subject to review of the superintendent. Where necessary, in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to: a) reduce the biochemical oxygen demand to three hundred parts per million (300 ppm) by weight; or b) reduce the suspended solids to three hundred fifty parts per million (350 ppm) by weight; or c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and other preliminary information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent, and no construction of such facilities shall commence until said approvals are

obtained in writing.

C. Restricted Discharges:

1. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the superintendent, that such wastes can harm either the sewers, sewage treatment process or equipment, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

a. Any liquid or vapor having a temperature higher than one hundred twenty degrees Fahrenheit (120°F) (49°C).

b. Any waters or wastes containing fats, wax, grease, or oils in excess of one hundred milligrams per liter (100 mg/I) or containing substances which may solidify or become viscous at temperatures between thirty two and one hundred twenty degrees Fahrenheit (32 and 120°F) (0 and 49°C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($^3/_4$) horsepower (0.76 hp metric), or greater, shall be subject to the review and approval of the superintendent.

d. Any waters or wastes containing strong acid pickling wastes, or concentrated plating solutions, whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable toxic substances, or wastes exerting an excessive chlorine requirement, which such sewage at the sewerage treatment works exceeds the limits established by the superintendent for such materials, or pretreatment requirements established by state, federal, or other public agencies of jurisdiction for such discharge.

f. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the superintendent as necessary after treatment of the composite sewage, to meet the requirements established by state, federal, or other public agencies of jurisdiction for such discharge.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

h. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewerage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined in section 8-3-1 of this chapter.

i. Waters and wastes containing substances which are amenable to treatment or reduction by sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

2. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection C1 of this section and which, in the judgment of the superintendent, may have a deleterious effect upon the sewerage works, processes, equipment, or receiving waters, or would otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

a. Reject the wastes;
b. Require pretreatment to an acceptable condition for discharge to the public sewers;
c. Require control over the quantities and rates of discharge; and/or
d. Require payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges.

3. If the superintendent permits the pretreatment or equalization of wastes flows, the design and installation of the plant and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

Section 17-505 INTERCEPTORS

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 17-506 PRELIMINARY TREATMENT; FLOW EQUALIZATION

Where primary treatment or flow equalizing facilities are provided for any water waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 17-507 CONTROL MANHOLE

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in

accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 17-508 MEASUREMENTS, TESTS AND ANALYSES

A. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Samplings shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a 24 hour composite of all outfall of a premises is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pHs and heavy metals are determined from periodic grab samples.

B. Any pretreatment standards as established by State, Federal or other public agencies or jurisdiction for such discharge will be used as the minimum requirements by the Town or the Superintendent as applied by this section.

Section 17-509 TAP FEE, EXCAVATION AND INSPECTION FEE

The applicant for a sewer tap to hook up to the Town of Laverne's sewer system shall pay the Town Treasurer the sum of sixty dollars ($60.00). The applicant shall pay the Town Treasurer the additional sum of five hundred dollars ($500.00) when it is necessary to excavate the tap site for inspection of the sewer tap hookup by the Town of Laverne.

Section 17-510 USER RATES AND CHARGES

All persons within the corporate limits of the Town must use the sewer system of the Town to discharge all wastes,

water and sewage. Such wastes, water and sewage must be discharged into the public sewer system as otherwise provided by this Article. The Town Treasurer is hereby authorized and directed to bill and collect a user fee for the use of the sewer system, to be paid by the owners and/or occupants of the various premises within or outside of the corporate limits of the Town that discharge into the sewer system, on a monthly basis, payable between the first and tenth days of each month following billing, the following fees as the sewer rates for the various users of the sewer system:

A. Inside Town Limits:

Residential (each family unit):

One person inhabitant, whether house, apartment or other living accommodation	$23.00
Two or more persons inhabiting, on a temporary or permanent basis, a house, apartment or other living accommodation	$24.75
Churches, lodges and ambulance services	$24.75
Restaurants, cafes, eating establishments, quick stops, taverns, establishments with water cooled gas air conditioners, hotels and motels	$29.55
Laundries, service stations with car wash, and meat processing plants	$40.50
Car wash establishments	$49.25
Schools	$136.75
All other business and commercial users	$25.20

Combination uses: A business establishment that is combined with a residential unit shall be charged both the applicable business rate, plus the applicable stated residential rate for sewer charges.

Water source heat pumps:

Closed Loop: Residences and/or business users of water who use a closed loop water source heat pump will be charged an initial rate of twenty-five dollars ($25.00) for the inspection of the installation of the heat pump.

Open Loop:

Sewers on premises served by open loop water source heat pumps which discharge wastewater into the sewer system shall be charged at the rate of twenty-five dollars ($25.00) per month in addition to the normally charged residential rate for the premises.

Sewers on premises served by open loop water source heat pumps whereby the water used is discharged for watering of lawns, irrigation or watering of livestock when authorized will be charged the normal residential rate.

Metered Water: Sewers on premises served by water source heat pumps required to be metered shall be charged the rate of thirty- five cents ($0.35) per one thousand (1,000) gallons of water metered.

Outside of Town Limits: The Town Treasurer is hereby authorized and directed to collect from owners and or occupants of the various premises utilizing services of the town, that are not located within the corporate limits of the town, the same rates as set forth hereinabove, plus a surcharge of $1.00 per month.

Determination of User Category: The Town Superintendent shall have the sole authority, acting alone or by designation, to determine the category for each user of the town's sewer system.

Section 17-511 PROTECTION OF SYSTEM FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.

Section 17-512 POWER AND AUTHORITY OF INSPECTORS

1. The Superintendent and other duly authorized employees

of the Town, bearing proper credentials and identification, shall be permit ted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Superintendent and other duly authorized employees of the Town shall have no authority to inquire into any process, including metallurgical, chemical, oil, refining, ceramics, paper or other industries, beyond that point having a bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Any report, record, or information taken for purposes of administering this chapter shall remain confidential to the Superintendent; except, that such report, record, or information may be disclosed to other officials, employees, or authorized representatives of the Town, and except for such effluent information as may be required by State and Federal regulations.

2. While performing the necessary work on private properties referred to in subsection A1 of this section, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this chapter.

3. Easements On Private Property: The Superintendent and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the fully negotiated easement pertaining to the private property involved.

Section 17-513 VIOLATION; PENALITIES

Notice Of Violation; Time For Compliance: Any person found to be violating any provisions of this chapter, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Misdemeanor Violation; Penalty: Any person who shall continue any violation beyond the time limit provided for compliance with this chapter shall be guilty of a misdemeanor and shall be punishable as provided in section 1-108 of this code.

Liability For Violations: Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation, including such fines, penalties and other costs which may be assessed to the town for violation of sewage treatment plant effluent requirements where such violation is created by a user of the sewerage works who, in turn, is in violation of town, state, or federal regulation.

ARTICLE 6

SOLID WASTE COLLECTION AND DISPOSAL

Section 17-601 DEFINITIONS

Definitions of words and terms, as used in this Article, unless the context otherwise indicates, are as follows:

BUSINESS SECTION means the business section of the Town of Laverne shall refer to the fire limits of the Town.

GARBAGE means all or animal or vegetable matter or food products from kitchens, pantries, dining rooms, hotels, residences, restaurants, boarding houses, apartment houses, and meat markets.

TRASH ashes, cinders, papers, rags, tin cans, bottles and other substances which may accumulate.

Section 17-602 AUTHORITY OF TOWN

The Town shall have the right to enter into a contract or agreement with other governmental entities and non-governmental business entities for the acquisition, management and operation of landfills for disposal of solid waste and other refuse, to collect, to remove and dispose of, and to provide for the collection, removal and disposal of all garbage and trash within the limits of the town, either by contract with some suitable entity for the removal of such garbage, or by removing the same by Town employees at the discretion of the town.

Section 17-603 USE OF TOWN SERVICES REQUIRED

For health and sanitation reasons, all residences, business establishments and other entities located within the town are required to subscribe to the town's trash services, and the failure to so subscribe is prohibited, and upon conviction thereof, a fine as provided in section 1-108 of this municipal code may be imposed.

Section 17-604 FEES AND CHARGES; ESTABLISHED

A. Inside Town Limits And Within One-Half Mile Radius Outside Town Limits: The town treasurer is hereby authorized and directed to collect from the owners and/or occupants of the various premises within the corporate limits of the town, on a monthly basis, payable between the first to and including the tenth day of each month, the following charges which are hereby fixed as trash and garbage disposal rates for the various commercial and residential inhabitants and commercial enterprises within the town, as follows:

Residential, each family unit (whether 1 person inhabitant, 2 or more)	$27.30
Accountants, attorneys, insurance and similar types of establishments and post office	$36.40
Churches, lodges, and ambulance services Industrial Businesses	$32.50
Industrial Businesses	$47.50
Liquor stores, drugstores, chiropractors, dentists and medical offices	$36.40
Motels	$36.40

Quick stops	
With deli	$104.00
Without deli	$71.50
Restaurants, eating establishments, cafes, taverns, private clubs, and furniture and appliance stores	$65.00
Schools	
Supermarkets	$195.00
All other business establishments not hereinabove set forth	$52.00

The above rates shall be applicable to all utility billings mailed on or after July 1, 2023, without regard to the period of service.

C. Outside the One-Half Mile Radius from The Town Limits: The town treasurer is hereby authorized and directed to collect from the owners and occupants of the various premises outside the one-half (1/2) mile radius from the corporate limits of the town, that are served with trash service on a monthly basis, payable from the first to and including the tenth day of each month, the following charges:

Residences (each family unit) (Each family unit)	$87.10
Small business establishments (employing less than 10 people)	$87.10
Large business establishments (employing 10 people or more	$162.50

The above rates shall be applicable to all utility billings mailed on or after July 1, 2023, without regard to the period of service.

D. Combination Uses: A business establishment that is combined with a residential unit, whether site of collection be within or outside the corporate limits of the town, shall be charged both the applicable business rate, plus the applicable stated residential rate.

E. Extra Pick Ups: Each extra pick up for additional trash run required by a user shall be charged twenty-five dollars ($25.00).

F. Determination of Category: The town superintendent shall have the sole authority, acting alone or by designation, to determine the category the town treasurer should charge for each user of garbage and trash services.

G. Notwithstanding any provision contained herein to the contrary, every utility user shall pay an additional monthly charge of $5.00 per month for limb and brush removal which will be removed and appropriately disposed of in accordance with state law. This charge shall first be applicable to all utility billings mailed on or after March 1, 2021, without regard to the period of service.

H. Additional User Fee:

1. The town treasurer is hereby authorized and directed to bill and charge from each customer of solid waste services operated by or on behalf of the town a user fee of twenty-five cents ($0.25) per month in addition to any and all other rates and fees charged or payable. The fee may be used to help defray costs of disposal at the northwest waste management disposal landfill, and as the charges for disposal are periodically changed, the town treasurer is authorized to adjust, on a pro rata basis to the nearest twenty-five cents ($0.25), any increase or decrease charged the town for disposal services. This fee is collected with the regular charges to be collected for garbage and trash services.

2. The town clerk is authorized and directed to remit monthly to the state department of public health, upon such forms as the department may provide, monies collected, retaining ten percent (10%) of collected revenue to defray the costs of collection and bookkeeping, or retaining such sum as authorized by state law.

Section 17-605 RECEPTACLES

A. Authority Of Town: The town shall have the right to require the type of receptacles to be used for business and residential users, and the receptacles to be used and provided for garbage and trash disposal shall be placed in position by town employees as may be required by the town for

servicing of trash and garbage removal.

B. Use Of Town Facilities Required; Exceptions:

1. Inside Town Limits: All residences and businesses in the corporate limits of the town shall be required to use the town trash collection facilities.

2. Outside Town Limits: Owners and occupants of businesses outside the corporate limits of the town may, at the option of the town, be required to furnish, at their own expense, receptacles according to specifications prescribed by the town for handling or removal of trash and garbage that the town agrees to pick up and remove.

3. Dumpsters: All dumpsters must be dumpsters provided by the town, and the use of any other dumpsters or the dumping of trash in a town dumpster by a person or entity not required to use the town trash services is prohibited. Any violation of this subsection B3 shall be deemed an offense and, upon conviction thereof, such violator may be fined as provided in section 1-4-1 of this code per occurrence.

C. Tampering Prohibited: No person, without authority of the town, shall move or tamper with receptacles nor shall said person hinder or impede the collection of garbage or trash from receptacles.

Section 17-606 PREPARATION OF GARBAGE AND REFUSE FOR COLLECTION

A. All garbage and refuse containing any animal or vegetable matter and also commonly known as household kitchen trash shall be bagged and placed in town approved receptacles.

B. No grass or yard waste shall be placed in any receptacle.

Section 17-607 TREE LIMBS AND DEBRIS

Tree limbs, bricks, stones, mortar, shingles, lumber, iron and steel products, such as used furniture and household goods and appliances, shall not be placed in any town receptacle but shall be disposed of at such collection and disposal (C & D) sites as contracted with by the town for

their disposal of trash, and any individual who disposes of such matter shall pay separately and individually and provide his own transportation to and from such disposal site for such disposal.

Section 17-608 BURNING RESTRICTIONS

A. It shall be unlawful to burn or cause to be burned any garbage, refuse, trash, rubbish or combustible matter, including grass, weeds or yard waste, in any open place or with any wire, screen or container within the corporate limits of the town, except when such burning takes place in an incinerator approved by the Oklahoma state department of health or when any such burning may be allowed by special resolution on a day and time certain, as approved by the town board of trustees.

B. Any person, firm, or corporation, violating the burning restrictions of this section, shall, upon conviction thereof, be punishable as provided in section 1-108 of this municipal code.

Section 17-609 LITTERING PROHIBITED

No garbage or trash shall be thrown or dropped upon any public way.

Section 17-610 USE OF ANOTHER'S TRASH CONTAINER

Except as otherwise provided herein, it shall be unlawful for any person to use another person's trash container, whether the container is furnished by the Town or the Contractor or by the individual or some other person, without permission of such other person.

Section 17-611 PENALTIES

Any person, firm or corporation violating any provision pertaining to the handling, use and disposal of garbage, refuse, and trash shall be punishable as provided in section 1-108 of this municipal code.

CHAPTER 18. FEE SCHEDULE

Pursuant to Section 1-112 of this code and for purpose of providing a clear and concise listing of the fees and charges authorized by the provisions of this code in payment for licenses, permits and services performed in accordance with the regulations and controls upon which the licenses and permits are conditioned and to provide uniformity in the supervision and administration of the issuance of licenses and permits and the collection of the amounts prescribed, a schedule of fees and charges, or fee schedule, is hereby set forth in this Section. The heading gives the titles of the appropriate chapters and articles as applicable.

Code Section		Fee

Administration and Government

Town Records

2-711	Search fee	Actual cost to Town
2-712	Prepayment of estimate fee	
2-713	COPIES OF ORDINANCE AND OTHER PUBLIC RECORDS	

1. For copies of documents having dimensions of eight and one half (8 ½) by fourteen (14) inches or smaller, twenty-five cents ($.25) per copy;

2. Thirty-five cents ($.35) for copies of each page larger than eight and one half (8 ½) by fourteen (14) inches;

3. Twenty-five cents ($.25) per page if sent electronically for computer printouts, without regard to the size or type of page;

4. For certified copies, One Dollar ($1.00) per copied page;

5. Any authorized gun dealer in the State of Oklahoma who requests a background investigation through the Laverne Police Department in order to affect the sale of a handgun to any person shall pay a fee of $10.00 per background investigation.

This Section shall not apply to the following so long as another fee has been established for same:

1. Complete copies of the Town code of ordinances;

2. Copies of chapters or similar parts of this code which have been prepared in booklet form; or

3. Ordinances which have been prepared in booklet form.

If the request for copies of public records is:

1. Solely for commercial purposes; or

2. Clearly would cause excessive disruption of the public body's essential functions (i.e. requiring hand searches, high number of requests or large volume of documents sought); then the following document search fees shall be charged to recover the direct cost of the document search, which is legislatively determined to be:

a. Twenty-five Dollars ($25.00) per hour with a one (1) hour minimum for computer searches; or

b. Forty Dollars ($40.00) per hour with a one (1) hour minimum for hand searches.

In no case shall a search fee be charged when the release of the documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully and competently performing their duties as public servants.

The Town clerk shall post a copy of the fee schedule on the public bulletin board in the Town hall and with the county clerk.

ANIMALS

Dog and cat

4-122	Lost tag	2.00

Animal Control Shelter

4-134	Taking up and impounding each animal	
	1st Offense (per day)	25.00
	2nd Offense (per day)	50.00
4-137	Owner may claim excess above fees For impounding and keeping and reimburse Town for expenses	5.00

Wild, Exotic or Dangerous Animals

4-150	Permit or license	20.00
4-171	Quarantine of animal for observation at owner's expense	

BUILDING REGULATIONS AND CODES

5-101	Demolitions with each thirty-day renewal permit	25.00
5-106	Building permit and other Fees.	

1. Except as other specifically provided with this municipal code, all new construction, including add-ons, in Single Family Residential, Multi-Family Residential, Accessory Buildings, including portable buildings and other improvements shall be as set forth below:

Residential Plan Review Fee is $150.00 plus $0.04 above 1600 square feet

New House: $100.00 plus $0.01 per square foot of floor space

House additions: $25.00 plus $0.01 per square foot of floor space

New Commercial: $300.00 plus $0.01 per square foot of floor space

Garage/shop buildings: $50.00

Storage sheds/ Accessory Buildings Larger than 200 sq. ft. $20.00

Carports/Decks Larger than 200 sq. ft $20.00

Reinspection of any previously inspected residential item:

$16.00

Storms Shelters after 6/30/2014 $10.00

2. All commercial, special use and industrial construction, whether new, involving additions, remodels, accessory buildings, including fire and other inspections, shall require payment of the following fees prior to the issuance of a building permit or certificate of occupancy:

A. Building Code Plan Reviews (included 1st review and one re-review)

(1) 0.08% x valuation

(2) Valuation = square feet times ICC valuation data sheet per square feet

(3) Re-review fee for each review beyond first re-review: 25% of the plan review fee

B. Building Inspection Fee:

(1) 0.08% x valuation

(2) Valuation = square feet times ICC valuation data sheet per square feet

(3) Valuations: per group occupancies

C. New Buildings, Addition and Accessory Structures:

(1) Plan examination: $750.00 plus calculated valuation fee
(2) Inspections: $300.00 plus calculated valuation fee

D. Remodel/Renovations:

(1) Plan examination: $450.00 plus calculated valuation fee
(2) Inspections: $200.00 plus calculated valuation fee
(3) Valuation: 50% of occupancy group areas being remodeled

E. Individual Inspection or re-inspection fee:

$75.00 per inspection

F. Fire Plan Review, when applicable:

(1) Fire Sprinkler: 3 cents per square foot
(2) Fire Alarm: 3 cents per square foot

(3) Kitchen Hoods: $80.00 per hood

G. Fire Inspections:

(1) Fire Alarm Permit: $150.00 plus 0.01% of valuation
(2) Fire Sprinkler permit: $150.00 plus 0.01% of valuation
(3) Kitchen Hoods: $120.00 per hood

H. Annual Fire Protection/Life Safety Inspection:

$75.00 per hour; 1.5 hours minimum ($112.50)

I. Electrical: $220.00 plus (0.00057 x valuation)

J. Mechanical: $180.00 plus (0.00046 x valuation)

K. Plumbing: $220.00 plus (0.00057 x valuation)

L. In addition to the foregoing fees, the following permit fees shall also be charged for all construction:

(1)	All construction under 500 square feet	$25.00
(2)	All construction 501-1000 square feet	$100.00
(3)	All construction 1001-2000 square feet	$125.00
(4)	All construction 2001 square feet and above	$150.00

5-108	Moving a building permit	200.00
	Moving a mobile home	50.00

Plumbing Code

5-203	Contractors annual registration	50.00
	Journeymen and apprentices	No fee

5-204C Plumbing

Permit inspection fee:

See Section 5-106 for appropriate fees for Plumbing Fees for Commercial, Special Use and/or Industrial Structures and Uses.

Electrical Code

		Annual Fee
5-306	Contractors Registration (per contractor)	$50.00

Permit inspection fee:

See Section 5-106 for appropriate fees for Electric Fees for Commercial, Special Use and/or Industrial Structures and Uses.

Mechanical Code

		Annual Fee
5-403	Mechanical contractor Annual registration (unlimited or limited)	$50.00

5-404C Mechanical Permit Inspection Fee:

See Section 5-106 for appropriate fees for Mechanical Fees for Commercial, Special Use and/or Industrial Structures and Uses.

FAIR HOUSING

5-905	transcribed testimony cost to be paid by requesting party	

COURT

Municipal Court

6-126	Witness fee per day	10.00
	Witness fee per mile	as set by IRS
6-129	Court costs	30.00

HEALTH AND SANITATION

Weeds and Trash

8-105 Cleaning of weeds and trash or grass cut or mowed; actual costs will be assessed the owner

Dilapidated Building

8-503 Dismantling and removal; actual cost will be assessed the owner

LICENSING AND BUSINESS REGULATIONS

Occupational Licenses Fees

9-101 Certain occupations

9-102 Separate licenses required

Itinerants Vendors/Transient Street Vendor

9-207 Licenses
Annual permit shall be $120.00 and $10.00 for a daily permit

Alarm Systems

9-304	Private alarm system equipment permit	10.00

PLANNING, ZONING AND DEVELOPMENT

Board of Adjustment

12-129	Notice of appeal fee; Cost of publishing notice and any other costs associated with the hearing	100.00

Amendments

Ch. 12	Re-zoning Application Fee	100.00

Applications for lot splits shall be accompanied by the following fee:

Lot Split Review	100.00

STREETS, SIDEWALKS AND PUBLIC WORKS

Excavating or Cutting Streets and Alleys

14-201	Permit fee for Cutting, Boring, or excavation of a street, alley, bar ditch or shoulder	$50.00
14-205	Permit Fee for Curb Cut and/or Driveway Opening to a Streets	$25.00