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PART 1 – GENERAL PROVISIONS

CHAPTER 1 - USE AND CONSTRUCTION OF THE CODE

§ 1-101 HOW CODE DESIGNATED AND CITED.

The provisions embraced in the following chapters and sections shall constitute and be designated the “Code of Ordinances, City of Watonga, Oklahoma”, and may be so cited, (Prior Code, § 1-1-1)


§ 1-102 RULES OF CONSTRUCTION.

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

1. “City” or “this city” shall be construed as if the words “of Watonga, Oklahoma,” followed them;

2. “Council” or “city council” mean the city council of Watonga;

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 Blaine, Oklahoma;

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

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

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

8. “Mayor” means the mayor of the city;

9. “Month” means a calendar month;

10. “Nontechnical and technical words.” Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the
language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning;

11. “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;

12. “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”;

13. “Or, and”. “Or” may be read “and,” and “and” may be read “or,” if the sense requires it;

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

15. “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 mayor, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;

16. “Preceding, following” means next before and next after, respectively;

17. “Property” shall include real and personal property;

18. “Signature or subscription” includes a mark when a person cannot write;

19. “State” or “this state” shall be construed to mean the State of Oklahoma;

20. “Statutory references” means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

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

22. “Tense.” Words used in the past or present tense include the future as well as the past and present;

23. “Week” means seven (7) days; and

24. “Year” means a calendar year.
§ 1-103 CATCHLINES OF SECTIONS; CITATIONS.

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

§ 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.

§ 1-105 SEVERABILITY OF PARTS OF CODE.

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

§ 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 Mayor and City Council of the City of Watonga, Oklahoma, that section _____ of the code of ordinances of the City of Watonga, is hereby amended to read as follows:” (Set out new provisions in full.)

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

- 31 -
“Section _____ Be it ordained by the Mayor and City Council of the City of Watonga, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the City of Watonga, Oklahoma, 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. (Prior Code, § 1-1-3 in part)


§ 1-107 ALTERING CODE.

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

§ 1-108 GENERAL AND SPECIFIC PENALTIES.

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding five hundred dollars ($500.00), unless otherwise provided this code. The maximum fine for traffic-related offenses related to speeding and parking shall not exceed two hundred dollars ($200.00), EXCEPT the maximum fine for exceeding the posted speed limit by no more than ten (10) miles per hour in special enforcement zones, as defined at § 15-230 of this code, shall not exceed ten dollars ($10.00) nor shall court costs exceed fifteen dollars ($15.00). 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. In no case shall a penalty including fine and costs, be imposed which is greater than that established by state law for the same offense. (Ord. No. 549, 1/4/00)

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. The following schedule of specific penalties for violations of specific provisions of this code are adopted and may be amended by the council and mayor from time to time. The penalty imposed shall not exceed the fine listed for the specific offense.
<table>
<thead>
<tr>
<th>Violation (General description)</th>
<th>§ of Code</th>
<th>Fine ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. a. Public drinking, intoxication</td>
<td>3-121,10-401</td>
<td>50.00</td>
</tr>
<tr>
<td>b. Transporting nonintoxicating beverages.</td>
<td>3-208</td>
<td>50.00</td>
</tr>
<tr>
<td>2. Animal regulations generally</td>
<td>4-102 to 4-113</td>
<td>35.00</td>
</tr>
<tr>
<td>3. Use tax violations</td>
<td>7-501 et seq.</td>
<td>100.00</td>
</tr>
<tr>
<td>4. Itinerant occupations</td>
<td>9-214</td>
<td>100.00</td>
</tr>
<tr>
<td>5. Petit larceny</td>
<td>10-201</td>
<td>100.00</td>
</tr>
<tr>
<td>6. Trespassing</td>
<td>10-211</td>
<td>100.00</td>
</tr>
<tr>
<td>7. Barbed wire, electrical fences</td>
<td>10-214</td>
<td>50.00</td>
</tr>
<tr>
<td>8. Unlawful assembly</td>
<td>10-301(B)(6)</td>
<td>50.00</td>
</tr>
<tr>
<td>9. Loud speakers, amplified sound</td>
<td>10-308</td>
<td>50.00</td>
</tr>
<tr>
<td>10. Obscene materials</td>
<td>10-409</td>
<td>50.00</td>
</tr>
<tr>
<td>11. Gambling</td>
<td>10-412</td>
<td>70.00</td>
</tr>
<tr>
<td>12. Curfew</td>
<td>10-416</td>
<td>100.00</td>
</tr>
<tr>
<td>13. Public dance permits, security</td>
<td>10-418,10-419</td>
<td>100.00</td>
</tr>
<tr>
<td>14. Failing to aid police officer</td>
<td>10-602</td>
<td>70.00</td>
</tr>
<tr>
<td>15. Assault and battery</td>
<td>10-501</td>
<td>100.00</td>
</tr>
<tr>
<td>16. Parks regulations</td>
<td>11-101 to 11-105</td>
<td>70.00</td>
</tr>
<tr>
<td>17. Library protection</td>
<td>11-210</td>
<td>100.00</td>
</tr>
<tr>
<td>18. Streets, sidewalks, trees, obstructions</td>
<td>14-201 to 14-214</td>
<td>70.00</td>
</tr>
<tr>
<td>19. Operation on approach of emergency vehicles</td>
<td>15-212</td>
<td>35.00</td>
</tr>
<tr>
<td>20. Drivers license</td>
<td>15-216</td>
<td>50.00</td>
</tr>
<tr>
<td>21. Accidents, reports, procedures</td>
<td>15-219 to 15-221</td>
<td>70.00</td>
</tr>
<tr>
<td>22. Insurance security verification</td>
<td>15-229</td>
<td>50.00</td>
</tr>
<tr>
<td>23. a. Vehicle equipment</td>
<td>15-301, 15-304, 15-305, 15-306</td>
<td>50.00</td>
</tr>
<tr>
<td>b. Obstructive and dangerous vehicles</td>
<td>15-302</td>
<td>10.00</td>
</tr>
<tr>
<td>24. a. Speeding</td>
<td>15-401</td>
<td>100.00</td>
</tr>
</tbody>
</table>

except as provided below;
<table>
<thead>
<tr>
<th>Description</th>
<th>Code Range</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Speeding in excess of 25 miles over the limit</td>
<td>15-401</td>
<td>200.00</td>
</tr>
<tr>
<td>c. Speeding in school zone</td>
<td>15-401</td>
<td>200.00</td>
</tr>
<tr>
<td>25. Traffic violations generally</td>
<td>15-501 to 15-514</td>
<td>100.00</td>
</tr>
<tr>
<td>26. Motorcycle headgear</td>
<td>15-519</td>
<td>35.00</td>
</tr>
<tr>
<td>27. Careless, negligent standing, parking, stopping</td>
<td>15-523</td>
<td>50.00</td>
</tr>
<tr>
<td>28. Failure to properly enter through highway</td>
<td>15-539</td>
<td>50.00</td>
</tr>
<tr>
<td>29. Failure to obey stop, slow, warning or caution signals</td>
<td>15-540</td>
<td>50.00</td>
</tr>
<tr>
<td>30. Failure to obey train crossing signals</td>
<td>15-550</td>
<td>50.00</td>
</tr>
<tr>
<td>31. Child passenger restraint system</td>
<td>15-553</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15-603, 15-609, 15-610, 15-612, 15-614</td>
</tr>
<tr>
<td>32. Traffic control devices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33. Parking regulations angle parking, double</td>
<td>15-701 to 15-725</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not less than 10.00; Nor more than 100.00;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not less than 150.00; Nor more than 250.00;</td>
</tr>
<tr>
<td>34. Handicapped parking</td>
<td>15-726</td>
<td></td>
</tr>
<tr>
<td>35. Turning movements</td>
<td>15-901, 15-903 to 15-906</td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td>15-1001 to 15-1010</td>
<td>35.00</td>
</tr>
<tr>
<td>36. Pedestrians</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37. Bicycles and motorcycles</td>
<td>15-518</td>
<td>20.00</td>
</tr>
</tbody>
</table>

(Prior Code, § 1-4-1, as amended; Ord. No. 383, 12/4/84, as amended; Ord. Nos. 399, 406, 407, 409, 12/18/84; Ord. Nos. 413 to 415, 418, 420 to 431,433 to 436, 1/15/85; Ord. No. 451, 1/20/87; Ord. No. 510, 4/2/96; 549, 1/4/00; Ord. No. 602, 12/18/07)

State Law Reference: Maximum fine levied in courts not of record $500.00, 11 O.S. § 14111; fines over $200.00 to be set by jury trial, 11 O.S. § 27-119.

§ 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.

- 34 -
§ 1-110 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF CITY.

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

§ 1-111 GENERAL PROVISIONS

1. “City” means the City of Watonga, Oklahoma;

2. “Governing body” or “Municipal governing body” means the city council of the city.

3. “Mayor” means the official head of the municipal government. The mayor is the presiding officer of the governing body and is the chief executive officer of the city.

4. “Officer or official” means any person who is elected to any office in municipal government or is appointed to fill an unexpired term of an elected office, and the clerk and the treasurer whether elected or appointed. When “officer” or “official” is modified by a term which refers to a personnel position or duty, the holder of the position or duty is not an officer or official of the municipality for any purpose;

5. “Ordinance” means a formal legislative act of the municipal governing body which has the force and effect of a continuing regulation and a permanent rule of conduct or government for the city;

6. “Publish” or “Publication” means printing in a newspaper which:
   a. maintains an office in the City and is of general circulation in the city. If there is no such newspaper, then in any newspaper which is of general circulation in the city of Watonga; and
   b. meets the requirements of a legal newspaper as provided in § 106 of Title 25 of the Oklahoma Statutes.

If there is no newspaper meeting the requirements as provided for in this paragraph, the term publish or publication shall mean posting a copy of the item to be published in ten or more public places in the municipality. When a notice is required to be published for a prescribed period of time, publishing the notice one (1) day each week during the prescribed period of publication is publishing the notice one (1) day each week during the prescribed period of publication is sufficient in accordance with § 103 of Title 25 of the Oklahoma Statutes;
7. “Quorum” means a majority of all the members of the governing body, board, or commission, including vacant positions;

8. “Registered voter” means any person who is a qualified elector, as defined by the provisions of § 1 of Article III of the Oklahoma Constitution, who resides within the limits of the city and who has registered to vote in the precinct of his residence;

9. “Resident” means a person whose actual dwelling or primary residence is located within the corporate limits of the city;

10. “Resolution” means a special or temporary act of municipal governing body which is declaratory of the will or opinion of a municipality in a given matter and is in the nature of a ministerial or administrative act. A resolution is not a law and does not prescribe a permanent rule of conduct or government. [Ord. No. 564, 7/17/01]

State Law Reference: 11 O.S. § 1-102

CHAPTER 2 - CORPORATE AND WARD LIMITS

§ 1-201 MAP OF CITY DESIGNATED AS OFFICIAL MAP.

The map of the city showing its territorial limits is hereby designated as the official map of the city, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the city, including all annexations made to the city through and including the date of January 27, 2015. (Ord. No. 630, 1/27/15).

§ 1-202 WARD NUMBER AND BOUNDARIES.

The city shall be composed of four (4) wards as follows:

WARD NO. 1:

Ward No. 1 shall embrace all that part of the city bounded as follows:

All of the property lying south of State Highway 33 and that property lying north of State Highway 33 described as beginning at a point at the center of State Highway 33 and North Spiece thence North along the centerline of North Spiece to the center point of East Fourth Street and North Spiece thence West along the centerline of East Fourth Street to the center point of Forrest Avenue thence North along the center line of Forrest Avenue to the center point of East Seventh Street and Forrest Avenue thence East along the centerline of East Seventh Street to the center point of North Laing Avenue and thence along South along said centerline to State Highway 33; and all the property lying East of the centerline of North Laing Avenue which is in the corporate limits of the City of Watonga.

WARD NO. 2:

Ward No. 2 shall embrace all that part of the city bounded as follows:
Beginning at a point at the intersection of State Highway 8 and State Highway 3; thence north along the centerline of State Highway 8; thence north along the centerline of State Highway 8 to West Sixth Street; thence east along the centerline of West Sixth Street to North Market Street; thence north along the centerline of North Market Street to West Seventh Street; thence east along the centerline of East Seventh Street to North Burford Avenue; thence south along the centerline of North Burford Avenue to East Fifth Street; thence east along the centerline of East Fifth Street to North Forrest Avenue; thence south along the centerline of North Forrest Avenue to East Fourth Street; thence east along the centerline of Fourth Street to North Spiece Avenue; thence south along the centerline of North Spiece Avenue to State Highway 3; thence west along the centerline of State Highway 3 to point of beginning.

**WARD NO. 3:**

Ward No. 3 shall embrace all that part of the city bounded as follows:

All that property lying and being North of State Highway 33 and west of State Highway 8 which is within the corporate limits of the City of Watonga; and all that property lying east of State Highway 8 beginning at the center point of State Highway 8 and Sunset Drive thence east along the centerline of Sunset Drive to the center point of Sunset Drive and County Road N2575 thence north along the centerline of County Road N2575 to the center point of County Road N2575 and Chisholm Trail thence west to the centerline of State Highway 8; thence South along the centerline of State Highway 8 to Sunset Drive.

**WARD NO. 4:**

Ward No. 4 shall embrace all that part of the city bounded as follows:

Beginning at the intersection of State Highway 8 and West Sixth Street; thence east along the centerline of West Sixth Street to North Market Street; thence north along the centerline of North Market Street to West Seventh Street; thence east along the centerline of West Seventh Street to East Seventh Street; thence east along centerline to North Burford Avenue; thence south along the centerline of North Burford Avenue to East Fifth Street; thence east along the centerline of East Fifth Street to North Forrest Avenue; thence north along the centerline of North Forrest Avenue to East Seventh Street; thence east along the centerline of East Seventh Street to County Road N2580; thence north along the centerline of N2580 encompassing all property which is within the corporate limits of the City of Watonga. (Prior Code, §§ 1-6-2; Ord. No. 320, 5/16/78; Ord. No. 486, 1/5/93; Ord. No. 595 11/21/06; Ord. No. 630, 1/27/15)

**State Law Reference:** Review of wards after each federal census, 11 O.S. § 20-101; establishment and number of wards in aldermanic city, 11 O.S. § 2-105, changing wards, 11 O.S. §§ 20-102 to 20-105.
PART 2 – ADMINISTRATION AND GOVERNMENT

CHAPTER 1 – GOVERNMENT ORGANIZATION

§ 2-101 MAYOR-COUNCIL FORM OF GOVERNMENT.

The city is governed by the statutory aldermanic or mayor-council form of government. The powers of the city are vested in the mayor and city council.


§ 2-102 ELECTIONS.

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

1. One council member from each ward;

2. The mayor; and,

3. The clerk;

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

1. One council member from each ward; and

2. The treasurer.

B. General municipal elections are held on the first Tuesday in April of each odd-numbered year. A primary election shall be held the third Tuesday of March in each odd-numbered year, at which time the several political parties shall nominate candidates for offices which are to be elected at the upcoming general municipal election. (Prior Code, § 1-7-1 in part; Ord. No. 667, 10/20/2020)


Ed. Note: In 1985 the treasurer and one council member from each ward are elected. In 1987 the mayor, the clerk, the marshal, the street commissioner, and one council member from each ward are elected.

CHAPTER 2 - MAYOR AND CITY COUNCIL
§ 2-201 MAYOR, DUTIES.

The mayor shall preside at meetings of the council and certify to the correct enrollment of all ordinances and resolutions passed by it. The mayor is not considered a member of the council for quorum or voting purposes, except that he may vote on questions under consideration by the council only when the council is equally divided. The mayor may sign or veto any city ordinance or resolution passed by the city council. The mayor shall be chief executive officer and head of the administrative branch of the city government. He is also recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have such powers and duties as may be prescribed by law or ordinance. (Prior Code, §§ 1-8-1 to 1-8-8 in part)


§ 2-202 COUNCIL, DUTIES.

The council shall consist of eight (8) council members, two (2) elected from each ward of the city. The council shall elect from among its members a president of the council. The council president shall be elected in each odd-numbered year at the first council meeting held after council terms begin or as soon thereafter as practicable, and he shall serve until his successor has been elected and qualified. The council president shall act as mayor in the absence of the mayor. While presiding in the place of the mayor, he shall have all the powers, rights and privileges as other members of the council. The council shall have the powers and duties as prescribed by law or ordinance.


§ 2-203 TIME OF REGULAR MEETINGS OF THE COUNCIL.

The council of the city shall hold a regular meeting at 6:00 P.M. on the first and third Tuesdays of every month. If such a Tuesday falls on a holiday, the regular meeting shall be held as set by the city council. (Prior Code, § 1-9-1 in part; Ord. No. 638, 2/7/17)

§ 2-204 PLACE OF MEETINGS OF THE COUNCIL.

Every meeting of the council shall be held in the council chamber in the city hall unless, in case of an emergency, the mayor or the council members calling a special meeting designate another place in the city for the holding of the special meeting. An adjourned meeting may be held at any other place within the city designated by the city council.

§ 2-205 SPECIAL MEETINGS.

A special meeting of the council may be called by the mayor or by any three (3) council members. (Prior Code, § 1-9-1 in part)

§ 2-206 RULES OR PROCEDURE.

A. The council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the council may prescribe. Whenever a member is absent from more than one-half (1/2) of all meetings of the council, 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 council shall be as posted on the agenda for the meeting.

C. The following rules or procedure shall apply to any regular or special meeting of the council unless at least four (4) members agree to waive the rule or rules:

1. At the request of the mayor or any council member, all motions shall be reduced to writing;

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

3. No motion shall be debated or put to a vote until it be seconded and stated by the mayor. It is then and not until then in possession of the council and cannot be withdrawn but by leave of the council;

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

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

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

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

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

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

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

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

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

11. Robert’s Rules of Order shall govern matters not included or covered in this code or in rules adopted by the city council. (Prior Code, § 1-9-6 in part)

CHAPTER 3 - CITY CLERK AND TREASURER

§ 2-301 CITY CLERK.

The city clerk is an officer of the city, elected for a four-year term as provided in this code. (Prior Code, § 1-7-1 in part)

§ 2-302 DUTIES OF THE CITY CLERK.

The city clerk shall serve as clerk for the council. The city clerk shall:
A. attend meetings of the council and shall keep a journal of its proceedings, as provided by law.

B. enroll all ordinances and resolutions passed by the council in a book or set of books kept for that purpose; and

C. keep the seal of the city and affix it to documents as required by law or ordinance

D. have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the seal of the city; and

E. attest and affix the seal of the city to documents as required by law or by ordinance; and

F. collect or receive revenues and other money for the city as provided by law or ordinance, and shall deposit all such monies promptly with the city treasurer. He shall keep proper books of accounts and other financial records, properly recording all financial transactions.

G. 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 city clerk may be employed by the city to perform duties not related to his position as city clerk. The salary, if any, for said duties shall be provided for separately by ordinance.

H. Effective as of the date of adoption of this Ordinance No. 600 the city clerk shall have the following duties in addition to those otherwise specified and required by statute or prior ordinance:

1. Serve as clerk of the Municipal Criminal Court of the City of Watonga, maintaining all records and correspondence thereof, collecting and receiving all fines, costs, and forfeiture therefrom, and depositing same to proper accounts.

2. Preparation of purchase orders, for the general fund, golf course, and airport and all public authorities related thereto.

3. Prepare forms, keep records, and issue all city licenses and permits.

4. Maintain all personnel records for employees of the city.

5. Maintain records of and service all employee insurance plans and records.

6. Maintain records of and service all retirement plans for the benefit of city employees.
7. Maintain, record and issue all building permits.

8. Serve as secretary of the Watonga Economic Development Authority, to include taking and recording of minutes of all meetings and maintenance of all documents and files related thereto.

9. Serve as secretary of the Watonga Public Works Authority, to include taking and recording of minutes of all meetings and maintenance of all documents and files related thereto.

10. Maintain records of all airport hanger rents and leases, to include preparation and mailing of delinquency notices, and to include preparation and submission to the city council of a monthly report concerning same.

11. Maintain all records and supervise placement of all necessary insurance coverages and policies for the city, including but not limited to general liability, property and casualty, vehicular insurance.

12. Maintain all records, give all notices, and provide necessary forms for all requirements set out under the nuisance provisions of the municipal code, as well as all actions taken in conjunction with enforcement of ordinances concerning weeds, trash, dilapidated buildings and junk vehicular ordinances.

13. Maintain, process and mail to the Department of Environmental Quality of the State of Oklahoma all necessary forms and reports prepared in conjunction with the water and sewer services provided by the City of Watonga. (Ord. No. 599 4/17/07 and Ord. No. 600, 4/17/07)

State Law Reference: City clerk’s office, creation and duties, 11 O.S. § 9-112.

§ 2-303 CITY TREASURER.

There shall be a city treasurer, who is an officer of the city, elected for a four-year term as provided in this code. (Prior Code, § 1-7-1 in part)

§ 2-304 DUTIES OF THE CITY TREASURER.

The city treasurer shall receive all monies of the city paid to him in accordance with law or ordinance and shall deposit daily all funds coming into his hands in such depositories as the council may designate. He shall disburse such funds in the manner provided by applicable law or ordinance. He shall keep proper books of account and other financial records, properly recording all financial transactions. He shall have such other powers, duties, and functions as may be prescribed by applicable law or ordinance. (Prior Code, § 1-11-1 in part)

§ 2-305 DUAL OFFICE HOLDING – CITY TREASURER

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

1. The salary for said duties shall be provided for separately and shall be commensurate with salaries paid to other employees for similar duties.

2. The salary for said duties shall be provided for by resolution of the City Council on a case by case basis.

3. All such employment must be engaged individually by resolution and shall set forth the duties and rate of compensation for the work to be performed and shall specify whether such employment is to be on a permanent or temporary basis. (Ord. No. 640, 4/4/17).

CHAPTER 4 - OTHER OFFICERS AND DEPARTMENTS

§ 2-401 PERSONNEL RULES.

The city council from time to time by motion or resolution may adopt personnel rules and procedures governing employment with the city.

§ 2-402 CITY ATTORNEY.

A. The city attorney shall be appointed by the mayor and confirmed by the council, and shall hold office at the pleasure of the mayor and council. He shall have such qualifications, powers, and duties as are prescribed by law by the governing body for city attorneys. It shall be his duty to advise the mayor and council and each member thereof, and all city officials, upon all law questions, and he shall give opinions in writing when requested, and shall represent the city as counsel in all litigation, in all courts, for or against the city, and shall perform such other legal service in behalf of the city, its officers or employees, as may be required.

B. Compensation of the city attorney shall be established by the mayor and council. (Prior Code, §§ 1-14-1 to 1-14-7 in part)

§ 2-403 CERTAIN SALARIES FIXED.

A. The following elected city personnel shall be paid salaries as set by the council by ordinance:

1. Mayor;

   a. The pay period for the Mayor of the City of Watonga, Oklahoma, shall be bi-weekly. The Mayor, after July 1, 2019, shall be paid the
following salaries each pay period: two hundred fifty dollars ($250.00). (Ord. No. 657, 3/19/19).

2. Council members;
   
a. The pay period of the Councilmen shall be four hundred twenty dollars ($420.00) payable each quarter commencing July 1, 2019. (Ord. No. 657, 3/19/19).

3. City clerk;
   
a. The pay period for the city clerk shall be bi-weekly. The city clerk whose term begins on or after April 20, 2015, shall be paid each pay period the following salary during the performance of his/her statutory duties: $1,250 per pay period. Any increase or decrease in clerk’s salary for performance of statutorily imposed duties shall not go into effect until the next term of office following the date of enactment of such increase or decrease in salary. (Ord. No. 631, 1/20/15).

   b. The city clerk’s statutory duties shall be in accordance with 11 O.S. § 9-112 which states:

   The city clerk shall be an officer of the city. The city clerk shall serve as clerk for the council. The city clerk shall:

   1) keep the journal of the proceedings of the city council; and

   2) enroll all ordinances and resolutions passed by the council in a book or set of books kept for that purpose; and

   3) have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the seal of the city; and

   4) attest and affix the seal of the city to documents as required by law or by ordinance; and

   5) 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 city clerk may be employed by the city to perform duties not related to his position as city clerk. The salary, if any, for said duties shall be provided for separately by ordinance.
c. In addition to the statutory duties set out in subsection b. above it shall be the duty of the city clerk to perform all other duties previously prescribed therefore by city code § 2-302.

d. The person who serves as city clerk may also perform additional administrative duties not specified by state law as an employee of the city. Said additional duties shall be performed by the person serving as the city clerk or as otherwise provided by motion or other action of the council. The person performing additional administrative duties shall perform such duties as may be prescribed by the council.

1) the pay period for performing the additional administrative duties shall be the same as for other municipal employees. In accordance with any personnel policy or other policy of the city, the salary for performing the additional administrative duties shall not be subject to constitutional restrictions but shall be set by ordinance as adopted and as amended from time to time.

4. City treasurer;

a. The pay period for the treasurer shall be bi-weekly. The treasurer whose term begins on or after April 20, 2015, shall be paid each pay period the following salary during the performance of his/her statutory duties: three hundred fifty dollars ($350.00) per pay period. Any increase or decrease in treasurer’s salary for performance of statutorily imposed duties shall not go into effect until the next term of office following the date of enactment of such increase or decrease in salary. (Ord. No. 632, 1/20/15).

5. Marshal; and

6. Street commissioner.

a. The pay period for the street commissioner shall be monthly. The street commissioner whose term begins on or after April 2, 2019, shall be paid each pay period the following salary during the performance of his/her statutory duties: one dollar ($1.00) per pay period. Any increase or decrease in street commissioner’s salary for performance of statutorily imposed duties shall not go into effect until the next term of office following the date of enactment of such increase or decrease in salary. (Ord. No. 633, 1/20/15; Ord. No. 656, 3/19/19).
B. The council, by motion or resolution, may fix the compensation of other personnel. (Prior Code, §§ 1-8-11, 1-9-8, 1-10-13, 1-11-6, etc.; Ord. No. 449, 1/6/87; Ord. No. 470, 1/15/91; Ord. No. 596, 1/16/07; Ord. No. 631, 1/20/15; Ord. No. 632, 1/20/15; Ord. No. 633, 1/20/15; Ord. No. 656 3/19/19).

*Cross Reference:* See Special Ordinances in Tables of Ordinances for salary ordinances.

**§ 2-404 BONDS OF OFFICERS AND EMPLOYEES.**

The city treasurer, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds. (Prior Code, § 1-7-6, as amended)

*State Law Reference:* Bonds for officers and treasurer, 11 O.S. § 8-105.

**§ 2-405 OATH OR AFFIRMATION OF OFFICE.**

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed in the city clerk’s office. (Prior Code, § 1-7-5)

**§ 2-406 POWER OF APPOINTMENT.**

The mayor shall appoint, by and with the consent of the council, all officers whose appointments are not otherwise provided for by law. Whenever a vacancy shall happen in any office which by law he is empowered to fill, he may within thirty (30) days after the happening of such vacancy, communicate to the council the name of his appointee to the office, and pending the concurrence of the council in such appointment, the mayor may appoint some suitable person to discharge the duties of the office until the next meeting of the council. The officers so appointed shall hold their offices until their successors are chosen and qualified unless sooner removed. (Prior Code, § 1-8-10)

**§ 2-407 POWER TO ALTER OFFICES.**

The mayor and council shall have the power to consolidate any offices or employments, to transfer powers and duties from one office to that of another, to create new offices or employments, to abolish and to do away with any office or employment in the interest of economy and efficiency in the administration of the affairs of the city. All officers and employees of the city are hereby charged with notice of the provisions of this section and their acceptance of the office or employment shall at the time of acceptance and at all times thereafter be subject to the exercise of this power at the will of the mayor and council. (Prior Code, § 1-9-7)

§ 2-408 SUSPENSION AND TERMINATION PROCEDURE.

Specific procedures for suspension or termination of a city employee shall be as follows:

1. The city through the mayor has the proper authority and power to suspend with or without pay or to terminate employment of any city employee and the mayor hereby delegates the authority to suspend to each appointed department head, who is a regularly elected city official or who has been appointed, as required by law, to fulfill an unexpired term of office of any regularly elected city official;

2. The department head, after taking suspension action, shall within three (3) working days thereafter submit to the mayor in writing a detailed and specific report outlining the suspension and recommend to the mayor and council a course of action. Failure to take the aforesaid action by the department head shall result in automatic reinstatement of suspended employee;

3. Any employee so suspended, or terminated under the provision of Paragraph A of this section shall retain the right to request in writing review of the decision at the next regularly scheduled meeting of the council, or at any special meeting of the council which may be called for this purpose. After reviewing the decision the council may make a formal recommendation to the mayor;

4. In the event of suspension, it is the ultimate and final decision of the mayor, whether to retain or terminate the employee, after previous suspension. The mayor shall within a reasonable time, give notice of his decision by letter to the department head affected and to the employee involved; and

5. In the event of termination under the provisions of Paragraph A of this section, the mayor may, after review and recommendation as provided in Subparagraph C above, either affirm or reverse the order of termination. (Ord. No. 372, 2/2/84)

State Law Reference: 11 O.S. § 9-105 states mayor may remove or suspend only until council can take action on the charges.

§ 2-409 PERSONAL GAIN PROHIBITED

No officer of this city, nor any deputy, clerk or employee, or any such officer, nor any servant or agent of this city, shall directly or indirectly, himself or by another for his own or another’s benefit, deal in the purchase of city warrants, bonds, contracts, or other obligations of this city, or become personally interested in any contract with the city for his own benefit. (Prior Code, §1-7-10)

CHAPTER 5 - SOCIAL SECURITY
§ 2-501 DECLARATION OF POLICY TO COME UNDER COVERAGE.

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the eligible employees and officials of the city the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and §§ 121 et seq. of Title 51 of the Oklahoma Statutes. In pursuance of this policy, the officers and employees of the city shall take such action as may be required by applicable state or federal laws of regulations. (Prior Code, § 27)

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

§ 2-502 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 § 2-501 of this code.

§ 2-503 WITHHOLDINGS.

Withholdings from salaries or wages of employees and officials for the purposes provided in § 2-501 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.

§ 2-504 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.

§ 2-505 RECORDS AND REPORTS.

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

§ 2-506 EXCLUSIONS

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

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

2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.
CHAPTER 6 – RETIREMENT AND PENSIONS

ARTICLE A – FIRE PENSION SYSTEM

§ 2-601 FUND TO BE OPERATED IN ACCORDANCE WITH LAW.

The city’s firefighters’ pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system. (Prior Code, § 2-2-4 et seq., as amended)


§ 2-602 CONTRIBUTIONS TO FUND.

A. The clerk shall deduct from the salaries or wages of each paid member of the fire department the amounts which are required by applicable state law. If the members of the fire department, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this subsection shall be increased to reflect the amounts approved by the majority vote. The treasurer of the city 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. The city treasurer shall deposit monthly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money which are required by applicable state law for each paid member of the fire department.

C. For each volunteer member of the fire department, the city treasurer 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.

D. All assets of the city firefighters’ pension and retirement fund shall be transferred to the Oklahoma Firefighters Pension and Retirement Board. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the State Board. (Prior Code, §§ 2-2-4 et seq., in part)

State Law Reference: Firefighters pension law, 11 O.S. § 49-122, effective 1/1/81.

Cross Reference: Fire department and services, § 13-201 of this code.

ARTICLE B - POLICE RETIREMENT SYSTEM
§ 2-610 LOCAL POLICE PENSION AND RETIREMENT SYSTEM ESTABLISHED.

There is hereby established a local police pension and retirement system for the purpose of providing pension retirement allowance and other benefits for the police officers of the city and for their wives and children, under the provisions of, and as provided in §§ 50-101 et seq. of Title 11 of the Oklahoma Statutes. (Ord. No. 378, 9/13/84)

State Law Reference: Police pension and retirement system, 11 O.S. §§ 50-101 et seq.; option to establish local board, 11 O.S. § 50-106.1; joining state system, 11 O.S. § 50-106.3; contributions to be paid by municipality and police members, 11 O.S. §§ 50.109 and 50.110.

§ 2-611 LOCAL POLICE PENSION AND RETIREMENT BOARD ESTABLISHED.

There is hereby established a local Police Pension and Retirement Board for the purposes of administering the local Police Pension and Retirement System as provided herein above. The Board shall be established and operate in compliance with §§ 50.106.1 et seq. of Title 11 of the Oklahoma Statutes. (Ord. No. 378, 9/13/84)

§ 2-612 COMPOSITION OF THE BOARD.

The local police pension and retirement board of the city shall consist of the city clerk, city treasurer, and three (3) officers of the city police department. (Ord. No. 378, 9/13/84)

§ 2-613 TERMS OF OFFICE OF THE BOARD; VACANCIES.

Within thirty (30) days after the effective date of this article, (September 13, 1984), the members participating in the system, either active on or retired from the police department of the city, shall elect by ballot three (3) members of the city police department, one of whom shall serve the term of three (3) years; thereafter members participating in the system, either active on or retired from the police department of the city shall, every year, elect by ballot one of its members to serve for the term of three (3) years upon the local board. If a vacancy occurs on the local board, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled. (Ord. No. 378,9/13/84)

§ 2-614 MEETINGS OF THE LOCAL BOARD; OFFICERS; TERM; QUORUM; REVIEW OF CERTAIN APPLICATIONS; FORMS.

A. As soon as the board has its personnel completed, it shall meet and choose a chairman and secretary from the members of the local board, who shall serve for a term of one year or until their successors are elected. One year from the date of the first organizational meeting, and each year thereafter, the local board shall elect a chairman and secretary from its members. In the event any chairman or secretary ceases to be a member of the local board, the local board shall elect from its members a chairman or secretary to serve the unexpired term of the respective officer whose membership on the local board is terminated.
B. The local board shall hold monthly meetings at a regular time and place, the time and place to be set by resolution of the board at its first meeting. The time and place of the meetings may from time to time be changed as necessary by proper resolution, but must in all instances be held within the corporate limits of the city and at a reasonable time. Upon the call of its chairman and at such other times as the chairman deems necessary, special meetings of the board may be held. A majority of all of the members of the local board shall constitute a quorum and have the power to transact business.

C. It shall be the responsibility of the local board to review applications for the following:

1. Membership in the system;
2. Refund of accumulated contributions to members terminating employment;
3. Retirement benefits; and
4. Disability benefits and examinations to determine continuation of disability benefits.

The local board shall recommend approval, disapproval or modification of each application received by it and the secretary shall forward such recommendations to the State Police Pension and Review board within ten (10) days following the local board’s decision. Consideration by the local board shall be pursuant to the statutes of the State of Oklahoma and the rules and regulations of the State Police Pension and Retirement Board. It shall be the duty of the secretary of the local board to request and obtain all required forms from the State Police Pension and Retirement Board. (Ord. No. 378, 9/13/84)

§ 2-615 CITY ATTORNEY AS LEGAL ADVISOR.

The city attorney for the city shall be the legal advisor of the local board except as otherwise provided by statute. The city attorney shall appear on behalf of the local board at its meetings and represent it in suits by or against the local board. When the local board determines there is a conflict of interest or concern over the handling of any litigation wherein the city is named as a party, the local board shall, pursuant to legal counsel shall be done with the approval of the city council of the city. The local board shall notify the State Police Pension and Retirement Board immediately upon involvement of the local board in litigation of any nature, setting forth in detail the specific nature of involvement. (Ord. No. 378, 9/13/84)

§ 2-616 ELIGIBILITY OF MEMBERSHIP IN SYSTEM.

All persons employed as full time active police officers of the city shall participate in the system upon initial employment, provided such persons are of good moral character, not addicted to the use of alcohol or drugs, free from deformities, mental or physical defects, or conditions or
disease that would interfere with the performance of regular police duties, and provided further
that a person employed as a police officer first pass the requirements of a physical-medical
examination pertaining to age, height, weight, sight, hearing, agility, and other conditions the
requirements of which are established by the State Police Pension and Retirement Board. With the
exception of those police officers currently serving as full time active police officers with the city
on the effective date of this article (September 13, 1984), a police officer shall not be less than
twenty-one (21) nor more than thirty-five (35) years of age when accepted for initial membership
in the system. (Ord. No. 378,9/13/84)

§ 2-617 SYSTEM SHALL OPERATE ACCORDING TO STATE STATUTE.

The police pension and retirement system of the city and the local police pension and
retirement board of the city shall operate under and pursuant to the provisions of the state police
pension and retirement system, §§ 50-101 et seq. of Title 11 of the Oklahoma Statutes, as are
currently in effect at the time of the effective date of the adoption of this article and as amended
thereafter. (Ord. No. 378, 9/13/84)

ARTICLE C - EMPLOYEE RETIREMENT SYSTEM

§ 2-620 SYSTEM ESTABLISHED.

Pursuant to the authority conferred by the laws of the State of Oklahoma, and for the
purpose of encouraging continuity and meritorious service on the part of city employees and
thereby promote public efficiency, there is hereby authorized, created, established, approved,
adopted, effective as of July 1,1966, the pension plan designated “Employee Retirement System
of Watonga, Oklahoma” (hereinafter called “System”), and all amendments thereto, executed
counterparts of which are marked “Exhibit A” and on file in the city clerk’s office. (Prior Code, §
1-22-1)

Ed. Note: Exhibit A is on file in the city clerk’s office and is subject to inspection by any
interested person during hours when the city clerk’s office is open for business. Amendments were
adopted by Ord. No. 328, 6/17/80 and Ord. No. 373, 2/21/83; Ord. No. 473, 3/19/91; Ord. No. 474,
5/7/91; Ord. No. 487, 8/3/93. See Ordinance Table for other amendments to system.

State Law Reference: City retirement systems, powers to establish, procedures, 11 O.S. §§
48-101 et seq.

§ 2-621 ADMINISTRATION.

For the purpose of administration, the city council is hereby designated as trustee of the
system and any funds accruing thereto. (Prior Code, § 1-22-2)

§ 2-622 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 city treasurer, who shall be the treasurer of the system. The city treasurer

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shall hold such contributions in the form received, and from time to time pay over the same to
qualified beneficiaries as herein provided. The fund shall be non-fiscal and shall not be considered
in computing any levy when any annual estimate is made to a county excise board. The fund and
system shall be valued each year for actuarial soundness by a qualified firm. (Prior Code, § 1-22-3)

§ 2-623 APPROPRIATIONS.

The city is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the system and to appropriate and pay the same. In addition, the
city is hereby authorized to appropriate annually such amounts as are required to maintain the
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 for the payment of necessary expenses of operation and administration. (Prior Code,
§ 1-22-4, as amended)

§ 2-624 EXECUTION.

The mayor and city clerk are each hereby authorized and directed to execute (in
counterparts, each of which shall constitute an original) the system instrument, all amendments,
and to do all other acts and things necessary, advisable, and proper to put the system and related
trust into full force and effect, and to make such changes therein as may be necessary to qualify
the same under §§401 (A) and 501 (A) of the Internal Revenue Code of the United States. The
counterpart designated as Exhibit A, which has been duly executed as aforesaid simultaneously
with the passage of this chapter and made a part hereof, is hereby ratified and confirmed in all
respects. (Prior Code, § 1-22-5)

§ 2-625 SEPARABILITY.

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

§ 2-626 DEFINITION OF SPOUSE

Effective as of June 26, 2013 and in accordance with Revenue Ruling 2013-17 and IRS
Notice 2014-19, for Federal tax purposes which may apply to qualified retirement plans under
Code Section 401(a), the terms 'spouse,' ‘husband,’ and 'wife' include an individual married to a
person of the same sex if the individuals are lawfully married under state law. and the term
“marriage” includes such marriage between individuals of the same sex, and a marriage of same-
sex individuals that was validly entered into in a state whose laws authorize the marriage of two
individuals of the same sex even if the married couple is domiciled in a state that does not recognize
the validity of same-sex marriages. For all other Plan purposes and which are not required for
Federal tax purposes as described in the preceding sentence, the term ‘spouse’ will be defined as a spouse which is legally recognized in the State of Oklahoma." (Ord. No. 629, 10/7/14).

§ 2-627 EMPLOYEE RETIREMENT SYSTEM

A. System Established

1. That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of January 1, 2020, the amended and restated Plan designated "Employee Retirement System of the City of Watonga, Oklahoma, Defined Benefit Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joiner Agreement) and Exhibit "B" (amended and restated plan), which are on file in the city clerk’s office.

B. Fund

1. 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 City. Such Fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City 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 nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

C. Appropriations

1. The City of Watonga, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City of Watonga, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Benefit Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid
into the Fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

D. Execution

1. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterparts, Exhibit “A” and Exhibit “B”, which are on file in the city clerk’s office, has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

2. This Committee is hereby authorized and directed to proceed immediately on behalf of the City of Watonga, Oklahoma, 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. (Ord. No. 659, 1/7/2020).

CHAPTER 7 - CITY BOARDS AND COMMISSIONS

§ 2-701 BOARDS AND COMMISSIONS, IN GENERAL.

The following provisions shall apply to all members of the airport board, library board, hospital board, and planning and zoning commission. (Ord. No. 358, 3/1/83)

Cross Reference: See also specific provisions on each of these boards in Part 8, 11, 12 and 16 of this code.

Ed. Note: Ord. No. 469, 6/5/90, made the provisions of this chapter applicable to the golf course advisory board.

§ 2-702 QUALIFICATIONS OF MEMBERS.

No person shall be appointed as a member of airport board, library board, hospital board, golf course advisory board, or planning and zoning commission, who:

1. Is not at least twenty-one (21) years of age;

2. Is not a bona fide resident of the city; with the exception of the library board. A library board member must reside within a twenty (20) mile radius of the City; and

3. Has ever been convicted of a felony crime involving moral turpitude, unless such person has thereafter received a full pardon for his crime from the appropriate
§ 2-703 REMOVAL OF MEMBER.

Removal from office of any member of the airport board, library board, hospital board, golf course advisory board, or planning and zoning commission may be made by the mayor, with the consent of the council, but only for good cause shown, and any such member whose removal is sought by the mayor must be informed of the reason or reasons therefore, and given adequate notice thereof, and must be afforded the right to a hearing thereon. (Ord. No. 358, 3/1/83; Ord. No. 469, 6/5/90)

§ 2-704 VACANCY AND UNEXPIRED TERM.

If for any reason a vacancy shall occur during the term of any member of the airport board, library board, hospital board, golf course advisory board, or planning and zoning commission, such unexpired term shall be filled by appointment by the mayor with the consent of the council. If for any reason the mayor and council shall fail to appoint any person to a term when such appointment should be made, then the person holding membership for that term shall carry over de facto until such appointment is made. (Ord. No. 358, 3/1/83; Ord. No. 469, 6/5/90)

§ 2-705 ABSENCE FROM MEETINGS, CAUSE FOR REMOVAL.

Any member of the airport board, library board, hospital board, golf course advisory board, or planning and zoning commission who shall miss three (3) consecutive regularly scheduled meetings of the board or commission of which he is a member, shall be removed from office by the mayor, as otherwise provided by ordinance, unless such member shall show to the council good cause for the absences. It is the duty of the chairman of the board or commission involved to notify the mayor in writing when any member has missed three (3) consecutive regularly scheduled meetings. (Ord. No. 358, 3/1/83; Ord. No. 469, 6/5/90)

§ 2-706 MEETINGS, REPORTS.

The chairman of each board and commission subject to the provisions of this chapter shall schedule such meetings of the board or commission as shall be necessary. Notice of such meetings shall be given to all members of the board or commission at least twenty-four (24) hours in advance thereof. The chairman shall appoint one member to keep minutes of each meeting, and the roll call of members. Within twenty (20) days thereafter the date of each meeting, the chairman shall present a copy of the minutes and roll call to the mayor. (Ord. No. 358, 3/1/83)

CHAPTER 8 - CITIZENS ACTION COMMITTEE

§ 2-801 CITIZENS ACTION COMMITTEE.

The city hereby authorizes and establishes the citizens action committee. (Ord. No. 371, 10/4/83)
§ 2-802 PURPOSE.

The purpose of the citizens action committee shall be to hear and consider any complaint against any city officer, official, elected or appointed, or any city employee, or any officer, official or employee of any agency or board created by or acting under the authority of the city. It is the intent of this chapter to include the acts, errors or omissions of all persons acting under the authority of the city other than independent contractors. (Ord. No. 371, 10/4/83)

§ 2-803 POWERS.

A. The citizens action committee shall have the power to investigate and hold hearings regarding any complaint brought by any person against any city official or city employee as defined above herein. The committee shall have the authority to bring recommendations, based upon their investigation and findings, to the city council. Such recommendations shall not be binding on the city council.

B. The citizens action committee shall have the power to require attendance, at any meetings or hearings they might have, of any city officer, employee or official, as defined above herein, for purposes of the person giving evidence to the committee in regard to any specific complaint received by or directed to the committee. However, no such required attendance shall be ordered unless same is directly connected to a valid complaint, filed as required herein.

C. The citizens action committee is authorized to bring complaints it has deemed valid directly to the police review board. (Ord. No. 371, 10/4/83)

§ 2-804 COMPOSITION OF THE COMMITTEE.

A. The citizens action committee shall consist of seven (7) members including one chairman. All such shall serve voluntarily and without pay.

B. Each member of the citizens action committee shall be a bona fide resident of the city, who maintains and lives within the premises of a residence with the corporate limits thereof, and must be over the age of twenty-one (21) years and of good moral character.

C. The chairman shall be appointed by the mayor, with the consent of the city council and shall serve at the pleasure of the mayor, and shall serve a term of three (3) years unless otherwise removed from office by the mayor, or by resignation, or for cause.

D. No person shall serve as chairman of the citizens action committee for more than three (3) years without specific approval by resolution of the city council and a two-thirds (%) majority vote.

E. No person shall serve more than two (2) consecutive terms on the citizens action committee.
F. The chairman shall preside over all meetings of the committee.

G. The chairman shall only vote to make or break a tie.

H. The chairman shall appoint one member of the committee to serve as secretary thereof at all meetings and hearings held thereby. In addition to regular duties serving as a member of the committee, the secretary shall be required to keep a written record of all meetings held by the committee. The record shall include a copy of any complaint received by the committee; the date, location and time of any hearing or hearings held pursuant thereto; the names and addresses of all parties and witnesses thereto; a brief synopsis of pertinent evidence given by any party or witness; the findings or conclusions of the committee and a record of vote thereon; and any written report made by the committee to the city council or any applicable board existing under the offices of the city government.

I. There shall be six (6) regular members of the committee to be appointed by the city council by majority vote.

J. The committee, by its composition, shall reflect as closely as possible the racial, ethnic, and religious makeup of the community.

K. The committee shall be composed of persons who meet the above stated qualifications who voluntarily agree to serve thereon.

L. The mayor and council shall solicit applications for membership on the committee.

M. In no event shall the committee include fewer than three individuals of racial minorities and no fewer than three members of the committee shall be women.

N. At least one member of the committee should be, if available, a practicing or licensed minister. (Ord. No. 371, 10/4/83; Ord. No. 668, 10/20/2020)

§ 2-805 INITIAL APPOINTMENT OF COMMITTEE MEMBERS AND TERMS OF OFFICE.

A. Upon initial appointment of the committee, two (2) members shall be appointed to serve for a term of one year, two members shall be appointed to serve for a term of two (2) years, and two (2) members shall be appointed to serve for a term of three (3) years. All members shall be appointed by the city council.

B. The chairman shall be appointed by the mayor from this group and shall serve for a term of three (3) years. Thereafter one additional member shall be selected for the committee, his term to be the same as that of the member who was selected as chairman. The person shall be selected by the city council. After the term of the initial chairman has expired, the mayor shall thereafter appoint the chairman.
C. Terms of office for all members of the committee shall commence on the 1st day of the first month following the appointment of the members of the committee and the chairman, and terms of office shall thereafter be effective, and new appointments made, on that anniversary date. (Ord. No. 371, 10/4/83)

§ 2-806 APPOINTMENTS AND TERMS, GENERALLY.

Upon the expiration of each designated term of office as stated herein above the terms of office thereafter shall be for a period of three (3) years. All members except the chairman shall be appointed by the city council. The chairman shall be appointed by and serve at the pleasure of the mayor. (Ord. No. 371, 10/4/83)

§ 2-807 MEETINGS.

A. The committee shall meet on the last Monday of each month, at 7:00 P.M., and all such meetings shall be at the city hall and opened to the public, except for matters directly involving personnel of the city. The committee shall be empowered to convene special meetings at such times as may be necessary.

B. In case of any matters involving any personnel of the city either the committee or the particular individual involved shall have the power to demand a closed hearing. (Ord. No. 371, 10/4/83)

§ 2-808 REMOVAL FROM OFFICE.

The chairman shall serve at the pleasure of the mayor throughout his three (3) year term. Members of the committee, other than the chairman shall be removed from office for cause, by no less than a two-thirds (2/3) vote of those members of the council present at the time of meeting. A member may, by vote of the council, be removed from the citizens action committee if the member has failed to attend three (3) consecutive meetings without valid cause. (Ord. No. 371, 10/4/83)

§ 2-809 COMPLAINTS.

A. The mayor shall direct the city clerk to prepare and have available at all times in the office of the city clerk a basic citizens complaint form. Such forms shall also be available to the chairman and members of the citizens action committee.

B. Such form shall be in the English language and shall include thereon, adequate space and designation for responses, including the following information:

1. The name, address, and phone number of the complaining party;
2. The date which the complaint is filed;
3. The date which the event complained about occurred;
4. The location at which the event complained about occurred;
5. The name or names of any city official or employee, as defined above herein against whom the complaint is lodged;
6. The official capacity within the city government of that person;
7. The names and addresses of all current witnesses to the incident;
8. Adequate space for the giving of a synopsis of a complaint; and
9. A place for the signature of the complaining party.

C. All complaints must be in writing and signed by the complainant. Complaints shall be delivered either to the office of the city clerk or to the chairman of the citizens action committee, and the recipient shall duly note thereon the date and time of receipt thereof.

D. All complaints must be made within one hundred twenty (120) days of the alleged act complained of, or the complaint shall not be subject to review by the committee.

E. After a complaint has been filed as aforesaid, the parties shall be given an opportunity for a hearing after reasonable notice. Notice shall include:
   1. Mailing to parties, by certified mail and return receipts requested, informing the parties of the time, place and nature of the hearings;
   2. Posting notice in a conspicuous place at or on the city hall no less than one week prior to date and time of the hearing; and
   3. The date of hearing shall be not less than thirty (30) days nor more than forty-five (45) days from the date of mailing the notices.

F. The committee shall receive and consider statements and documentation offered by all witnesses.

G. The committee shall examine and cross-examine the witnesses and the parties.

H. Decisions by the committee require a majority vote of the regular members. Chairman may only vote to make or break a tie. In result of a tie, the committee shall bring no recommendation to the city council, but shall report thereto.

I. The committee shall make its recommendations in writing based on the facts as it believes them to be and shall include in its report a basic synopsis of the facts.
J. The chairman of the committee shall bring committee findings and recommendation to the city council no later than twenty-one (21) days after the findings and recommendations are made.

K. The city attorney shall serve as an advisor to the committee when requested to do so by the chairman of the committee and the mayor. (Ord. No. 371, 10/4/83)

§ 2-810 EXPENDITURE OF CITY FUNDS.

The citizens action committee shall neither authorize nor incur the expenditure of any city funds for any purpose except as may be authorized and appropriated therefore by the city council. (Ord. No. 371, 10/4/83)

§ 2-811 QUORUM.

When any five (5) members of the committee, including the chairman, are present at a regularly scheduled meeting a quorum is established for purposes of the meeting. (Ord. No. 371, 10/4/83)

§ 2-812 FILLING VACANCY

Vacancies on the citizens action committee occasioned by removal, resignation or otherwise shall be filled in like manner as original appointment, except that if the vacancy is for an expired term, the appointment shall be made for only the unexpired part of such term. (Ord. No. 371, 10/4/83)

CHAPTER 9 – BENEVOLENT GIFTS

§ 2-901 ACCEPTANCE OF GIFTS BY MAYOR AND CITY COUNCIL; DELIVERY; RECEIPTS.

The mayor and city council are hereby authorized in their discretion to accept on behalf of the city, any gift, testamentary or otherwise, whether unconditional or conditional, of any property, whether real or personal or both, to the city or any institution, department or agency thereof; and, in such instances, the property, or, in the case of real property or intangible personal property, the muniments of title thereto, shall be delivered to, and any necessary receipts therefor shall be executed by the mayor and city council. (Ord. No. 509, 3/5/96)

§ 2-902 ALLOTMENT OF PROPERTY TO CITY INSTITUTION, DEPARTMENT OR AGENCY.

Any property involved in a gift, testamentary or otherwise, given to the city for the use or benefit of a specified city institution, department or agency, whether one or more, when accepted by and delivered to the mayor and city council, shall be allotted to such city institution, department or agency, in accordance, as nearly as possible, with the terms of the gift. Such allotment shall be by the mayor and council upon recommendation of the Benevolent Gift Committee. (Ord. No. 509,
§ 2-903 ALLOTMENT OF PROPERTY - GIFT FOR PARTICULAR PURPOSE.

Any property involved in any gift, testamentary or otherwise, given to the city for a particular purpose or purposes, as distinguished from public purposes generally, when accepted by and delivered to the mayor and city council, shall be allotted to the city institution, department or agency, whether one or more, if any, which under the applicable statutes or ordinances, are charged with the performance of the specific purpose or purposes to which such gift is limited or dedicated. Such allotment shall be by the mayor and council upon recommendation by the Benevolent Gift Committee. (Ord. No. 509, 3/5/96)

§ 2-904 ALLOTMENT OF PROPERTY GIVEN WITHOUT DESIGNATION OF PARTICULAR PURPOSE; NEW ALLOTMENT.

A. Any real property or tangible personal property involved in a gift, testamentary or otherwise, which is given to the city for public purpose generally or without designation of any particular purpose to which the same is to be devoted, and which may be occupied and used advantageously by a particular city institution, department or agency in performing its assigned duties or functions or is especially suited to the needs of a particular city institution, department or agency, as determined by the Benevolent Gift Committee, shall be allotted to such city institution, department or agency.

B. Any such real or tangible personal property which is not occupied or used, or the occupancy or use of which is terminated by the city institution, department or agency to which it had been allotted or if the city institution, department or agency to which it is allotted or agency is terminated or otherwise ceases to exist, and which may be occupied or used advantageously by some other city institution, department or agency in performing its assigned duties or function, as determined by the Benevolent Gift Committee, shall be allotted to such other institution, department or agency. (Ord. No. 509, 3/5/96)

§ 2-905 BENEVOLENT GIFT COMMITTEE.

There is hereby created a Benevolent Gift Committee which shall consist of the mayor and two (2) council members who shall be appointed by the mayor. (Ord. No. 509, 3/5/96)

§ 2-906 APPOINTMENT OF SUBCOMMITTEES BY BENEVOLENT GIFT COMMITTEE.

The Benevolent Gift Committee is hereby authorized to appoint subcommittees as it may deem necessary. Each subcommittee shall consist of at least one committee member, at least one representative from any institution, department or agency of the city which may be the recipient or beneficiary of a particular gift or charged with the performance of the specific purpose or
purposes to which such gift is limited or dedicated or member of the city council who is a member of a city council committee overseeing such institution, department or agency and any other person or persons whom the committee shall choose. Each subcommittee shall be assigned to a specific gift or gifts, at the discretion of the committee. Members shall be appointed solely with reference to their fitness and shall serve without compensation. (Ord. No. 509, 3/5/96)

§ 2-907 DUTIES OR RESPONSIBILITIES OF BENEVOLENT GIFT COMMITTEE; DELEGATION TO SUBCOMMITTEES.

The Benevolent Gift Committee shall have the following duties and responsibilities:

1. The committee shall formulate and recommend to the city council a plan for the use of each gift. The plan shall include:
   a. An exact description of the property;
   b. The institution, department or agency which is the recipient or beneficiary of the gift, if specified, and to which the gift is to be allotted;
   c. The purpose or purposes to which the gift is limited or dedicated, if any, and which institution, department or agency, if any, may be charged with the performance of the specific purposes to which such gift is limited or dedicated and to which the gift should be allotted;
   d. If real property or tangible personal property is given to the city for public purposes generally or without designation of any particular purpose to which such gift is to be devoted, the committee shall determine whether such property may be occupied and used advantageously by a particular city institution, department or agency in the performance of its assigned duties or functions, or is especially suited to the special needs of, or may be used advantageously by, a particular city institution, department or agency in performance of its assigned duties or functions, and specify the particular institution, department or agency;
   e. If real property is not used directly by an institution, department or agency of the city, whether or not the gift is for a specific purpose or a specific institution, department or agency, the committee shall determine:
      1) Whether such real property might be leased or sold;
      2) The institution, department or agency to which the income therefrom is to be allocated; and if more than one, the percentage to be allocated to each, and the purposes therefor;
   f. Determination as to whether all terms of the gift may be met; if any of terms
of the gift cannot be met, each such term shall be specified, and alternatives adopted if applicable; and

g. Any other pertinent information;

2. The committee shall prepare and submit a report in writing of its findings to the city council and mayor;

3. The committee shall be responsible for the implementation of the plan upon approval by the mayor and council; and

4. The committee may, at its discretion, delegate all or part of the specified duties and responsibilities in this section to an appropriate subcommittee. (Ord. No. 509, 3/5/96)

§ 2-908 APPROVAL BY GOVERNING BODY.

No plan may be implemented unless approved by the mayor and city council. (Ord. No. 509, 3/5/96)

§ 2-909 AUTHORITY FOR CONSULTATION AND REVIEW.

The Benevolent Gift Committee and subcommittees shall have the power and authority to consult with the city attorney or any other city official about any aspect of the development or implementation of the plan and to have the plan or any part thereof reviewed by the city attorney. (Ord. No. 509, 3/5/96)

§ 2-910 MONEY INCLUDED IN GIFT; INCOME AND PROCEEDS OF SALES.

The committee shall consider whether the intent of the grantor is special projects and if so, shall recommend that any cash or the equivalent thereof involved in any gift, testamentary or otherwise, together with all income from any income-producing property, whether real or personal, tangible or intangible, and cash derived from sales or conversions into cash, shall not be allocated to the general fund, but shall be allocated to specific special revenue funds which may be established and maintained, as required. (Ord. No. 509, 3/5/96)

§ 2-911 GIFT TO MORE THAN ONE INSTITUTION, DEPARTMENT OR AGENCY.

Any gift which is given for the benefit or more than one city institution, department or agency, shall be deemed to have been given to each such institution, department, or agency equally, and shall be so allotted, unless otherwise specified in the instrument conveying the gift, or unless grantor’s intent otherwise can be reasonably determined. (Ord. No. 509, 3/5/96)

§ 2-912 GIFT TO PUBLIC TRUST.

Any gift, testamentary or otherwise, which is given to the city for the use or benefit of a
public trust of which the city is a beneficiary, shall be accepted by the governing body of the city as provided in this chapter and thereafter conveyed to the trustees of such trust in an appropriate manner, as determined by the mayor and council. (Ord. No. 509, 3/5/96)

CHAPTER 10 - CITY VEHICLES

§ 2-1001 MOTOR VEHICLE DEFINED.

For the purposes of this chapter, “motor vehicle” means any automobile, automobile truck, truck, or any other self-propelled vehicle not operated or drive upon fixed rails or track; provided, that the term shall always include as one vehicle a tractor-semitrailer or tractor-trailer combination. (Ord. No. 501, 2/7/95)

§ 2-1002 DISPLAY OF CITY EMBLEM.

A. All motor vehicles owned or leased by the city shall be affixed with and display a permanent city emblem in such a manner that they may be readily identified as property of the city, unless there is conflict with state law.

B. The design of the city emblem shall be as approved and authorized by the mayor and city council; except that the police department shall have its own symbol.

C. The city emblem shall be displayed by a decal affixed to the center of each front quarter-panel of each vehicle. The size of the decal shall be proportionate to the vehicle on which it is placed. (Ord. No. 501, 2/7/95)

§ 2-1003 IDENTIFICATION NUMBER.

A. An identification number shall be issued and assigned to all motor vehicles owned or leased by the city.

B. The city identification number shall be displayed on each vehicle on the front quarterpanels thereof.

C. All receipts, invoices and other documents of transactions involving motor vehicles owned or leased by the city, including but not limited to, fuel purchases, repair and maintenance, shall refer to the city identification number of the vehicle, and no agent, employee or officer of the city shall sign or approve any such document unless such identification number is present thereon.

D. The city clerk of the city shall be responsible for the issuance and assignment of city identification numbers and shall maintain a permanent record of all motor vehicles owned or leased by the city and their city identification numbers. (Ord. No. 501,2/7/95)
§ 2-1004 PERSONS RESPONSIBLE.
A. The head of each department shall be responsible for insuring that each vehicle assigned to his or her department has the appropriate decal and identification number affixed thereto.
B. The city clerk shall be responsible for ordering and maintaining a supply of decals. (Ord. No. 501, 2/7/95)

CHAPTER 11 - CAPITAL IMPROVEMENTS PLANNING COMMITTEE

§ 2-1101 CAPITAL IMPROVEMENTS PLANNING COMMITTEE.
A. There is hereby created a local capital improvements planning committee for the city in compliance with the provisions of the Oklahoma Capital Improvements Planning Act (§ 901 et seq. of Title 62 of the Oklahoma Statutes, 1992 Supp.)
B. The local capital improvements planning committee shall consist of all members of the city council and the mayor; the mayor shall be the chairman of the committee. (Ord. No. 503, 6/6/95)

§ 2-1102 DUTIES.
The local capital improvements planning committee has the general responsibility to assist the city in planning for the future development, growth and improvement of the city, and in preparing, adopting, implementing and annually amending the local capital improvements plan and its related programs, consistent with the goals, guidelines and other provisions of the Oklahoma Capital Improvements Planning Act. (Ord. No. 503, 6/6/95)

§ 2-1103 SPECIFIC DUTIES.
The committee shall also:
1. Prepare the city’s capital improvements plan;
2. Make recommendations to the city council regarding the adoption of the plan;
3. Serve in an ongoing advisory capacity to the city council regarding implementation of the plan, particularly in the annual update phase of the planning process;
4. Conduct public hearing and solicit and encourage participation, as required by, and in accordance with, applicable provisions of the Oklahoma Capital Improvements Planning Act;
5. Take such other actions as may be necessary to carry out the city’s capital improvements planning process, consistent with local ordinances and policy, and state law requirements, including the capacity to recommend agreements with other area jurisdictions, in order to carry out the purposes of the capital improvements
planning process; and

6. Maintain a working relationship with the appropriate regional planning council (the Northern Oklahoma Development Authority), in order to ensure that the statutory requirements for integrating the city’s plan into the NODA Regional Capital Improvements Plan, each year, are fully met, to the benefit of the city and the State of Oklahoma. (Ord. No. 503, 6/6/95)

CHAPTER 12 - TREE BOARD

§ 2-1201 TREE BOARD CREATED; DUTIES.

There is hereby created a tree board for the City of Watonga. The tree board shall consist of five (5) members, all of whom shall be residents of the City. The members of the board shall be appointed by the Mayor with the consent of the council. Members shall be appointed solely with reference to their fitness and shall serve without compensation unless otherwise provided. The power and duties of the tree board shall be such as may be hereinafter determined by the council. (Ord. No. 523, 7/1/97)

§ 2-1202 TERM OF OFFICE; VACANCIES.

Members of the tree board shall be appointed for a term of three (3) years, with the exception that, of the first appointment, two (2) shall be appointed to serve a term of one year, two (2) for a term of two (2) years, and one (1) for a term of three (3) years; appointments thereafter shall be made for a term of three (3) years, except that when a vacancy occurs, the appointment shall be made to fill the unexpired term. (Ord. No. 523, 7/1/97)

§ 2-1203 QUORUM.

Three (3) members of the tree board shall constitute a quorum for the transaction of business. However, no action shall be taken and be binding upon the tree board unless concurred in by not less than a majority of all members comprising the tree board. (Ord. No. 523, 7/1/97)

§ 2-1204 MEETINGS, ORGANIZATION AND RULES.

The members of the tree board shall organize by electing from their members a chairman, vice-chairman, and secretary, and 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. The board shall meet as needed. (Ord. No. 523, 7/1/97)

§ 2-1205 DEFINITIONS.

For purposes of this chapter the following terms shall be defined, as follows, to-wit:

A. Approved tree. A tree species which is or has been included on the tree species list.

B. City property. All real property owned by the City; all real property leased by the
City unless by terms of the lease the City is not to plant, preserve, or maintain trees located thereon; public streets, alleys, easements, sidewalks, and all other public property except that which is under county, state or federal control.

C. City trees. Trees located on city property.

D. Department head. Refers to the street, commissioner, light and water superintendent, or the parks superintendent of the City of Watonga.

E. Existing tree. A tree which is in existence and is planted on city property as of the date this ordinance takes effect; also, any tree which is in existence and planted on city property at the time that any tree species list is formulated or subsequently updated.

F. Private property. All real property not owned or controlled by any city, county, state or federal government or any agency thereof.

G. Public property. Real property owned or controlled by any city, county, state or federal government or any agency thereof.

H. Special tree. A tree which has been approved for use on city property which is not included on the tree species list.

I. Tree. Any woody perennial plant having at least one dominant trunk or stem, reaching a mature height of 15' or higher, and having a trunk diameter greater than 3" when measured 6" above the ground at maturity.

J. Tree Species List. A list of species of trees which are particularly appropriate and adaptable for use on city property. (Ord. No. 539, 9/15/98)

§ 2-1206 JURISDICTION AND POWERS.

The Tree Board shall have jurisdiction and control of all trees located on city property, and shall supervise and coordinate all activities involving trees located on city property, including but not limited to, planting, trimming, pruning, topping-off, fertilizing, sprigging, disease and pest control, mulching and removal thereof. (Ord. No. 539, 9/15/98)

§ 2-1207 PUBLIC PROJECTS.

Before any action may be taken by any city official, employee, or agent with regard to trees, the appropriate department head or official shall consult with the Tree Board. The Tree Board shall review the proposed action and make a finding as to whether to recommend or not recommend that the action be taken. If the Tree Board’s decision is “Do not recommend”, the requesting department head or official may make application to the council for approval. If the Tree Board’s decision is “Do recommend”, action by the council shall not be necessary. Provided, that city officials, employees, and their agents shall have the authority to trim, prune, remove or
take whatever action may be necessary to provide a clear view for traffic purposes or to provide space around high lines, telephone lines, electrical lines, cable television or any other public utility and related equipment or facilities therefore, or to clear alleys and streets for the safe operation of vehicles and equipment without the approval of the Tree Board. All such activities shall, if possible, be scheduled in sufficient time to allow review by the Tree Board. (Ord. No. 539, 9/15/98)

§ 2-1208 PRIVATE PROJECTS ON CITY PROPERTY.

The Tree Board shall be responsible for the coordination of any and all projects, public and private, in regard to trees located on city property.

Any individual or group who desires to plant, nurture, protect, preserve, maintain or otherwise care for, a tree or trees located on city property shall submit a written proposal to the Tree Board for review and deliver the proposal to the City Clerk or the chairman of the Tree Board. The proposal shall provide any and all information relevant to the project which would enable the Tree Board to make an informed report to the city council, including but not limited to, location of trees, persons or group responsible for the trees, the species and size of the trees to be planted, a detailed plan of trees to be planted, and a detailed plan for proposed future care and maintenance of the trees for a minimum period of three years. The Tree Board may prepare a form for such proposals, which shall be available at the office of the city clerk. The Tree Board shall provide an opportunity for the person submitting the proposal to appear before the Tree Board for a public hearing by sending a copy of the agenda for the meeting or other written notice to the person submitting the proposal. The board shall review each proposal, including any additional information obtained at the public hearing, and forward a written report and recommendation to the council, for approval or disapproval. The council shall not be bound by the board’s recommendation. (Ord. No. 539, 9/15/98)

§ 2-1209 TREE SPECIES LIST.

The Tree Board shall formulate a tree species list which shall be submitted by May 1, 1998, to the city council for approval. The Tree Board shall consider native habitat, climate, soil condition, aesthetics, and any other relevant factors in the determination of inclusion of a species on the list. Upon approval by the city council, the tree species list shall constitute the official tree species list for the City of Watonga. Such list shall be published at the office of the City Clerk. No species of tree other than is included on the tree species list may be planted or located on city property except by permission of the city council after review and report by the Tree Board. However, no existing tree shall be removed from city property solely because its species is not in the tree species list.

The Tree Board shall review and update the tree species list and forward same to the city council for approval every three years, beginning May 1, 1998. The tree species list may be updated more frequently, if necessary. Provided, if a species is deleted from the tree species list, an existing tree may not be removed solely for the reason that it is no longer on the list. (Ord. No. 539, 9/15/98)
§ 2-1210 TREE INVENTORY.

The Tree Board shall have the authority to prepare and/or supervise the preparation of any tree inventory for which monies are received by the city for the express purpose thereof, or any tree inventory which the council may from time to time authorize. (Ord. No. 539, 9/15/98)

§ 2-1211 TRAINING AND INFORMATION.

A. The Tree Board shall provide training and resource material for city employees whose duties involve the planting, maintenance or removal of city trees. Such training may be in the form of workshops, seminars and dissemination of written information. The Tree Board shall also inform city employees of the availability of other training resources known thereto. (Ord. No. 539, 9/15/98)

B. The Tree Board shall be the agency of the city responsible for dissemination of information to the public in regard to selection, planting, maintenance and removal of trees, and shall also provide information and guidance regarding the disposal of trees and limbs.

C. The Tree Board shall have the authority to charge a reasonable fee for materials, workshop attendance or any other activity, subject to review by the mayor and the council. Any revenue received from such activities shall be deposited into the general fund and be used to cover any and all expenses of the materials, workshop or other activity for which it is received. Any funds over and above such expenses shall be earmarked for the care and maintenance of public trees, at the recommendation of the Tree Board. (Ord. No. 539, 9/15/98)

§ 2-1212 ASSISTANCE UPON REQUEST.

Any person who owns or has control of real property located within the city may request the assistance of the Tree Board for analysis and assessment of any problems involving trees. Upon such request, the Tree Board or its agents may conduct analysis and assessment of the problem and offer advice pertinent thereto. The Tree Board or its agents shall be allowed to enter upon private property only at the specific request of the requesting person. The requesting person shall not be required to follow the advice given by the Tree Board. (Ord. No. 539, 9/15/98)

§ 2-1213 TREE INSPECTION.

The Tree Board shall have the duty to inspect all trees located on city property and to recommend the appropriate action to the council, the mayor, or the appropriate department head. (Ord. No. 539, 9/15/98)

§ 2-1214 GRANTS.

A. The Tree Board shall, with approval of the Council, be responsible for making application for public or private grants, for which the City may be eligible for the
purpose of planting, maintenance or preservation of trees. The Tree Board shall be charged with the administration of any and all grants which may be received by the city for the purpose of planting, maintenance or preservation of trees. Any grant funds shall be deposited into the general fund of the city unless specifically reserved by law. The Tree Board shall make recommendation to the council as to the expenditure of grant funds, in accordance with the terms of said grant.

B. In the case of any grant monies received by the city which are only partially for the purpose of planting, maintenance or preservation of trees, the Tree Board shall be a co-administrator of the grant, and shall have the same authority and duties as charged in Subsection A hereof to the extent that said monies are received for tree purposes. (Ord. No. 539, 9/15/98)
PART 3 – ALCOHOLIC BEVERAGES

CHAPTER 1 – ALCOHOLIC BEVERAGES

3-101 STATE LAW ADOPTED:

The Oklahoma Alcoholic Beverage Control Act found in Title 37A of the Oklahoma Statutes, as amended, is hereby adopted and incorporated by reference in this section. Applicable provisions of the Act are hereby declared to be in full force, as if included herein in complete detail.

3-102 DEFINITIONS AND INTERPRETATIONS:

General: All words, phrases and terms used in this chapter relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same as set forth in the Oklahoma Alcoholic Beverage Control Act, as amended.

3-103 OCCUPATIONAL TAXES LEVIED FOR CERTIFICATE OF COMPLIANCE:

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

1. Filing a written application on forms prescribed by that office; and
2. Paying an occupational tax in an amount set by the city council as provided in Section 3-104 of this chapter, at the time of filing.

B. Investigation of Premises: This application shall be reviewed and approved by the following City departments:

1. The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the City Clerk, or their designee.
2. The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Watonga, verified by the Municipal Building Inspector, or their designee.
3. The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Watonga, verified by the Municipal Building Inspector, or their designee.
4. The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Watonga, verified by the Blaine County Health Department Inspector, or their designee.
C. Signing Certificates: The above certificates of zoning and code compliance shall be signed by the city clerk or a designated representative of the city clerk.

D. All certificates of compliance issued under this section of the Watonga City Code shall be set to expire at the end of the fiscal year for which they are issued. As such, all Occupational Taxes levied shall be prorated to the date they are issued based on the number of calendar days in the fiscal year the certificate of compliance issued for. Additionally, any prior permitting fees paid for the sale of alcohol (whether designated as low point beer or any other alcoholic beverage) for the 2020-2021 fiscal year shall carry forward and count as payment for the equivalent Occupational Tax under this Chapter for the remainder of said fiscal year. Specifically, any person or entity that has previously paid a license fee and been awarded a permit for the sale of low point beer shall now be classified as a Retail Store Selling Wine or Beer for Off Premises Consumption.

3-104 OCCUPATIONAL TAX:

There is hereby levied and assessed an annual occupational tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

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<table>
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<tbody>
<tr>
<td>1. Brewer</td>
<td>$1,250.00</td>
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<tr>
<td>2. Distiller or Rectifier</td>
<td>$3,125.00</td>
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<tr>
<td>3. Winemaker</td>
<td>$625.00</td>
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<tr>
<td>4. Oklahoma Winemaker</td>
<td>$75.00</td>
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<tr>
<td>5. Wholesaler</td>
<td>$3,500.00</td>
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<tr>
<td>6. Class B Wholesaler</td>
<td>$625.00</td>
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<tr>
<td>7. Retail Package Store</td>
<td>$100.00</td>
</tr>
<tr>
<td>8. Beer, Wine, Mixed Beverage, Caterer with onsite consumption</td>
<td>$250.00</td>
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<tr>
<td>9. Special Event</td>
<td>$25.00 per event</td>
</tr>
<tr>
<td>10. Retail Store Selling Wine or Beer with no onsite consumption</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

3-105 PENALTY:

Any person, firm or corporation violating any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in such amount as set by the city council pursuant to Section 1-108 of this Code. Each day upon which a violation continues shall constitute a separate offense.

ARTICLE A. BREWERIES AND BREWPUBS:
3-105 OCCUPATIONAL TAX LEVIED:

No person shall operate or maintain a brewery or brewpub without having previously paid the occupational tax as provided in Section 3-104 of this chapter.

3-106 DEFINITIONS:

A. **Brewer**: Any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which an occupational tax is imposed.

B. **Brewpub**: A licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption.

3-107 HOURS OF OPERATION:

Unless further restricted by county or state regulation or law, no brewery or brewpub to which the brewery or brewpub occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any beer, as that term is defined in 37A § 1-103(5), on the premises between the hours of 2:00 a.m. and 8:00 a.m.

ARTICLE B. LOCATIONS WITH WINE, BEER, AND MIXED BEVERAGE SALES FOR ON PREMISES CONSUMPTION

3-108 OCCUPATIONAL TAX LEVIED:

No person shall operate or maintain any business serving mixed beverages or beer or wine without having previously paid the occupational tax as provided in Section 3-104 of this chapter.

3-109 DEFINITIONS:

The following words and phrases when used in this article shall, for the purposes of this article, have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

A. **On premises beer and wine**: An occupational tax permit for the retail sale of wine and low point and strong beer.

B. **Mixed beverage/caterer**: An occupational tax permit for sale of mixed beverages as specifically provided by state law for the holder of a mixed beverage license or a caterer license.

3-110 MIXED BEVERAGE/CATERER COMBINATION LICENSE:

A mixed beverage/caterer combination license shall authorize the holder thereof to purchase or sell mixed beverages specifically provided by law for the holder of a mixed beverage license or a caterer license.
3-111 HOURS OF OPERATION:

Unless further restricted by county or state regulation or law, no establishment to which the mixed beverage or on premises beer and wine occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any mixed beverages, beer or wine on the premises between the hours of 2:00 a.m. and 8:00 a.m.

3-112 EMPLOYMENT:

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits. Provided:

A. Mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas, and

B. Mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employee or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.

3-113 RESTRICTIONS UPON RETAIL DEALERS:

It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where mixed beverages, beer and/or wine is sold for consumption on the premises, or for any person in charge thereof, to;

A. Sell, offer for sale, give away, procure for, or otherwise dispense to, any person under twenty-one (21) years of age, mixed beverages, beer and/or wine;

B. Permit any person under twenty-one (21) years of age to loiter or remain in or around such place of business, except where such business is an eating place where the service of such mixed beverages, beer and/or wine is incidental to the main business of serving food;

C. Employ any person under twenty-one (21) years of age to work in such a place, except where said place is an eating place where the service of such mixed beverages, beer and/or wine is incidental to the main business of serving food;
D. Sell, deliver or knowingly furnish mixed beverages, beer and/or wine to an intoxicated person or to any person who has been legally adjudged insane or mentally deficient;

E. Permit therein gambling, betting or operation of a lottery;

F. Permit disorderly conduct, loud or disturbing language or any other violation of state law or of this code; or

G. Permit an intoxicated person to remain in or around a place of business where mixed beverages, beer and/or wine is dispensed.

ARTICLE C. RETAIL PACKAGE STORES AND RETAIL STORES SELLING WINE OR BEER FOR OFF PREMISES CONSUMPTION

3-114 OCCUPATIONAL TAX LEVIED:

No person shall operate, manage or work in any retail establishment that sells, for off premises consumption only, any type of alcoholic beverage, as that term is found in 37A § 1-103 thereafter without having previously obtained an occupational tax permit for that store as provided in Section 3-104 of this chapter.

3-115 DELIVERIES:

No wholesale dealer in alcoholic beverages shall sell or deliver to any retail package store any alcoholic beverages on Sundays, New Year's Day, Fourth of July, Thanksgiving Day, or Christmas Day.

3-116 EMPLOYMENT:

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits.

3-117 HOURS FOR SELLING ALCOHOLIC BEVERAGES:

A. Retail Package Stores. Unless further restricted by county or state regulation or law, retail package stores will be permitted to remain open and operational daily from 8:00 a.m. through midnight.

B. Retail beer or retail wine stores. Unless further restricted by county or state regulation or law, a retail wine or retail beer establishment may offer wine or beer for retail sale on Monday through Sunday between the hours of 6:00 a.m. and 2:00 a.m. the following day.

3-118 RETAIL PACKAGE STORES; LOCATION, OFFENSES:

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

B. Offenses: It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to:

1. Knowingly sell, deliver or furnish any alcoholic beverages to any person under twenty-one (21) years of age, an intoxicated person or any person who has been legally adjudged mentally deficient;

2. Employ any person under twenty-one (21) years of age in the selling or handling of alcoholic beverages;

3. Permit any person under twenty-one (21) years of age to enter into, remain within or loiter about a licensed premise; or

4. Permit any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

CHAPTER 2 – ALCOHOLIC BEVERAGE REGULATIONS

§ 3-120 TRANSPORTING BEVERAGES.

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

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

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

§ 3-121 DRINKING AND INTOXICATION IN PUBLIC PLACE PROHIBITED.

No person within this city shall drink intoxicating liquor in any public place, nor shall any person be intoxicated in a public place within this city. (Ord. No. 396, 12/18/84)
§ 3-122 PENALTY.

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

CHAPTER 3 – SOCIAL HOST

§ 3-301 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

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

2. “Alcohol beverage” includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages as defined herein.

3. “Control” means having ownership in fee or lease hold rights to the real property situating the premises upon which the gathering is held, or to possess the authority to manage, direct, superintend, restrict, regulate, direct, govern, administer or oversee such premises.

4. “Gathering” is a party, assembly, or event, where a group of three or more persons who are not residents of the premises have assemble or are assembling for a social occasion or social activity.

5. “Intoxicating beverage” includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

6. “Legal guardian” means:
   a. a person who, by court order, is the guardian of the person of a minor; or
   b. an employee of a public or private agency with whom a minor has been placed by the court and who has responsibility for the well-being and care of said minor.

7. “Low point beer” means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages derived from the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

8. “Minor” means any person under twenty-one years of age.
9. “Parents” means a person who is a natural parent, adoptive parent, foster parent, or stepparent of a minor person.

10. “Premises” means any residence or other private real property, place, or location, including any private commercial or business premises. (Ord. No. 603, 4/1/08)

§ 3-302 PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES.

Hosting, permitting, or allowing a party, gathering, or event where minors consuming alcoholic beverages prohibited.

A. No person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises, shall fail to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor 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 one or more minors are present with the intent to consume an alcoholic beverage, whenever the person having control of the premises either knows or reasonably should have known that a minor intended to consume an alcoholic beverage thereat.

C. 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.

D. 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.

E. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol.

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

G. Penalty. Any person who shall violate the provisions of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for a first offense, and not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) for a second or subsequent offense. (Ord. No. 603, 4/1/08)
PART 4 – ANIMALS

CHAPTER 1 – ANIMAL REGULATIONS

ARTICLE A – GENERAL PROVISIONS

§ 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. For purposes of this chapter the singular and the plural are considered interchangeable.

1. “Animal” means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other non-human mammal, reptile or fowl;

2. “Animal control officer” means the person so designated by the city to administer enforce this chapter;

3. “At large”. An animal shall not be deemed at large when it is on premises under the control of or occupied by its owner, except that a dog is deemed to be at large if not secured within a fenced-in compound or other structure capable of restricting such dog, or if without or outside such fenced-in compound or structure, then if not secured by a chain or other physical means sufficient to restrain the dog and to confine it to such premises. Nor shall an animal be deemed at large when it is under restraint by a competent person by means of leash or otherwise. A dog is not considered at large when not on the premises of its owner and not secured by a leash if the dog is in the presence of and under the immediate voice command and control of its owner. All other animals shall be deemed at large;

4. “Domestic animal” means any cattle, horses, sheep, goats, and all other animals and fowl not considered wild, but shall not include domestic house pets. The term include farm animals commonly known as livestock.

5. “Domestic house pets” means any cat, dog, pot-bellied pig, or other animal commonly kept as a household pet;

6. “Owner” means any person, firm or corporation, partnership, trust, or an entity of any kind whether fictitious or not or whether legally or not owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;

7. “Vicious animal” means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or acts as if it intended to attack or bite, or bites a person or persons, when not unduly provoked; and

8. “Kennel”, “cattery”, “pet shop” means any lot or premises where four (4) or more animals more than six (6) months of age are kept or any premises designed or used
for the purposes of breeding, boarding, training, display for sale of any domestic animal. (Prior Code, § 5-2-1 in part; Ord. No. 504, 8/15/95; Ord. No. 508, 1/96; Ord. No. 578, 7/15/03)


§ 4-102 ANIMALS NOT TO BE AT LARGE; PROHIBITION AGAINST CERTAIN DOMESTIC ANIMALS AND FOWL RUNNING AT LARGE.

A. Except as otherwise provided by ordinance, it is unlawful for any owner to permit any animal to be at large. All vicious animals not under restraint by their owner, must be securely confined by a fence or other means when on premises under the control of or occupied by their owner.

B. It is unlawful for any person to have in control of any horse, mule, donkey, burro, cattle, goat or swine of any kind, to allow the same to run at large in the corporate limits of the city. Any animal secured by a rope or lariat so that the same can do injury to any shade tree or property of any person not the owner of such of such animal, or so that such animal can go upon any lot or grounds of any person not the owner of such animal without the consent of the owner of such lot or grounds, or upon any street or public grounds of the city, shall be considered as running at large under the provisions of this section.

C. It is unlawful for any owner, keeper or possessor of any chicken, duck, turkey, goose or any other domestic bird, game bird or fowl to permit or suffer the same to run at large in the city and all such fowl so running at large shall be deemed a common nuisance. (Prior Code, § 5-2-10 in part; Ord. No. 582, 10/7/03)

§ 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.

§ 4-104 PASTURING IN PUBLIC AREAS ILLEGAL.

It is unlawful for any person to stake, confine or pasture any animal on any public school ground or other public property, federal, state, city or other, on any railroad right-of-way, or on any privately owned or leased property without the consent of the person owning or controlling such property. (Ord. No. 578, 7/15/03)

§ 4-105 SWINE NOT TO BE KEPT WITHIN CITY; EXCEPTIONS; POT-BELLIED PIGS ALLOWED.

A. It is unlawful for any person to keep swine within the city, except in an enclosure awaiting immediate transportation, or as specified by the zoning regulations of the city, except that pot-bellied pigs may be kept within the city, subject to the provisions of this section.
B. Asian pot-bellied pigs or similar small swine are permitted to be kept within the city, subject to the following restrictions:

1. Each pot-bellied pig shall be a pet, that is, to be kept for personal enjoyment and not kept or raised for human consumption;
2. Each pot-bellied pig shall be licensed with the city, provided that a license shall be issued by the city clerk only upon the presentation of a health certificate from a licensed veterinarian;
3. Each pot-bellied pig shall not exceed seventy-five (75) pounds in weight and twenty-one (21) inches in height;
4. There shall not be more than three (3) pot-bellied pigs of more than six (6) months of age per lot or premises; and
5. The keeping of pot-bellied pigs for commercial breeding purposes is prohibited in the city. (Prior Code, § 5-3-2; Ord. No. 508, 1/96)

§ 4-106 ANIMALS WHICH DISTURB PROHIBITED.

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

§ 4-107 BUILDINGS FOR ANIMALS; CONSTRUCTION AND CONDITIONS.

A. Every building wherein any horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur-bearing purposes shall be kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

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

§ 4-108 BUILDINGS, KENNELS, COOPS; LOCATION.

A. No kennel, cattery or pet shop may be kept in any residence district-or in any other district or area of the city except in a district specifically zoned for kennels.

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

Cross Reference: Zoning Regulations § 12-201 of the code.

§ 4-109 TO BE KEPT CLEAN.

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

§ 4-110 DISPOSAL OF MANURE.

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

§ 4-111 ANIMAL CONTROL OFFICER TO INSPECT.

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

§ 4-112 LOCATION OF FOWL, LIVESTOCK RESTRICTED BY ZONING.

A. Livestock or domestic animals must be confined to premises zoned specifically for agricultural purposes, except as otherwise provided herein.

B. Notwithstanding the provisions of subsection “A” above, it shall be lawful for any person to keep or maintain or permit or suffer to be kept or maintained a horse, mule, donkey, burro, cow, bull, steer, sheep, or goat of any kind upon any property or premises within the corporate limits of the city if the following conditions and requirements are maintained.

1. The enclosure in which such animal is kept is maintained in a sanitary condition and not offensive or dangerous to the public health;

2. The enclosure in which any such animal is kept shall not be less than one (1) acre in area for one such animal including the space covered by a barn or shed. For each additional animal at least 15,000 square feet of additional enclosure shall be provided, and in case any such animal lawfully upon the premises shall give birth to offspring then said lineal offspring may be maintained upon said property without the need for any additional enclosure space for a period of six (6) months from date of birth; and
3. The enclosure where such animal is kept shall not be at its nearest point closer than fifty (50) feet to any building used or occupied for human habitation, and any barn or shed in such enclosure shall not be closer than seventy-five (75) feet at its nearest point to any building used or occupied for human habitation. (Prior Code, § 5-3-3 in part; Ord. No. 578, 7/15/03; Ord. No. 582, 10/7/03)

§ 4-113 SNAKE NUISANCE.

A. Any living snake whether poisonous or non-poisonous is hereby declared a nuisance per se and constitutes a significant danger to the public peace, health, safety and welfare. Poisonous snakes are recognized as being able to kill or injure people to cause significant danger. Non-poisonous snakes are recognized as a significant danger by putting some members of the public in such a state of personal fear as to put their health in danger. This section allows for immediate action by an appropriate city official.

B. This section shall not apply to any non-poisonous snake while confined in an enclosure on private property which prevents such non-poisonous snake from traveling beyond such enclosure or prevent a legally licensed pet shop from offering for sale in the shop, non-poisonous snakes, provided such non-poisonous snake is confined in an enclosure which prevents the non-poisonous snake from traveling beyond such enclosure.

§ 4-114 POULTRY, PIGEONS, DOVES, AND RABBITS; REQUIREMENTS FOR KEEPING.

A. It shall be unlawful for any person to keep, maintain or permit or suffer to be maintained any poultry, pigeons, doves, or rabbits upon any property or premises within the corporate limits of the city except as provided herein.

B. Poultry kept in areas zoned for agriculture must be in pens or buildings located at least one-hundred (100) feet from an adjoining property line.

C. Poultry kept in areas not zoned for agriculture shall not exceed twelve (12) adults and eighteen (18) chicks under the age of eight (8) weeks, and must be kept under the following conditions:

1. The fowl must be kept in a building which at its nearest point is no closer than fifty (50) feet to any adjoining residence;

2. The floors of such building shall be of easily cleanable construction and shall be maintained in a sanitary condition not offensive or dangerous to the public health, by routinely cleaning and properly disposing of the droppings; and

3. The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.
D. Rabbits kept in areas zoned for agriculture must be in pens or buildings located at least one-hundred (100) feet from the adjoining property line.

E. Rabbits kept in areas not zoned for agriculture shall not exceed twelve (12) adults and eighteen (18) young under the age of eight (8) weeks and must be kept under the following conditions:

1. Rabbits must be kept in a building which at its nearest point is no closer than fifty (50) feet to any adjoining residence;

2. The floors of such building shall be of easily cleanable construction and shall be maintained in a sanitary condition not offensive or dangerous to the public health by routinely cleaning and properly disposing of the droppings; and

3. The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.

F. Housing for pigeons and doves shall be sized to allow one square foot of floor space and minimum of 1 cubic foot of volume per animal housed with a maximum of twenty-five (25) birds allowed. The structure shall not be located nearer than fifty (50) feet of any adjoining residence.

G. Pigeons shall be confined to the loft except for limited periods for exercise. At no time shall pigeons be allowed to perch on property other than that on which they are maintained pursuant to this chapter. (Ord. No. 369, 7/19/83; Ord. No. 476, 8/20/91; Ord. No. 582, 10/7/03)

§ 4-115 PERMIT AND FEE FOR KEEPING CATTLE, HORSES, MULES, DONKEYS, BURROS, COWS, BULLS, STEERS, SHEEP AND GOATS.

It is unlawful for any person to keep any horse, mule, donkey, burro, cow, bull, steer, sheep, or goat of any kind within the limits of the city who does not possess an unrevoked permit from the city clerk covering the premises for such animals kept. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such permits. The city clerk of the city shall collect a one time permit and license fee of $25.00 for each such premises licensed for the maintenance of said animals. The purpose of the license and fee shall be to maintain a record of those locations within the corporate limits upon which said animals are or may be kept, and to provide for routine inspections thereof. The permit may be revoked by the mayor and city council for good cause shown upon the proper application of any officer of the city or verified complaint of any other person. All such permits issued shall be in the name of the record owner or owners or lessor of the premises and shall not be assignable or transferable in any way. (Ord. No. 582, 10/7/03)

§ 4-116 ZONING ORDINANCE TO PREVAIL.

In cases of any conflict between any provision of this chapter and the zoning ordinances of the city, the zoning ordinance shall prevail. (Ord. No. 582, 10/7/03)
ARTICLE B – DOG AND CAT VACCINATION, TAGS AND TAX

§ 4-120 DOGS AND CATS TO BE VACCINATED.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian or other authorized person every year preceding twelve (12) months thereof, or, in the case of a pup or kitten, before it is six (6) months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination. (Prior Code, § 5-2-8 in part)

§ 4-121 DOG LICENSE; REGISTRATION; TAG.

A. A license fee per year in such sum as set by the council for every dog or cat more than six (6) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the city.

B. The fee levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a “seeing eye” dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

C. The owner shall pay the fee levied to the city clerk for every calendar year at the following times:

1. Annually, not to extend beyond the current vaccination date; or

2. If the dog or cat is acquired or brought in the city after the first day of May, or becomes six (6) months of age after the first day of May, within thirty (30) days after acquiring or bringing the dog or cat into the city or its becoming six (6) months of age. The fee for part of the year shall be pro-rated based on the number of days left in the year, but no instance shall the fee be less than one-half ('A) of the annual rate.

D. Before the city clerk accepts any money offered in payment of the fee for a dog or cat or issues a license for it, the person offering the tax shall present to the city clerk the certificate of a veterinarian or other person legally authorized to immunize dogs, showing that the dog or cat has been immunized against rabies during the preceding twelve (12) months.

E. The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the city clerk the name and address of the owner, the name, breed, color and sex of the dog and such other reasonable information as the city clerk may request.

F. The city clerk thereupon shall deliver an original receipt to the taxpayer and also an appropriate tag to him for the dog or cat. Such tag shall constitute a license for the dog or cat. (Prior Code, §§ 5-2-2 to 5-2-9 in part; Ord. No. 402, 12/18/84; Ord. No. 464, 1/3/89)
§ 4-122 TAG TO BE PLACED ON COLLAR; LOST TAGS.

A. The owner shall cause the tag received from the city clerk to be affixed to the collar of the dog or cat upon which the tag has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog or cat at all times.

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the city clerk, presenting to him the original receipt, and paying to him a fee as set by council. (Ord. No. 464, 1/3/89)

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

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat as provided in this chapter, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued. (Prior Code, § 5-2-9; Ord. 464, 1/3/89)

§ 4-124 VICIOUS ANIMAL.

A. Dogs or other animals appearing vicious or creating an apparent significant danger to any person or persons is hereby declared a nuisance per se, allowing for immediate action of an appropriate city official.

B. In the event any dangerous fierce or vicious dog or other animal is found running at large and cannot be safely apprehended and impounded, such animal may be forthwith destroyed by any police officer, animal control officer or other proper city official. (Ord. No. 368, 7/19/83)

§ 4-125 RABID ANIMALS.

Any dog or other animal suspected of being rabid or of having been bitten by a rabid animal may be confined by order of the animal control officer or police chief to determine whether the animal is rabid. If a person has been bitten or if there is good reason to believe that a person has been otherwise infected by such animal, the health officer or police chief may have the animal put to death in a humane manner and have it examined by medical authority to determine whether it has rabies. (Prior Code, § 5-2-12 in part)

ARTICLE C – ANIMAL POUND

§ 4-130 POUND ESTABLISHED.

A city pound is hereby established under the jurisdiction of the police department. It shall be under the immediate control of an animal control officer or of such other person as may be officially designated by the mayor. The animal control officer shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. (Prior Code, § 5-2-13 in part)
§ 4-131 ANIMALS TO BE IMPOUNDED.

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

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

C. Animals taken into custody as provided in this chapter may be sold or destroyed in a humane manner by the officer or employee of the city in charge of such animal, or by the animal control officer after a full seven (7) days have elapsed of taking the animal into custody, provided the animal is not redeemed or claimed as provided in this chapter. A description of all animals impounded shall be kept. For animals which have a tag or a known owner, the city shall attempt orally or in writing to notify the owner shown according to city license records, of the impoundment and possible destruction or sale. (Ord. No. 402, 12/18/84)

§ 4-132 BREADING POUND.

No unauthorized person shall:

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

2. Take or attempt to take from any officer or employee of the city 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.

§ 4-133 FEES FOR IMPOUNDING.

A. The city council by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day. The following fees are in effect as of November 1, 1985:

1. Five Dollars ($5.00) for impoundment; and

2. One Dollar ($1.00) per day for each day of impoundment.

B. Any person redeeming an impounded animal shall pay the required fees to the city clerk and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

C. Any person redeeming a dog not licensed as required by Sections 4-120 through 4-127 of this code shall pay the required license tax to the city clerk and secure a tag
and present the receipt therefor and the tag to the person in charge of the pound before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the pound shall require adequate evidence of the proper licensing of the dog before releasing it. (Ord. No. 402, 12/18/84 in part)

§ 4-134 OWNER MAY REDEEM.

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

§ 4-135 SALE OF IMPOUNDED ANIMALS.

A. As soon as practicable after any animal of apparent value or breeding has been impounded, the animal control officer or other employee or officer impounding the animal, shall have posted a notice thereof at the police office of the city. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed within forty-eight (48) hours after taking the animal into custody, the animal will be sold or destroyed.

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

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

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

§ 4-136 OWNER MAY CLAIM EXCESS MONEY.

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of Five Dollars ($5.00) to reimburse the city for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is not made, the excess shall belong to the city.

ARTICLE D – CRUELTY TO ANIMALS

§ 4-140 CRUELTY TO ANIMALS. [REPEALED]

This section was repealed by Ordinance Number 514, 4/16/96.
§ 4-141 POISONING ANIMALS.

It is unlawful for a person wilfully to poison and 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.

§ 4-142 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals, with the
exception of dogs; or to encourage one animal to attack, pursue or annoy another animal, with the
exception of dogs, except a noxious, non-domesticated animal; or to keep a house, pit, or other
place used for fights between animals, with the exception of dogs. (Ord. No. 514, 4/16/96)

ARTICLE E – PROCLAMATION OF RABIES

§ 4-150 QUARANTINE OF ANIMALS FOR OBSERVATION.

The identity and address of the owner of any animal that bites a person shall be promptly
furnished to the animal control officer, the city animal control officer, and the county health
department. The animal control officer shall securely quarantine such animal at owner’s expense
for a period of not to exceed ten (10) days and shall not release such quarantined animal until
reasonable determination has been made that animal is not infected with rabies. At the discretion
of the animal control officer, such quarantine may be on the premises of the owner, at a veterinary
hospital of the owner’s choice, or at the city animal shelter, all at the owner’s expense. In case of
animals whose ownership is unknown, such quarantine shall be at the city animal shelter. The
animal may be reclaimed by the owner if adjudged free of rabies and such owner shall then pay
any related charges for confinement.

§ 4-151 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 city animal control 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.

§ 4-152 RABIES CRISIS DECLARATION.

When a report gives a suspected or a positive diagnosis of rabies, or when the city, county
or state health officials feel that a rabies crisis may be imminent, the health officials may
recommend to the mayor and city council city-wide quarantine, and upon the invoking of such
quarantine by the city council, by resolution, 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 animal may be taken or removed from the city 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.
§ 4-153 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD.

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.

§ 4-154 SURRENDER OF ANIMALS UNDER SUSPECT.

No person shall remove from the city 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 F – KENNELS

§ 4-160 KENNEL LICENSE.

Every person operating a “kennel” as herein defined, shall obtain from the city clerk a kennel license no later than July 1st of each year, and shall pay each year to the city clerk, before obtaining such license, a fee as set by the city council. Prior to obtaining the license the kennel owner shall furnish satisfactory proof to the city clerk that each dog within the kennel is licensed and registered.

§ 4-161 KENNEL SUBJECT TO INSPECTION.

The holder of a kennel license is subject to inspection by the animal control officer, at any reasonable time, of the kennel for compliance with the provisions of this chapter, by the city police department, at any reasonable time.

§ 4-162 KENNEL LICENSE MAY BE REVOKED.

In addition to any other penalties provided for herein, the violation of any provision of this chapter shall, upon conviction thereof in municipal court, be cause for the revocation of a kennel license by a majority vote of the city council.

ARTICLE G – PENALTIES

§ 4-170 PENALTY.

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the animal control officer pursuant to this chapter, shall, upon conviction thereof, be punished as provided in Section 1-108 of this code. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive.
ARTICLE H – DOG AND CAT STERILIZATION

§ 4-180 DEFINITIONS.

The following words and phrases when used in this article shall have the meanings prescribed in this section:

1. “Neuter” means to render a male dog or cat unable to reproduce;
2. “New owner” or “owner” means a person legally competent to enter into a contract acquiring a dog or cat from the city pound;
3. “Spay” means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce; and
4. “Sterilization” means to spay or neuter a dog or cat. (Ord. No. 453, 1/20/87)

§ 4-181 DOG AND CAT RELEASE REQUIREMENTS.

No dog or cat may be released for adoption from the releasing agency 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 city to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be determined by the city. In no event shall the required deposit be less than ten dollars ($10.00). (Ord. No. 453, 1/20/87)

§ 4-182 REFUND OF DEPOSIT.

The funds deposited with the city 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. (Ord. No. 453, 1/20/87)

§ 4-183 ADOPTING ADDITIONAL RULES.

Releasing agencies may adopt any additional rules to implement the dog and cat sterilization ordinance, provided the rules do not conflict with the provisions or purpose of the dog and cat sterilization ordinance, to require the spaying and neutering of all dogs and cats adopted from the city. The sterilization agreement to be used by the city shall be in substantially the following form:

STERILIZATION AGREEMENT

This Agreement is made and entered into this day of, __________, 1987, by and between:

City of Watonga  New Owner
In consideration of the releasing of said animal, and in further consideration of mutual obligations herein, the City of Watonga releases the following animal to the new owner:

(Describe Animal)

1. The city agrees to release the above listed animal into the care of the new owner and refund the new owner’s spay-neuter deposit provided that:
   a. The animal is sterilized by a graduate licensed veterinarian by _____.
      (date).
   b. A written statement signed by the veterinarian performing the sterilization, that the animal has been sterilized by the stated date is given to the City of Watonga.

2. New owner accepts that above listed animal and agrees:
   a. To have the animal sterilized by a graduate licensed veterinarian by _____.
      (date).
   b. To provide written evidence to the City of Watonga from the veterinarian performing the sterilization that the animal has been sterilized by the above date listed.

This agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties.

The parties hereto have hereunto set their hands the day and year first above written.

City Clerk Name:
Watonga, Oklahoma Address:

City

§ 4-184 EXTENSION ON TIME FOR SURGERY.

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 city shall grant a thirty-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. (Ord. No. 453, 1/20/87)

§ 4-185 REFUND OF DEPOSIT UPON PROOF OF DEATH.

If requested to do so, the city shall refund deposited funds to the adopting party upon reasonable proof being presented to the city by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed. (Ord. No. 453, 1/20/87)

§ 4-186 FORFEITED DEPOSITS TO BE DEPOSITED IN ACCOUNT.

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 city shall allocate funds from the account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the city. The city shall maintain accurate records of accounts which fund spay or neuter programs. (Ord. No. 453, 1/20/87)

§ 4-187 STANDARDS FOR ADOPTION.

Subject to the provisions and purposes of the dog and cat sterilization ordinance, and laws of the State of Oklahoma, the city may establish adoption standards for pets in their care; provided, however, that in the case of public facilities the standards must be reasonably related to the prevention of cruelty to animals, the responsible management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters. (Ord. No. 453, 1/20/87)

§ 4-188 NOT CONSTRUED TO RIGHTFUL OWNERS.

The provisions of the dog and cat sterilization ordinance shall not be construed to require the sterilization of dogs and cats which are being held in the city dog pound, which might be claimed by their rightful owners; nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of Section 391-402 of Title 4 of the Oklahoma Statutes. Further, the dog and cat sterilization act shall not be construed to interfere with municipal ordinances that meet or exceed the dog and cat sterilization requirements set forth in the dog and cat sterilization ordinance. (Ord. No. 453, 1/20/87)

§ 4-189 FAILURE TO COMPLY WITH ORDINANCE.

Failure to comply with the provisions of the dog and cat sterilization ordinance shall constitute either a public or private nuisance. Any person may maintain a civil action to enjoin the continuance of the private nuisance. The public nuisance may also be abated by any public body or officer authorized by law to do so. (Ord. No. 453, 1/20/87)

ARTICLE I – DOGS DEEMED DANGEROUS
§ 4-190 DEFINITIONS.

A. As used in this chapter:

1. “Potentially dangerous dog” means any dog that:
   a. when unprovoked inflicts one or more bites on a human being lawfully on either public or private property, or
   b. when unprovoked attacks a dog which results in the death of said dog either on public or private property.

2. “Dangerous dog” means any dog that:
   a. has inflicted severe injury on a human being without provocation lawfully on public or private property, or
   b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks or endangers the safety of humans, or
   c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter attacks a dog which results in the death of said dog either on public or private property.
   d. No dog may be classified as dangerous or potentially dangerous solely because such dog is of a particular breed.
   e. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time of an incident, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to law enforcement or animal control authorities to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

3. “Severe injury” means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

4. “Proper enclosure of a dangerous dog” means, while on the owner’s property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least 150 square feet of space for each dog kept therein which is over six (6) months of age, and which structure is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure
sides and secure top.

5. “Animal control authority” means any entity acting alone or in concert with other local government units for enforcement of the animal control laws of the City and the shelter and welfare of the animals.

6. “Animal control officer” means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

7. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

8. “Aggressively bite” means the act of biting without provocation any person who is not at that time engaged in actions or deeds which are properly construed as commission of a criminal act upon the premises of the owner of the dog, or battery upon the owner of the dog or any member of his immediate family, or engaged in any activity by which the person is tormenting, abusing or attacking the dangerous dog. (Ord. No. 598, 4/17/07)

State Law Reference: 4 O. S. § 44.4, § 46 (C)

§ 4-191 FAILURE TO RESTRAIN DANGEROUS DOG.

A. It is unlawful for the owner of any dog that previously has:

1. when unprovoked inflicted one or more bites on any person or has severely injured any person either on public or private property; or

2. when unprovoked created an imminent threat of injury or death to any person, to permit such dog to run at large or aggressively bite or attack any person while such person is lawfully upon public or private property.

B. It shall be an affirmative defense to a prosecution pursuant to this chapter that the injury was sustained by a person who, at the time, was committing a willful criminal act upon the premises of the owner of the dog or was assaulting the owner of the dog. (Ord. No. 598, 4/17/07)

State Law Reference: 4 O. S. § 42.4 (A) and § 42.4 (D).
§ 4-192 RELEASE OF DOG UPON LAW ENFORCEMENT OFFICER OR OTHER OFFICERS OF CITY.

A. It is unlawful for any person to release any dog upon a law enforcement officer while the officer is in performance of official duties.

B. It is unlawful for any person to release any dog upon an Animal Control Officer while the officer is in performance of official duties.

C. It is unlawful for any person to release any dog upon an employee of the City of Watonga who is in performance of official duties. (Ord. No. 598, 4/17/07)

State Law Reference: 4 O. S. § 42.4 (C)

§ 4-193 MUZZLE AND RESTRAINT.

It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure as defined by Section 4-190 (A) (4) of this chapter, unless the dog is muzzled and restrained by a substantial chain or leash and remains under the physical restraint of a responsible person over 16 years of age. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal. (Ord. No. 598, 4/17/07)


§ 4-194 PERSONS LAWFULLY ON PREMISES.

A. For the purpose of this Chapter a person shall be considered to be lawfully upon the private property of the owner of the dog when he or she is on the property:

1. in the performance of any duty imposed upon the person by the laws of this State, or its political subdivision, or by the laws of the United States, or the Postal Regulations of the United States,

2. or when reading meters, or making repairs to any public utility or service located on said premises,

3. or when working on said property at the request of the owner or any tenant having a lease upon any portion of said property,

4. or when on such property upon the invitation, either expressed or implied of the owner or lessee of such property, or when on the property for any other lawful purpose.

B. The term “public place” shall, for the purpose of this chapter, mean and include any and all:

1. public streets,
2. sidewalks,
3. alley ways,
4. easements,
5. buildings,
6. parks,
7. play grounds and recreational facilities,
8. any and all places of business, amusement or entertainment which are privately owned, wherein merchandise, property, services, entertainment, or facilities are offered for sale, hire, lease, or use, and
9. private property owned or controlled by any person, firm, corporation, organization or other non-governmental entity other than the owner of the dangerous dog. (Ord. No. 598, 4/17/07)

State Law Reference: 4 O. S. § 42.2.

§ 4-195 REQUIRED AND EXEMPTED CERTIFICATE OF REGISTRATION FOR DANGEROUS DOGS AND FEES.

A. It is unlawful for an owner to have a dangerous dog within the corporate limits of the City without possessing a certificate of registration issued pursuant to this chapter. This section shall not apply to dogs used by law enforcement officials for police work.

B. The Animal Control Authority of the City shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the Animal Control Authority sufficient evidence of:

1. a proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
2. a policy of liability insurance, such as a 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 fifty thousand dollars ($50,000) insuring the owner for any personal injuries inflicted by the dangerous dog.

C. There shall be imposed upon such owner an annual fee in the sum of ten dollars ($10), in addition to regular licensing fees, to register each dangerous dog. (Ord. No. 598, 4/17/07)

§4-196 ANIMAL CONTROL AUTHORITY TO CONFISCATE ANY DANGEROUS DOG.

A. Any dangerous dog shall be immediately confiscated by Animal Control Authority if:

1. the dog is not validly registered as provided in this chapter, or
2. the owner does not secure the liability insurance coverage or surety bond required under the provisions of this chapter, or
3. the dog is not maintained in the proper enclosure as defined by this chapter, or
4. the dog is outside the dwelling of the owner, or outside the proper enclosure and not under physical restraint of a responsible person as required by this chapter.

B. Any dog so confiscated under the provisions of this chapter:

1. shall be retained by the Animal Control Authority in the manner as prescribed for the maintenance of stray or unlicensed animal for a period not to exceed ten days unless such period is extended in writing by order of the Mayor, or by resolution of the council, for a definite period of time. If within the time such animal is held under the control of the City the violations which caused confiscation of the dog are rectified then the dog shall be released to the owner thereof upon payment of costs associated with the maintenance thereof.

2. provided however that no such confiscated dog shall be released to the owner thereof if allegations have been made and reported to the animal control officer or proper law enforcement officers that the dangerous dog has in conjunction with or during the time in which there was violation of any of the provisions set out in this chapter, bitten any person or inflicted serious injury on a human being or has attacked a dog resulting in the death of said dog and while such dangerous dog was not subject to torment, abuse or assault. (Ord. No. 598, 4/17/07)

State law Reference: 4 O.S. § 47.

§ 4-197 PENALTY CLAUSE.

A. Any and each violation of any section or subsection of Article I of this chapter shall constitute an offense and be punishable by a fine not to exceed five hundred dollars ($500.00) and may in addition thereto be required to perform not to exceed 40 hours of community service.
B. Each such violation shall be a separate offense and every day each such violation continued shall be a separate offense. (Ord. No. 598, 4/17/07)

CHAPTER 2 – (RESERVED)
PART 5 – BUILDING REGULATIONS AND CODES

CHAPTER 1 – BUILDING CODE AND PERMITS

§ 5-101 ADOPTION OF BUILDING CODE; ADDITIONS, INSERTIONS AND CHANGES.

A. That a certain document, one (1) copy of which is on file in the office of the CITY CLERK of the City of Watonga, being marked and designated as the International Building Code, including Appendix Chapters, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code City of Watonga, in the State of Oklahoma; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. (Ord. No. 345, 7/6/82; Ord. No. 528, 9/16/97; Ord. No. 556, 8/1/00)

B. The following sections are hereby revised as follows:

   Section 101.1. Insert: City of Watonga

   Section 1612.3. Insert: City of Watonga

   Section 1612.3. Insert: June 15, 1988

   Section 3409.2. Insert: September 16, 1997


§ 5-102 BUILDING OFFICIAL; DUTIES.

A. There shall be a building official. The building official, otherwise sometimes called the building inspector, is an officer of the city, and has supervision of the building inspection department, including the electrical inspector, the plumbing inspector, or any other inspector and assistant inspectors appointed in the department.

B. The building inspection department shall inspect buildings, plumbing, electrical installations, and other installations as may be provided by law or ordinance.

C. Whenever reference is made to the duties of the building official or inspector in the building code, it shall meant the building official of the city. The official shall be the responsible official for enforcing the provisions of the building code. (Prior Code, § 3-1-3 in part)
§ 5-103 OTHER CITY OFFICIALS’ CODE RESPONSIBILITIES.

When reference is made to the duties of certain officials named in any of the codes adopted by this part, the designated official of the city who has duties corresponding to those of the named official in the code shall be deemed to be the responsible official insofar as enforcing the provisions of the code is concerned. The terms electrical inspector, plumbing inspector, and gas inspector, whenever used in this code shall each refer to the building official unless a separate inspector has been appointed.

§ 5-104 PERMIT REQUIRED WITHIN CITY.

A. Before proceeding with the excavation for the erection of, or the repair, moving, enlargement or removal of any building or structure within the city, a permit must first be obtained from the city as required in the building code. If the operations allowed under such permit are not begun within six (6) months thereafter, such permit shall become null and void, and if such work is resumed a new permit must be obtained and the regular fee incident thereto shall be collected. The responsibility of obtaining such permit shall be shared jointly with the owner of the premises, his agent, and the builder or contractor erecting the improvement, and either or both are subject to the penalty imposed upon failure to obtain such permit.

B. No permit shall be required or be necessary by those property owners, their agents, builders, or contractors, who are performing minor repairs to existing buildings or structures damaged by Acts of God or under other unforeseeable circumstances. Minor repairs are those acts that replace, rebuild or reconstruct the existing building or structure in virtually the same condition as before the damage incurred, and with such repair costing a total of One Thousand Five Hundred Dollars ($1,500.00) or less, materials and labor included.

C. In addition to any other requirement concerning the building code or building permit, before proceeding with the erection or installation of any new fence, or the movement of any existing fence, with the city, a permit must first be obtained from the city. The permit shall be obtained in the same manner as other building permits, and all other building permit regulations as set out in this code shall apply, except that the fee therefore shall be $0.00. Before the permit is issued the inspector must ascertain that the new or replacement fencing shall comply with the code in all respects, and will not unduly interfere with easements or rights-of-way. The inspector shall also ascertain from the record owner of any abutting property along whose property line the proposed new or replacement fencing shall run, that the record owner thereof is in agreement as to the correct property line between the parties, and shall so affirm in writing. For purposes of this section, record owner shall meant the person or persons shown of record in the office of the County Assessor as the person to whom taxes are assessed on said real property. In the event that no such agreement can be had in a reasonable time, the inspector may require a survey to be made by a licensed surveyor, at the expense of the permit.
applicant, to ensure that the fencing will not interfere with the rights of the abutting property owners and will not unduly encroach upon any right-of-way or easement held by the city or any public utility. (Prior Code, § 3-1-2 in part; Ord. No. 462, 5/17/88; Ord. No. 562, 7/3/01)

§ 5-105 BUILDING PERMIT FEES.

A. Permit fees shall be based on estimated cost or other formula and shall be as set by the council from time to time by motion or resolution. A copy of the current schedule shall be kept in the city clerk’s office.

B. Commencing May 1, 2010:

1. In addition to the permit fees required by section A of this section, there shall be imposed upon those persons or entities required to obtain a building permit as set out in subsection A hereto a fee in the sum of $4.50 per permit, or such other sum as may be required from time to time in order to comply with applicable state statutes, in order to comply with requirements of the Uniform Building Code Commission Act, 59 O.S. §§ 1000.23 and 1000.25 as same be amended from time to time.

2. The city council may a necessary revise the additional fee as set out herein in order to comply with the statute, said revision to be by resolution.

3. Four dollars ($4.00) of said additional fee, or otherwise as from time to time amended, shall be paid over by the city to the Uniform Building Code Commission of the state of Oklahoma on behalf of the state treasury, within the time and by the method established by statute. (Ord. No. 613, 4/20/10)

§ 5-106 FIRE LIMITS DEFINED.

The fire limits of the city are hereby defined and described to be all that part of the city bounded and described as follows:

The west half (‘A) of Block Thirty-seven (37); Lots Sixteen (16), Seventeen (17), and Eighteen (18) in Block Thirty-seven (37); the east half (‘/?) of Block Thirty-eight (38); all of Blocks forty-three (43); Forty-four (44), Forty-five (45), Forty-six (46), Forty-seven (47), Forty-eight (48), Forty-nine (49), Fifty (50), Sixty-three (63), Sixty-four (64), Sixty-five (65), Sixty-six (66), Sixty-seven (67), Sixty-eight (68), Sixty-nine (69), Seventy (70), Seventy-five (75), Seventy-six (76); all of Blocks Eighty-nine (89) and Ninety (90); the South one-half (S/2) of Block Ninety-four (94); and a tract of land described as follows: Beginning at a point twenty (20) feet south and twenty (20) feet east of the southeast corner of Lot One (1) Block four (4) of the South Side Addition, thence north one hundred twenty-five (125) feet; thence east one hundred twenty-seven (127) feet; thence south four hundred
five (405) feet; thence west to the east boundary of the AT&L Railroad right-of-way; thence northwesterly along said right-of-way to the south side of the alley along the south side of Lot One (1) Block Four (4) of the South Side Addition; thence east to the point of beginning; and a tract of land in Section Nineteen (19), Township Sixteen (16) North, Range Eleven (11), West of the Indian Meridian beginning at a point forty (40) feet North and fifty (50) feet east of the Southwest corner of said section, thence North along Clarence Nash Boulevard two thousand three hundred forty (2340) feet, thence East one hundred forty (140) feet, thence South two thousand three hundred forty (2340) feet, thence West one hundred forty (140) feet to the point of beginning. (Prior Code, § 6-1-1; Ord. No. 517, 5/21/96)

§ 5-107 NUMBERING SYSTEM.

A. It is hereby made the duty of owners and occupants of all buildings situated in the city to number all buildings owned or occupied by them in the manner herein set forth, which numbers shall be maintained in good condition until otherwise provided by the mayor and council.

B. Every building fronting upon any of the streets in the city running east and west, shall be numbered commencing with Boundary Street on the east unit or base of enumeration, setting apart one hundred (100) numbers for each block facing the same street and shall be as nearly consecutive as possible, commencing with off numbers in each block. Commencing at Main Street as a unit or base of enumeration and numbering north and south from Main Street, one hundred (100) numbers shall be set apart for each block commencing with even hundreds. All even numbers shall be given to the buildings on the south side and all odd numbers shall be assigned to buildings on the north side of streets running east and west. On all streets running north and south, the odd numbers shall be assigned to buildings on the west side and the even numbers on the east side; provided, that one number shall be assigned for each twenty-five (25) feet in business lots and one number shall be assigned for each fifty (50) foot lot in the residence sections.

C. Each of the figures of every number shall be so marked as to be distinctly and easily read from the street or sidewalk in front of the building and shall be so placed as to be conspicuous and easily seen.

D. It is the duty of every owner or occupant of any building which has no number or has a number which does not comply with the provisions of this chapter, to place or cause to be placed and maintained upon the front of his building, in plain, distinct figures, not less than two and one-half (2 1/2) inches vertical length, the proper number as required by this section.

E. It is an offense for any person, who after being notified to comply with the provisions of this chapter, to fail within ten (10) days from the notice to comply.
§ 5-108 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter or part shall, upon conviction, be punished as provided in Section 1-108 of this code.

CHAPTER 2 – PLUMBING CODE

§ 5-201 ADOPTION OF PLUMBING CODE.

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Watonga, being marked and designated as the 1995 International Plumbing Code, including Appendix Chapters A, B, C, D, E and F, as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the code of the City of Watonga for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of plumbing systems in the City of Watonga and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 1995 edition, published by the Building Officials and Code Administrators International, Inc., International Conference of Building Officials and the Southern Building Code Congress International, Inc., are hereby referred to adopted and made a part hereof as if fully set out herein, with additions, insertions and changes, if any, which may be prescribed in this chapter. (Ord. No. 527, 9/16/97)

State Law Reference: Plumbing regulations and licensing, 59 O.S. §§ 1001 et seq.

§ 5-202 PLUMBING OFFICIAL.

A. The plumbing code is revised to read as follows: “The plumbing official shall be appointed by the mayor with the consent of council.”

B. There is hereby created the office of plumbing inspector. The plumbing inspector shall be appointed by the mayor with the consent of the council. The plumbing inspector shall be the same person as the plumbing official. The building inspector may be appointed as the plumbing inspector. The plumbing inspector shall have not less than five (5) year’s practical experience at the plumbing business and shall not be interested, either directly or indirectly, in any firm or corporation engaged in the plumbing business. Provided, the mayor, with the consent of the city council, may in his discretion, appoint some other person who is deemed qualified for the office.

C. The plumbing inspector shall have jurisdiction over the interpretation of the plumbing code and the installation of all plumbing work done within the city limits. The plumbing inspector shall inspect all plumbing installed in the city and shall furnish a certificate of same.
D. The plumbing inspector shall have an Oklahoma inspector’s license from the State Board of Health. (Prior Code, § 3-4-2 in part; Ord. No. 491, 8/17/93)

§ 5-203 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE.

The following sections are hereby revised as follows:

Section 101.1. Insert: City of Watonga

Section 106.5.2. Insert: “as provided by motion or resolution of the city council.”

Section 106.5.3. Insert: “as provided by motion or resolution of the city council.”

Section 108.4. Insert: “offense and punished as provided in Section 1-108 of the city code.”

Section 108.5. Insert: “fine as provided in Section 1-108 of the city code.”

Section 306.6.1. Insert: “a depth as determined by the city.”


§ 5-204 PERMITS, FEES, INSPECTIONS.

Repealed. (Prior Code, §§ 3-4-4, 3-4-5 in part; Ord. No. 527, 9/26/97)

§ 5-205 PLUMBERS’ REGISTRATION; FEES.

Repealed. (Prior Code, Sec. 3-4-3 as amended; Ord. No. 527, 9/26/97)

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

§ 5-206 REVOCATION OF REGISTRATION.

After adequate opportunity for a hearing, the council may revoke the registration of a plumbing contractor, an apprentice plumber or a journeyman plumber for any of the following causes:

1. Serious or repeated violations of the laws, ordinances or other regulations relating to plumbing installations;

2. Grossly unethical conduct in connection with the plumbing trade or business;

3. Poor workmanship or service; or

4. Installing inferior or substandard materials, fixtures or equipment.
A request that the registration be revoked may be presented to the council by the plumbing inspector or by any aggrieved person.

§ 5-207 PLUMBING CONTRACTOR’S BOND.

All persons licensed as plumbing contractors must post a bond in the sum of One Thousand dollars ($1,000.00), executed by a surety company authorized to transact business in this state. The bond shall be payable to the city and shall be conditioned that the principal will restore with the same material and in the same manner all streets, alleys, sidewalks, and other public places in any way disturbed by him, his agents, subcontractors or employees. The bond shall be conditioned further that the principal shall indemnify and save blameless the city from any and all loss, expense, cost, damage, action or liability of any kind whatever, including reasonable attorney’s fees which the city may accrue against it or be recovered from the city by reason of:

1. Any loss, damage, injury sustained, suffered or incurred by any person on account of or by reason of the doing of any plumbing, as defined herein, by the principal, his agent, subcontractors or employees, in the use of the streets, alleys and public property of the city; or in making any connections, alterations, repairs, extensions or renovations to any pipe or pipes, or mains or connections belonging to the water or sewer system of the city; or

2. The neglect, failure or refusal of the principal, his agents, subcontractors or employees, to erect, place and maintain proper and adequate safety devices, warning signals, lights and barricades about such work until such time as the city building inspector is notified that the work is fully completed.

The bond shall be conditioned further that the principal will comply with the rules, regulations and ordinances relating to the turning on or off of the city water supply. Such bond shall be conditioned further that the principal shall do all plumbing, as defined herein, in strict accordance with the ordinances of the city and the laws of the state, and in a good and workmanlike manner. The bond shall run for one year and shall be renewed at its expiration. No permit shall be issued to any plumbing contractor until the bond provided in this section shall have been filed.

§ 5-208 ADOPTION OF WATER AND SEWER REGULATIONS.

A. The developer of any “tract or subdivision” within the city or to be taken into the city shall be responsible for the installation of all main water and sewer lines in the development or subdivision and for the hook up to the city line wherever those lines may be located. The installations shall be in accordance with the specifications governing water line and sewer line construction as adopted by the city water department.

B. Any builder shall install sanitary sewers in all new building construction whether commercial or residential building. The sanitary sewers shall be installed in accordance with specifications governing sanitary sewer construction as adopted by the city water department.
C. The developer of any building whether commercial or residential shall be responsible for using material and labor that is in accordance with specifications adopted by the city water department. (Ord. No. 377, 4/17/84)

_Cross Reference:_ Subdivision regulations of the city, §§ 12-401 et seq. of this code.

CHAPTER 3 – ELECTRICAL CODE

ARTICLE A – ELECTRICAL CODE AND REGULATIONS

§ 5-301 ELECTRICAL EQUIPMENT DEFINED.

A. The term “electrical equipment” as used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind or description, to be installed within or on any building or structure for transmitting electrical current for electric light, heat or power.

B. The term “electrical wiring” means the installation of electrical equipment, lighting fixtures or installing electrical apparatus of any kind or nature or description to be connected to light, heat or power service.

§ 5-302 NATIONAL ELECTRICAL CODE ADOPTED.

A. There is hereby adopted by reference the National Electrical Code set forth in the National Fire Code (Electrical), NFPA Number 70-87, of 1987, or the latest edition thereof, issued by the National Fire Protection Association, Quincy, Maine hereinafter referred to as “The National Electrical Code” as the electrical code for the city. The National Electrical Code shall be fully applicable and enforceable in controlling the installation and/or repair of electrical equipment in all buildings and other structures in the city, save and except such provisions thereof as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provisions of current or future ordinances of this city are in conflict with the provisions of the National Electrical Code shall prevail.

B. No provision of this chapter shall prevail if inconsistent with the Electrical License Act of the State of Oklahoma, or any rule or regulation adopted or prescribed by the State Board of Health as authorized by the Electrical License Act. (Ord. NO. 346, 7/6/82; Ord. No. 494,2/15/94)

_State Law Reference:_ State electrical licensing, regulations, 59 O.S. §§ 1680 et seq.

§ 5-303 UNDERWRITERS’ LABORATORIES, INC. STANDARDS.

All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and any orders, rules and regulations issued by authority thereof,
and with approved electrical standards for safety to person 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.

§ 5-304 ELECTRICAL INSPECTOR; OFFICE CREATED.

A. There shall be an electrical inspector who is appointed by the mayor with the consent of the city council. The electrical inspector shall have at least five (5) years’ active experience in the electrical industry and shall have no interest, direct or indirect, in any firm or corporation engaged in the electrical industry. Provided, that the mayor, with the consent of the city council, may in his discretion, appoint some other person deemed qualified for the office. The electrical inspector shall be familiar with the National Electrical Code and the application of the “code” rulings. The electrical inspector may be the building inspector.

B. The electrical inspector shall have jurisdiction over the interpretation of the National Electrical Code and shall inspect installation of all electrical work done in the city, and issue a certificate upon the completion of each inspection.

C. The electrical inspector shall have an Oklahoma inspector’s license from the State Board of Health. (Ord. No. 491, 8/17/93)

§ 5-305 PERMIT REQUIRED FOR ELECTRICAL INSTALLATION; INSPECTIONS; EXCEPTIONS; FEE.

A. It is unlawful for any person to install any electrical wiring, fixtures, equipment or apparatus in or on any building or structure in the corporate limits of this city or make extensions to any existing electrical installations without first securing a permit from the electrical inspector.

B. Applications for electrical permits shall be made to the electrical inspector; and the applicant shall provide such plans, specifications and other data as may be necessary to determine whether the permit shall be issued.

C. It is the duty of the electrical inspector or city clerk to issue all permits, and the electrical inspector to make inspection of all work for which permit has been issued within forty-eight (48) hours after having been notified that work is ready for inspection (Sundays and holidays not included.)

D. No permit shall be issued until the applicant shall have paid a permit and inspection fee as set by the council by motion or resolution. (Prior Code, §§ 3-3-4, 3-3-5 in part)
§ 5-306 ELECTRICAL INSPECTOR TO INSPECT ALL ELECTRICAL INSTALLATIONS.

The electrical inspector shall have the power to inspect all electrical equipment installed within the city.

§ 5-307 INSTALLATION NOT TO BE CONCEALED UNTIL APPROVED.

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

§ 5-308 WORK “ROUGHED IN.”

New or old work “roughed in” shall include all electrical equipment to make the installation complete, be free from unintentional grounds, with joints properly made up, ready for attachment of fixtures, drop lights and appliances.

§ 5-309 INSPECTION OF NEW WORK “ROUGHED IN.”

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

§ 5-310 PREMISES NOT TO BE CONNECTED UNTIL INSTALLATION IS APPROVED.

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

§ 5-311 TEMPORARY CERTIFICATE.

When, for good and sufficient cause, it is necessary to have electrical energy available at any installation before a final certificate can be issued, the electrical inspector shall, if the parts to which the current is to be applied are in safe and satisfactory condition, issue a temporary certificate. The issuance of such temporary certificate shall constitute the grant of authority to the electric utility company to provide electrical energy to the installation. When a temporary service is installed satisfactory to the electrical inspector, the electric utility company will not be permitted to make a connection to permanent service until a final inspection certificate has been issued. There shall be a fee for each temporary certificate issued. A temporary certificate shall be in force for a period of thirty (30) days from its issue. If at the end of the thirty (30) days the installation is still incomplete, another temporary certificate shall be taken out for the next thirty (30) days, and each
succeeding thirty (30) days thereafter. For each term so requested, there shall be a fee paid to the city upon cancellation of this temporary service.

§ 5-312 FINAL CERTIFICATE.

On the completion of the work covered by a permit as herein set forth, if such work is performed according to the provisions of this electrical code, the electrical inspector shall issue a certificate of approval and therein certify that the electrical work is in accordance with the electrical code. However, whenever a permit is issued for any new wiring as an addition to old existing wiring or work, which existing work does not comply with this electrical code, but is of at least No. 14 size wire on fifteen (15) ampere circuits, then the electrical inspector shall issue a certificate of approval without requiring the replacement of such existing wiring and other electrical fixtures, provided the new work for which the permit was issued complies with this electrical code, provided that the existing wiring is of sufficient capacity so as not to be dangerous to life and property.

§ 5-313 NOTICE OF REJECTION.

When a job has been rejected by the office of electrical inspection, or electrical work condemned by the electrical inspector, a letter shall be delivered to the owner of the premises on which the inspection work is done, or the electrical contractor doing the electrical work, or both, specifically setting out what is required to place the electrical portion of the premises in condition for approval by the electrical inspector.

§ 5-314 ALTERATION AFTER INSPECTION.

It is unlawful for any person to alter any electrical work after its final inspection, without obtaining a permit, the same as required for original installation, repair or alteration.

§ 5-315 SERVICE ENTRANCE.

A. Each service entrance shall be located at the point on the building served which is convenient for connection to the electric utility company’s service pole, with due regard for the desirability of avoiding the crossing of adjacent property or running open wire construction over the roof or along the wall or any building. The distance between the service entrances for light and power shall not be greater than four (4) feet.

B. In case there is a controversy as to the location of the service entrance, such controversy shall be decided by the electrical inspector after consultation with the electric utility company. The point of the service entrance and attachment to the electric utility company’s service wires on a building shall be a minimum of ten (10) feet above the ground except in the case of existing structures, in which case the point of attachment shall be a minimum of nine (9) feet above the ground, and clearances must be provided as required by the National Electrical Code.
§ 5-316 INTERFERENCE WITH WIRING.

It is unlawful for any owner, contractor, or worker in any manner to interfere with any electrical wiring being installed in or on any building. If, in the course of erection of a building, the wiring is in such position as to interfere with its erection or completion as called for by the plans, notice shall be immediately given to the person installing the wiring and the needed changes shall be made by such person.

§ 5-317 INSPECTOR MAY ENTER BUILDINGS.

The electrical inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour, for the purpose of making any electrical inspection, reinspection, or test of the electrical equipment contained therein or its installation. Any person interfering with the electrical inspector shall be fined as provided for in this chapter.

§ 5-318 RESPONSIBILITY FOR DAMAGES.

The provisions of this chapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the city or any officer or employee of the city, be held as assuming such liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

ARTICLE B – REGISTRATION AND BONDS

§ 5-320 ELECTRICIANS; REGISTRATION REQUIRED.

A. All persons, firms, partnerships, corporations, or individuals engaging in or hereafter engaging in the business of installing electrical fixtures, wiring or apparatus in or on any building within the corporate limits of the city shall first procure from the state the appropriate and current license; electrical contractors shall also procure a registration certificate from the city. Upon the payment of the fee such electrical contractor’s certificate shall entitle the holder to install electrical conductors, fixtures or appliances in or on any buildings within the corporate limits of the city for a period of one year or until June 30 the following year in which license is issued, after all other provisions have been complied with:

Electrical contractors’ registration: Applicants for electrical contractor’s registration certificate which possess a valid state license may be issued an electrical contractor’s certificate for the license fee of Twenty Dollars ($20.00) and posting bond as required in this chapter.

B. There must be a registered electrician on any and all jobs at all times. (Prior Code, § 2-5-5, in part)

State Law Reference: State licensing and exams, city may require registration, 59 O.S. §§ 1680 to 1696.
§ 5-321 BOND FOR ELECTRICAL CONTRACTORS.

A. Every person receiving a registration certificate as an electrical contractor shall file with the city clerk a bond in the sum of One Thousand Dollars ($1,000.00), executed with a surety company authorized to do business in the state, and conditioned that:

1. The principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the city relating to electrical installations and in a workmanlike manner;

2. 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 nonstandard material; the principal is liable for the correction and any additional cost arising from the specified causes; and

3. The city will 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.

B. The bond must be approved by the electrical inspector. No certificate shall be issued to any such person until the bond shall have been filed and approved. Any such license issued shall be valid only while the bond is in effect. (Prior Code, § 3-3-3 in part)

§ 5-322 REGISTRATION OR BOND, WHEN NOT REQUIRED.

For the installing of bell, telephone, or signal systems not using over twelve (12) volts, or for public utility electric service corporations operating under a franchise, no registration or bond will be required but the installation of same must comply with all other requirements of the ordinances of the city. (Prior Code, § 2-5-5 in part)

§ 5-323 REVOCATION OF REGISTRATION.

After adequate opportunity for a hearing, the council may revoke the registration of any electrical contractor for any of the following causes:

1. Serious or repeated violations of the laws, ordinances or other regulations relating to electrical installations;

2. Grossly unethical conduct in connection with the electrical trade or business;

3. Poor workmanship or service; or

4. Installing inferior or substandard materials, fixtures or equipment.
A request that the registration be revoked may be presented to the council by the electrical inspector or by any aggrieved person.

CHAPTER 4 – GAS PIPING

§ 5-401 RULES ADOPTED.

The Pamphlet No. 54, Gas Piping and Appliances, latest edition thereof, issued by the National Fire Protection Association, is hereby adopted and incorporated in this code by reference. The code shall be in full force and effect in the city and shall govern the installation of gas piping and gas appliances in buildings in the city. Any violation of this pamphlet shall be deemed a violation of the ordinances of the city. (Prior Code, § 3-2-1 in part)

§ 5-402 INSPECTION; FEE.

All installations of gas piping within the city, upon completion, shall be inspected by the plumbing inspector or by the gas inspector if a gas inspector is appointed, and shall not be used by the occupants until approved by the inspector as complying with applicable city ordinances and codes. The fee for such inspection shall be as set by the council. (Prior Code, § 3-2-4 in part)

§ 5-403 LICENSE REQUIRED; EXAMINATION, FEE.

It is unlawful for any person, firm, or corporation to engage in the business of installing gas piping or gas appliances without first obtaining a license from the city. The license may be obtained only by persons holding current plumbing licenses issued by the state, current plumbing registrations issued by the city and paying the required fee.

Ed. Note: Prior code set $20.00 fee.

§ 5-404 PLUMBING INSPECTOR MAY ENTER BUILDINGS.

The plumbing inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour for the purpose of making any gas inspection, test, or reinspection, and any person interfering with the plumbing inspector shall be guilty of an offense.

CHAPTER 5 – LIQUEFIED PETROLEUM GAS

§ 5-501 REGULATIONS 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 ordinance relating thereto, and has any license or permit which may be required by state law. Pamphlet Number 58 of the National Fire Protection Association, entitled Liquefied Petroleum Gases, Storage and Handling, also adopted by the Liquefied Petroleum Gas Board, shall have full force and effect within this city; and any violation of these rules and regulations shall be deemed
a violation of the ordinances of the city and shall be punished accordingly.

*State Law Reference:* State rules, liquefied petroleum gas, 52 O.S. §§ 420.1 et seq.

§ 5-502 INSPECTION; FEE.

All liquefied petroleum installations within the city, upon completion, shall be inspected by the plumbing inspector, or by the gas inspector if a gas inspector is appointed, and shall not be used by the occupants until approved by the inspector as complying with this chapter and the rules and regulations adopted thereby. The fee for such inspection shall be as set by the council.

CHAPTER 6 – MOVING BUILDINGS

§ 5-601 LICENSE REQUIRED.

Every person who shall engage in the business of moving buildings and structures within the city shall obtain a license therefor from the city clerk. No such license shall be granted until the party applying therefor shall have given the bond required by this chapter. Any person engaging in the occupation of house moving shall pay a license fee as set by the council per annum.

§ 5-602 BOND REQUIRED.

The bond to be given by a licensed house mover shall be executed to the city in the penal sum of Two Thousand Five Hundred Dollars ($2,500.00) with a surety company authorized to do business in the state as surety thereon, which bond shall be for the benefit of the city. Any private person or corporation shall be entitled to sue thereon, in his or its own name. The bond shall be conditioned, among other things, that if the license shall be granted, the licensee will in all respects comply with the ordinances of the city relating to the moving of buildings or structures and to the use or obstruction of the streets, highways, and other public ways and protect the city from all liability which may arise or be occasioned either directly or indirectly from the moving of any building or structure of the licensee, his agents, servants, employees, workers, contractors, or subcontractors; and further conditioned that the licensee shall pay the damages which may be caused or occasioned to any person or to any property, either public or private, within the city, by the licensee or his agents, servants, employees, workers, contractors, or subcontractors, while engaged in any work in connection with the moving of any building or structure, including any loss or damages which may be sustained because of the stoppage of any business or industry located along the route over which the building or structure shall be moved, caused or occasioned by the operation of moving such building or structure.

§ 5-603 PERMIT REQUIRED.

No building or structure now or hereafter erected within the corporate limits of the city shall be removed or relocated without a permit for such work issued by the city clerk, upon written application made therefor.
§ 5-604 APPLICATION FOR PERMIT.

No application for a permit to move any building or structure on, over, along, or across any street or highway shall be granted to any person other than a licensed house mover, who shall file with the city clerk a written application therefor, definitely stating in such application:

1. Type and kind of building to be moved;
2. The original cost and present value of such building;
3. The extreme dimensions of the length, height and width of the building;
4. Its present location and proposed new location by lot, block, subdivision, and street numbers;
5. The approximate time such building will be upon the streets, and the contemplated route that will be taken from present to new location; and
6. That the moving of the building does not violate the fire district requirements, or any other requirements of the ordinances of the city.

§ 5-605 INSPECTION.

No building or structure shall be moved to a new location until the building and the new location shall have been inspected by the building inspector and found to be in such condition that the same may be moved with safety in accordance with this chapter, and is fit in structural requirements under this and other ordinances of the city for the use for which it is contemplated at the new location.

§ 5-606 ACTION ON APPLICATION.

When such application is filed with the city clerk, it shall be his duty to immediately notify the fire chief and the mayor. Upon receiving such notification, the mayor, or his duly appointed representative, shall examine the proposed moving route and make such changes therein as he shall deem necessary, or designate an entire new route, and attach to the application for such permit his certificate of approval of such designated moving route. The building inspector shall then make inspection required relating to his department. If it is found by them that the building or structure can be moved and relocated in accordance with the requirements of this chapter, it shall then be the duty of the city clerk to issue a permit for such work; otherwise such permit shall be refused.

§ 5-607 FEES.

Before any permit to move any building or structure is granted under the provisions of the chapter, the applicant for such permit shall pay therefor to the city a fee as set by the council by motion or resolution.
§ 5-608 HEIGHT REGULATION.

No building or structure of a height of more than thirty (30) feet shall be moved on, over, along, or across any street or highway, unless such building or structure shall be cut to such height before the operation of moving same shall be begun.

§ 5-609 AREA RESTRICTIONS.

It is unlawful to move on, over, or across any street or highway, any building or structure having an area of one thousand (1,000) square feet or more, unless the city council shall, by a majority vote, approve the application for a permit therefor.

§ 5-610 PUBLIC SAFETY REQUIREMENTS.

A. Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

B. There shall be a minimum of five (5) warning lights placed on each street side of the building; such warning lights shall be attached to the building in such a fashion as to indicate extreme width, height, and size.

C. There shall be placed, in addition to the warning lights on the building, flares at regular intervals for a distance of two hundred (200) feet up the street on each side of the building.

D. When a street is blockaded at night by a building, the same shall be protected by flares or warning lights at each intersection of the block occupied by the building, or when, in the opinion of the building official, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ, at their expense, two (2) flagmen, one at each street intersection beyond the building; such flagmen shall remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red flags shall be used in daytime.

§ 5-611 CONDUCT OF MOVING.

A. The work of moving any building or structure on, over, along, or across any street or highway shall begin within five (5) days after the issuance of a permit therefor and once begun, shall be prosecuted diligently and continuously day and night, Sundays and holidays, so as not to allow the building or structure to come to a standstill until same is relocated on its new site. The mayor, in an emergency, may grant temporary suspension of the work for a period of not longer than twelve (12) hours at any time. No permit shall be granted to leave any building or structure standing at night in any street intersection.

B. When any building or structure is so permitted to remain at a standstill in any street
or highway at night, the house mover shall notify the police chief of the location of the same, and shall post at each end and on each side of such building or structure, two (2) or more warning lights in a secure and conspicuous position, and shall place barricades at each end of such building at a distance of fifty (50) feet therefrom with lights thereon as above required on the building.

C. During any moving operation, the house move shall keep a watchman at all times about the building, whether the same be moving or standing, for the purpose of keeping any posted lights burning at night and warning the traffic with flags in the daytime.

D. When necessary to protect pavement or sidewalks, planks of sufficient size and thickness to prevent injury to such pavement or sidewalks shall be laid for the wheels for the wheels of the moving trucks to travel on.

E. The mayor shall have power to require the use of other precautionary measures than those specifically mentioned in this chapter when necessary or proper to protect life, limb or property.

§ 5-612 POLES AND WIRES.

A. Whenever for the purpose of facilitating the moving of any building, it is necessary to raise or cut any electric, telephone or telegraph wire or cable, it is the duty of the house mover having charge of the moving of such building to give the person or corporation owning or operating the poles, wire, or cables at least twelve (12) hours notice of the time and place, when and where the removal of such poles or the raising or cutting of such wires or cables will be necessary.

B. In case the poles or wires of the fire or police telephone or alarm systems are to be interfered with, such notice shall be served upon the fire chief.

C. After the service of notice, it is the duty of the person or corporation owning or operating the poles, wires, or cables, or the duty of fire chief, as the case may be, to furnish competent workers or linemen to remove such poles or raise or cut such wires or cables. The cost of such service shall be arranged for and paid by the house mover. No house mover shall raise, cut, or move any such poles, wires, or cable unless the person or authorities owning or having control of the same fail or refuse to do so after notice as aforesaid, and then only competent workers or linemen shall be employed in such work under the supervision of the fire chief or the mayor. The same shall be done in a careful and workmanlike manner. The poles, wires, and cables shall be promptly replaced and damages thereto promptly repaired at the expense of such house mover.
§ 5-613 TREES AND FIXTURES.

No tree on any street shall be injured or removed, nor the branches or any tree be cut or trimmed, in order to facilitate the moving of any building except with the written consent and under the supervision of the building official.

§ 5-614 OBSTRUCTION OF RAILWAY TRACKS.

If it is necessary to move any building upon or across any railway tracks, the same shall be done in such a manner and at such a time as not to interfere with the operation of cars or trains thereon.

§ 5-615 EXCEPTIONS.

A general contractor may be granted a permit, upon payment of a permit fee, for moving a job material shed or office from one job location to another with his own truck or equipment. However, the building shall not be larger than eight (8) feet wide and fourteen (14) feet long, and eight (8) feet high from the floor to the highest point of the roof, or when mounted on a truck shall not be more than twelve (12) feet six (6) inches from the roadway to the highest point of the roof. The contractor shall furnish a bond conditioned the same as the bond described in Section 5-602 hereof. No contractor’s temporary office or material shed larger in any dimension than specified above shall be moved, except in compliance with all the requirements of the building code applicable to house moving.

§ 5-616 SPECIAL MOVING PERMIT.

No individual, partnership, or corporation, other than a licensed building mover, shall be permitted to move a building in the city unless granted a special moving permit by the city council.

§ 5-617 MOVING BUILDING TO WITHOUT CITY LIMITS.

Existing structures or buildings located within the city limits of the city may be removed from the city limits upon meeting all requirements for such removal.

CHAPTER 7 – HOUSING CODE

§ 5-701 ADOPTION OF HOUSING CODE.

There is hereby adopted by reference the Standard Housing Code, the latest edition thereof, issued by the Southern Building Code Congress International, as minimum housing code for the city. The housing code shall be fully applicable and enforceable in governing housing in the city, save and except such portions as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provision of the ordinances of the city are in conflict with this provisions of the housing code, except as provided in this chapter, the provisions of the dwelling code shall prevail. (Ord. No. 352, 7/20/82)

Cross Reference: Permits, fees, see §§ 5-104, 5-105 of this code.
CHAPTER 8 – MECHANICAL CODE

§ 5-801 ADOPTION OF MECHANICAL CODE; ADDITIONS, INSERTIONS AND CHANGES.

A. That a certain document, one copy of which is on file in the office of the City Clerk of the City of Watonga, being marked and designated as the International Mechanical Code, including Appendix Chapters A and B, as published by the International Code Council, be and is hereby adopted as the code for the City of Watonga for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Watonga and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 1996 edition, published by the International Code Council, are hereby referred to adopted and made a part hereof as if fully set out herein with additions, insertions, deletions and changes, if any, prescribed in this chapter.

B. The following sections of the Mechanical Code are hereby revised.

Section 101.1. Insert: City of Watonga

Section 106.5.2. Insert: “as provided by motion or resolution of the city council.”

Section 106.5.3. Insert: “as provided by motion or resolution of the city council.”

Section 108.4. Insert: “offense and punished as provided in Section 1-108 of the Watonga City Code.”

Section 108.5. Insert: “offense and punished as provided in Section 1-108 of the Watonga City Code.”


Cross Reference: Permits, fees, see §§ 5-103, 5-104, 5-105 of this code.

§ 5-802 MECHANICAL INSPECTOR.

A. There shall be a mechanical inspector who is appointed by the mayor with the consent of the city council. The building inspector may be appointed as the mechanical inspector.
B. The mechanical inspector shall have jurisdiction over the interpretation of the Standard Mechanical Code and the installation of all mechanical work done in the city.

C. The mechanical inspector shall have an Oklahoma inspector’s license from the State Board of Health. (Ord. No. 491, 8/17/93)

CHAPTER 9 – PENALTY AND JUDICIAL RELIEF

§ 5-901 PENALTY.

Any person 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 or registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this part, or who shall otherwise violate any provision of this chapter or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in § 1-108 of this code.

§ 5-902 RELIEF IN THE COURTS.

No penalty imposed by and pursuant to this chapter shall interfere with the right of the city also to apply to the proper courts of the state for a mandamus, an injunction, or other appropriate action against such person.

CHAPTER 10 – FAIR HOUSING

§ 5-1001 DECLARATION OF POLICY.

It is hereby declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex, age, handicap, familial status or national origin and, to that end, to prohibit discrimination in housing by any persons. (Ord. No. 458, 8/28/87; Ord. No. 480, 6/2/92)

§ 5-1002 DEFINITIONS.

When used herein:

1. “Discrimination” or “discriminatory housing practice” means any difference in treatment based upon race, color, religion, sex, age, familial status, handicap or national origin; or any act that is unlawful under this chapter;

2. “Financial institution” means any person, as defined herein, engaging in the business of lending money or guaranteeing losses;

3. “Housing accommodations” or “dwelling” means any building, mobile home or
trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection;

4. “Mortgage broker” means an individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Oklahoma Statutes;

5. “Open market” means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through areal estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease;

6. “Owner” included a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodations;

7. “Person” includes individuals, children, families, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations;

8. “Real estate broker” or “real estate sales associate” means any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these; and


§ 5-1003 UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease
of any housing accommodation, it shall be unlawful within the city for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

1. Refuse to sell, purchase, rent or lease or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth;

2. To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;

3. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth;

4. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth;

5. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth;

6. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to discriminate;

7. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;

8. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
a. The lowering of property values in the area;

b. An increase in criminal or anti-social behavior in the area; or

c. A decline in the quality of schools serving the area.

9. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above or the sale, purchase, rental or lease of any housing accommodation in the city for the purpose of including or attempting to induce any such listing or any of the above transactions.

10. To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;

11. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this chapter;

12. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of the chapter; or any order issued thereunder;

13. By canvassing, to commit any unlawful practices prohibited by this chapter;

14. Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth;

15. For any bank, savings and loan association, insurance company or other coloration, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of his race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth in connection with such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or

16. To deny any qualified persons access to or membership or participation in any
multiple-listing service, real estate brokers’ organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of because of his race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth. (Ord. No. 458, 8/28/87; Ord. No. 480, 6/2/92)

§ 5-1004 EXEMPTIONS.

This chapter shall not apply to:

1. A religious organization, association, or society or any non-profit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, “which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted because of race, color, religion, ancestry, age, handicap, familial status, national origin, sex or place of birth;

2. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or give preference to its members;

3. Any single-family house sold or rented by an owner: provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such a bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds for the sale or rental of, more than three (3) such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

   a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or sales associate or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, sales associate, or person; and

   b. Without the publication, posting or mailing, after notice, of any
advertisement or written notice in violation of the provisions of 42 USC, Section 3604(C) or § 5-1003 of this chapter: but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

4. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. (Ord. No. 458, 8/28/87; Ord. No. 480, 6/2/92)

§ 5-1005 ADMINISTRATION/ENFORCEMENT.

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the mayor, or his designee, within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. The mayor or his duly authorized representative shall promptly investigate each complaint and attempt to resolve each complaint through mediation. Failure to achieve a resolution acceptable to both parties in compliance with this chapter shall cause the mayor to forward to complaint and his findings to appropriate state and federal officials. (Ord. No. 458, 8/28/87; Ord. No. 480, 6/2/92)

§ 5-1006 OTHER REMEDIES.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency. (Ord. No. 458, 8/28/87; Ord. No. 480, 6/2/92)

§ 5-1007 EDUCATION.

Immediately after the enactment of this chapter, the mayor, or his designee, shall commence such educational activities as will further the purposes of this chapter. He shall be authorized to call conferences of persons in the housing industry, financial industry, and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. No. 458, 8/28/87; Ord. No. 480, 6/2/92)

§ 5-1008 PENALTIES.

Any person who violates any of the provisions of Section 5-1003 the rules, regulations, or standards as adopted by this chapter shall be guilty of an offense and upon conviction thereof shall be subject to punishment as provided in Section 1 -108 of this code. Each day or part of a day during which such is contained or repeated shall constitute a separate offense. (Ord. No. 458, 8/28/87; Ord. No. 480, 6/2/92)
PART 6 – COURT

CHAPTER ONE – MUNICIPAL COURT

§ 6-101 ORGANIZATION OF MUNICIPAL COURT.

This chapter shall govern the organization and operation of the municipal criminal court of the City of Watonga as put into operation by resolution duly passed on February, 4, 1969, and filed in accordance with law as authorized by §§ 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this city, the provisions of this chapter shall control. The court shall be operative on and after February 6, 1969. (Prior Code, § 1-15-1)


§ 6-102 DEFINITIONS.

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

1. “Court” means the municipal criminal court of the City of Watonga;
2. “Judge” means the judge of the municipal criminal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter;
3. “Clerk” means the clerk of this city, including any deputy or member of the office staff of the clerk while performing duties of the clerk’s office;
4. “Chief of Police” means the peace officer in charge of the police force of the city; and;
5. “This judicial district” means the district court judicial district of the State of Oklahoma wherein the government of this city is situated. (Prior Code, § 1-15-2)

§ 6-103 JURISDICTION OF COURT.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this city is charged, including any such prosecutions transferred to the court in accordance with applicable law. (Prior Code, § 1-15-3)

§ 6-104 JUDGE; QUALIFICATIONS.

There shall be one judge of the court. A judge need not be an attorney licensed to practice law in the state, but, if not, he must be a resident of this city, be at least twenty-one (21) years of age, and have good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or
arising out of facts which give rise to or are connected with cases within the jurisdiction of the
court, pending therein or which might become the subject of proceedings therein. A judge who is
a licensed attorney must be a resident of this county or an adjacent county or maintain a law office
in the county. He may serve as judge of other municipal courts, if such service may be
accomplished consistently with his duties as judge of this court, with the consent of the council.
(Prior Code, §1-15-4)

§ 6-105 TERM OF JUDGE.

The official term of the judge shall be two (2) years expiring on the third Wednesday of
May in each odd-numbered year. Each judge, unless sooner removed for proper cause, shall serve
until his successor is appointed and qualified. (Prior Code, § 1-15-5)

§ 6-106 ALTERNATE JUDGE.

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

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

§ 6-107 ACTING JUDGE.

If at any time there is no judge or alternate judge, duly appointed and qualified, available
to sit as judge, the mayor shall appoint some person, possessing the qualifications required by this
chapter for the judge, who shall preside as acting judge over the court in the disposition of pending
matters until such time as a judge or alternate judge shall be available. (Prior Code, § 1-15-6)

§ 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE.

Judges and alternate judges shall be appointed by the mayor with the consent of the city
council. A proposed appointment shall be submitted in writing to the city council at the next to the
last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and
shall be acted upon at the next regularly scheduled meeting. The city council may decide upon the
proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon
a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of
the city council unless the mayor, in writing, withdraws the proposed appointment. (Prior Code, §
1-15-7)

§ 6-109 SALARY AND PAYMENTS TO JUDGES.

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

§ 6-110 REMOVAL OF JUDGE.

Judges shall be subject to removal from office by the city council for the causes prescribed by the constitution and laws of this state for the removal of public officers. Proceedings for removal shall be instituted by the filing of a verified written petition setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by:

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

The city council shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten (10) days before the hearing. At the hearing, the judge shall be entitled to:

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

So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings (§§ 309 to 317 of Title 75 of the Oklahoma Statutes as amended) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal. (Prior Code, § 1-15-9, as amended)

§ 6-111 VACANCY IN OFFICE OF JUDGE.

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

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

Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term in the same manner as an original appointment is made. (Prior Code, §1-15-10)
§ 6-112 DISQUALIFICATION OF JUDGE.

In prosecutions before the court no change of venue shall be allowed; but the judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate or acting judge appointed as provided in this chapter. (Prior Code, § 1-15-11)

§ 6-113 CHIEF OF POLICE.

All writs or processes of the court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal officer of the court. (Prior Code, § 1-15-12)

§ 6-114 CLERK OF THE COURT; DUTIES.

The clerk, or a deputy designated by him, shall be ex officio the clerk of the court. He shall assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers. He shall administer oaths required in proceedings before the court. He shall enter all pleadings, processes, and proceedings in the dockets of the court. He shall perform such other clerical duties relating to the proceedings of the court as the judge shall direct. He shall receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court. He shall pay to the treasurer of this municipality all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the general fund of the municipality, or in such other funds as the governing body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed. (Prior Code, § 1-15-13)

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

The attorney for this municipality, or his duly designated assistant, shall have the power to be prosecuting officer of the court. He shall also prosecute all alleged violations of the ordinances of the city. He shall be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of matters in this court. (Prior Code, § 1-15-14)

§ 6-116 BOND OF COURT CLERK.

The court clerk of the court shall give bond, in the form provided by § 27-111 of Title 11 of the Oklahoma Statutes, in a sum to be determined by the city council. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this city and retained in the city archives. (Prior Code, § 1-15-15)

§ 6-117 RULES OF COURT.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this city, for the proper conduct of the business of the court. (Prior Code, § 1-15-16)
§ 6-118 ENFORCEMENT OF RULES.

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state. (Prior Code, § 1-15-17)

§ 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS.

All prosecutions for violations of ordinances of this city shall be styled “The City of Watonga, Oklahoma vs. (naming defendant or defendants).” Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged. (Prior Code, § 1-15-18)

§ 6-120 BAIL; RELEASE BY SIGNING CITATION.

A. If a resident of the city is arrested by a law enforcement officer for the violation of any traffic ordinance for which § 6-125 does not apply, or is arrested for the violation of a nontraffic 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 that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be completed. If the arrested resident is not released by being permitted to sign a citation as provided for in this Subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. The city may prescribe a fine for up to the maximum amount authorized by courts not of record for failure of person to have a valid driver’s license when charged with a traffic violation.

B. If a nonresident of the city is arrested by a law enforcement officer for a violation or any ordinance for which § 6-125 does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

C. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in Subsection B of § 6-125, with such variation as the circumstances require; the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under the provisions of this section. (Prior Code, § 1-15-19; Ord. No. 312, 1/6/76; Ord. No. 488, 8/3/93)

State Law Reference: Five days minimum period to respond to citation, 47 O.S. § 16-108.
§ 6-121 CREATION OF TRAFFIC VIOLATIONS BUREAU.

A. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this municipality, other than:

1. A second traffic offense within a twelve (12) month period;
2. A driver’s license offense;
3. An offense in which a personal injury or death occurs;
4. An offense punishable by a fine of more than one hundred dollars ($100.00) or by imprisonment; or
5. Driving under the influence of intoxicating liquor or drugs, may elect to pay a fine in the traffic violations bureau according to the schedule of fines to be determined by the city council by motion or resolution. A current copy of the schedule shall be kept in the clerk’s office.

B. The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of cause against the defendant. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter. In no event shall such payment be introduced as evidence in any civil cause arising out of the offense charged. (Ord. No. 382, 12/4/84)

§ 6-122 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, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter. (Prior Code, § 1-15-51)

§ 6-123 FORM OF ARREST WARRANT.

A. Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by the endorsement of the attorney of this city or by the judge, there shall be issued a warrant of arrest, in substantially the following form:
The City of Watonga, Oklahoma to the Chief of Police of the Municipal Court of Watonga, Oklahoma.

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

Witness my hand this _____ day of ______________, 20____.

Judge of the Municipal Court

Watonga, Oklahoma.

B. It is the duty of the chief of police, personally, or through a duly constituted member of the police force of this city, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. (Prior Code, § 1-55-22)

§ 6-124 PROCEDURES FOR BAIL OR BOND.

The amount and conditions of bail shall be determined by the judge who shall prescribe rules for the receipt of bail and for the release on personal recognizance. In the event of arrests at night, emergencies, or when the judge is not available, a court official, the chief of police or his designated representative may be authorized by the judge, subject to such conditions as shall be prescribed by the judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not exceed the maximum fine provided for by ordinance for each offense charged. The court official, chief of police or his designated representative is authorized, subject to such conditions as shall be prescribed by the judge, to release a resident of the municipality on personal recognizance. (Prior Code, § 1-15-23; Ord. No. 488, 8/3/93)

§ 6-125 TRAFFIC BAIL BOND PROCEDURE.

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 municipal traffic ordinance, other than an ordinance pertaining to a parking or standing traffic violation, 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 Oklahoma, another state jurisdiction within the United States, which is a participant in 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 personal recognizance as provided for in Subsection A of this section, then the arresting officer shall:

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

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

C. If the defendant is not eligible for release upon personal recognizance as provided for in Subsection A of this section, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be placed in the custody of the appropriate municipal or county jailor or custodian, to be held until a magistrate is available or as otherwise provided for by law or ordinance.

D. 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.

E. The provisions of Subsection D shall not be construed to:

1. Create any duty on the part of the officer to release a person from custody;

2. Create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection; or

3. Create any liability upon any officer, or the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection. (Ord. No. 488, 8/3/93)
§ 6-126 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

A. Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the city, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence 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 if for hearing at a later date.

B. 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 C of this section.

C. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendre 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 appropriate court clerk. Payment of the fine 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 an amount prescribed as bail for the offense. Provided, 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 the amount of the fine and costs shall be as prescribed by municipal ordinance for the violation charged. (Prior Code, § 1-15-24; Ord. No. 488, 8/3/93)

§ 6-127 FAILURE TO OBEY CITATION.

A. If the defendant does not timely elect to enter a plea of guilty or nolo contendre 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 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.

Additionally, the court clerk shall request the 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 Department of Public Safety.

B. The court clerk shall not process the notification and request provided for in Subsection A of this section 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; or

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.

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

D. If a person arrested for a traffic violation is released upon personal recognizance as provided for in §6-125, 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 as provided for in § 27-118 of Title 11 of the Oklahoma Statutes. (Ord. No. 488, 8/3/93)

§ 6-128 FAILURE TO APPEAR.

It is unlawful and an offense for any person to fail to appear as required by any citation, or any order or summons issued by the court or judge. The penalty for failure to appear shall be as provided in § 1-108 of this code, and be in addition to any penalty for the primary or any other offense.

§ 6-129 TRIALS AND JUDGMENTS.

A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

B. The defendant must be present in person at the trial.

C. In all trials, as to matters not covered in this chapter, or by 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. (Prior Code, §§ 1-15-25 through 1-15-30)

§ 6-130 WITNESS FEES.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a fee as set by the city per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking
to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The name of no more than three (3) witnesses;
2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
3. That the testimony of the witnesses is material; and
4. That their attendance at the trial is necessary for his proper defense.

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

§ 6-131 SUSPENSION OF SENTENCE.

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by §§ 27-123 and 27-124 of Title 11 of the Oklahoma Statutes. (Prior Code, § 1-15-31)

§ 6-132 IMPRISONMENT.

A. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

B. All prisoners confined to jail on conviction or on plea of guilty 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 two days of imprisonment under his sentence.

C. The chief of police, subject to the direction of the mayor, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

D. The chief of police is hereby authorized to cause prisoners confined in the city jail for non-payment of fines or costs assessed against them in the court to be worked and to be credited for work done as provided by state law. The chief is hereby authorized to make such reasonable regulations as may be necessary in regard to the working of such prisoners.
§ 6-133 FINES AND COSTS; COLLECTION FEES AUTHORIZED; TECHNOLOGY FEE

A. Defendant to Pay Costs

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, which shall be Thirty Dollars ($30.00), or the maximum allowed by state law, whichever is greater, plus fees and mileage of jurors and witnesses, but the total amount of fine may not exceed the amount set out in §1-108 of this code. (Ord. No. 384, 12/4/84; Ord. No. 452, 1/20/87; Ord. No. 461, 1/5/88; Ord. No. 551, 1/4/00; Ord. No. 627, 5/6/14; Ord. No. 637, 12/20/16)

B. Collection Fee

A collection fee of Thirty-five percent (35%) of Court penalties, cost fines, and fees in cases in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation imposed by the Court shall be added to any such case which is referred to a collection agency for collection. (Ord. No. 627, 5/6/14).

C. Technology Fee

There is hereby established a technology fee in the amount of Twenty-Five ($25.00). 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. (Ord. No. 637, 12/20/16).


§ 6-134 DEDUCTION FROM FINES FOR LAW ENFORCEMENT TRAINING.

For every fine levied or bond forfeiture for an offense punishable by a fine of ten dollars ($10.00) or more, excluding parking and standing violations collected by the municipal court, seven dollars ($7.00) shall be set aside as a penalty assessment and in addition, Three dollars ($3.00) set be set aside for a fingerprinting fee for the A.F.I.S. Fund. The municipal court is authorized to retain eight cents ($.08) per fee of the penalty assessment and six ($.06) per fee of the A.F.I.S. fee as an administrative fee. The city treasurer shall forward the monies to the state treasury on a quarterly basis for the preceding quarter as required by state law. (Ord. No. 557, 11/7/00)

§ 6-135 ADMINISTRATIVE FEES ON DEFERRED SENTENCES.

If deferred sentence is imposed, an administrative fee of not to exceed two hundred dollars ($200.00) may be imposed as costs in the case. (Ord. No. 460, 1/5/88; Ord. No. 551, 1/4/00)

CHAPTER 2 – (RESERVED)
PART 7 – FINANCE AND TAXATION

CHAPTER 1 – FINANCE AND BUDGET ADMINISTRATION

§ 7-101 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED.

Banks and savings and loan associations which are incorporated under federal or state law may be designated as depositories by the council for the funds of the city. The city treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations.

State Law Reference: Deposits by treasurers, designation of depositories; 11 O.S. § 10-118.

§ 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM.

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

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

§ 7-103 CLAIMS AND INVOICES.

All claim or invoices for money due from the city shall be itemized in detail, verified and filed for allowance and payment with the city clerk in accordance with state law. Verification shall show in detail the amount due on each item, the date thereof, the purpose for which each item was expended and such other facts as are necessary to show the legality of such claim or invoice and each item thereof.

State Law Reference: Purchase order act, 62 O.S. §§ 310.4 et seq.

§ 7-104 AUDIT.

Invoices, claims and financial activities of the city shall be audited as required by law.

State Law Reference: Audits required, nine (9) months after end of fiscal year, 11 O.S. § 17-105.

§ 7-105 CONTRACTUAL SERVICES DEFINED FOR PURCHASING.

“Contractual services,” for the purpose of this chapter shall mean services performed for the city by persons not in the employment of the city, and may include the use of equipment or the furnishing of commodities in connection with the services under express or implied contract. Contractual services shall include travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; printing out; binding; repairs, alterations and maintenance of buildings, equipment, streets and bridges, and other physical facilities of the city; and other services performed for the city by persons not in the employment of the city.
§ 7-106 PURCHASES, HOW MADE.

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

§ 7-107 COMPETITIVE BIDDING.

A. The City of Watonga, Oklahoma will follow all requirements set forth in the Public Competitive Bidding Act of 1974 (61 O.S. § 101 et. seq.) and Oklahoma Public Trust Bidding Law located in 60 O.S.§176(I), as both may be amended.

B. For items not covered by Subsection A of this Section, before any purchase of, or contract for, supplies, materials, equipment or contractual services are made, except as otherwise provided below, the city purchasing authority (hereinafter “Purchasing”) shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation, or invitation to bid, and specifications, to give them opportunity to bid; and/or publish notice of the proposed purchase in a newspaper of general circulation within the city. Purchasing shall favor a person, firm or corporation in the city when this can be done without additional cost to the city; but Purchasing shall submit requests for quotation to those outside the city when this may be necessary to secure bids or to create competitive conditions, or when Purchasing thinks that by so doing a saving for the city would be created; and shall purchase from them when Purchasing can make a saving for the city. All bids shall be sealed and shall be opened in public at a designated time and place. Purchasing may repeatedly reject all bids, and again may submit to the same or other persons, firms or corporations the request for quotation, or invitation to bid, and/or again publish notice of the proposed purchase. Purchasing may purchase from the bidder whose bid is most advantageous to the city, considering price, quality, date of delivery and so on, and in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the city.

C. All competitive bidding requirements will be deemed to have been followed for items already competitively bid for a statewide contract by the Central Purchasing Division of the Office of Management and Enterprise Services of the State of Oklahoma, so long as the value of the purchase is at or below the state bid price. (Ord. No. 660, 5/5/2020)

§ 7-108 WHEN COMPETITIVE BIDDING IS NOT REQUIRED.

The following may be purchased without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services whose cost does not exceed fifteen thousand dollars ($15,000.00) in a single transaction;
2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;

3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;

4. Equipment to replace existing equipment which has become inoperable when the council declares the purchase an emergency;

5. Contractual services, including but not limited to natural gas, electricity, telephone service, purchased from a public utility at a price or rate determined by the State Corporation Commission or other governmental authority;

6. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency or any other state agency hereafter authorized to regulate prices for things purchased by the state, whether such price is determined by a contract negotiated with a vendor or otherwise; and

7. Contractual services of a professional nature, including but not limited to engineering, architectural or medical services, unless competitive bidding is required by applicable law or regulations, such as certain federal grants programs.

(Ord. No. 660, 5/5/2020)

§ 7-109 SALES, COUNCIL TO DECLARE SURPLUS OR OBSOLETE

COMPETITIVE BIDDING.

No surplus or obsolete supplies, materials or equipment of a value of more than seven thousand five hundred dollars ($7,500.00) may be sold until the council shall have declared them obsolete or surplus. Before city personnel sells any surplus or obsolete supplies, materials or equipment, except as otherwise provided below, he shall advertise them for sale in a newspaper of general circulation in the city or give notice in such other manner as he deems necessary adequately to reach prospective buyers to give them opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The mayor may repeatedly reject all bids and advertise or give notice again. He shall sell such supplies, materials or equipment to the highest responsible bidder for cash. In case of a tie, he may sell to either of the bidders tying, or may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders for cash.

§ 7-110 WHEN COMPETITIVE BIDDING IS NOT REQUIRED ON SALES.

1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed seven thousand five hundred dollars ($7,500.00) in a single transaction; and

2. Supplies, materials or equipment when sold at a price at least as great as that paid by the city for the same.
§ 7-111 REVIEW, APPROVAL, PAYMENT OF CLAIMS.

A. All claims, which means invoices, bills, or other evidence of purchase or expenditure, shall be reviewed and approved by the appropriate department head, who shall then forward the claim to the city clerk. The city clerk shall prepare all purchase orders and shall certify that the amount is within the approved budget for the account charged. The purchase order shall be signed by the department head initiating the purchase or expenditure prior to approval by the city council. A monthly report shall be prepared by the city clerk listing all such purchase orders which have been signed by the department heads. A copy of the said report shall be forwarded to each member of the city council prior to the first regularly-scheduled meeting of the month. The city council shall consider and approve or disapprove claims at the first regularly-scheduled meeting of the council of each month.

B. All payments shall be made on regular schedules which shall assure payment of bills in a timely manner. Exceptions to regular payment schedules must be authorized by the mayor or his designee. (Ord. No. 561,6/5/01)

§ 7-112 NOTICE, REQUESTS FOR CONSIDERATION; SELECTION OF CONTRACTOR.

A. Whenever it is necessary for work to be performed by a private contractor pursuant to §§ 8-101, 102, 103, or where otherwise specifically authorized, and the work is not subject to the Oklahoma Competitive Bidding Act, the following procedure shall be utilized:

Contractors shall be chosen from a list compiled and retained by the city clerk of persons who wish to be considered for cleaning and mowing of property, boarding and securing of buildings, or tear down and removal of buildings. The city clerk shall publish a notice for persons who are interested in performing any of such work to submit a request for consideration, which shall include the following information, to the city clerk: 1) Name, address and telephone number; 2) type of work; 3) price; 4) experience; and 5) any other terms or conditions. Said notice shall be published forthwith and thereafter by March 15 of each succeeding year.

Upon receipt of request for consideration, the city clerk shall forward said requests to the code enforcement officer for review and recommendation to the council. The city council shall then review and approve or disapprove the requests for consideration at the first council meeting in May of each year. The city clerk shall then retain the approved requests for consideration for a period of one year.

In the event that it becomes necessary for cleaning and mowing of property, boarding and securing of buildings, or tear down and removal of buildings to be performed on a private contract basis, the mayor, code enforcement officer or other department head shall select a contractor from the requests for consideration then on file in the city clerk’s office.

B. If there is no contractor available from the list, the city clerk, mayor, code
enforcement officer or appropriate department head may obtain quotes by mail or telephone, obtaining all three quotes, if possible. (Ord. No. 567, 7/17/01)

CHAPTER 2 – SALES TAX

§ 7-201 CITATION AND CODIFICATION.

This chapter shall be known and may be cited as “City of Watonga Sales Tax Ordinance”. (Prior Code, § 4-14-1)

_Ed. Note:_ City ordinance became effective February 4, 1969, levying a first one cent ($0.01) tax. Ordinance Number 317, effective October 1, 1977, levied the second one cent ($0.01) tax. Ordinance No. 380 became effective January 1, 1985, levying a third one cent ($0.01) tax for a period of three (3) years. Ordinance Number 456 levied another third one-cent tax effective January 1, 1988, continuing the third cent tax for a period of two years. Ordinance Number 466 continued the third one-cent tax effective January 1, 1990, for a period of two (2) years. Ordinance Number 477, effective 1/1/92, extended one cent for hospital trust for two (2) years. Ordinance Number 492, effective 1/1/94, extended one cent earmarked for hospital trust to 1/1/96. A one-half cent sales tax was adopted by Ord. No. 495, 6/7/94, effective 10/1/94. Ord. No. 505, 9/5/95 extended Ord. No. 492 for another two (2) years (until 1/1/98).

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. § 2701; State Sales Tax Code 68 O.S. §§ 1350 et seq.

§ 7-202 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, § 1352 of Title 68 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter. (Prior Code, § 4-14-2)

§ 7-203 TAX COLLECTOR DEFINED.

The term “Tax Collector” as used in this chapter means the department of the city or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this chapter. (Prior Code, § 4-14-3)

§ 7-204 CLASSIFICATION OF TAXPAYERS.

For the purpose of this chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code. (Prior Code, § 4-14-4)

§ 7-205 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose. (Prior Code, § 4-14-5)
§ 7-206 EFFECTIVE DATE.

This chapter became effective as to each cent tax after approval of a majority of the registered voters of the city voting on the ordinance in the manner prescribed by § 16-112 of Title 11 of the Oklahoma Statutes. (Prior Code, § 4-14-6, as amended)

§ 7-207 PURPOSE OF REVENUES.

A. It is the purpose of the first and second cent sales taxes to provide revenues for the support of the functions of the municipal government of the city.

B. It is the purpose of the third cent excise tax levied by Ordinance Number 546 to be used exclusively to facilitate to continued operation and maintenance of the Watonga Municipal Hospital in the following manner:

1. That no later than thirty (30) days following receipt by the city, all sums collected under and by this additional one-percent (1%) excise tax shall be given over to the Watonga Municipal Hospital Trust Authority to be used by them solely for maintenance and operation of the Watonga Municipal Hospital.

C. The fourth one cent excise tax levied by Ordinance No. 544, shall be used solely for the purpose of development of Huff-Lorang Park; for improvements to other parks in the City, and for capital improvements for fire department and police department use.

D. The fourth one cent excise tax levied by Ordinance No. 580, shall be used solely for the purposes as follows: one-half (1/2%) cent for general government operations, and one-half (1/2%) cent for operation and maintenance of parks in the city and/or for capital improvements.

E. It is the purpose of the one cent excise tax levied by Ordinance No. 616A to be used to facilitate the continued operation and maintenance of the Watonga Municipal Hospital in the following manner:

1. That following receipt by the city, all sums collected under and by this additional one percent (1%) excise tax shall be sequestered in a fund established by the city for the purpose of fulfilling the purpose of this provisions.

2. The council shall by majority vote from time to time at the sole discretion of the council expend all or any portion of said fund for the following purposes:

   a. Provide for emergency cash expenditure of the Watonga Municipal Hospital that cannot be supported from normal operating funds.

   b. Provide for emergency debt payment including the payment of
principal and/or accrued interest in the event normal operating funds of the Watonga Municipal Hospital are insufficient for that purpose at any given time.

c. Payment of all or a portion of capital expenditures to include buildings, grounds, equipment and development projects.

d. Recruitment of hospital physicians.

e. No such expenditure shall be authorized without the specific request of the board of trustees of the Watonga Municipal Hospital Trust Authority by resolution and vote thereon and submitted in writing to the city council of the City of Watonga.

3. The city council may by ordinance and resolution suspend the collection of the additional one cent tax upon occurrence of any of the following conditions to wit:

a. closure, sale or transfer of substantially all of the business of Watonga Municipal Hospital to another party or entity, or bankruptcy of the hospital.

b. In the event of suspension of the collection of said additional one cent tax, all monies remaining in the sequestered fund shall be transferred to the general fund of the City of Watonga unless the council deems by resolution that all or part thereof should be utilized to pay remaining expenses of the hospital existing at the time of said closure, sale or transfer or bankruptcy of said Watonga Municipal Hospital. (Prior Code, § 4-14-7; Ord. No. 317, 7/26/77; Ord. No. 380, 10/16/84; Ord. No. 456, 8/4/87; Ord. No. 466, 9/19/89; Ord. No. 477, 8/20/91; Ord. No. 492, 9/21/93; Ord. No. 495, 6/7/94; Ord. No. 525, 9/2/97; Ord. No. 544, 6/1/99; Ord. No. 545, 6/1/99; Ord. No. 546, 9/7/99; Ord. No. 572, 5/21/02; Ord. No. 573, 5/21/02; Ord. No. 580, 7/15/03; Ord. No. 616A, 5/16/10)

§ 7-208 TAX RATE, SALES SUBJECT TO TAX.

A. There is hereby levied an excise tax of four and one-half percent (41/2%), upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code; however, one percent (1%) of such tax is levied only for a period of seven (7) years from and after the date of January 1, 2005, and is to be used only for the purpose set out in § 7-207(B) of this chapter unless extended by a vote of the citizens of Watonga, Oklahoma, and if not so extended by such vote, the excise tax shall be decreased by one (1%) percent from and after January 1, 2012; and one percent (1%) of such tax levied for a period of five years from and after October 1, 1999, and is to be used only for the purposes set out in § 7-207(C) of this chapter unless extended by a vote of the citizens of Watonga, Oklahoma, and if not so extended by such vote, the excise tax shall be decreased by one percent (1%) from
and after October 1st, 2004; however, one half of one percent (1/2 of 1%) of such tax is levied only for a period of five years from and after the date of October 1, 2002, and is to be used only for the purposes set out in § 7-207(D) of this chapter unless extended by a vote of the citizens of Watonga, Oklahoma, and if not so extended by such vote, the excise tax shall be decreased by one half of one percent (1/2 of 1%) from and after October 1, 2007, and one (1%) percent of such tax is levied for a period of five (5) years from and after November 1, 2010, and is to be used only the purposes set out in § 7-207(E), of this chapter unless extended by a vote of the citizens of Watonga, Oklahoma, and if not so extended by such vote, the excise tax shall be decreased by one percent (1%) from and after November 1, 2015.

B. Taxable sales shall include but not be 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, except water, sewage and refuse and those specifically exempt pursuant to the provisions of this chapter;

3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines, and 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 city and that originate or terminate in this city and are charged to the consumer’s telephone number or account in this city regardless of where billing for such service is made, and all local telecommunications service and rental charges, including all installation and construction charges and all services and rental charges having any connection with transmission of any message or image;
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, 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;
   (b) Used, allocated, or distributed by a company to its affiliated group;

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;

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 geological 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 photo-copying 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 related subjects, any service of printing or over-printing, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information 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 and 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. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

10. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices except those specifically exempt to the provisions of this chapter;

11. Dues or fees to clubs including free or complimentary dues or fees which shall 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 shall have the value equivalent to the charge that would have otherwise been made;

13. Charges made for the privilege of entering or engaging in any kind of activity, 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 through any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

17. 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 slatted 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 city, including all orders taken by a Watonga business for delivery in another state or city. All orders taken outside this city for delivery within this city shall not be subject to the tax levied in this section;

19. Tangible personal property sold to persons, peddlers, solicitors, or other salesmen, for resale where there is likelihood that this city will lose tax revenue due to the difficulty of enforcing provisions of this chapter because of:

a. The operation of the business;

b. The nature of the business;

c. The turnover of independent contractors;

d. The lack of place of business in which to display a permit or keep records;

e. Lack of adequate records;

f. The persons are minors or transients;

g. The persons are engaged in service businesses; or

h. Any other reasonable reason;

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 such real estate is intended for resale
as real property, are hereby declared to be sales to consumers or users;

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. (Prior Code, § 4-14-8; Ord. No. 317, 7/26/77; Ord. No. 380, 10/16/84; Ord. No. 441, 7/2/85; Ord. No. 456, 8/4/87; Ord. No. 477, 8/20/91; Ord. No. 492, 9/21/93; Ord. No. 495, 6/7/94; Ord. No. 505, 9/5/95; Ord. No. 525, 9/2/97; Ord. No. 544, 6/1/99; Ord. No. 545, 6/1/99; Ord. No. 546, 7/21/99; Ord. No. 572, 5/21/02; Ord. No. 580, 7/15/03; Ord. No. 585, 6/1/04; Ord. No. 614, 1/19/10; Ord. No. 616A, 5/16/10)

22. All retail medical marijuana sales by a dispensary whether of medical marijuana or medical marijuana product. (Ord. No. 652, ___/____/18).

C. The tax rate adopted effective November 1, 2015, by Ordinance No. 638, is hereby extended for a period of sixty (60) months to July 1, 2023.

1. The revenue derived from the tax rate so extended herein shall be utilized in furtherance of the terms of:
   a. That Lease Agreement date July 1, 2011, between Watonga Public Works Authority and Mercy Watonga Hospital;
   b. Any extension of that Agreement;
   c. Any modification of that agreement;
   d. Any new lease agreement that may be entered into by and between the Watonga Public Works Authority and any entity with the purpose of providing hospital services within the community

2. The revenue derived from the tax rate so extended herein shall be distributed by the Council of the City of Watonga, at the absolute discretion thereof as to the amount thereof and the time of such distribution and as to the hospital services provider to which distributions are made.

3. The revenue derived from the tax rate so extended herein shall, if not utilized in furtherance of the purpose set out above herein, be utilized by the Council for any lawful purpose (Ord. No. 644, 4/17/18).

D. The tax rate adopted effective January 1, 2017, by Ordinance No. 640 is hereby extended for a period of sixty (60) months to July 1, 2023.

1. The revenue derived from the tax rate so extended herein shall be utilized in furtherance of the terms of:
   a. That Lease Agreement date July 1, 2011, between Watonga Public
Works Authority and Mercy Watonga Hospital;

b. Any extension of that Agreement;

c. Any modification of that agreement;

d. Any new lease agreement that may be entered into by and between the Watonga Public Works Authority and any entity with the purpose of providing hospital services within the community

2. The revenue derived from the tax rate so extended herein shall be distributed by the Council of the City of Watonga, at the absolute discretion thereof as to the amount thereof and the time of such distribution and as to the hospital services provider to which distributions are made.

3. The revenue derived from the tax rate so extended herein shall, if not utilized in furtherance of the purpose set out above herein, be utilized by the Council for any lawful purpose (Ord. No. 646, 1/31/18).

§ 7-209 EXEMPTIONS; SALES SUBJECT TO OTHER TAX.

There is hereby specifically exempted from the tax levied by this chapter the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code inclusive, but not exclusive of, and derived from the:

1. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;

3. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state; and

4. Sale of aircraft on which the tax levied pursuant to §§ 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid. The provisions of this Paragraph 4 shall not become operative until July 1, 1984. (Prior Code, § 4-14-9 in part)

§ 7-210 EXEMPTIONS; GOVERNMENTAL AND NONPROFIT ENTITIES.

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

1. Sale of tangible personal property or services to the United States government or to
the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States Government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;

2. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States Government if ownership and possession of such property transfers immediately to the United States Government;

3. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;

4. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

5. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members;

6. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

7. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

8. Sales of tangible personal property or services to the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A, and the Campfire Girls shall be exempt from sales tax;

9. Sales of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract
pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for an on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both.

10. Sales of tangible personal property or services to private institutions of higher education and private 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 § 501(c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency, political subdivision in this state, shall certify in writing, on the copy of the invoice of sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in paragraph (9) of this section; and

11. 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 § 501(c)(3) of the Internal Revenue Code. (Prior Code, § 4-14-9, in part)

§ 7-211 EXEMPTIONS; GENERAL.

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

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed one dollar ($1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;

3. Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not exceed seventy-five cents ($0.75). A carrier is a person who regularly delivers newspapers
or periodicals to subscribers on an assigned route;

4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;

5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;

6. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by § 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums; and

9. Nothing herein shall be construed as limiting or prohibiting the city from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the city on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items. (Prior Code, § 4-14-9, in part)

§ 7-212 EXEMPTIONS; AGRICULTURE.

There are hereby specifically exempted from the tax levied by this chapter:
1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:
   a. Farm, orchard or garden products;
   b. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
   c. Livestock sold by the producer at a special livestock sale; or
   d. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sale 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 poultis 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 woolbearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;
   b. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
   c. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
   d. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
   e. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and
   f. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser
may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

   a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;

   b. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to lands owned or leased and operated by persons regularly engaged, for profit, in the business of fanning or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of fanning or ranching, and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;

   c. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, “agricultural fertilizer” “pharmaceuticals” and “biologicals” mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals;

   d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;

   e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a
plant regulator, defoliant or desiccant; and

f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor’s sales tax permit; and

6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor’s sales tax permit. (Prior Code, § 4-14-9, in part)

§ 7-213 EXEMPTIONS; MANUFACTURERS.

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

1. Goods, wares, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;
3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by person in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this chapter. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

4. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. And, this exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise; or

5. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state. (Prior Code, Sec. 4-14-9 in part)

§ 7-214 EXEMPTIONS: CORPORATIONS AND PARTNERSHIPS.

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

1. The transfer of tangible personal property, as follows:
   a. From one corporation to another corporation pursuant to a reorganization. As used in this subparagraph the term “reorganization” means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;
   b. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
   c. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the property prior to the transfer;
d. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or

c. From a partnership to the members thereof when made in kind in the dissolution of such partnership;

2. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property. (Prior Code, § 4-14-10)

§ 7-215 TAX DUE WHEN; RETURNS; RECORDS.

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code. (Prior Code, § 414-11)

§ 7-216 PAYMENT OF TAX; BRACKETS.

A. The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of state sales tax.

B. The bracket system for the collection of the city sales tax by the tax collector shall be the same as is hereafter adopted by the agreement of the city and the tax collector, in the collection of both the city sales tax and the two (2) state sales tax. (Prior Code, § 4-14-12)

§ 7-217 TAX CONSTITUTES DEBT.

The taxes, penalty and interest due under this chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (Prior Code, § 4-14-13)

§ 7-218 VENDOR’S DUTY TO COLLECT TAX; PENALTIES.

A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It shall be the duty of each and every vendor in this city to collect from the consumer or user the full amount of the tax levied by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

B. Vendors shall add the tax imposed hereunder, or (he 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 wilfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this chapter, or wilfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in § 1-108 of this code.

D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the city. Any person, firm, corporation, joint venture or association that wilfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in § 1-108 of this code. (Prior Code, § 4-14-14)

§ 7-219 RETURNS AND REMITTANCES; DISCOUNTS.

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of state sales taxes. (Prior Code, § 4-14-15)

§ 7-220 INTEREST AND PENALTIES; DELINQUENCY.

§ 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. (Prior Code, § 4-14-16)

§ 7-221 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty or any portion thereof accruing by reason of a taxpayer’s failure to pay the city tax herein levied may be waived or remitted in the same manner and procedure, and under the same

§ 7-222 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund of erroneous payment of the city sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same
limitations of time, as provided for administration of the state sales tax as set forth in § 227 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this section, the applicable provisions of § 227 of Title 68 are hereby adopted by reference and made a part of this chapter. (Prior Code, § 4-14-18)

§ 7-223 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine and imprisonment as provided in § 1-108 of this code. (Prior Code, § 4-14-19)

§ 7-224 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the city sales tax is legislatively recognized and declared, and to protect the same provisions of the State Sales Tax Code, § 205 of Title 68 of the Oklahoma Statutes, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the city sales tax as if here set forth in full. (Prior Code, § 4-14-20)

§ 7-225 AMENDMENTS.

The people of the city, by their approval of the sales tax ordinance hereby authorize the city council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the city as provided by law. (Prior Code, § 4-14-21)

§ 7-226 PROVISIONS CUMULATIVE.

The provisions of this chapter shall be cumulative and in addition to any or all other taxing provisions of city ordinances. (Prior Code, § 4-14-23)

CHAPTER 3 – TELEPHONE EXCHANGE FEE

§ 7-301 FEE LEVIED ON TELEPHONE EXCHANGES.

Effective January 1, 1986, there is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the city in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the city to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the city. The inspection fee and charge shall be on a calendar year basis and shall be due and payable on or before March 1 to the city each year for the whole of the
calendar year next preceding the date and shall be paid into and appropriated and expended from the general revenue fund of the city. (Prior Code, § 4-12-1 in part)

§ 7-302 FEE TO BE IN LIEU OF OTHER FEES, TAXES.

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the city is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police call systems of the city. (Prior Code § 4-12-2)

CHAPTER 4 – UTILITY TAX

§ 7-401 UTILITY TAX LEVIED.

There is hereby levied and assessed an annual fee of two percent (2%) upon the gross receipts from residential and commercial sales of gas, power, light, heat, electricity or water in the city, which shall be in lieu of any other franchise, license, occupation, or excise tax levied by the city, all as provided by state law, (Prior Code, § 4-11-1; Ord. No. 531, 12/2/97)

State Law Reference: Utility gross receipt fee, cities authorized to levy, 68 O.S. §§ 2601 el seq.

§ 7-402 APPLICATION OF TAX.

The tax levied under this chapter shall, when levied, apply to all persons, firms, associations, or corporations engaged in the business of furnishing gas, power, light, heat, electricity or water within the city limits, except it shall not apply to any person, firm, association, or corporation operating under a valid franchise from the city. (Prior Code, § 4-1 1-2; Ord. No. 531, 12/2/97)

§ 7-403 LEVY AND PAYMENT OF TAX.

The tax levied under this chapter shall be levied for a term of not less than one year and shall be payable monthly, (Prior Code, § 4-11-3; Ord. No. 531, 12/2/97)

§ 7-404 FAILURE OR REFUSAL TO PAY TAX-PENALTIES.

Any person, firm or corporation failing or refusing to pay such tax when levied, shall be regarded as a trespasser and may be ousted from the city and, in addition thereto, an action may be maintained against such person, firm or corporation for the amount of the tax and all expenses of collecting same, including reasonable attorney fees. (Prior Code, § 4-11-4; Ord. No. 531, 12/2/97)

§ 7-405 TAX CONSTITUTES LIEN.

The tax so imposed shall constitute a first and prior lien on all of the assets located within
the city of any person, firm, or corporation engaged in the business of selling gas, power, light, heat, electricity or water within the city limits. (Ord. No. 531, 12/2/97)

CHAPTER 5 - USE TAX

§ 7-501 CITATION AND CODIFICATION.

This chapter shall be known and may be cited as “City of Watonga Use Tax”. (Ord. No. 507, 12/5/95)

§ 7-502 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, § 1401 of Title 68 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter. In addition thereto, “tax collector” means the department of the city government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied. (Ord. No. 507, 12/5/95)

§ 7-503 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE, PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming, within the city, tangible personal property purchased or brought into this city, an excise tax on the storage, use or other consumption within the city of such property at the rate established in § 7-208 of the Watonga Municipal Code as a percentage 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 city and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the city, but which is stored in the city pending shipment outside the city or which is temporarily retained in the city for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the city had been levied on the sale of such goods or services. (Ord. No. 507, 12/5/95)

§ 7-504 PURPOSE OF REVENUES.

It is hereby declared to be the purpose of this chapter to provide revenues for the support of the functions of the municipal government of the city, and any and all revenues derived hereunder may be expended by the city council of the city for any purposes of which funds may be lawfully expended as authorized. (Ord. No. 507, 12/5/95)

§ 7-505 EXEMPTIONS.

The provisions of this chapter shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the city
by a nonresident individual visiting in this city for his or her personal use or enjoyment while within the city;

2. In respect to the use of tangible, personal property purchased for resale before being used;

3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City of Watonga Use Tax Ordinance, has been paid by the person using such tangible, personal property in the city, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and City of Watonga Use Tax Ordinance, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City of Watonga Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the city;

4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the city, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the city. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the city. The term “manufacturing plants” means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

5. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the city;

6. In respect to the use of any article of tangible, personal property brought into the city by an individual with intent to become a resident of this city where such personal property is for such individual’s personal use or enjoyment;

7. In respect to the use of any article of tangible, personal property used or to be used by commercial airlines or railroads; or

8. In respect to livestock purchased outside Oklahoma and brought into this city for feeding or breeding purposes, and which is later resold. (Ord. No. 507, 12/5/95)

§ 7-506 TIME WHEN DUE, RETURNS, PAYMENT.

The tax levied by this chapter is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma. (Ord. No. 507, 12/5/95)
§ 7-507 TAX CONSTITUTES DEBT.

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (Ord. No. 507, 12/5/95)

§ 7-508 COLLECTION OF TAX BY RETAILER OR VENDOR.

Every retailer or vendor maintaining places of business both within and without the state, and making sales of tangible, personal property from a place of business outside this state for use in this city shall at the time of making such sales collect the use tax levied by this chapter from the purchaser and give to the purchaser a receipt therefore in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this city and location of any and all distribution or sales houses or offices or other places of business in the city. (Ord. No. 507, 12/5/95)

§ 7-509 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE; PERMITS.

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this city and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without this state and making sales of tangible, personal property such out-of-state place of business for use in this city. Such retailer or vendor may be issued, without charge, a permit to collect such taxes by the Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within this city. Such authority and permit may be canceled when at anytime the Tax Commission considers that such tax can more effectively be collected from the person using such property in this city. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this city by the retailer or vendor in such retailer’s or vendor’s vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable city sales tax at the point of delivery and the tax shall be collected and reported under taxpayer’s sales tax permit number accordingly. (Ord. No. 507, 12/5/95)

§ 7-510 REVOKING PERMITS.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this chapter or the Oklahoma Use Tax Code or any orders, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in § 1408 of Title 68 of the Oklahoma Statutes, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel the corporation’s
license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this chapter, the Oklahoma Use Tax Code, or any orders, rules or regulations of the Tax Commission. (Ord. No. 507, 12/5/95)

§ 7-511 RETURNS AND REMITTANCES.

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for the collection of state use taxes. (Ord. No. 507, 12/5/95)

§ 7-512 INTEREST AND PENALTIES, DELINQUENCY.

§ 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in the amounts as herein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied herein. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this chapter. (Ord. No. 507, 12/5/95)

§ 7-513 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty or any portion thereof accruing by reason of a retailer’s or vendor’s failure to file a report or return or failure to file a report or return in the correct form as required by this chapter or the Oklahoma Use Tax Code or to pay the municipality tax herein levied within the statutory period allowed for its payment may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the State Use Tax provided in § 220 of Title 68 of the Oklahoma Statutes and to accomplish the purposes of this section, the provisions of the § 220 are hereby adopted by reference and made a part of this chapter. (Ord. No. 507, 12/5/95)

§ 7-514 ERRONEOUS PAYMENTS, CLAIM FOR REFUND.

Refund of erroneous payment of the city use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in § 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purpose of this section, the applicable provisions of § 227 are hereby adopted by reference and made a part of this chapter. (Ord. No. 507, 12/5/95)

§ 7-515 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be punished as provided in § 1-108 of this code. Each day of noncompliance with
this chapter shall constitute a separate offense. (Ord. No. 507, 12/5/95)

§ 7-516 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the city use tax is legislatively recognized and declared, and to protect the same the provisions of § 205 of Title 68 of the Oklahoma Statutes, is hereby adopted by reference and made fully effective and applicable to administration of the city use tax as is herein set forth in full. (Ord. No. 507, 12/5/95)

§ 7-517 CLASSIFICATION OF TAXPAYERS.

For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code. (Ord. No. 507, 12/5/95)

§ 7-518 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this chapter hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose. (Ord. No. 507, 12/5/95)

§ 7-519 PROVISIONS CUMULATIVE.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the city ordinances. (Ord. No. 507, 12/5/95)
PART 8 – HEALTH AND SANITATION

CHAPTER 1 – WEEDS, TRASH AND DILAPIDATED BUILDINGS

§ 8-101 CLEANING AND REMOVAL OF TRASH AND MOWING OF PROPERTY; NOTICE; CONSENT; HEARING; RIGHT OF ENTRY; COSTS; LIEN; ORDINANCES; SUMMARY ABATEMENT; DEFINITIONS.

A. A municipal governing body may cause property within the municipal 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 governing body holds a hearing or takes action. 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 such work is performed within ten (10) days of the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality 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 by the municipal governing body, notice may be given by posting a copy of the notice on the property or by publication, as defined in 11 O.S. § 1-102, one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection B of this section, the notice, whether by mail, posting or publication, shall state: 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 municipal governing body; that the costs of such abatement 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;

2. The owner of the property may give written consent to the municipality authorizing the removal of the trash or the mowing of the weeds or grass. By giving written consent, the owner waives the owner's right to a hearing by the municipality;

3. A hearing may be held by the municipal governing body 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;

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the municipality 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 municipality. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on the property for the cleaning or mowing costs;

5. The governing body shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the municipality, 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;

6. If payment is not made within thirty (30) days from the date of the mailing of the statement, then within the next thirty (30) days, the municipal 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 on the property and collected by the county treasurer as other taxes authorized by law. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. In addition the cost and the interest thereon 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. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the
municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien; and

7. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body in subsection A of this section. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

a. For purposes of this Subparagraph 7, the City Council of the City of Watonga, Oklahoma, appoints the City Manager of the City of Watonga as administrative officer to carry out the duties under this Section.

B. If a notice is given by a municipal governing body to a property owner ordering the property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in subsection A of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the 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. The notice and hearing shall be as provided for in subsection A of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs 5 and 6 of subsection A of this section. This subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection A of this section.

C. The municipal governing body may enact ordinances to prohibit owners of property or persons otherwise in possession or control located within the municipal limits from allowing trash to accumulate, or weeds to grow or stand upon the premises and may impose penalties for violation of said ordinances.

D. As used in this section:

1. "Weed" includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

   a. exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public
and community or a hazard to traffic or create a fire hazard to the
property or otherwise interfere with the mowing of said 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" shall not include tended crops on land zoned for agricultural use
which are planted more than one hundred fifty (150) feet from a parcel zoned for
other than agricultural use;

2. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible
materials, rubbish, offal, or waste, or matter of any kind or form which is
uncared for, discarded, or abandoned;

3. "Owner" means the owner of record as shown by the most current tax rolls
of the county treasurer; and

4. "Cleaning" means the removal of trash from property.

E. The provisions of this section 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 section 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. (Ord. No. 664, 10/20/2020)

State Law Reference: 11 O.S. § 22-111

§ 8-102 BOARDING AND SECURING OF BUILDINGS -DEFINITIONS.

A. The city may cause an unsecured building to be boarded and secured in accordance
with the following procedures:

1. Before the city orders such action, at least ten (10) days’ notice that such
unsecured building is to be boarded and secured shall be given by certified
mail return receipt requested to any property owners and mortgage holders
as provided in § 8-103 of this code. The notice shall include the date, time
and place of the hearing and that the hearing shall be held by the code
enforcement officer. A copy of the notice shall also be posted on the
property to be affected. However, if neither the properly owner nor
mortgage holder can be located, notice may be given by posting a copy of the notice on the property ten (10) days prior to the hearing or action by the municipality, or by publication as defined in § 1-111 of this code. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section. The code enforcement officer shall file a written certification with the city clerk as to the date and place of posting of the notice. If the city anticipates summary abatement of a nuisance in accordance with the provisions of paragraph 9 of this section, the notice, whether by mail, posting or publication, shall state: 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 municipal governing body; that the costs of such abatement 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;

2. The owner of the property or the mortgage holder if the owner is not located, may give written consent to the city authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving written consent, the owner waives any right the owner has to a hearing by the city;

3. If the property owner does not board or secure the building or give written consent to such actions, a hearing shall be held by the code enforcement officer to determine whether the boarding and securing of such 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 paragraph 3 of subsection A of § 8-101 of this code. In making such determination, the code enforcement officer shall apply the following standard: 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 code enforcement officer may order the boarding and securing of the unsecured building; The code enforcement officer shall make a written order, which includes the findings on which the order is based and sign and file said order with the city clerk. The city clerk shall mail a copy of the order to the owner and mortgage holder, if known.

4. After the code enforcement officer orders the boarding and securing of such unsecured building, the city clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, state the findings of the code enforcement officer at the hearing at which
such building was determined to be unsecured, and state that the city claims a lien on the property for the costs of boarding and securing such 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 code enforcement officer, and subject to the time limitations imposed by paragraph 8 of this subsection, the agents of the municipality are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the municipality;

6. After an unsecured building has been boarded and secured, the city 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 mailing. The city 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, by mail to any property owners and mortgage holders as provided in § 8-102 of this code. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.

If the city boards and secures any unsecured 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 city for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer of Blaine County. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, 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 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 city 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 city council from any order of the code enforcement officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is filed with the city clerk. The clerk shall place the matter on the agenda of the next regularly scheduled meeting of the city council or a special meeting of the city council; provided, at least five (5) days shall elapse from the date of filing of the notice of appeal and the city council meeting. Notice shall be given to the owner as to the date, time and place of the meeting at which the appeal will be considered.

9. If the city causes a structure within the municipal 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 city 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 city clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in paragraph 1 of this subsection. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in paragraphs 6 and 7 of this subsection;

10. The city may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this subsection even though such building has not been declared, by the city, to be dilapidated; and

11. for the purposes of this Chapter:

   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. “Owner” means the owner of record as shown by the most current tax rolls of the county treasurer.

B. The city may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of § 8-101 of this code.

C. The provisions of this section shall not apply to any property zoned and used for agricultural purposes. (Ord. No. 565, 7/17/01; Ord. No. 7/15/2003)

State Law Reference: 11 O.S. § 22-112.1

§ 8-103 TEAR DOWN AND REMOVAL OF DILAPIDATED BUILDINGS-NOTICE--REMOVAL -COSTS -LIEN -NUISANCE.

A. The city may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the following procedures:

1. At least twenty (20) days’ notice that a building is to be torn down or removed shall be given to the owner of the property before a hearing is 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 certified mail return receipt requested 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 by certified mail return receipt requested to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. 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 for at least ten (10) days prior to the hearing, or by publication as defined in § 1-111 of this code. The notice may be published once not less than ten (10) days prior to any hearing or action by the city pursuant to the provisions of this section; the code enforcement officer shall certify the date and place of the posting of the notice in writing and file such certification with the city clerk.

2. A hearing shall be held by the code enforcement officer 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;

3. The code enforcement officer shall make a written finding and sign and file said finding with the city clerk. The city clerk shall mail a copy of the finding to the owner and mortgage holder, if the names and addresses are known, and shall also notify the owner and mortgage holder of the right to appeal the finding to the city council by filing a written notice of appeal
with the city clerk within ten (10) days of the filing of the finding.

4. 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 city may cause the dilapidated building to be torn down and removed. The code enforcement officer shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the code enforcement officer at the hearing, and stating that the city claims a lien on 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 city are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the city if the work is not performed by the property owner within dates fixed by the code enforcement officer.

5. The city 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 city 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 any mortgage holder at the address provided for in paragraph 1 of this subsection. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. If the city 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; and

6. When payment is made to the city for costs incurred, the city 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 city clerk shall forward a certified statement of the amount of the cost to the county treasurer of Blaine County. 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. The lien shall continue until the cost is fully paid. At any time prior to collection as
provided for in this paragraph, the city 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 city clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

B. The property owner shall have the right of appeal to the city council from any order of the code enforcement officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the filing of the written findings or order of the code enforcement officer with the city clerk. Upon receipt of a notice of appeal, the city clerk shall place the appeal on the agenda of the city council no less than twenty-one (21) days and no more than sixty (60) days of receipt of the notice of appeal; the city council may affirm, vacate or modify the finding of the code enforcement officer.

1. In the event that no appeal of the order of the code enforcement officer is taken, the code enforcement officer shall have the matter placed upon the agenda of a regular meeting, or of a special meeting held for that purpose, of the city council. The code enforcement officer shall advise the council of his findings and order and request council direction therefor. The council may approve, vacate, or modify the order as it so determines.

C. For the purposes of this section:

1. “Dilapidated building” means:

   a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public, or

   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, or

   c. a structure which is determined by the city council or code enforcement officer to be an unsecured building, as defined by § 8-103 of this code, more than three times within any twelve-month period, or

   d. a structure which has been boarded and secured, as defined by § 8-102 of this code, for more than eighteen (18) consecutive months, or

   e. a structure declared by the city council to constitute a public
nuisance;

2. “Owner” means the owner of record as shown by the most current tax rolls of the county treasurer,

D. Nothing in the provisions of this section shall prevent the city 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.

1. Before suit is brought, the city council shall first adopt a resolution directing the bringing of the suit for the purpose of abating the nuisance. All costs of bringing the suit and the costs of abating the nuisance shall be assessed against the property as provided by law.

E. The officers, employees or agents of the city shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

F. For purposes of this chapter the following definition of dilapidated building shall apply unless the context clearly indicates or requires a different meaning: the neglect of necessary repairs to a building or allowing it to fall into a state of decay or allowing it to fall into partial ruin to an extent that the building is a hazard to the health, safety, or welfare of the general public, or a vacant structure which is unfit for human occupancy due to the lack of necessary repairs, and is considered uninhabitable and is a hazard to the health, safety and welfare of the general public.

G. The provisions of this section shall not apply to any property zoned and used for agricultural purposes. (Ord. No. 565, 7/17/01; Ord. No. 576, 7/15/03, Ord. No. 619, 12/6/11)

State Law Reference. 11 O.S. § 22-112

§ 8-104 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

A. It is unlawful for and a public nuisance for any owner or persons otherwise in possession or control of any lot, tract or parcel of lands situated wholly or in part within the corporate city limits of the city to allow any trash or weeds to grow, stand, or accumulate upon such premises and it is the duty of such owner or person otherwise in possession or control to remove or destroy any such trash or weeds.

B. No person in the city shall permit any lot, yard, parkway or sidewalk or the space abutting thereon, to the center of the street or to the center of any alley, to become covered or overgrown with weeds or other noxious or injurious growth or accumulations. Any lot, yard, sidewalk, parkway, or space abutting thereon, which shall become covered or overgrown with weeds or other accumulation so as to become noxious, detrimental to the general health or offensive or likely to cause or
spread disease, is hereby declared to be a public nuisance and an offense. Each person shall cut down and remove, or cause to be cut down and removed, from any lot or tract of land in the city, to the center of the street or alley as the case may be, all such offensive unwholesome and noxious weeds, vines and grass.

C. Any person refusing or neglecting to cut down and remove the offensive, unwholesome or noxious weeds, vines, grass or other accumulations, with or without notice, shall be guilty of an offense. (Prior Code, § 8-101, in part; Ord. No. 471, 1/15/91; Ord. No. 576, 7/15/2003)

§ 8-105 UNLAWFUL TO DEPOSIT RUBBISH.

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

B. No person having in his possession, supervision or control any premises situated in the city shall allow or permit any such premises to have thereon any empty boxes, barrels, rubbish, trash, waste paper, excelsior, tin cans, weeds, grass junk, waste oil, auto parts, ice box, refrigerator, refuse or trash of any kind or description not properly cared for. No person shall place or dump any of the items mentioned in this subsection in any public street, thoroughfare, avenue or alley or upon any vacant lot or premises. (Ord. No. 471, 1/15/91; Ord. No. 576, 7/15/03)

§ 8-106 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this city, or any person owning or controlling any real property in this city upon which any animal is known to be dead, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor. (Ord. No. 471, 1/15/91; Ord. No. 576, 7/15/03)

Cross Reference: Animals generally, § 4-101 of this code.

§ 8-107 UNLAWFUL TO LITTER.

It is unlawful for any person to throw any item onto or to litter upon the public streets, alleys, ways, curbs, gutters, and sidewalks of the city, except in public receptacles, or upon any real property owned or occupied by another. (Ord. No. 429, 1/15/85; Ord. No. 471, 1/15/91)

§ 8-108 UNLAWFUL TO LITTER FROM AUTOMOBILES.

It is unlawful for any person to throw from any automobiles or motor vehicle being operated and driven upon and over the streets, alleys and roadway of the city any litter, trash, waste paper, tin cans or any other substance or refuse whatever. (Ord No. 429, 1/15/85; Ord, No. 471, 1/15/91)
§ 8-109 LITTER NOT TO ACCUMULATE ON PROPERTY.

A. It is hereby declared to be unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises or on the sidewalk or alley adjacent to such property or premises. (Ord. No. 576, 7/15/03)

B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter, bottles, tin cans, or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender. (Ord. No. 471, 1/15/91)

§ 8-110 OPEN BURNING PROHIBITED.

A. This section is for the purpose of preventing, abating, and controlling open burning and to prevent and abate the nuisances and hazards incident to open burning. It shall apply to all operations involving open burning except those specifically exempted herein.

B. As used in this section, the words and phrases shall have the definitions set forth below. The definitions contained in the Oklahoma Clean Air Act, under which this section is promulgated, shall also apply:

1. “Combustible materials” means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned;

2. “Open burning” means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere;

3. “Open-pit incinerator” means a device consisting of a pit (into which the material to be combusted is placed) and nozzles, pipes, and other appurtenances designed and arranged in a manner to deliver additional air or axillary fuel to, or near, the zone of combustion so that theoretically complete combustion is accomplished or approached;

4. “Products of combustion” means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible material; and

5. “Refuse” means garbage, rubbish, and all other wastes generated by a trade, business, industry, building operation, or household.

C. It is unlawful for any person to cause, allow, or permit open burning of refuse and other combustible material within the city limits except as may be allowed in
compliance with this section.

D. It is unlawful for any person to cause, allow, or permit open burning of combustible material in connection with the salvage of motor vehicles, tires, oil and similar substances, containers, coated or painted wire and metals, and other material.

E. The open burning of refuse and other combustible material may be conducted as specified in the paragraphs set forth below if no public nuisances is or will be created and if the burning is not prohibited by, and is conducted in compliance with, other applicable laws and the ordinances, regulations, and orders of governmental entities having jurisdiction, including air pollution control ordinances, regulations, and orders. The authority to conduct open burning under the provisions of this section does not exempt or excuse a person from the consequences, damages, or injuries which may result from such conduct nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations, and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this section:

1. Fires purposely set for the instruction and training of public and industrial firefighting personnel when authorized by the appropriate governmental entity;

2. Fires set for the elimination of a fire hazard which cannot be abated by any other means when authorized by the appropriate governmental entity;

3. Fires set for the removal of dangerous or hazardous material where there is no other practical or lawful method of disposal;

4. Camp fires and other fires used solely for recreational purposes, for ceremonials occasions, or for outdoor noncommercial preparation of food;

5. The burning of trees, brush, grass and other vegetable matter in the clearing of land, right-of-way maintenance operation, and agricultural crop burning, in area zoned A-1, general agricultural, if the following conditions are met:

   a. Prevailing winds at the time of the burning must be away any residence or structure within one hundred (100) feet, the ambient air of which may be affected by air contaminants from the burnings;

   b. The location of the burning must not be adjacent to an occupied residence other than those located on the property on which the burning is conducted;

   c. Care must be used to minimize the amount of dirt on the material being burned;

   d. Oils, rubber, and other similar materials which produce unreasonable amounts of air contaminants may not be burned;
e. The initial burning may begin only between three (3) hours after sunrise and three (3) hours before sunset and additional fuel may not be intentionally added to the fire at times outside the limits stated above;

f. The burning must be controlled so that a traffic hazard is not created as a result of the air contaminants being emitted;

g. The burning must not be conducted within one thousand (1,000) feet of any highway designated on the official state highway map prepared by the Oklahoma State Department of Highways, and, in any event, the burning must be controlled so that a traffic hazard is not created on any public road, street, or highway as a result of the air contaminants being emitted;

h. The burning must not be conducted within one mile of any military, commercial, county, municipal, or private airport or landing strip; and

6. The fire department shall be notified in advance of any burning, notice shall include the location, the material to be burned and when the burning is to commence.

F. Any officer of the fire department or police department is hereby authorized to order any person violating the provisions of this chapter to immediately extinguish such fire and order any burning permitted by this section which they consider dangerous to life or property or a nuisance, to be extinguished. (Ord. No. 311, 1/6/76; Ord. No. 471, 1/15/91)

State Law Reference: Oklahoma Clean Air Act, 63 O.S, §§ 1-1801 et seq.

Cross Reference: Fire prevention code and procedure, §§ 13-101 et seq. of this code.

§ 8-111 ABANDONED ICE BOXES, REFRIGERATORS.

It is unlawful and is hereby declared a public nuisance for any person to leave in a place accessible to children any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an air-tight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock, or fastener. (Prior Code, Sec. 5-1-1; Ord. No. 471, 1/15/91; Ord. No. 576, 7/15/03)

§ 8-112 HEALTH HAZARDS.

It is hereby declared to be a public nuisance and an offense for any person to:

A. Suffer or permit on premises within the city any source of filth, or cause of sickness conducive to breeding of insects or rodents that might contribute to the transmission
of disease or any other condition adversely affecting the public health;

B. Suffer or permit on premises within the city any water or any animal or vegetable refuse matter, any chemical or any putrid or unwholesome substance to accumulate thereon so as to emit an offensive odor or to become injurious or dangerous to the health of the neighborhood;

C. Suffer or permit on premises within the city any cellar, stable, barn, hen house, dog kennel, or any place where an animal or animals are kept or any water closet or privy, septic tank or cess pool thereon, to become in a condition as to emit offensive odors or to be injurious or dangerous to the health of the neighborhood;

D. Pile on the premises owned, operated or controlled thereby or on the premises of another or on any public property or in any street, alley, or highway within the city any manure or refuse of any kind. (Ord. No. 576, 7/15/03; Ord. No. 672, 10/20/2020)

§ 8-113 ENFORCEMENT OF HEALTH HAZARDS-COSTS.

A. The code enforcement officer of the city shall have authority as to any private premises within the corporate limits of the city to order the owner or occupant of any private premises within the city to remove from such premises, at his own expense, any source of filth, cause of sickness, conditions conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within 24 hours, or within such other time as might be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, or a copy thereof may be left at the last usual place of abode of such owner, occupant or agent, if known and within the city. If the premises are unoccupied and the residence of such owner, occupant or agent is unknown, or is without the city, such order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the county.

B. If such order is not complied with, the code enforcement officer of the city may cause the order to be executed and complied with, and the cost thereof shall be certified to the county clerk, who shall add the same to the ad valorem taxes assessed against the property, until paid, and shall be collected in (the same manner as ad valorem taxes against the property, and when collected shall be paid to the city for reimbursement of the funds used to pay such costs.

C. The city may by appropriate action elect to collect the cost of removing or abating any such nuisances by adding same to the municipal utility bills as appropriate and by collecting same in the manner as such utility bills are collected.

D. The costs may also be collected in any other manner as any other debt due to the city may be collected.
E. In accordance with 63 O.S. § 1-209, the City of Watonga is authorized to enter into an agreement with the appropriate body to delegate the State Department of Health, or the local district offices thereof, the authority to enforce any ordinances of the city relating to public health. Any such agreements entered into by the City shall be kept on file in the City Clerk’s office. (Ord. No. 576, 7/15/03, Ord. No. 672, 10/20/2020)

State Law Reference: 63 O.S. § 1-1011.

§ 8-114 PENALTY.

Any person, firm, or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in § 1-108 in this code. (Ord. No. 471, 1/15/91; Ord. No. 576, 7/15/03)

CHAPTER 2 – FOOD AND RESTAURANTS

§ 8-201 FOOD SERVICE REGULATIONS ADOPTED.

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

B. “Health authority” or “Health officer” shall mean the state health department or its designated representative.

C. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in § 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation. (Prior Code, §7-1-1 in part)

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

§ 8-202 MILK ORDINANCE ADOPTED.

The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for the ultimate consumption within the city, or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of the “Milk Ordinance - Recommendations of the Public Health Service Revised to Comply with Oklahoma State Statutes,” a copy of which shall be filed in the office of the city clerk. §§ 9 and 16 of the unabridged ordinance shall be replaced, respectively by §§ 8-203 and 8-204 of this code. (Prior Code, § 7-2-1)
§ 8-203 GRADINGS OF MILK WHICH MAY BE SOLD.

Only certified pasteurized and grade A pasteurized, and certified raw or grade A raw milk and milk products, shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled “ungraded.”

§ 8-204 ENFORCEMENT BY WHOM.

All sampling, examining, grading, and regrading of milk and milk products and all inspections, and issuing and suspension of revocation of permits shall be done by the state health department or its authorized representative.

CHAPTER 3 – NUISANCES

§ 8-301 NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES.

A. A nuisance is unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for use or passage, any lake or navigable river, stream, canal or basin, or any public park, square, street, alley, highway, or other public property; or
4. In any way renders other persons insecure in life or in the use of property.

B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

C. Every nuisance not included in Subsection B above is a private nuisance. (Prior Code, §7-5-2; Ord. No. 575,7/15/01)

State Law Reference: Power to define and abate nuisances, 50 O.S. §§ 1 et seq.

§ 8-302 PERSONS RESPONSIBLE; DEFINED.

A. No person in charge or control of any property in the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow a nuisance to exist on the property. Every successive owner of property who neglects to abate a continuing nuisance upon or
in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

B. “Person” means any human being, trust, firm, corporation, partnership, or other entity whether legally constituted or not, whether fictitious or not, which owns, occupies, has control of, is in charge of, or rents or leases any real property of which any lot or parcel is included either wholly or in part within the corporate limits of the city. (Ord. No. 575, 7/15/01)

§ 8-303 TIME DOES NOT LEGALIZE.

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

§ 8-304 REMEDIES AGAINST PUBLIC NUISANCES.

The remedies against a public nuisance are:

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

§ 8-305 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

1. Civil action; and
2. Abatement:
   a. By person injured as provided in §§ 14 and 15 of Title 50 of the Oklahoma Statutes; or
   b. By the city in accordance with law or ordinance.

§ 8-306 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES.

As provided in § 16 of Title 50 of the Oklahoma Statutes, the city has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of
the public health, the public parks, and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the city has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, it this can be done.

§ 8-307 CERTAIN PUBLIC NUISANCES IN THE CITY DEFINED.

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

1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;

2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;

3. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;

4. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others, or unduly interferes with the operation of computer internet devices;

5. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;

6. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;

7. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;

8. Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist. This subsection shall include all nuisances or prohibited acts or omissions as set out in Chapter 1 hereof as to which state law does not preclude inclusion as a public or private nuisance.

9. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;

10. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
11. Any fire or explosion hazard which endangers the public safety;

12. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;

13. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this city, be reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance; and

14. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause, is hereby declared to be a nuisance.

15. The repeated use of any real property or structure thereon to commit a felony violation of the Oklahoma Uniform Controlled Dangerous Substances Act.

16. The unlawful doing of an act or omitting to perform a duty which act or omission unlawfully endangers any public water supply or the public sewage disposal system.

B. In addition to all other public nuisances declared by other sections of this code or law, the following are hereby declared to be a public nuisance if maintained, stored, kept, or present within the residential sections of this city, as defined by the zoning ordinances, unless so maintained, stored, kept or present inside a walled structure or enclosed behind an appropriate fence so as to be outside the view of the general public; further any violation of this subsection shall be considered an offense for each day or part thereof for each item listed herein below;

1. Farm machinery and equipment, including tractors, combines, threshers, mowers, motorized hay wagons, augers, swathers and any other motorized item commonly used for farming purposes,

2. Farm implements without motors, including plows, mold board plows, disc plows, grain drills, one ways, Graham Hoemes, manure spreaders, fertilizer spreaders, bladess, grain carts, hay wagons, chisels, bailers, brush hogs, portable fuel tanks, stock trailers, and other such implements commonly used for farming purpose,

3. Equipment used for dirt work or lifting purposes or drilling including dozers, earth movers, graders, forklifts, box blades, water-well drilling rigs or equipment,

4. Miscellaneous commercial equipment including commercial lawn mowers, equipment set on wheels or skids and not intended for residential usage.
5. For purposes of this subsection each piece of equipment shall constitute a separate offense.

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms. (Prior Code, § 7-5-3; Ord. No. 570, 7/17/01; Ord. No. 575, 7/15/03)

§ 8-308 SUMMARY ABATEMENT OF NUISANCES.

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement. Such action shall be determined by the mayor or proper city official, and shall be carried out by the appropriate city official, authority or employee, as directed by the mayor, or vice-mayor in his absence.

B. The chief of the fire department, the chief of police, the city attorney, the mayor, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the mayor or any council member or resident, may submit through or with the consent of the mayor to the code enforcement officer, a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated,

C. Upon receiving the complaint or observing the nuisance himself, the code enforcement officer will investigate the alleged nuisance. If he determines that a public nuisance exist, he will notify the person responsible for the nuisance. Such notice to the owner and other persons concerned shall be given in writing, by mail or by service by a police officer if their names and addresses are known; but, if the names and addresses are not jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city. Such notice shall provide not less than ten (10) days nor more than sixty (60) days, at the discretion of the code enforcement officer, in which to abate such nuisance or to request a hearing as hereinafter set forth,

D. If the person receiving the abatement notice wishes a hearing, he must submit a request for hearing in writing within ten (10) days to the city clerk. The hearing on his request will be before the mayor and will be held as soon as possible after the request is filed. The mayor shall render his decision by written memorandum and file the same with the city clerk, who shall thereupon mail a copy to the person or persons requesting the hearing at the last known mailing address.

F. If the person responsible for a nuisance wishes to appeal the mayor’s decision, he may request a hearing before the city council. Such request must be in writing and submitted to the city clerk within five (5) days after notice of the decision of the
mayor is mailed to him. If the person receiving the abatement does not abate the nuisance or request a hearing, the code enforcement officer may request a hearing before the city council.

G. The council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the council shall have power to subpoena and examine witnesses, books, papers and other effects.

H. If the council finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the council shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by § 16 of Title 50 of the Oklahoma Statutes. (Prior Code, §§ 7-5-8 to 2-5-11 in part; Ord. No. 367, 7/1 9/83; Ord. No. 566,7/17/01)

§ 8-309 ABATEMENT OF SUIT IN DISTRICT COURT.

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

§ 8-310 COST OF ABATEMENT.

If the person responsible for the nuisance is unable to pay for its removal, the work may be done by the employees of this city under supervision of the mayor, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts by public bid.

§ 8-311 COST TO BE DETERMINED, STATEMENT OF COST TO BE SENT.

Upon the completion of the work ordered to be performed under § 8-308 of this code, the mayor shall report the cost thereof to the city council. Such report shall be itemized as to each tract, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, and other costs. The city council shall examine the report, and after receiving appropriate information, shall determine the total actual costs of the work, and shall direct the city clerk to forward a statement and demand payment thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies and to the person responsible for the nuisance, if applicable. If the statement is not paid within twenty (20) days after such statement is mailed, the council may direct the city attorney to institute action to establish its lien against the property on which such work was done and to request the court to cause such property to be sold and the lien paid. Until paid, such cost shall constitute a debt to the city. Nothing contained herein shall prevent the city from collecting the debt as other debts of the city may be collected. (Prior Code 7/5/11 in part; Ord. No. 566, 7/17/01)
§ 8-312 FAILURE TO FAY COSTS, COSTS TO BE CERTIFIED TO COUNTY TREASURER.

In the event the city does not elect to proceed by legal action as set forth herein, then six (6) months from the date of mailing the notice prescribed by §8-310 hereof, the city clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the county treasurer in the manner prescribed by the laws of this state.

§ 8-313 NUISANCE UNLAWFUL.

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

§ 8-314 HEALTH NUISANCES; ABATEMENT.

A. Pursuant to authority granted by § 1-1011 of Title 63 of the Oklahoma Statutes, the mayor shall have authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the mayor or his designee or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the city.

B. If the order is not complied with, the mayor may cause the order to be executed and complied with, and the cost thereof shall be certified to the city clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill of the owner or occupant if he is a user of water from the city water system or such other utility service.

The cost shall be treated as a part of such utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If such owner or occupant is not a user of any city utility service, such costs, after certification to the city clerk, may be collected in any manner in which any other debt due the city may be collected.

State Law Reference: Power to abate health nuisances, 63 O.S. § 1-1011.
§ 8-315 TOILET FACILITIES REQUIRED; NUISANCE.

A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:

1. “Human excrement” means the bowel and kidney discharge of human beings;

2. “Sanitary water closet” means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3. “Sanitary pit privy” means a privy which is built, rebuilt, or constructed so as to conform with the specifications approved by the state health department.

B. Every owner of a residence or other building in which humans reside, are employed, or congregate within this city shall install, equip, and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto, and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy typed. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.

C. All human excrement disposed of within this city shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the city to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the city in any other manner.

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop, or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the mayor. All facilities for the disposal of human excrement in a manner different from that required by this section, and all privies and closets so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.
§ 8-316 PROCEDURE CUMULATIVE.

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

§ 8-317 PENALTY.

Any person, firm or corporation which violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in § 1-108 of this code.

CHAPTER 4 – HOSPITAL BOARD

§ 8-401 BOARD CREATED.

There is hereby created a hospital board which shall consist of five (5) members who shall be appointed by the mayor with the consent of the council. Members shall serve without compensation. (Ord. No. 361, 3/1/83)


Cross Reference: Qualifications and requirements of members of the hospital board, see §§ 2-701 et seq. of this code; Hospital Trust, Appendix 4 of this code.

§ 8-402 TERM.

Members of the hospital board shall hold office for a term of five (5) years; provided, that the terms shall be staggered, and at the first regular meeting of the board, the members shall cast lots for respective terms of one year, two (2) years, three (3) years, four (4) years and five (5) years, thereafter the board shall be filled in like manner as original appointments. (Prior code, § 2-7-1)

§ 8-403 ORGANIZATION.

The board shall, immediately after the appointment and qualification of its members, meet and organize by electing one member as president and one as secretary. The treasurer, who shall act as treasurer of the board, shall deposit funds thereof in a special account in the treasury to be designated hospital fund. (Prior Code, § 2-7-3)

§ 8-404 RULES AND REGULATIONS.

The board shall adopt rules and regulations for its own guidance and for the governing of the municipal hospital. (Prior Code, § 2-7-5)

§ 8-405 EXPENDITURES AND RECEIPTS.

A. The board shall have exclusive control of expenditures of all monies collected and deposited to the credit of the hospital fund, of the hospital building and the care and
custody of the grounds, rooms or buildings purchased, leased or set apart for the hospital.

B. All money received by the board on account of the operation of the hospital or otherwise, shall be paid thereby to the treasurer, who shall deposit the same in the hospital fund. Such money shall be paid out only upon warrants authorized by the board, drawn and signed by its secretary, and countersigned by the president; provided, however, the board shall have authority to establish a petty cash fund, not to exceed five hundred dollars ($500.00) at any one time, for use in maintaining the hospital, which money shall be expended by the superintendent of the hospital on forms prescribed and authorized by the board. (Prior Code, § 2-7-5)

§ 8-406 PERSONNEL

The board shall have authority to appoint a suitable superintendent or matron, or both, and necessary assistants and nurses, and to fix their compensation. The board shall also have the authority to remove such appointees at will. (Prior Code, § 2-7-6)

§ 8-407 MEETINGS, EXAMINATION.

The board shall hold meetings at least once each month and keep a complete record of all its proceedings. Three (3) members of the board shall constitute a quorum. One of its members shall visit and examine the hospital at least twice (2) each month.

§ 8-408 PECUNIARY INTERESTS.

No member of the board shall have a pecuniary interest, either directly or indirectly, in any purchase for the hospital, unless the purchase is made upon a competitive bid basis. (Prior Code, § 2-7-8)

§ 8-409 QUALIFICATIONS OF PERSONNEL.

It is the duty of the board to appoint none other than competent and experienced nurses and attendants for the hospital, and to employ competent and experienced physicians and surgeons to care for, and render medical and surgical treatment to the patients of the hospital. (Prior Code, § 27-9)

§ 8-410 DONATIONS.

Any person desiring to make donations of money or personal or real property for the benefit of the municipal hospital, or for the establishment, maintenance or endowment thereby, shall have the right to vest title thereto in the municipality, to be held and controlled thereby, when accepted, according to the terms of the donation, and as to such property the municipality shall be held and considered to be a special trustee. (Prior Code, § 2-7-10)

§ 8-411 ANNUAL REPORT.

The board shall make, on or before the first day of July in each year, an annual report to
the council, stating the condition of its trust on the thirtieth day of June of that year, the various sums of money and property received, how much money has been expended, for what purpose, the financial condition of the hospital, the number of its physicians, attendants, nurses and employees, and such other information and suggestions as it may deem of general interest. (Prior Code, § 2-7H)

§ 8-412 GROUNDS AND BUILDINGS.

The board shall have power, with the approval of the council, to purchase grounds and to erect thereon a suitable building for the hospital and to suitably equip the same. The title to the grounds so purchased, as well as any building thereon, shall be taken in the name of the municipality, as grantee. (Prior Code, § 2-7-12)

CHAPTER 5 – ABANDONED OR JUNKED VEHICLES

§ 8-501 ABANDONED, WRECKED, NON-OPERATING, JUNK VEHICLES DEFINED.

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

1. “Antique, classic or special interest automobiles” mean any vehicle twenty-five (25) years or older or which the owner (hereof can affirmatively show to be of special interest to automobile collectors;

2. “Junk vehicles” mean any motor vehicle or vehicle, as defined herein, which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, except an antique, classic or special interest automobile;

3. “Motor vehicle” means any vehicle which is self-propelled and designed to travel along the ground or water and the term shall include, but not be limited to, automobiles, boats, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, and golf carts;

4. “Private property” means any real property within the city which is not public property;

5. “Public property” means any real property which is dedicated to the public use which the federal or any state or municipal government, or any state or municipal government, or any political subdivisions thereof, owns or leases, or exercises control and dominion over for public purposes: and

6. “Vehicle” means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides and to transport persons or property or pull machinery and includes, without limitation, automobile, truck trailer, motorcycle, tractor, buggy and wagon. (Ord. No. 463, 11/5/88)
§ 8-502 PROHIBITED ACTS; NUISANCES DECLARED.

A. It is unlawful and an offense for any person to park, store or leave, or to permit the parking, storing, or leaving of, any junk vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any private property within the city for a period of time in excess of ten (10) days.

B. The presence of any junk vehicle or any abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

C. The provisions of subsection A and B of this section shall not apply to any vehicle or motor vehicle enclosed within a building on private property or to any vehicle held in connection with a lawful business enterprise and properly operated as such business enterprise in the appropriate zone, pursuant to the zoning ordinances or to any vehicle or motor vehicle in operable condition, or any vehicle retained by the owner in an enclosed storage place maintained in a lawful place and manner, which such enclosure is such that prevents public viewing thereof.

D. The provisions of abatement of “public nuisance” contained in Chapter 8, §§ 8-301 through 8-316, shall not apply to junk vehicles or to those which are in abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any public property within the city for a period of time in excess of twenty-four (24) hours. The notice, hearing and abatement shall be pursuant to the procedures described herein for public nuisance on public property.

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

1. Weed or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

2. One or more tires or wheels are flat or missing and the vehicle or boat displays an expired license or inspection tag;

3. Portions of the vehicle which are needed for its operation or control are missing;

4. The city has received reports from others as to the length of time such vehicle has been standing in one place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation; or Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated.

F. It is unlawful and an offense for any person to park, store in plain view or leave or permit the parking, storing in plain view or leaving of any motor vehicle which
does not have affixed thereto a current license tag and safety inspection sticker if required by state law in any front yard or the side yard by the intersecting street of a corner lot of any residence located in the R-l district or on any street or alley in the city limits, for a period in excess of twenty-four hours. The presence of any motor vehicle, which does not have a current license tag and current safety inspection sticker affixed thereto if required by state law, in the front yard of a residence or the side yard by the intersecting street of a corner lot located in an R-l district or on any street or alley is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

G. That notwithstanding the provisions of subsection F. hereof, any person who owns or maintains a residence within the R-l district of this city, may at that residence park, store in plain view, leave, or permit the parking, storing in plain view, or leaving of any motor vehicle which does not have affixed thereto a current license tag and safety inspection sticker, provided that such person shall first obtain a permit allowing such action. Such permit shall be issued by the city clerk, on a form provided therefore as prepared by the city clerk, upon payment of a fee in the sum of ten dollars. Such permits shall issue on the day applied for or upon payment of the appropriate fee, whichever is later, and shall provide an exemption as per the provisions of this subsection, for a period of ninety days from date of issuance. No extension of such permits shall be issued by the city clerk. Each vehicle affected by this ordinance shall require a separate permit. (Ord. No. 463, 1 1/15/88, Ord. No. 533, 1/6/98; Ord. No. 537, 7/7/98; Ord. No. 569, 7/17/01)

§ 8-503 NOTICE TO REMOVE: PUBLIC PROPERTY.

Whenever it comes to the attention of any official of the city that any junk vehicle, as defined herein, exists as a public nuisance upon public property in the city, a notice in writing shall be served upon the owner or person in charge thereof, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. A written, public nuisance “Notification to Remove” shall be placed on the vehicle advising the owner of the violation of city code and of the twenty-four (24) hours to remove the nuisance from the public property. Concurrent with the abatement notice placed on the vehicle or motor vehicle, the owner of the vehicle or motor vehicle shall be issued a citation. Failure to remove the vehicle or motor vehicle shall be an offense, and shall be punishable by a fine as provided in § 1-108 of this code and court costs. Nothing in this section shall prevent the appropriate authorities from removing or causing to be removed any such vehicle which is located on a public thoroughfare or alley. (Ord. No. 463, 1 1/15/88)

§ 8-504 RESPONSIBILITY FOR REMOVAL: PUBLIC PROPERTY, PRIVATE PROPERTY.

Upon proper notice and opportunity to be heard, the owner or person in charge of the junk vehicle or other abandoned, wrecked, dismantled, or inoperative vehicle or boat, on public or private property shall be liable for all expenses reasonably incurred by the removal and disposition. (Ord. No. 463/11/15/88)
§ 8-505 NOTICE TO REMOVE; PRIVATE PROPERTY.

A. The chief of police, or his designee, shall give notice of removal of the owner or occupant of the private property where any junk vehicle or any abandoned, wrecked, dismantled or inoperative vehicle or boat is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a notice to remove is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.

B. The notice to remove shall contain the demand for removal within ten (10) days, and the notice to remove shall state that upon failure to comply with the notice to remove, the city may prosecute a criminal complaint and issue a summons 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. Failure to remove the vehicle shall be an offense and shall be punishable by a fine as provided in § 1-108 of this code and court costs. (Ord. No. 463, 11/15/88)

§ 8-506 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 municipal court within the ten (10) day compliance period, for the purpose of contesting the city’s demand for removal. Such hearing shall be scheduled by the municipal court upon completion of filing with the city clerk of an application therefor.

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

C. Persons to whom the notice to remove is directed pursuant to the provisions of this chapter, or their duly authorized agent, shall appear in municipal court pursuant to the citation or summons. Those convicted of failing to abate a public nuisance pursuant to this chapter shall be assessed court costs in addition to any fine assessed by the municipal court as provided in Section 1-108 of this code. If the public nuisance is abated prior to the hearing date stated on the summons, and the person issued the summons to appear in municipal court signs an affidavit before the court clerk attesting to the abatement, the city attorney may dismiss the charges. The municipal court may for good cause combine the hearing with the criminal action. (Ord. No. 463, 11/15/88)

§ 8-507 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.

If the violation described in the notice to remove has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the municipal court, the city attorney shall
institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the city shall in its discretion take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the city authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (Ord. No. 463, 11/15/88)

§ 8-508 NOTICE OF REMOVAL.

Within the forty-eight (48) hours of the removal of such junk vehicle, the chief of police shall give notice to the owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, that the 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 costs of redemption. (Ord. No. 463, 11/15/88)

§ 8-509 APPRAISAL.

Upon removing a junk vehicle under the provision of this chapter, the city shall, after ten (10) days, cause it to be appraised. If the vehicle appraises at seventy-five dollars ($75.00) or less, the chief of police, or his designee, shall execute an affidavit so attesting and describing the vehicle, including the license plate, if any, and stating the location and appraised value of the vehicle or motor vehicle. After complying with the above, the city may summarily dispose of the vehicle or boat and execute a bill of sale. If the vehicle or boat is appraised at over seventy-five dollars ($75.00), notice of public sale shall be given and posted in three (3) conspicuous places within the city not less than ten (10) days before the date of the proposed sale. (Ord. No. 463, 11/15/88)

§ 8-510 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.

The owner of any vehicle impounded under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale thereof, upon proof of ownership and payment to the city clerk of such sum as may be determined by the city and fixed as the actual and reasonable expense of removal, his storage. (Ord. No. 463, 11/15/88)

§ 8-511 COLLECTION OF CITY’S COSTS OR REMOVAL.

A. Upon the failure of the owner, or occupant of property on which junk vehicles have been removed by the city, to pay the unrecovered expense incurred by the city in such removal, the amount of the unrecovered cost may be added to the municipal utility bills directed to the occupants of the private properly from which the junk vehicle was removed, and may be recovered in the same manner of such utility bills.

B. The city may collect any sum reasonably due it for the expenses of removal or sale by deducting same from the sale’s proceeds of any vehicle sold under the provisions of this chapter, after deducting therefrom proper fees for storage and sale thereof.

C. If the private property is not served by the municipal utilities, or if collection efforts are not successful, the costs may be certified by the city clerk to the county clerk,
who shall add the same to the ad valorem taxes assessed against the property, until
paid, and shall be collected in the same manner as ad valorem taxes against the
property; and when collected shall be paid to the city. (Ord. No. 463, 11/15/88)

§ 8-512 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 city. 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 after proper
notice shall constitute a separate offense and may be punishable as such as provided in § 1-108 of
this code. (Ord. No. 463, 11/15/88)

CHAPTER 6 – JUNKYARD AND METAL PROCESSING FACILITIES

§ 8-601 DEFINITIONS.

As used in this chapter, the following terms shall have the meaning respectively ascribed
to them in this section, to-wit:

A. “Junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber
debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron,
steel, and other old scrap ferrous or nonferrous material.

B. “Automobile graveyard” means any establishment or place of business which is
maintained, used or operated for storing, keeping, buying or selling wrecked,
scraped, ruined or dismantled motor vehicles or motor vehicle parts.

C. “Junkyard” means an establishment or place of business which is maintained,
operated or used for storing, keeping, buying or selling junk, or for the maintenance
or operation of any automobile graveyard, and the term shall include garbage
dumps and sanitary fills.

D. “Scrap metal processing facility” means an establishment having facilities used
primarily for processing iron, steel or nonferrous metals and whose principal
product is such iron, steel or scrap for sale for remelting purposes only, the
processor being considered a manufacturer. (Ord. No. 520, 9/17/96)

§ 8-602 PROHIBITION ON OPERATION OF JUNKYARDS OR FACILITIES;
EXCEPTIONS:

No person, firm or corporation shall establish, operator or maintain a junkyard or scrap
metal processing facility, any portion of which is within one thousand (1,000) feet of the nearest
edge of the right-of-way of any street or highway within the limits of the City of Watonga, except
the following:

A. Those which are screened by natural objects, plantings, fences, or other appropriate
means so as not to be visible from the main traveled way, or otherwise removed
 § 8-603 SCREENING REQUIRED.

Any junkyard or scrap metal processing facility lawfully in existence on the effective date of this ordinance which is within one thousand (1,000) feet of the nearest edge of the right-of-way and visible from the main traveled way of any street or highway shall be screened by the person, firm or corporation operating said junkyard or scrap metal processing facility as provided in this chapter. (Ord. No. 520, 9/17/96)

 § 8-604 VIOLATIONS; PENALTIES.

It shall be unlawful for any person, firm or corporation to construct or establish any facility which would be in violation of the terms of this ordinance and such would be a public nuisance. Additionally, 90 days after the effective date of this ordinance it shall be unlawful for any person, firm or corporation to maintain any facility, in existence on such effective date, which would be in violation of the terms of this ordinance and shall constitute a public nuisance from that date. When the mayor shall determine that any junkyard or scrap metal processing facility is not fenced or screened as required by this act, the person, firm or corporation operating the junkyard or scrap metal processing facility shall be notified of such violation and the manner in which compliance with this ordinance is required. Such notice shall be in writing from the city clerk, and require the person, firm or corporation operating the junkyard or scrap metal processing facility to comply with the provisions of this act within ninety (90) days from the date of such notice. Any person, firm or corporation failing to comply with the provisions of this act after the expiration of ninety (90) days from the date of such notice or extension of such time authorized by the Mayor shall be guilty of a misdemeanor and upon conviction thereof shall be levied a fine not to exceed ten dollars ($10.00) for each day such violation continues after the expiration of the ninety-day notice or extension thereof, and such violation shall be subject to court costs as otherwise provided. (Ord. No. 520, 9/17/96)

 § 8-605 VIOLATIONS AS PUBLIC NUISANCE; ABATEMENT.

Violation of the provisions of this ordinance shall constitute a public nuisance, and may be abated as provided at Part 8 Chapter 3 of this code. (Ord. No. 520, 9/17/96)

 § 8-606 MORE RESTRICTIVE PROVISIONS UNAFFECTED

Nothing in this act shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution, which is more restrictive than the provisions of this ordinance. (Ord. No. 520, 9/17/96)

CHAPTER 7 – HYGIENE REGULATIONS FOR SECURE FACILITIES

 § 8-701 SHOWERS.

B. There shall be provided within the design of any secure facility adequate shower
facilities with tempered water for use by the residents or incarcerates therein. Such facilities shall be provided as follows:

1. General Population Housing - at least one shower for every eight beds (1-8);
2. Segregation Housing - at least one shower for every fifteen beds (1-15);
3. Medical Housing - at least one shower for every four beds (1-4).

B. These provisions shall apply to new facilities, and any additions, enlargements, or other modifications to existing facilities. Further, any existing secure facilities shall be brought into compliance with this chapter within six (6) months of the passage of this ordinance. (Ord. No. 543, 1/19/99)

§ 8-702 ENFORCEMENT AND APPEAL.

A. The building inspector shall be responsible for inspection and enforcement of the provisions of this chapter.

B. Any person aggrieved by a decision of the building inspector may appeal to the Board of Adjustment according to the procedure contained at §§ 12-129 through 12-130 of this Code. (Ord. No. 543, 1/19/99)

§ 8-703 PENALTIES.

A. Any person found to be violating any provision of this chapter shall be served by the city 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.

B. Any person who shall continue any violation beyond the time limit provided for in this section, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided in Section 1-108 of this Code. Each day that the violation continues beyond the time limit shall constitute a separate offense. (Ord. No. 543, 1/19/99)

CHAPTER 8 – SMOKING REGULATIONS

§ 8-801 DEFINITIONS.

1. “City owned vehicle” means any automobile, pick up truck, panel truck, truck or other motorized conveyance, whether intended for street or highway usage or otherwise, the cab of which is enclosed.

2. “Meeting” means a meeting as defined in the Oklahoma Open Meeting Act.

3. “Public body” means a public body as defined in the Oklahoma Open Meeting Act.
4. “Public building” means any permanent structure owned by, and operated or used in whole or in part by the city.

5. “Smoking” means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device. (Ord. No. 611, 6/2/09)

§ 8-802 SMOKING PROHIBITED

It shall be an offense punishable as set out herein for any person to smoke or be smoking tobacco or other substance in:

1. Any city owned vehicle;
2. Any public building;
3. Within twenty-five (25) feet of any public building as indicated by prohibitory signs posted in compliance with this chapter. (Ord. No. 611, 6/2/09).

§ 8-803 PENALTY.

The penalty for smoking in violation of this chapter shall be a fine not to exceed:

1. $50.00 for first offense within a one (1) year period;
2. $100.00 for second offense within a one (1) year period;
3. $200.00 for third or subsequent offense within a one (1) year period;
4. However, the penalty where such offense occurs within a meeting of any public body shall be a fine not to exceed $200.00 for each such offense. (Ord. No. 611, 6/2/09)

§ 8-804 PROHIBITORY SIGNS; POSTING.

The city shall post signs which state the prohibition of smoking:

1. At all entrances to public buildings where smoking is prohibited inside the building.
2. At strategic points on or near entrances to public buildings where smoking is prohibited which state that smoking is prohibited within twenty-five (25) feet of the public building. (Ord. No. 611, 6/2/09)

§ 8-805 DESIGNATED SMOKING AREA.

The city may establish designated smoking areas and shall post appropriate signs on the grounds of public buildings designating a smoking place, authorized by resolution of the council, so long as no boundary of such designated smoking place is closer than twenty-five (25) feet to any entrance or ventilating system used in conjunction therewith. (Ord. No. 611, 6/2/09)
§ 8-806 HOSPITAL CONSIDERED PUBLIC BUILDING.

For purposes of this chapter the grounds and environs of the Watonga Municipal Hospital shall be considered a public building. (Ord. No. 611, 6/2/09)

§ 8-807 SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES

A. 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:

1. “Indoor workplace” means any indoor place of employment or employment-type work for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, 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 provision of this section shall apply to such indoor workplace or any given time, whether or not work is being performed.

2. “Public place” means any enclosed indoor area where individuals other than employees are invited or permitted; the term is synonymous with the phrase any indoor place used by or open to the public.

3. “Restaurant” means any eating establishment regardless of seating capacity.

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

5. “Stand-alone bar, stand-alone tavern and cigar bar” means an establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under (21) years of age is admitted, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

B. Possession of Lighted Tobacco in Certain Places Prohibited

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1. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.

2. All buildings, or portions thereof, owned or operated by this State shall be designated as nonsmoking; provided, however, each building may have one designed smoking room. As used in this paragraph, “buildings” shall not include up to 25 percent of any hotel or motel rooms rented to guests if the rooms are properly ventilated so that smoke is not circulated to nonsmoking areas.

3. All buildings, or portions thereof, owned or operated by a county or municipal government, at the discretion of the county or municipal governing body, may be designated as entirely nonsmoking or may be designated as nonsmoking with one designated smoking room.

4. A smoking room as provided for in Subparagraphs (2) and (3) of this Subsection (B):
   a. Shall not be used for the conduct of public business;
   b. Shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No smoking exhaust shall be located within 25 feet of any entrance, exit or air intake; and
   c. Shall be verified for compliance with the provisions of this subsection by the Department of Central Services for State Buildings, by a county entity designated by the Board of County Commissions for County Buildings, or by the City officer or employee designated by the Mayor for City buildings.

5. No smoking shall be allowed within 25 feet of the entrance or exit of any building specified in subparagraphs (2) or (3) of this subsection.

C. Exemptions

The restrictions provided in Subsection (B) shall not apply to the following:

1. Stand-alone bars, stand-alone taverns and cigar bars;
2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
3. Up to 25 percent of the guest rooms at a hotel or other lodging establishment;
4. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

5. Workplaces were only the owner operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. “Incidental public access” mean that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business.

6. Workplace occupied exclusively by one or more smokers, if the workplace has only incidental public access;

7. Private offices occupied exclusively by one or more smokers;

8. Private residence or workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

9. Medical records or treatment centers, if smoking is integral to the research or treatment;

10. A facility operated by a post or organization of past or present members of the Armed Forces of the United State which is exempt from taxation pursuant to Section 501 (c)(8), 501 (c)(10) or 501 (c)(19) of the Internal Revenue Code, 26 U.S.C., Sections 501 (c)(8), 501 (c)(10) or 501 (c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and

11. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within 15 feet of any exterior public doorway or any air intake of a restaurant.

D. Designated Smoking Rooms and Areas

1. An employer not otherwise restricted from doing so under this article may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within 15 feet of any entrance, exit or air-intake.

2. If smoking is to be permitted in any space exempted in Subsection (C) of
this section or in a smoking room pursuant to Subparagraph (1) of this Subsection (D), such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within 15 feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

3. A nursing facility licenses pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is re-circulated to nonsmoking areas of the building.

4. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No exhaust from such room shall be located within 25 feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subparagraph by the State Department of Health.

E. Posting

1. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign, decal, at least four inches by two inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

2. Responsibility for posting signs or decals shall be as follows:
   a. In privately owned facilities, the owner or lessee, if a lease is in possession of the facilities, shall be responsible;
   b. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
   c. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

F. Violation and Penalty
Any person who knowingly violates this article is guilty of a misdemeanor, and upon conviction shall be punished by a fine. The penalty for smoking in violation of this chapter shall be a fine not to exceed:

1. $50.00 for first offense within a one (1) year period;
2. $100.00 for second offense within a one (1) year period;
3. $200.00 for third or subsequent offense within a one (1) year period;
4. However, the penalty where such offense occurs within a meeting of any public body shall be a fine not to exceed $200.00 for each such offense.

(Ord. No. 625, 1/15/13)

G. Enforcement

The State or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places.

1. Post signs at entrances to places where smoking is prohibited which state that smoking is prohibited or that the indoor environment is free of tobacco smoke; and

2. Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act. (Ord. No. 625, 1/15/13)

§ 8-808 TOBACCO-FREE CITY OWNED / PROPERTY FOR CITY OF WATONGA

A. 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 dearly indicates a different meaning:

1. Indoor area: means any indoor city-owned/operated property. 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, stair ways, 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;

2. Outdoor area; means any covered area, partially covered area or area open to the sky that is on a property owned or operated by the city;
3. Recreational area; means any area that is owned, controlled or used by the City of Watonga and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, beaches surrounding lakes and skateboard parks;

4. Tobacco product: means 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.

5. Tobacco-free: means to prohibit the use of any tobacco product by anyone, anywhere, at any time.

6. 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. "Vapor products" do not include any products regulated by the United States Food, Drug and Cosmetic Act.

B. Prohibition of Tobacco Products on City Owned / Operated Property

1. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor or outdoor areas owned or operated by this city.

2. All buildings and other properties, including indoor and outdoor areas, owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including vapor products.

3. All indoor and outdoor recreational areas owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including vapor products.

C. Posting

1. The City of Watonga shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of city owned/operated property indicating the property is tobacco-free.
2. The posting of signs or decals is the responsibility of the manager and/or supervisor of the City owned/operated facility,

D. Violation and Penalty

1. Any person who knowingly violates this article is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as set by the city,

E. Enforcement

The State or local governmental agency shall, at a minimum, do the following in order to prevent tobacco and vapor product use in city owned/operated places:

1. Post signs at entrances to city owned/operated places which state that tobacco use is prohibited; and

2. Ask tobacco users to refrain from using any form of tobacco products, including vapor products upon observation of anyone violating the provisions of this act.

F. Ordinance Effective Date

1. This Tobacco-free City owned/Operated Property Ordinance is effective as 3/3/15 and applies to all covered entities on or after that date. (Ord. No. 635, 3/3/15)