PART 9 – LICENSING AND BUSINESS REGULATIONS

CHAPTER 1 – LICENSE AND OCCUPATION TAXES GENERALLY

§ 9-101 APPLICATION.

Applications for all licenses and permits required by this code shall be made in writing to the clerk, unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official. (Prior Code, § 4-1-1)


§ 9-102 PERSONS SUBJECT TO LICENSE.

Whenever in this code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirements if by himself, or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of the business or occupation in the city. (Prior Code, § 4-1-2)

§ 9-103 FORMS.

Forms for all license and permits, and application therefor, shall be prepared and kept on file by the clerk. (Prior Code, § 4-1-3)

§ 9-104 SIGNATURES.

Each license or permit issued, in the absence of any provision to the contrary, shall bear the signatures of the mayor and the clerk and the clerk shall affix the corporate seal of the city thereto, (Prior Code, § 4-1-4)

§ 9-105 LICENSE NONTRANSFERABLE.

No license shall be sold or otherwise transferred and all transfers or sales of a license shall cause a forfeiture of the same and the amounts that may have been paid to the city for the license shall be forfeited to the city. (Prior Code, § 4-1-5)

§ 9-106 DUPLICATES.

Whenever any original occupation license shall have been lost or destroyed, it shall be the duty of the clerk, on application in writing, to issue a duplicate upon payment of the required fee. (Prior Code, §4-1-6)
§ 9-107 POSTING OF LICENSE.

It is the duty of any person conducting a licensed business in the city to keep his license posted at all times in a prominent place on the premises used for such business. (Prior Code, § 4-1-7)

§ 9-108 REVOCATION.

Any license or permit issued for a limited time may be revoked by the mayor at any time for any violation by the licensee or permittee of the code provisions relating to the license or permit, the subject matter or the license or permit, or to the premises occupied; and the revocation may be in addition to any fine imposed. (Prior Code, § 4-1-5)

§ 9-109 INVESTIGATIONS.

Upon the receipt of an application for a license or permit where laws of the city necessitate an inspection or investigation before the issuance of the permit or license, the clerk shall refer the application to the proper officer for making the investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make report thereon, favorable or otherwise, within the (10) days after receiving the application or a copy thereof. The health officer shall make or cause to be made an inspection in regard to licenses in the connection with the care and handling of food and the prevention of nuisances and the spread of disease. For the protection of health, the building inspector shall make or cause to be made any inspection relative to the construction of buildings or other structures. All other investigations, except where otherwise provided, shall be made by the police chief or by some other officer designated by the mayor. (Prior Code, § 4-1-9)

§ 9-110 NUISANCES.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (Prior Code, § 4-1-10)

§ 9-111 EXPIRATION.

All annual licenses shall terminate on the last day of April following the date of issuance. (Prior Code, § 4-1-11)

§ 9-112 FEES.

A. In the absence of specific provisions to the contrary, all fees and charges for licenses or permits shall be paid to the clerk, in advance, at the time application therefor is made.

B. All license fees shall be deposited to the general fund.

C. Those trades and professions listed hereunder shall pay the following license fees:

   1. Circus or menagerie, with two (2) or more rings, when admission is less
than fifty cents ($50) or more per person, fifty dollars ($50.00) per day;

2. Circus parades, for each parade where the show is out of the city, fifty dollars ($50.00) fee per day. Where the show is in the city, free;

3. Shooting galleries, doll racks, three dollars ($3.00) per week or part thereof and fifteen dollars ($15.00) per annum;

4. Ten (10) pins, nine (9) pins or bowling alleys, ten dollars ($10.00) per alley each year.

5. Billiard and amusement halls. For each pool, snooker, billiard, domino, checker or other table dept in a place where such games are publicly played, two dollars and fifty cents ($2.50) per year;

6. Street fairs and carnivals, in addition to all other fees for specialties, fifty dollars ($50.00) per day;

7. For each specialty attraction or stand, one dollar ($1.00) per day;

8. Tent shows, vaudeville, plays, performances, minstrels and like attractions under tents or temporary shelter, ten dollars ($10.00) per day;

9. Skating rinks, fifteen dollars ($15.00) per day;

10. Phrenologists, palmists, magnetic healers, clairvoyants and others claiming psychic posers, ten dollars ($10.00) per day.

11. Traveling dentists, physicians, chiropodists, veterinary surgeons and other specialists, ten dollars ($10.00) per day. (Prior Codes, § 4-1-12)


CHAPTER 2 – ITINERANT OCCUPATIONS

§ 9-201 DEFINITIONS.

A. “Itinerant occupations, trades, business or solicitations” mean those occupations, trades, business and solicitations having no permanent warehouse, building structure, residence or place of business within the city at which a permanent business is carried on throughout the year or usual production season in good faith (and not for the purpose of evading the provisions of this chapter), and shall include occupations, trades, business and solicitations, including the taking of orders for future delivery, housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house-to-house solicitation or upon the streets and sidewalks of the city, and shall include one who goes about selling wares, fruits, vegetables, or anything of value, or taking orders for the same, which such person has not actually produced
or raised locally through the business of farming. No occupation, trade or business engaged in by a charitable, educational, civic or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations, and by-laws of the organization, association or club and the majority of the members being residents of the city, or any group of American military veterans, shall be considered “itinerant occupation, trade, business or solicitation.”

B. Any person, firm, corporation or organization which desires to claim exemption from the licensing, fees or other requirements of this chapter by reason of interstate commerce may file for such exemption by presenting evidence of interstate commerce and nature of business or other activities as required by the city attorney. Upon review of such evidence and after the applicant has provided all information required by the city attorney, the attorney shall recommend to the mayor that the exemption be denied or granted. The mayor shall make the determination of exemption from part or all of this chapter. The mayor’s decision shall be considered final unless it is appealed to the city council within ten (10) days after the applicant is notified of the mayor’s decision. (Ord. No. 353, 7/20/82)


§ 9-202 SALES TAX PERMIT REQUIRED.

Any person, persons, firm or corporation desiring to carry on an itinerant occupation, trade, business or solicitation within the city shall first obtain a sales tax permit from the Oklahoma Tax Commission, which shall be presented at the time of application for a city license, and an itinerant occupation license from the office of the city clerk. (Ord No. 353, 7/20/82)

§ 9-203 FEES.

A. There is hereby levied an itinerant occupation tax against persons, firms, associations and corporations, engaged in itinerant occupations, trades businesses or solicitations within the city including the sale of prepared ready to eat foods from a vehicle or a vehicle-towed conveyance.

B. The itinerant occupation tax shall be:

1. For all such occupations other than “food vendors” that tax shall be the amount of Five Dollars ($5.00) per person, per day, or in the amount of Two Hundred Fifty Dollars ($250.00) per year from the date of application. The term “day” shall be defined as a twenty-four (24) hour period commencing upon issuance of the license.

2. For “food vendors whose business is the sale of prepared ready to eat foods from a vehicle or vehicle-towed conveyance, the tax shall be in the amount of Fifteen Dollars ($15.00) per month or in the amount of One Hundred Twenty ($120.00) per calendar year from the date of application, The term “month” is defined as any calendar month or part thereof commencing upon
§ 9-204 LICENSE REQUIRED.

A. Every person, firm, association or corporation who engages in an occupation or business for which an itinerant occupation license is required, shall pay the fee and secure separate license for each such business or occupation, and each such person, agent or employee to be so engaged, must be separately licensed.

B. Every holder of a license to engage in, exercise or pursue a business, trade, occupation or solicitation, shall carry the license and shall display it in an open and conspicuous site for the general public to see and to any person who requests to see it. (Ord. No. 353, 7/20/82)

§ 9-205 APPLICATION.

Applicants for an itinerant occupation license hereunder shall file with the city clerk in duplicate a sworn application in writing on a form to be furnished by the city clerk.

The application shall give the following information:

1. Full name, description, birthdate, and Social Security number of each individual applicant.

2. Address, both legal and local;

3. Nature of business and kinds of goods to be sold, and if applicant is a farmer or truck gardener, whether the goods are produced by him on lands he owns, cultivates and controls;

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

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

6. Description and license number or other identification of any vehicle to be used;

7. A statement as to whether or not the applicant has been convicted of a felony, or any crime of moral misconduct, the nature of the offense and the punishment or penalty assessed therefore; and

8. Each individual applicant for a license or permit shall submit to fingerprinting and photographing by the police department. (Ord. No. 353, 7/20/82)
§ 9-206 ASSIGNMENT OR TRANSFER.

Assignment or transfer of licenses shall not be permitted. (Ord. No. 353, 7/20/82)

§ 9-207 BOND.

Repealed. (Ord. No. 481, 7/7/92)

§ 9-208 DUPLICATE.

Whenever an itinerant occupation license has been lost or destroyed without any wrongful act or connivance by the holder, the city clerk, on application, may issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the city clerk an affidavit that the license has not been transferred, that it has been lost, he has made diligent search for it and has not been able to find it. The fee for every duplicate license issued, payable to the city clerk, shall be five dollars ($5.00). (Ord. No. 353, 7/20/82)

§ 9-209 SUSPENSION, REVOCATION.

A. An itinerant occupation license issued to any person, firm, association or corporation may be temporarily suspended by the city council, chief of police, city clerk or appropriate designated official, prohibiting the continuance of any business allowed by the license, for any one of the following reasons:

1. That the license is engaging in, exercising or pursuing the business or occupation in such a manner that he has created or is creating a public nuisance;

2. Serious or repeated violation of the law or ordinances; or

3. Upon written complaint, alleging violation of the city code or laws of the state by any person living, residing, rooming, or doing business within three hundred (300) feet of the place wherein the licensee is conducting his place of business. Any itinerant occupation licensee that has been suspended will be afforded an adequate opportunity for a hearing before the city council.

B. The city council shall receive the complaint, investigate its allegations and set a date for a hearing to be held on the complaint; the hearing shall be held within thirty (30) days of the date of receipt of the complaint.

C. At least ten (10) days prior to the hearing, the licensee shall be notified, in writing, of the time and place of such hearing.

D. The city council shall take, and may allow, such actions at the hearing, as may be necessary to ensure that all parties are afforded the opportunity to fairly present their cases.

E. If the city council, by majority vote at the conclusion of the hearing, finds that the
licensee has not violated one of the above reasons, the licensee may use the unexpired time on the issued license.

F. If the city council, by majority vote at the hearing, finds that the licensee has violated one of the above reasons, the issued license shall be revoked. (Ord. No. 353, 7/20/82)

§ 9-210 HOURS OF BUSINESS.

No person, firm, association or corporation to whom an itinerant occupation license has been issued, shall conduct, exercise or pursue the business or occupation for which such license is issued, between the hours of 7:00 P.M. and 7:00 A.M. on any day. (Ord. No. 353, 7/20/82)

§ 9-211 PROHIBITED ACTS.

No holder of an itinerant occupation license shall:

1. Conduct his business within the fire limits of the city;

2. Place any structure, stand, vehicle or other type of peddling facility on or within the right-of-way of any street, alley or other public way;

3. Impair or obstruct or allow his customers to impair or obstruct the view or flow of vehicular traffic in any way;

4. Allow trash, junk or debris to accumulate at his place of business, or operate his business in an unclean or unsanitary manner;

5. Solicit business by extraordinary sounds or loud noises; or

6. Operate his business within (20) feet of any property line or public thoroughfare. (Ord. No. 353, 7/20/82)

§ 9-212 ORDERS FOR GOODS, REQUIREMENTS.

All orders taken by solicitors for goods to be delivered in the future shall be in writing in duplicate, stating the terms thereof, and the amount paid in advance and the balance due thereon. One such copy shall be given thereby to the purchaser. (Ord. No. 353, 7/20/82)

§ 9-213 SALES TAX COLLECTIONS.

Each person, firm, association or corporation to whom an itinerant occupation license is issued shall collect both city and state sales tax and make written report to the city clerk of the total amount of sales made and the total amount of city sales tax collected, within forty-eight (48) hours of the expiration of the license. All sales tax collected shall be remitted to the state in the usual manner. (Ord. No. 353, 7/20/82)
§ 9-214 PENALTY.

Each sale, offer to sell, or solicitation, without the appropriate license having been procured, or any violation of the provisions of this part shall be an offense, punishable by a fine of up to one hundred dollars ($100.00). (Ord. No. 353, 7/20/82; Ord. No. 481, 7/7/92)

CHAPTER 3 - POOL, BILLIARD HALLS AND CARDROOMS

§ 9-301 LICENSE REQUIRED.

It is unlawful for any person to operate, maintain or conduct a billiard, pool, bagatelle or pigeonhole table open to the public without having first obtained a license therefor as herein required. All applications for licenses shall state thereon the intended location of the place of business and the number of tables to be used therein. The license fees shall be as set forth in this part. (Prior Code, § 4-5-1)

State Law Reference: City powers to license pool halls, 21 O.S. §§ 1101 to 1105; State licenses, 68 O.S. § 50004.

§ 9-302 MINORS.

Minors under the age of sixteen (16) years shall under no circumstances frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it be upon some lawful errand under the direction and the consent and knowledge of the parent, guardian or other person having lawful custody of the minor; and it is unlawful for the proprietor of any hall so licensed to allow or permit any such minor to be within the hall in violation of this section. (Prior Code, § 4-5-2)

§ 9-303 BUSINESS UNLAWFUL ON SUNDAY.

Pool halls shall not be operated on Sunday. On all days except Sunday such establishment may be kept open until 12:00 A.M. (Prior Code, § 4-5-3)

CHAPTER 4 - JUNK SHOPS, PAWNBROKERS AND SECONDHAND STORES

Whenever the following words or terms are used in this chapter, they shall have the meanings herein ascribed to them.

1. “Junk shop” means any enterprise engaged in the processing of junk, waste, discarded or salvaged materials, machinery or equipment including automobile wrecking and dismantling;

2. “Pawnbroker” means every person who makes a business of lending money on the security of personal property deposited in his keeping; and

3. “Secondhand Store” means every person who deals in the purchase and sale of goods of any type that have been used or previously sold at retail one or more times. (Prior Code, § 4-8-1)
§ 9-402 LICENSE APPLICATION.

Application for a license to be issued under the provisions of this chapter shall be made to the clerk and shall contain a description of the location of the applicant together with a statement concerning the type of business contemplated. The council may provide regulations requiring such other information as it may deem advisable. (Prior Code, § 4-8-2)

§ 9-403 LICENSE.

Upon receipt of proper application and the payment of a fee often dollars ($10.00), the clerk may issue a license for a junk shop, pawnbroker or secondhand store, subject to all of the provisions of this chapter. (Prior Code, § 4-8-3)

§ 9-404 PROHIBITED PURCHASES.

No person licensed under the provisions of this chapter shall make any purchase from any minor without first obtaining approval from the chief of police. (Prior Code, § 4-8-4)

§ 9-405 INSPECTION.

The police chief or other designated official shall be permitted at any reasonable time to inspect any property contained on the premises of any person licensed under this chapter. (Prior Code, § 4-8-5)

§ 9-406 RECORDS.

Any person licensed under the provisions of this chapter shall maintain a written record of all business transactions, including the time of purchase and the description of any article and the name and address of the person from whom the article was purchased. This shall be in the English language and shall be available at any reasonable time for inspection by the marshal or other designated official. (Prior Code, § 4-8-6)

§ 9-407 AUTOMOBILE SALVAGING.

It is unlawful for any person to establish, maintain or operate any automobile salvage junk or wrecking establishment, storage of salvage automobiles, automobile bodies or parts, junk parts, or junk of any kind, on or in any lot or building within the following described limits;

1. Within the fire limits of the city;
2. Within one block of Main Street, outside the fire limits of the city;
3. Within one-half (‘A) block of Noble Avenue, outside of the fire limits of the city; and
4. Within one-half (A) block of Laing Avenue, “C” Street or Eleventh Street; within one block of Clarence Nash Boulevard, between “C” Street and Fourth Street; and

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within one and one-half (1 A) blocks of Clarence Nash Boulevard, between Fourth and Eleventh Streets; all within the city. (Prior Code, § 4-8-7)

CHAPTER 5 - PERMITS FOR PARADES AND PUBLIC MEETINGS

§ 9-501 PERMIT REQUIRED.

Any person desiring to have or conduct a parade or hold a peaceable, public or religious meeting, or use a public address system upon any of the streets alleys, parks, or public places within the city, shall secure a permit from the city permit board, in writing, giving the date or dates that the meetings or parades will be held, and the names of the persons or organizations who will hold or conduct the same; and upon the filing of the request the city permit board may grant a permit, revocable at any time, for such persons or organizations to hold a meeting at such time and place, and in such manner upon the public thoroughfares in the city as the permit board shall determine will not interfere with the general traffic or the convenience of the public in the use of the streets, alleys, parks, or public places. (Prior Code, § 8-8-1)

Cross Reference: Unlawful assemblies, see § 10-301 of this code; funeral processions, see § 15-510 of this code.

§ 9-502 PERMIT BOARD.

The city permit board shall be composed of the mayor, the police chief and the clerk, which board shall pass upon all such permit requests and in the discretion of the majority of the board may grant or deny any or all requests made. (Prior Code, § 8-8-2)

§ 9-503 UNLAWFUL ACTS.

It is unlawful for any person to hold or assist in holding any meeting or parade or use any public address system without first obtaining such permit for the time and place where the meeting or parade shall be held; and it is unlawful and an offense to disturb or disquiet any such meeting or parade or make any loud or unusual noise, or by rude conduct annoy the speaker or other persons gathered at the meeting or in the parade. (Prior Code, § 8-8-3)

§ 9-504 PARADE VEHICLES; DEFINED.

Parade vehicles as used in this chapter shall include motorized scooters, motorized go-carts, or other motorized conveyances whether manufactured, custom made or altered for the purpose of participation in parades generally, which are not licensed or intended for general traffic upon the highways and by-ways of the state. (Ord. No. 605, 5/20/08)

§ 9-505 AUTHORITY TO UTILIZE PARADE VEHICLE; PROHIBITED ACT; PENALTY; FESTIVALS.

A. Any person or entity desiring to ride upon or drive any parade vehicle in any parade authorized and permitted by the permit board, shall present to the permit board a written description of each such type vehicle and the number thereof to be utilized in the parade.
B. The permit board shall approve in writing any such utilization as in its discretion is consistent with the health, safety and welfare of the participants and by-standers of the parade.

C. Forms for the use in describing parade vehicles shall be produced, maintained, and filed with the city clerk. There shall be no fee imposed for the service.

D. All such use of parade vehicles as authorized by this section shall be confined to the streets as set out in the parade route authority. Any such usage shall not be allowed on any state or federal highway or upon any sidewalk of the community.

E. During any designated festival time as recognized by the city, parade vehicles may be utilized for purpose of providing entertainment, participation in programs, or involvement in ceremonies, and to move to and from and between staging areas, encampments and functions.

F. Violation of this section shall constitute an offense and be subject to a fine of not more than one hundred dollars and court costs. (Ord. No. 605, 5/20/08)

CHAPTER 6 – TAXICABS

§ 9-601 DEFINITIONS

The term “taxicab” as used in this chapter shall mean any vehicle used to carry passengers for hire but not operating on a fixed route. (Prior Code, § 4-9-1)

State Law Reference: City powers to regulate, 11 O.S. § 22-118; insurance filed with city, 47 O.S. §8-104.

§ 9-602 LICENSE REQUIRED.

It is unlawful to engage in the business of operating a taxicab in the city without first having secured a license therefor. Applications for licenses shall be made in writing to the clerk, and shall state thereon the name of the applicant, the intended place of business and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given. (Prior Code, § 4-9-2)

§ 9-603 CHARACTER OF APPLICANT.

No license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; nor shall a license be issued to or held by any corporation if any officer thereof would be ineligible for a license under foregoing conditions. (Prior Code, § 4-9-3)

§ 9-604 FEE, INSURANCE.

For each taxicab operated within the city, for the carrying of passengers for hire, a license fee as set by the council shall be charged and collected. No permit shall be issued for the operation
of a taxicab, until the owner thereof shall make a satisfactory proof to the clerk of public liability insurance having been secured for each taxicab in the sum of ten thousand dollars, ($10,000.00) for each individual who may be injured, and twenty thousand dollars ($20,000.00) minimum liability for any one accident or collision. All such permits shall be issued under the signature of the mayor, and the attest of the clerk, after proper proof by the applicant of the necessity of such service within the city. (Prior Code, § 4-9-3)

§ 9-605 VEHICLES

A. No taxicab shall be operated unless it bears a state license duly issued. No cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wipers in good condition. It is the duty of the police chief to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this section.

B. Each taxicab, while operated, shall have on each side, in letters readable from a distance of twenty (20) feet, the name of the licensee operating it. If more than one cab is operated by a licensee, each cab shall be designated by a different number, and each number also appear on each side of the cab. (Prior Code, § 4-9-5)

§ 9-606 DRIVERS.

No person shall drive a taxicab, or be hired or permitted to do so, unless he is duly licensed as a chauffeur. (Prior Code, § 4-9-6)

§ 9-607 INTOXICATED DRIVERS.

It is unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor, or to use any profane or obscene language or to shout or call to prospective passengers, or to disturb the peace in any way. (Prior Code, § 4-9-6)

§ 9-608 TRAFFIC RULES.

It is the duty of every driver of a taxicab to obey all traffic rules established by statute of the provisions of this code. (Prior Code, § 4-9-7)

§ 9-609 UNLAWFUL USE.

It is unlawful to knowingly permit any taxicab to be used in the preparation of a crime or misdemeanor. (Prior Code, § 4-9-8)

§ 9-610 PASSENGERS.

A. It is the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab; provided the person conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.
B. The driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. (Prior Code, Sec. 4-9-9)

§ 9-611 CAB STANDS

A. Locations on public streets for cab stands shall be designated by the council.

B. Each cab stand shall be appropriately marked by signs erected under the supervision of the police chief. It is unlawful to park any vehicle, other than a license taxicab, in any cab stand. (Prior Code, §4-9-10)

CHAPTER 7 – HOTELS AND MOTELS

§ 9-701 DEFINITION.

For the purpose of this chapter, every building maintained or advertised as a public lodging house or where more than six (6) rooms are provided for sleeping accommodations shall be known as a “hotel”. (Prior Code, § 4-4-3)

§ 9-702 FIRE PROTECTION EQUIPMENT.

The fire chief, or other officer designated by the council may survey each hotel and specify suitable fire detecting devices or extinguishing appliances which shall be provided. (Prior Code, § 4-4-2)

§ 9-703 MAINTENANCE OF EQUIPMENT.

Fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or according to any provisions of this code, shall be maintained in operative condition at all times and it is unlawful for any owner or occupant to reduce the effectiveness of the protection so required. (Prior Code, § 4-4-3)

§ 9-704 HOTEL REGISTER.

A register shall be maintained at every hotel and each guest shall be required to register his name and home address. The date of arrival and departure shall be clearly indicated and the register shall be maintained for a period of at least one year following registration. The register shall be open for inspection to any authorized person. (Prior Code, § 4-4-5)

§ 9-705 SERVICE STATION RESTRICTIONS.

Automobile service stations shall be located no closer than fifty (50) feet to any hotel. (Prior Code, § 4-3-2)

§ 9-706 EXISTING STANDARDS.

The size, structure, plumbing, heating and ventilation components shall meet all local fire,
plumbing and building code requirements. (Prior Code, § 4-3-5)

CHAPTER 8 - MEDICAL MARIJUANA

§ 8-101: 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:]

*Commercial medical marijuana growing and/or processing facilities* means any medical marijuana growing or processing facility licensed by the State of Oklahoma to grow or process medical marijuana in excess of 12 plants. Growing includes the cultivation, manufacturing, processing, packaging, and distribution of marijuana and marijuana products. Processing includes including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create medical marijuana, medical marijuana products or concentrates.

*Medical marijuana dispensary* means any retail medical marijuana establishment licensed by the State of Oklahoma and the City of Watonga to sell or dispense medical marijuana or medical marijuana products.

*Medical marijuana growing for personal use* means any individual licensed by the State of Oklahoma and the City of Watonga to grow up to 12 plants within a single residence for personal medical use.

*Medical marijuana wholesale and/or storage facility* means any wholesale or storage establishment licensed by the State of Oklahoma and the City of Watonga that acquires, possesses, stores, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid medical marijuana dispensary license.

The City hereby adopts all other terms and definitions as established by state law or Department of Health regulations. In the event of a conflict between any definitions contained herein, the definition promulgated by the state or the Department of Health shall prevail.

§ 8-102: GENERAL REQUIREMENTS:

(a) Applicants for any license contained herein shall be required to possess a valid State of Oklahoma issued medical marijuana license prior to making application for the city license.

(b) The license outlined in this ordinance will be subject to property inspection by an authorized city inspector prior to issuance to ensure compliance with all codes of the city.
(c) The property inspection will occur at a time scheduled and approved by both the applicant and the city inspector.

(d) The applicant will be required to be present during the inspection.

(e) All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Watonga.

(f) A medical marijuana business license application shall be filled out and signed by the property and business owner and submitted to the city clerk prior to scheduling an inspection.

(g) A nonrefundable license fee, as established in this chapter, shall be paid at the time the application is submitted.

(h) The license fee shall be set according to and used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of this chapter.

(i) For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described herein is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.

(j) All medical marijuana dispensary, commercial medical marijuana growing and/or processing facilities, and medical marijuana wholesale and/or storage facility establishments shall be located within an entirely enclosed and secure structure, as required by the rules and regulations of the Department of Health, as may be amended from time to time.

(k) License holder shall remit all required state and city sales taxes.

(l) The city issued license must be conspicuously posted at the place of business.

(m) It is the intent of the City of Watonga that nothing in the medical marijuana ordinance be construed to:

   (1) Allow persons to engage in conduct that endangers the health, safety, or welfare of the citizens of the City of Watonga, or causes a public nuisance;
   
   (2) Allow the use of marijuana for non-medical purposes; or
   
   (3) Allow any activity that is otherwise illegal and not permitted by state law.

(n) Any medical marijuana dispensary, commercial medical marijuana growing and/or processing facilities, and medical marijuana wholesale and/or storage facility establishments licensed by the State of Oklahoma and operating by October 1, 2020
shall not be required to pay the licensing fees hereunder until the 2021-2022 fiscal year. Any medical marijuana dispensary, commercial medical marijuana growing and/or processing facilities, and medical marijuana wholesale and/or storage facility establishments which is not licensed by the State of Oklahoma by October 1, 2020 or which is not conducting operations by October 1, 2020 shall pay the licensing fees hereunder, which shall be prorated for the 2020-2021 fiscal year.

(o) Additional regulations:

(1) The smell of noxious odor emitted from smoking or consumption of medical marijuana by a person possessing a valid state issued medical marijuana license shall constitute a public nuisance.

(2) Smoking and vaping marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.

(3) Revocation or suspension of municipal issued marijuana license; hearing.

   a. The city manager or designee shall revoke or suspend a license issued under this section on any of the following grounds:

      i. The license was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant was not disclosed at the time of his/her application, and such fact would have constituted just cause for refusal to issue the license;

      ii. Violation of city ordinance, state law, or Department of Health regulations governing medical marijuana.

   b. Prior to suspension or revocation, the permittee shall be given notice of the proposed action to be taken and shall have an opportunity to be heard before the city manager. If an employee has been designated by the city manager, such employee shall make a report to the city manager together with a recommendation as to whether the license should be suspended or revoked.

(4) Any person or entity applying for or issued a license by the City of Watonga shall comply with all state law and Department of Health rules and regulations, as may be amended from time to time.

(5) Revocation of the state issued license shall result in immediate revocation of the city issued license.

§ 8-103: MEDICAL MARIJUANA DISPENSARY:

Medical marijuana dispensaries are hereby allowed within the municipal boundaries of Watonga, Oklahoma upon compliance with Section 8-102 of this Code, issuance of a retail
medical marijuana dispensary business license, subject to a $100.00 non-refundable first-time application fee, and the following additional provisions:

(a) Medical marijuana dispensary business license shall not be granted to any applicant where the proposed location would be located within 1,000 feet of any public or private school.

(b) Conditions of operation.

(1) Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

(2) The retail establishment must maintain a valid sales tax permit issued by the State of Oklahoma.

(3) No on premises use of marijuana or its derivatives shall be allowed.

(4) Any violations of this section will result in the revocation of the retail medical marijuana business license.

(c) There shall be a business license fee and an annual renewal fee of $1,000.00. The annual business license will expire on June 30 and shall be renewed prior to July 1 each year. Failure to renew will result in a penalty fee of 50 percent of the annual fee and shall require reinspection as required by Section 8-102(b) of this Code.

§ 8-104: COMMERCIAL MEDICAL MARIJUANA GROWING AND/OR PROCESSING FACILITIES:

Commercial medical marijuana growing and/or processing facilities are hereby allowed within the municipal boundaries of Watonga, Oklahoma upon compliance with Section 8-102 of this Code, issuance of a commercial medical marijuana growing and/or facility license, subject to a $100.00 non-refundable first-time application fee, and the following additional provisions.

(a) Conditions of operation:

(1) The facility shall be secure with limited access.

(2) The establishment must maintain a valid sales tax permit issued by the State of Oklahoma.

(3) The facility must be constructed in such a manner that the growing of the medical marijuana plants cannot be seen by the public from the public right of way.
(4) The growing area including any lighting, plumbing or electrical components used shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Watonga.

(5) The growing area must be properly ventilated so as not to create humidity, mold or other related problems.

(6) Growing medical marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

(b) There shall be a business license fee and an annual renewal fee of $1,250.00 for growing facilities. There shall be a business license fee and an annual renewal fee of $1,500.00 for processing facilities. The annual business license will expire on June 30 and shall be renewed prior to July 1 each year. Failure to renew will result in a penalty fee of 50 percent of the annual fee and shall require re-inspection as required by Section 8-102(b) of this Code.

§ 8-105: MEDICAL MARIJUANA WHOLESALE AND/OR STORAGE FACILITIES:

Medical marijuana wholesale and/or storage facilities are hereby allowed within the municipal boundaries of Watonga, Oklahoma upon compliance with Section 8-102 of this Code, issuance of a medical marijuana wholesale and/or storage facility license, subject to a $100.00 non-refundable first-time application fee, and the following additional requirements.

(a) Conditions of operations.

(1) The facility shall be secure with limited access.

(2) Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises. The retail establishment must maintain a valid sales tax permit issued by the State of Oklahoma.

(b) There shall be a business license fee and an annual renewal fee of $1,500.00. The annual business license will expire on June 30 and shall be renewed prior to July 1 each year. Failure to renew will result in a penalty fee of 50 percent of the annual fee and shall require re-inspection as required by Section 8-102(b) of this Code.

§ 8-106: PENALTY:

In addition to license revocation or suspension, a violation of any of the provisions contained in this Chapter shall also be deemed an offense and punishable by a fine in an
amount not to exceed $800.00. With respect to violations of this chapter that are continuous with respect to time, each day the violation continues constitutes a separate offense.
PART 10 – OFFENSES AND CRIMES

CHAPTER 1 – OFFENSES IN GENERAL

§ 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

Every person who attempts to commit an offense against the ordinances of the city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself. (Prior Code, Title 5, as amended)

§ 10-102 AIDING IN AN OFFENSE.

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender. (Prior Code, Title 5, as amended)

CHAPTER 2 – OFFENSES AGAINST PROPERTY

§ 10-201 PETIT LARCENY PROHIBITED.

A. Petit larceny is the taking of personal property of value not exceeding fifty dollars ($50.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor. (Ord. No. 400, 12/18/84)


§ 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES.

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy or be in any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof. (Prior Code, Title 5, as amended)

§ 10-203 DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY.

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use. (Prior Code, Title 5, as amended)
§ 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER.

It is unlawful for any person to place, stick, tack, post, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof. (Prior Code, Title 5, as amended)

§ 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

It is unlawful for any person to throw or shoot any stone or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person, or of private property. (Prior Code, Title 5, as amended)

§ 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.

A. It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire, or other conductor carrying gas, water, electricity, telephone or cable television and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water, electricity, telephone or cable signals without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.

B. If any evidence of tampering or damaging of a public utility or private premises is proven, the owner or occupant of such premises shall be presumed responsible for the damage and fine. (Prior Code, Title 5, as amended)


§ 10-207 THROWING ADVERTISING ON STREET, PROHIBITED.

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter. (Prior Code, Title 5, as amended)

§ 10-208 THROWING INJURIOUS SUBSTANCES.

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal. (Prior Code, Title 5, as amended)
§ 10-209 INJURY TO PLANTS AND TREES.

It is unlawful for any person to wilfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing on or around any park or public street within the city, or wilfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or wilfully injure or destroy any stand, bench, seat or other property situated upon such park or ground. (Prior Code, Title 5, as amended)

§ 10-210 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

1. Wilfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the city;
2. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;
3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the city;
4. Take or remove any dirt, earth, or any substance from any street, road, pavement, curb or gutter therein; or
5. Connect any driveway to any street or other public place without first securing permission form the city inspector so to do.

Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or city engineer. (Prior Code, Title 5, as amended)

§ 10-211 TRESPASS PROHIBITED.

A. For the purpose of this section, the following terms shall be defined as follows:

1. "Public property" means that property which is dedicated to public vise and over which the federal, state or municipal government or any subdivision thereof exercise control.
2. "Private property" means any property other than public property; and
3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave
the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises.

Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate the premises by a police officer; provided that the provision of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

B. It illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or otherwise or hen the property, area or structure is enclosed, except when such entrance is in the line of duty, or with expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance, (Prior Code, Title 5, as amended)

§ 10-212 PARKING ON PROPERTY OF ANOTHER.

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge thereof, or when necessary in the performance of a duty, or otherwise by authority of law or ordinance. (Prior Code, Title 5, as amended)

§ 10-213 INTERFERENCE WITH FIRE HYDRANTS.

A. It is unlawful for any person except one duly authorized by the city utility superintendent or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stopcock belonging to the city.

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant. (Prior Code, Title 5, as amended)

Cross Reference: Fire department and services, § 13-201 et seq.

§ 10-214 BARBED WIRE AND ELECTRIC FENCES PROHIBITED, EXCEPTIONS.

It is unlawful for any person to erect or maintain any electric fence or any fence constructed in whole of barbed wire or to use any barbed wire on any fence nearer than six (6) feet above the ground within the corporate limits of the city. However this section shall not require the removal
of any electric fences or barbed wire fences, in any area that is annexed to the city after March 1982, if that area was, immediately prior to the annexation, an agricultural area with existing electric or barbed wire fences; and if such area is developed for residential purpose all electric and barbed wire fences must be removed and may not be replaced by barbed wire or electric fences. (Ord. No. 342, 3/16/82)

CHAPTER 3 – OFFENSES AGAINST THE PUBLIC

§ 10-301 DISTURBING THE PEACE.

A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.

B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others;

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;

2. Appearing in an intoxicated condition;

3. Engaging in a fistic encounter;

4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;

5. Pointing any pistol or any other weapon whether loaded or not at any other person or persons either in anger or otherwise;

6. Three (3) or more persons assembling with intent or with the means and preparations to do an unlawful act which would be riot if actually committed, but do not act toward the commission thereof, or assemble without authority of law and in such a manner as is adapted to disturb the public peace or excite public alarm;

7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;

8. Making unnecessarily loud, offensive noises;

9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
10. Committing any other act in such a manner as to unreasonably disturb or alarm the public. (Prior Code, Title 5, as amended; Ord, No. 513,4/16/96)

*Cross Reference:* Public meeting permits, see §§ 9-601 to 9-603 of this code.

§ 10-302 INSULTING SIGNS, LITERATURE OR LANGUAGE.

A. It is unlawful for any person, firm or corporation within the city to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the city, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault,

B. It is unlawful for any person to wilfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:

1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or

2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault. (Prior Code, Title 5, as amended)

§ 10-303 FIREWORKS PROHIBITED.

A. The word "fireworks" as used in this section shall be as defined in § 1622 of Title 68 of the Oklahoma Statutes.

B. It is unlawful for any person to sell or manufacture fireworks within the city.

C. It is unlawful for any person to shoot, explode, discharge, use, or display any fireworks within the fire limits of the city at any time.

D. It is unlawful to shoot, explode, discharge, use or display any fireworks outside the fire limits of the city except during the period of time from June 28 through July 4, or the legal holiday of Independence Day, whichever is later, of any year. No such use of fireworks may take place except during the hours of 8:00 a.m. through 12 p.m. (Midnight) on said days.

E. Fireworks displays may be authorized by the city in accordance with the city's fire prevention code.

F. The mayor may suspend the use of fireworks at any time, due to drought or other emergency, by proclamation. (Prior Code, §§ 6-2-1 to 6-2-4, in part; Ord. No. 524,9/2/97; Ord. No. 579, 7/15/03)

*State Law Reference:* Bottlerockets prohibited, fireworks sales licenses, 68 O.S. §§ 1621 et seq.

*Cross Reference:* Fire limits, see Chapter 1 of Part 5 of this code; fire prevention code, see
§ 13-101 of this code.

§ 10-304 STORING OR KEEPING EXPLOSIVES.

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, or any other highly explosive material or substance. (Prior Code, Title 5, as amended)

§ 10-305 CARRYING WEAPONS.

A. It is unlawful for any person, except a law enforcement officer, a registered security officer or a person employed by an armored car firm licensed by the corporation commission, to carry a concealed weapon other than permitted by this code or state law.

B. It is unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or other offensive weapon, except as provided in this code or state law. This subsection shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this section be construed to prohibit any use of weapons in a manner otherwise permitted by law.

C. It is unlawful for any person, except a peace officer, as defined in § 99 of Title 21 of the Oklahoma Statutes, when in the county or counties of his employment or residence, or the owner or proprietor of the establishment being entered, to carry into or to possess in any establishment where beer or alcoholic beverages are consumed any of the weapons designated in § 1272, Title 21 of the Oklahoma Statutes. Nothing herein shall be interpreted to authorize such peace officer in actual physical possession of a weapon to consume beer or alcoholic beverages, except in the authorized line of duty as an undercover officer.

D. It is unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ballroom, or to any social party or social gathering, or to any election, or to any political convention, or to any other public assembly, a pistol, shotgun or rifle.

E. It is unlawful for any person, having previously been convicted of any felony in any court of a state or the United States to have in his possession or under his immediate control, or in any vehicle which he is operating, or in which he is riding as a passenger, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile,

F. It is unlawful to carry or use shotguns, rifles or pistols under any circumstances
while under the influence of intoxicating liquors or any hallucinogenic, unlawful or unprescribed drug, nor shall any person be permitted to carry or use shotguns, rifles or pistols when under the influence of any drug prescribed by a licensed physician if the aftereffects of such consumption affect mental, emotional or physical processes to a degree that would result in abnormal behavior.

G. A person may carry or transport in a motor vehicle a rifle, shotgun or pistol, unloaded, at any time, unless prohibited by state law.

State Law Reference: State firearms act, 21 O.S. §§ 1289.1 to 1289.16.

§ 10-306 DISCHARGING WEAPONS PROHIBITED, EXCEPTIONS.

A. The word "firearms" as used in this section shall be defined in §§ 1289.3 through 1289.5 of Title 21 of the Oklahoma Statutes for the terms rifle, pistol and shotguns, and shall also include what are commonly known as air rifles and BB guns.

B. It is unlawful for any person to discharge firearms of any kind or description within the limits of the city. However, this prohibition shall not apply to police officers in the discharge of their duties, or to persons otherwise authorized by law.

C. Nothing in this section shall prohibit the discharge of firearms for purpose of sport, competition or training by any individual or group, when such activity is within the confines of the National Guard Armory, whether by civilians or military personnel.

D. Persons whose property is afflicted by skunks, animals suspected of rabid conditions, or unprotected species of birds may discharge firearms as necessary, when such can be done without danger to persons or property. However, in the case of unprotected birds, no discharge of firearms will be allowed without written permission from the chief of police, or in his absence the assistant chief of police. (Prior Code, 5-5-1, 5-5-4; Ord. No. 403, 12/18/84; Ord. No. 406, 1/15/85; Ord. No. 417, 1/15/85)

§ 10-307 RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. (Prior Code, Title 5, as amended)

§ 10-308 LOUD NOISE OR MUSIC PROHIBITED, AMPLIFIED SOUND.

It is unlawful for any person to disturb the peace and quietude of any part of the city by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, with or without a loud speaker, in such a manner to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music. (Ord. No. 398, 12/18/84)
§ 10-309 LOUD NOISE FROM VEHICLE PROHIBITED.

A. No person operating or occupying a motor vehicle, whether in movement or not, upon any street, highway, alley, paring lot or driveway shall operate, cause to be operated, or allow operation therein of any sound amplification system which by said operation disturbs the peace and quietude of any person within any part of the city except that of any on duty peace officer. It shall be a rebuttable presumption for purposes of this section that:

1. Any residence located within one hundred (100) feet of the point of violation is considered to be occupied at all times;

2. Any commercial structure located within one hundred (100) feet of the point of violation is considered to be occupied between the hours of 7:00 a.m. and 7:00 p.m. daily.

B. For purposes of this section only, sound amplification device is defined as a radio, television set, device commonly known as VCR or DVD, tape player, compact disc player or other device intended for the sound amplification of commercially recorded music or audio programs, or commercially broadcast radio or television signals.

C. No person shall be convicted of this offense unless it can be shown that such person has received a written warning from a law enforcement officer concerning violation of this or similar section within the last twelve (12) months. (Ord. No. 577, 7/15/03)

CHAPTER 4 – OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

§ 10-401 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the city in a state of intoxication.

B. For the purpose of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous or malt liquors, of any narcotic, to such extent as to deprive the person of his or her full physical or mental power. (Prior Code, Title 5, as amended)

§ 10-402 MARIJUANA AND OTHER CONTROLLED SUBSTANCES PROHIBITED.

A. Definitions

1. For the purpose of this section, “marijuana” means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the rosin extracted from any part of such plant; and every compound, manufacture, salt, derivatives, mixture, or preparation of such plant, its seeds or rosin but shall not include the mature stalks of such plant, fiber produced from such
stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extract therefrom), fiber, oil or cake, or sterilized seed of such plant which is incapable of germination.

2. Controlled dangerous substance” means a drug, substance or immediate precursor thereof listed in Schedules I through V of the Uniform Controlled Dangerous Substances Act in Oklahoma State Statute Title 63, Public Health and Safety, Chapter 2. (Ord. No. 650, 5/___/18).

B. It is unlawful for any person:

1. To appear or be upon or in any street, alley, place of business, or other public place while under the influence of marijuana or a controlled dangerous substance;

2. To use, have, or possess marijuana or a controlled dangerous substance upon or in any street, alley, place of business, or other public place within the city;

3. To use, have or possess marijuana or a controlled dangerous substance in any place within the city except as legally prescribed by a physician licensed to practice in the state; or

4. To loiter about a place where marijuana or a controlled dangerous substance is sold or furnished illegally.

5. Any person who violates any provision of this section is guilty if a misdemeanor punishable by a fine not exceeding Five Hundred Dollars ($500.00). (Prior Code, Title 5, as amended; Ord. No. 650, 5/____/18)

C. No person shall be prosecuted under this Chapter for possession of medical marijuana or its products, when such person is duly licensed according to the Oklahoma State Department of Health, Medical Marijuana Control Program, by being a

1. Holder of a Patient’s License (Reg. 310:681-2-1 ODH)

2. Holder Under the age of Eighteen (18) Patient License (Reg. 310:681 -2-2 ODH)

3. Holder of a Caregiver’s License (Reg. 310:681-2-3 ODH)

4. Holder of a Temporary Patient License (Reg. 310:681 -2-4 ODH)

5. Holder of a Transportation License (Reg. 310:681-3-1 ODH)

6. Holder of a Medical Research License (Reg. 310:681-4-1 ODH)
7. Holder of a Commercial Medical Marijuana Dispensary (Reg. 310:681-5-1 ODH)
8. Holder of a Commercial Grower Operation (Reg. 310:681-5-1 ODH)
9. Holder of a Commercial Processor License (Reg. 310:681-5-1 ODH)
10. Holder of a Commercial Research Project (Reg. 310:681-5-1 ODH)

If the possession by such license holder is otherwise lawful under the Statutes of the State of Oklahoma (Ord. No. 653, ___/__/18).

State Law Reference: Controlled dangerous substances act, 63 O.S. §§ 2-101 et seq.

§ 10-403 PROSTITUTION.
A. It is unlawful for any person to:
   1. Be a prostitute;
   2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
   3. Engage in any act of prostitution;
   4. Knowingly let premises for purposes of prostitution;
   5. Conduct a business or premises for prostitution;
   6. Accept or receive the proceeds for any act; or
   7. Be a party to an act of prostitution or solicitation of prostitution in the limits of city.
B. For the purpose of this section:
   1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
   2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
   3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge. (Ord. No. 401, 12/18/84)
§ 10-404 DISORDERLY HOUSE.

A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;

2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;

3. The performance of any sexual act declared unlawful by state statute or city ordinance including, but not limited to, prostitution or soliciting for purposes of prostitution; or

4. The violation of any state statute or city ordinance prohibiting gambling.

(Prior Code, Title 5, as amended)

§ 10-405 MAINTAINING OR LEASING DISORDERLY HOUSE.

A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house. (Prior Code, Title 5, as amended)

§ 10-406 RESIDENTS AND VISITORS OF DISORDERLY HOUSE.

No per shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties. (Prior Code, Title 5, as amended)

§ 10-407 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:
1. Appear in any public place in the city in a state of nudity;
2. Appear in any public place in the city in any offensive, indecent or lewd dress; or
3. Make an indecent public exposure of his or her person. (Prior Code, Title 5, as amended)

§ 10-408 DEFINITIONS, OBSCENITY REGULATIONS.

The following terms when used in the chapter shall have the meaning respectively ascribed to them in this section:

1. "Obscene" means that to the average person applying contemporary community standards:
   a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;
   b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and
   c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
2. "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;
3. "Person" means any individual, partnership, firm, association, corporation or other legal entity;
4. "Disseminate" means to transfer possession of, with or without consideration;
5. "Knowingly" means being aware of the character and the content of the material;
6. "Minor" means any person under the age of sixteen (16) years;
7. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the deception of covered male genitals in a discernible turgid state;
8. "Performance" means any preview, play, show, skit, film, dance, or other exhibition performed before an audience;
9. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a
separate fee for each item or performance;

10. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and

11. "Promote" means to cause, permit, procure, counsel or assist.

§ 10-409 PROHIBITED OBSCENE CONDUCT.

It is unlawful for any person to:

1. Knowingly disseminate, distribute or make available to a minor obscene material;

2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts to a minor that promote such commerce primarily on the basis of their prurient appeal;

3. Knowingly engage or participate in any obscene performance made available to a minor; or

4. Provide service to patrons in such a manner as to expose to view of a minor:
   a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
   b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
   c. Any portion of the female breast at or below areola thereof; or
   d. Knowingly promote the commission of any of the above listed unlawful acts.

§ 10-410 SLEEPING ON THE STREETS, DEPOTS.

It is unlawful for any person, between the hours of 12:00 A.M. midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place. (Prior Code, Title 5, as amended)

§ 10-411 BEGGING PROHIBITED.

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purpose is to aid persons in need. (Prior Code, Title 5, as amended)
§ 10-412 GAMBLING PROHIBITED.

A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following except as may be authorized by state law:

1. To bet at or play any game of faro, monte, roulette, craps, or other game whatsoever for money, property, checks, credits or other representatives of value with cards, dice, or any other device which may be adapted to use or used in playing any game of chance or in which chance is a material element.

2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;

3. To gamble knowingly in any other manner; or

4. To knowingly permit his or its premises, house, lot or other property to be used in connection with, or for, any act declared unlawful in this section.

B. It is unlawful and an offense against the city for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representative of value. (Prior Code, Title 5, as amended; Ord. No. 512, 4/16/96)

State Law Reference: Municipal power to prohibit gambling, 11 O.S. § 22-108.

§ 10-413 BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.

It is unlawful for any person to be in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise. (Prior Code, Title 5, as amended)

§ 10-414 HARMFUL DECEPTION.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver. (Prior Code, Title 5, as amended)

§ 10-415 FALSE OR BOGUS CHECKS.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of fifty dollars ($50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money property which are not honored on account of insufficient funds of the
maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or
delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima
facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such
bank or other depository. Such maker or drawer shall not have paid the drawee the amount due
thereon, together with the protest fees, and the check or order shall be presented for payment within
thirty (30) days after same is delivered and accepted. (Prior Code, Chapter 5, as amended)

§ 10-416 CURFEW OF MINORS.

A. As used in this section, the following terms shall have the meanings respectively
ascribed to them as identified in this subsection:

1. "Curfew hours" means:
   a. For minors age fifteen (15) and under: 11:00 P.M. on any Sunday,
      Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the
      following day; and midnight until 6:00 A.M. on any Friday or
      Saturday night;
   b. For minors age sixteen (16) and seventeen (17): 11:00 P.M. on any
      Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00
      A.M. of the following day; and 2:00 A.M. until 6:00 A.M. on any
      Friday or Saturday night;

2. "Emergency" means an unforeseen combination of circumstances or the
   resulting state that calls for immediate action. The term includes, but not
   limited to, a fire, a natural disaster, or automobile accident, or any situation
   requiring immediate action to prevent serious bodily injury or loss of life;

3. "Establishment" means any privately-owned place of business operated for
   a profit to which the public is invited, including but not limited to a place
   of amusement or entertainment;

4. “Guardian” means:
   a. A person who, under court order, is the guardian of the person of a
      minor; or
   b. A public or private agency with whom a minor has been placed by a
      court;

5. "Minor" means any person under eighteen (18) years of age, who has not
   been legally emancipated by a court of competent jurisdiction;

6. "Operator" means any individual, association, partnership, or corporation
   operating, managing, or conducting any establishment. The term includes
   the members or partners of the association or partnership and the officers of
   a corporation;
7. "Parent" means a person who is:
   a. A natural parent, adoptive parent, or stepparent of another person; or
   b. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor;

8. "Public place" means any place to which the public or a substantial group of the public has access and include, but not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops;

9. "Remain" means to:
   a. Linger or stay; or
   b. Fail to leave premises when requested to do so by police officer or the owner, operator, or other person in control of the premises;

10. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the functions of any bodily member or organ;

A. Offenses:
   1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours;
   2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours; and
   3. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

B. Defenses:
   1. It is a defense to prosecution under Subsection B that the minor was:
      a. Accompanied by the minor’s parent or guardian;
      b. On an errand at the direction of the minor’s parent or guardian, without any detour or stop;
      c. In a motor vehicle involved in interstate travel;
d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

e. Involved in an emergency;

f. On the sidewalk abutting the minor’s residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor’s presence;

g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

h. Exercising first Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

i. Married or had been married or had disabilities of minority removed in accordance with the laws of the State of Oklahoma or any other state;

3. It is a defense to prosecution under paragraph 3 of Subsection B that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

C. Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender’s age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection C is present.

D. Penalties. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable as provided in § 1-108 of this code. (Ord. No. 479, 8/20/91; Ord. No. 497, 12/6/94)

§ 10-417 PUBLIC DANCES, DEFINITIONS.

For the purpose of this chapter the following terms shall be defined as follows:

1. “Permit means the document issued by the city police department and signed by the chief of police or assistant chief of police, allowing a public dance to be held in the city limits of the City of Watonga.
2. “Public” means other than members only or invitation only;

3. “Public dance” means any gathering or assembly of persons for the purpose of participation in dancing; which is open to the public; an admission fee is charged; and there are no other requirements for admission, except that no minors may be allowed at the option of the sponsor. The following are excluded from the provisions of this chapter:
   a. Dance performances and recitals and
   b. School sponsored dances (whether public school or private school);

4. “Security” means an adequate number of security guards on the premises of the public dance;

5. “Security guard” means any person who is a licensed security guard or is a duly elected or appointed police or peace officer, or is a retired police or peace officer; and

6. “Sponsor” means the person, person, or organization having ultimate responsibility for a public dance. If the sponsor is a bona fide organization, such organization shall be considered a sponsor. In all other cases, each and every such person shall be considered a sponsor. (Ord. No. 496, 12/6/94)

§ 10-418 PERMITS FOR PUBLIC DANCES.

A. It is unlawful for a public dance to be held within the city limits unless the sponsor applies for and receives a permit from the city police department, at least twenty-four (24) hours prior to the start of the public dance.

B. The sponsor shall provide the following information upon application for a permit:
   1. Name, address and telephone number of each sponsor. If sponsor is an organization, a contact person shall be designated and the same information provided;
   2. Location of the dance;
   3. Time the dance starts and ends;
   4. The names of security guards who will be on the premises of the public dance or the security company providing security guards for the public dance;
   5. Show proof that all appropriate licenses have been obtained, if applicable; and
   6. Whether minors are allowed.
C. The police department shall issue a permit upon application if all information is provided,

D. Violation of this provisions shall constitute a violation and be punished as provided in § 1-108 of this code upon conviction. Each sponsor may be subject to the penalty. (Ord. No. 496, 12/6/94)

§ 10-419 SECURITY REQUIRED AT PUBLIC DANCES.

A. The sponsor of a public dance is required to provide sufficient security, as defined at paragraph 3 of § 10-417. Sponsor shall be responsible for hiring and payment of the security.

B. Violation of this provision shall constitute a violation and be punished as provided in § 1-108 of this code upon conviction. Each sponsor shall be subject to the penalty.

C. The police shall have the power and authority to close down any public dance which does not have sufficient security on the premises. (Ord. No. 496, 12/6/94)

§ 10-420 PREVENTION OF YOUTH ACCESS TO TOBACCO.

A. Prevention of Youth Access to Tobacco Products and Tobacco Paraphernalia

1. As used in this subsection:

   b. “Person” means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

   c. “Proof of age” means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

   d. “Sample” means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

   e. “Sampling” means the distribution of samples to members of the public in a public place;

   f. “Tobacco product” means any product that contains tobacco and is intended for human consumption

   g. “Tobacco License” means any state or city license required as a prerequisite to sell or distribute tobacco products;

   h. “Tobacco Paraphernalia” means all equipment, products and
materials of any kind which are used or intended for use in storing, concealing, containing, inhaling or otherwise introducing into the human body, any form of tobacco. It includes, but is not limited to, cigarette papers, pipes, and rolling machines.

2. It is unlawful for any person to sell or furnish in any manner any tobacco product or tobacco paraphernalia to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product or tobacco paraphernalia on behalf of any such person. Provided, however, that it shall not be unlawful for an employee under eighteen (18) years of age to handle such products or paraphernalia when required in the performance of the employee’s duties.

a. A person engaged in the sale or distribution of tobacco products or tobacco paraphernalia shall demand proof of age from a prospective purchaser or recipient if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.

b. Violation of any part of paragraph (2) of this subsection (A) constitutes any offense and upon conviction thereof shall be punishable by a fine not to exceed twenty-five dollars ($25.00) for the first offense within one-year period, a fine not to exceed fifty dollars ($50.00) for the second offense within a one-year period, and a fine not to exceed seventy-five dollars ($75.00) for a third or subsequent offense within a one-year period. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age, shall be a defense to any action brought pursuant to this subsection.

c. If the sale is made by an employee of the owner of a store at which tobacco products or paraphernalia are sold at retail, the employee as well as the owner of the store, shall be guilty of the violation and shall be subject to the fine.

d. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of this subsection, each individual franchise or business location shall be deemed a separate entity.

3. It is unlawful for a person who is under eighteen (18) years of age to purchase or accept receipt of a tobacco product or tobacco paraphernalia, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product or paraphernalia. Provided, however, that is shall not be unlawful for such a person to handle such tobacco product or paraphernalia when required in the performance of such
person’s duties.

a. Violation of paragraph (3) of this subsection (A) constitutes an offense and upon conviction thereof, shall be punishable by a fine not to exceed twenty-five dollars ($25.00) for the first offense within a one-year period and a fine not to exceed fifty dollars ($50.00) for a second or subsequent offense within a one year period.

4. It unlawful for any person to distribute tobacco product samples to any person under eighteen (18) years of age.

a. Notwithstanding paragraph (4) of this subsection (A), no person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within three hundred feet (300) of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.

b. Violation of any part of paragraph (4) of this subsection (A) constitutes an offense and upon conviction thereof, shall be punishable by a fine not to exceed twenty-five dollars ($25.00) for the first offense within a one-year period, a fine not to exceed fifty dollars ($50.00) for a second offense within a one-year period, and a fine not to exceed seventy-five ($75.00) for a third or subsequent offense within a one-year period.

5. It is unlawful for any person holding a tobacco license to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

a. Violation of paragraph (5) of this subsection (A) shall constitute an offense and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars ($100.00) for each offense. (Ord. No. 521, 12/17/96)

B. Prevention of Youth Access to Tobacco Products

1. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. “Cigarette” means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and costs of or contains:

1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco,
2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (1) of this paragraph

a. The term “cigarette” includes “roll-your-own” (i.e. any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.) For purposes of this definition of cigarette, nine one-hundredths (0.09) of an ounce of “roll-your-own” tobacco shall constitute one individual “cigarette”.

b. “Proof of age” means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

c. “Sample” means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

d. “Sampling” means the distribution of samples to members of the public in a public place;

e. “Tobacco product” means any product that contains tobacco and is intended for human consumption

f. “Transaction scan” means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification; and

g. “Transaction scan device” means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

2. Furnishing or Sale of Tobacco Products to Minors

a. It is unlawful for any person to sell, give, or furnish in any manner
any tobacco product to another person who is under eighteen (18) years of age or to purchase in any manner a tobacco product on behalf of any such person. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee’s duties.

b. Any person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser be under eighteen (18) years of age. If an individual engaged in the sale or distribution of tobacco products has demanded and was shown proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of subparagraph (b) of this paragraph (2) of this subsection (B).

c. Defenses: Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to prosecution under subparagraphs (a) or (b) of this paragraph (2) of this subsection (B). A person cited for violation of this subsection (B) shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:

1) The individual who purchased or received the tobacco product presented a driver’s license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older; and

2) The person cited for the violation confirmed the validity of the driver’s license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

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

d. When a person is convicted or enters a plea and receives a continued sentence for a violation of subparagraphs (a) or (b) of this paragraph
(2) of this subsection (B), the total of any fines, fees, or costs shall not exceed the following:

1) One Hundred Dollars ($100.00) for the first offense;

2) Two Hundred Dollars ($200.00) for the second offense within a two-year period following the first offense; and

3) Three Hundred Dollars ($300.00) for the third or subsequent offense within a two-year period following the first offense.

3. Receipt of Tobacco Products By Minors

a. It is unlawful for any person who is under eighteen (18) years of age to purchase, receive, or have in his or her possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product. It shall not be unlawful for an employee under age eighteen (18) years of age to handle tobacco products when required in the performance of the employee’s duties.

b. When a person is convicted or enters a plea and receives a continued sentence for a violation of subparagraph (a) of this paragraph (3) of this subsection (B), the total of any fines, fees, or costs shall not exceed the following:

1) One Hundred Dollars ($100.00) for a first offense; and

2) Two Hundred Dollars ($200.00) for a second or subsequent offense within a one-year period following the first offense.

4. Distribution of Tobacco Product Samples

a. It is unlawful for any person to distribute tobacco products or product samples to any person under eighteen (18) years of age.

b. No person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.

c. When a person is convicted or enters a plea and receives a continued sentence for a violation of subparagraph (a) or (b) of this paragraph (4) of this subsection (B), the total of any fines, fees, or costs shall not exceed the following:

1) One Hundred Dollars ($100.00) for the first offense;
2) Two Hundred Dollars ($200.00) for the second offense; and

3) Three Hundred Dollars ($300.00) for the third or subsequent offense.

5. Sale of Tobacco Products Except in Original, Sealed Package
   a. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
   b. When a person is convicted or enters a plea and receives a continued sentence for a violation of this paragraph (5) of this subsection (B), the total of any fines, fees, or costs shall not exceed Two Hundred Dollars ($200.00) for each offense.

6. Public Access to Displayed Tobacco Products
   a. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.
   b. When a person is convicted or enters a plea and receives a continued sentence for a violation of this paragraph (6) of this subsection (B), the total of any fines, fees, or costs shall not exceed Two Hundred Dollars ($200.00) for each offense.

7. Report of Violations and Compliance Checks
   a. Any conviction for a violation of this Article and any compliance checks conducted by the Police Department pursuant to subparagraph (b) of this paragraph (7) of this subsection (B) shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the [Court Administrator/Court Clerk] or his designee and compliance checks shall be reported by the Chief of Police or his designee.
   b. Persons under eighteen (18) years of age may be enlisted by the Police Department to assist in enforcement of this Article pursuant to the rules of the ABLE Commission. (Ord. No. 624, 1/15/13).

C. Prevention of Youth Access to Tobacco Including Vapor Products
1. Definitions

The following words, terms and phrase, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. “Cigarette” means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and costs of or contains:

1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco.

2) Tobacco, in any form, that is functional in the product, which because of its appearance, the type of tobacco used in the filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

The term "cigarette" includes "roll-your own" (i.e. any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.) For purposes of this definition of cigarette, nine one-hundredths (0.09) of an ounce of "roll-your-own" tobacco shall constitute one individual "cigarette".

b. “Person” means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

c. “Proof of age” means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid; Sample: means a tobacco product or vapor product distributed to members of the public at no cost for the purpose of promoting the product;

d. “Sampling” means the distribution of samples to members of the public in a public place;

e. “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.

f. “Transaction scan” means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license
or other government issued photo identification; and

g. “Transaction scan device” means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

h. “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 and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act,

2. Furnishing or Sale of Tobacco Products and Vapor Products to Minors

a. It is unlawful for any person to sell, give or furnish in any manner any tobacco, tobacco product or vapor product (see definition) to another person who is under eighteen (18) years of age, or to purchase in any manner tobacco a tobacco products or vapor product on behalf of any such person. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco, tobacco products or vapor products when required in performance of the employee's duties.

b. A person engaged in the sale or distribution of tobacco, tobacco products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be less than eighteen (18) years of age. If an individual engaged in the sale or distribution of tobacco, tobacco products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of this paragraph (2) of this subsection (C).

c. Any violation of subparagraph (a) or (b) of this paragraph (2) of this subsection (C) is an offense against the City of Watonga; upon conviction of any such offense, the violator shall be punished as follows:
1) Not more than One Hundred Dollars ($100.00) for the first offense;

2) Not more Two Hundred Dollars ($200.00) for the second offense within a two year period following the first offense.

3) Not more than Three Hundred Dollars ($300.00) for the third or subsequent offense within a two-year period following the first offense.

d. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this paragraph (2) of this subsection (C). A person cited for violating this paragraph (2) of this subsection (C) shall be deemed to have reasonable relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:

1) The individual who purchased or received the tobacco product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older; or

2) The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of the paragraph (2) of this subsection (C) if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of any other defense under any other provision of law.

3. Receipt of Tobacco Products and Vapor Products by Minors

a. It is unlawful for any person who is under eighteen (18) years of age to purchase, receive, or have in his or her possession a tobacco product, or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product or vapor products. It shall not be unlawful for an employee under age eighteen (18) years of age to handle tobacco products or vapor products when required in the performance of the employee's duties.

b. When a person is convicted or enters a plea and receives a continued
sentence for a violation of subparagraph (a) of this paragraph (3) of this subsection (C), the total of any fines, fees, or costs shall not exceed the following:

1) One Hundred Dollars ($100.00) for a first offense; and

2) Two Hundred Dollars ($200.00) for a second or subsequent offense within one-year period following the first offense.

4. Distribution of Tobacco Product and Vapor Product Samples
   a. It shall be unlawful for any person or retailer to distribute tobacco, tobacco products, tobacco or tobacco product samples or vapor products samples to any person under eighteen (18) years of age.
   b. No person shall distribute tobacco, tobacco product or vapor product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.
   c. When a person is convicted or enters a plea and receives a continued sentence for a violation of subparagraph (a) or (b) of this paragraph (4) of this subsection (C), the total of any fines, fees, or costs shall not exceed the following:
      1) One Hundred Dollars ($100.00) for the first offense
      2) Two Hundred Dollars ($200.00) for the second offense; and
      3) Three Hundred Dollars ($300.00) for the third or subsequent offense

5. Public Access to Displayed Tobacco Products and Vapor Products
   a. It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the tobacco product or vapor products without assistance from the person displaying the tobacco product or vapor products or an employee or the owner of the store. The provisions of this subparagraph (a) shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.
   b. When a person is convicted or enters a plea and receives a continued sentence for a violation of this paragraph (5) of subsection (C), the total of any fines, fees, or costs shall not exceed Two Hundred Dollars ($200.00) for each offense.
6. **Report of Violations and Compliance Checks**

   a. Any conviction for a violation of this Article and any compliance checks conducted by the Police Department pursuant to subparagraph (b) of this paragraph (6) of this subsection (C) shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Watonga Court Clerk or his/her designee and compliance checks shall be reported by the Chief of Police or his designee.

   b. Persons under eighteen (18) years of age may be enlisted by the Police Department to assist in enforcement of this Article pursuant to the rules of the ABLE Commission. (Ord. No. 634, 2/17/15).

**§ 10-421 PROHIBITION OF TOBACCO ON SCHOOL PROPERTY**

**A. Definitions**

1. “School Property” means any property owned or leased by the public school district including, but not limited to any educational facility that offers an early childhood education program or in which children in grades kindergarten through twelve are educated, school vehicles, and the location of any school-sponsored or school-sanctioned event or activity.

2. “Tobacco product” means any product that contains tobacco and is intended for human consumption.

3. “Vapor product” shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

   B. For the purposes of this section, the term "vapor products" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act as set out above in A(3).

   C. It is unlawful for a person who is under eighteen (18) years of age to purchase,
receive, or have in his or her possession a tobacco product, or vapor product on school property.

D. Any person who knowingly violates the provisions of this section shall be punished by a citation and fine of:

1. Not to exceed One Hundred Dollars ($100.00) for a first offense; and

2. Not to exceed Two Hundred Dollars ($200.00) for a second or subsequent offense within a one-year period following the first offense. (Ord. No. 647, 4/17/18).

§ 10-422 PROHIBITION OF ALCOHOL ON SCHOOL PROPERTY

A. Definitions

1. “School Property” means any property owned or leased by the public school district including, but not limited to any educational facility that offers an early childhood education program or in which children in grades kindergarten through twelve are educated, school vehicles, and the location of any school-sponsored or school-sanctioned event or activity.

2. “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 obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products;

3. For purposes of this Chapter the term “Alcohol Beverage” shall be the same as set out in Part 3, Chapter 3 in the City of Watonga Code Book.

B. It shall be unlawful for any person under the age of twenty-one (21) years to be in the possession of any intoxicating beverage containing more than three and two-tenths percent (3.2%) alcohol by weight or any low-point beer as defined by Section 163.2 of Title 37 of the Oklahoma Statutes while such person is upon any school property.

C. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Dollars ($100.00). (Ord. No. 648, 4/17/2018).

§ 10-423 PROHIBITION OF NARCOTIC DRUGS ON SCHOOL PROPERTY

A. Definitions

1. “School Property” means any property owned or leased by the public school district including, but not limited to any educational facility that offers an early childhood education program or in which children in grades
kindergarten through twelve are educated, school vehicles, and the location of any school-sponsored or school-sanctioned event or activity.

2. “Controlled dangerous substance” means a drug, substance or immediate precursor thereof listed in Schedules I through V of the Uniform Controlled Dangerous Substances Act in Oklahoma State Statute Title 63, Public Health and Safety, Chapter 2, or any drug, substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law.

B. It is unlawful for person knowingly or intentionally to possess a controlled dangerous substance on school property unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized.

C. Any person who violates this section shall be guilty of a misdemeanor punishable by a fine not exceeding Five Hundred Dollars ($500). (Ord. No. 649, 4/17/18).

§ 10-424 POSSESSION OF DRUG PARAPHERNALIA

A. Definitions

1. “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act of the State of Oklahoma Statute Title 63, Public Health and Safety, Chapter 2, including, but not limited to:

   a. Kits used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,

   b. Kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,

   c. Isomerization devices used, intended for use, or fashioned specifically for use in increasing the potency of any species of plant which is a controlled dangerous substance,

   d. Testing equipment used, intended for use, or fashioned specifically
for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,
e. Scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,
f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannnite, dextrose and lactose, used, intended for use, or fashioned specifically for use in cutting controlled dangerous substances,
g. Separation gins and sifters used, intended for use, or fashioned specifically for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana,
h. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or fashioned specifically for use in compounding controlled dangerous substances,
i. Capsules, balloons, envelopes and other containers used, intended for use, or fashioned specifically for use in packaging small quantities of controlled dangerous substances,
j. Containers and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
k. Hypodermic syringes, needles and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
l. Objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:
   1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
   2) Water pipes,
   3) Carburetion tubes and devices,
   4) Smoking and carburetion masks,
   5) Roach clips, meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand,
6) Miniature cocaine spoons and cocaine vials,

7) Chamber pipes,

8) Carburetor pipes,

9) Electric pipes,

10) Air-driven pipes,

11) Chillums,

12) Bongs, or

13) Ice pipes or chillers,

14) All hidden or novelty pipes, and

15) Any pipe that has a tobacco bowl or chamber of less than one-half (1/2) inch in diameter in which there is any detectable residue of any controlled dangerous substance as defined in this section or any other substances not legal for possession or use;

provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older.

B. It is unlawful for any person:

1. To use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance as defined in Uniform Controlled Dangerous Substances Act of the State of Oklahoma Statute Title 63, Public Health and Safety, Chapter 2, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

2. To deliver, sell, possess or manufacture drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound,
convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act of the State of Oklahoma Statute Title 63, Public Health and Safety, Chapter 2.

3. Any person who violates subsections 1 or 2 of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00). (Ord. No. 651, 5/____/18)

CHAPTER 5 - OFFENSES AGAINST PERSONS

§ 10-501 ASSAULT AND BATTERY PROHIBITED.

A. It is unlawful to commit an assault or an assault and battery within the city.

B. For the purposes of this section, an assault is any wilful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A battery is any wilful and unlawful use of force or violence upon the person of another. (Prior Code, Title 5, as amended)

CHAPTER 6 – OFFENSES AGAINST PUBLIC AUTHORITY

§ 10-601 RESISTING AN OFFICER.

A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.

B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, and individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

D. The words “obstruction of” shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or
3. Refusal by the arrested party to give his name and make his identity known to the arresting officer. (Prior Code, Title 5, as amended)

§ 10-602 REFUSING OR FAILING TO ASSIST AN OFFICER.

It is unlawful for any person who, after having been lawfully commanded to aid any officer in arresting any person or in retaking any person who has escaped from legal custody, or in executing any legal process to willfully neglect or refuse to aid such officer. (Prior Code, Title 5, as amended; Ord. No. 397, 12/18/84; Ord. No. 515, 4/16/96)

§ 10-603 ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER.

It is unlawful for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties. (Prior Code, Title 5, as amended)

§ 10-604 RESCUING PRISONERS.

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner or prisoners, from any officer or employee of the city having legal custody of the same or from the city jail or other place of confinement by the city, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement. (Prior Code, Title 5, as amended)

§ 10-605 ESCAPE OF PRISONERS.

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison or custody. (Prior Code, Title 5, as amended)

§ 10-606 IMPERSONATING AN OFFICER OR EMPLOYEE.

It is unlawful for any person to impersonate any officer or employee of the city, falsely represent himself to be an officer or employee of the city, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being duly authorized to do so. (Prior Code, Title 5, as amended)

§ 10-607 FALSE ALARMS.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fir, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run. (Prior Code, Title 5, as amended)
§ 10-608 FALSE REPRESENTATION TO AN OFFICER.

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, or official dealing or negotiation with, such officer of agency; or to commit perjury before any tribunal or officer of the city. (Prior Code, Title 5, as amended)

§ 10-609 REMOVAL OF BARRICADES.

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area, (Prior Code, Title 5, as amended)

§ 10-610 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or wilfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the city in the discharge of his official duties;

2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or

3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties. (Prior Code, Title 5, as amended)

§ 10-611 ELUDING POLICE OFFICER.

It is unlawful for any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a police officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his vehicle to a stop, and who wilfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer. (Prior Code, Title 5, as amended)

CHAPTER 7 - PENALTIES

§ 10-701 GENERAL PENALTIES.

Any violation of the provisions of this part is punishable as provided in § 10-108 of this code. (Prior Code, Title 5, as amended)
PART 11 - PARKS, RECREATION AND CULTURAL AFFAIRS

CHAPTER 1 – PARKS

§ 11-101 REGULATIONS AND RULES: COUNCIL TO SET; POSTING.

A. All places heretofore owned by the city and used as parks are hereby declared to be public parks within the meaning of this chapter and are subject to all rules and regulations set out in this chapter.

B. Additional Parks may be added by action of the council from time to time.

C. The council shall by resolution promulgate rules and regulations governing operation of parks and the activities allowed within the parks established by the city. Such rules and regulations shall be posted in appropriate and conspicuous places within the parks, or shall be made available in written form to each user.

D. The mayor shall have the authority to revise, modify, supplement, add to, or delete from such rules and regulations as adopted by the council, by promulgation thereof, which said action shall be immediately enforceable upon posting.

1. All such acts of the mayor modifying or otherwise affecting existing rules and regulations governing parks shall be submitted in writing to the council within thirty (30) days thereafter for approval or other action. Such modifications shall remain in force until acted upon by the council. (Prior Code, § 8-3-1; Ord. No, 594, 11/7/06).

§ 11-102 DEFACING PROPERTY.

No person shall write upon or mark or deface in any manner or use in any improper way, any water closet, park, seat, any building, fence or other property in any park, (Prior Code, § 8-3-2)

§ 11-103 INJURING TREES.

No person shall break, cut, mutilate or injure, remove or carry away any trees, shrubs, plants, flowers, stone or stone walk, bench, stand, structure, fence or anything whatsoever in, upon or near any park. (Prior Code, § 8-3-3)

§ 11-104 LITTERING.

No person shall throw stones or rubbish of any kind into any lake, pond or stream or other place in the parks except into receptacles designated for that purpose. No person shall foul in any manner any pool, spring or drinking fountain in any park. (Prior Code, § 8-3-5)

§ 11-105 LICENSE FOR SELLING.

No person shall set up any booth, table, stand or device for vending or retailing any candies,
ice cream or other articles whatsoever, without first complying with this code and all applicable ordinances of the city. (Prior Code, § 8-3-6)

Cross Reference: See also itinerant vendors, regulations, § 9-101 of this code.

§ 11-106 OPEN CONTAINER IN MARTZ PARK PROHIBITED.

It shall be unlawful for any person to possess an open container of any alcoholic beverage or nonintoxicating beverage or to be in a state of intoxication while on the premises of Martz Park, described as follows:

Lots One through Six (1-6), Block Six (6), Old Townsite of Watonga, City of Watonga for as long as the premises are used as a public park by the city. (Ord. No. 490, 8/17/93)

§ 11-107 VIOLATION OF RULES AND REGULATIONS AN OFFENSE, PUNISHMENT

A. The Rules and Regulations authorized herein shall have the force of law.

B. Any and each violation of any of the rules and regulations for the operation of parks, after enactment thereof, shall constitute an offense. Each day a violation continues shall be a separate offense.

C. Punishment for each such offense as defined herein shall be a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00).

D. In addition to the fines and costs set out herein, the municipal judge, upon proper application thereto, may revoke the privilege of the violator to utilize park facilities, for a period not to exceed one year. (Ord. No. 594, 11/7/06)

CHAPTER 2 – LIBRARY

§ 11-201 BOARD CREATED.

There is hereby created a library board to consist of six (6) members who shall be appointed by the mayor with the consent of the council. Members shall serve without compensation. Effective May 1, 1983, the library board shall consist of five (5) members. (Ord. No. 359, 3/1/83)


Cross Reference: Qualifications, requirements for library board members, see §§ 2-701 et seq. of this code.

§ 11-202 TERM OF OFFICE.

A. Members of the library board shall be appointed for a term of five (5) years. Appointments shall be made before the first day of May of each year. The terms shall be staggered such that, of the initial appointments, one member shall serve for one (1) year and one member shall serve for two (2) years and one member shall
serve for three (3) years and one member shall serve for four (4) years and one member shall serve for five (5) years. (Ord. No. 360, 3/1/83; Ord. No. 482, 8/4/92)

B. All library board members appointed after May 1, 2014 shall be appointed for a term of three (3) years. Appointments shall be made before the 1st day of May each year. (Ord. No. 626, 4/1/14).

§ 11-203 VACANCIES.

Vacancies in the board, occasioned by removals, resignations or otherwise, shall be reported to the council and shall be filled in the same manner as original appointments are made. (Prior Code, § 2-4-3)

§ 11-204 ORGANIZATION.

The board shall, immediately after appointment, meet and organize by the election of one of their number as president and such other officers as they may deem necessary. They shall make and adopt by-laws, rules and regulations for their own guidance and for the government of the library and reading rooms as may be expedient, not inconsistent with this chapter. (Prior Code, § 2-3-4)

§ 11-205 POWERS.

A. The library board shall exercise control and supervision over the library. All powers and authority delegated to the board shall be subject to the approval of the mayor and council.

B. The library board shall fix any fees to be charged by the library.

C. The library board shall have control of the expenditure of all monies collected and placed to the credit of the library fund. All money received by the board on account of the operation of the library, or otherwise, shall be paid by the board to the city treasurer, who shall deposit the same in a special account, separate and apart from the other money in the city treasury, to be designated the “library fund”. Such monies shall be paid out only upon warrants authorized by the board. The board shall have authority to establish and maintain a petty cash fund, not to exceed the sum of three hundred dollars ($300.00) at any one time, for use in maintaining the library, which money shall be expended by the librarian on forms prescribed and authorized by the board. The fund shall be established and replenished by claims against appropriations. The fund may be used for postage due payments and for the purchase of minor items and services that cost less than twenty-five dollars ($25.00) each. Itemized receipts for all such purchases shall be secured and filed.

D. The library board shall have authority to recommend appointment, and removal, of a suitable librarian and necessary assistants, and their compensation, subject to the approval of the mayor and city council.

E. The board shall have the power to accept, or in its discretion to decline, donations
tendered as provided in this chapter for the purpose of maintaining and augmenting collections other than collections of printed books and periodicals. (Prior Code, § 2-3-4; Ord. No. 483, 8/4/92; Ord. No. 558, 11/7/00; Ord. No. 666, 10/20/2020)

State Law Reference: 65 O.S. § 3-112.

§11-206 RULES AND REGULATIONS.

The library or reading room shall be subject to such reasonable rules and regulations as the board may adopt in order to render the use of the library and reading room to the greatest number. The board may exclude from the use of the library and reading room any and all persons who shall willfully violate such rules. (Prior Code, § 2-4-5)

§ 11-207 ANNUAL REPORT.

The board shall make on or before the first day of August, in each year, an annual report to the council, stating:

1. The condition of their trust on the last day of June of the year;
2. The various sums of money received from the library fund;
3. Other sources;
4. How much money has been expended and for what purpose;
5. The number of books and periodicals on hand;
6. The number added by purchase, gift, or otherwise during the year;
7. The number lost or missing;
8. The number of persons attending;
9. The amount of books loaned out; and
10. The general character and kind of such books with such other statistics, information and suggestions as they deem of general interest. (Prior Code, § 2-4-6; Ord. No. 485, 8/4/92)

§ 11-208 DONATIONS.

Any person desiring to make donations of money, personal property or real property, for the benefit of the library or for the establishment, maintenance or endowment of public lectures in connection with the library upon any subject designated by the donor in the field of literature, science and the arts, (except that lectures in the interest of any political party, politics or sectarian religion are expressly prohibited), shall have the right to vest the title to such money or property in the city, to be held and controlled by the city, when accepted, according to the terms of the donation. The city shall be held and considered to be a special trustee as to such property or money
§ 11-209 POWER OF COUNCIL.

The library and reading room may be used for such other public purposes as the council may deem proper, and shall always be subject to such reasonable rules and regulations as the council may adopt, in order to render the use of the library and reading room of the greatest benefit to the greatest number. (Prior Code, § 2-4-8)

§ 11-210 PROTECTION OF LIBRARY.

A. Any person who shall wilfully violate any rules and regulations regularly adopted by the board for the government care and use of the library and reading room shall be deemed guilty of an offense and punished accordingly.

B. Any person who shall destroy or deface any book, periodical or other property of such library, or who shall fail to return any such property at such time as the same should have been returned, and shall fail to comply with the regulations of the board thereto, shall be guilty of an offense and punished accordingly.

C. Violation of any provision of this section shall be punishable plus restitution in the full sum of damage inflicted or loss to the library, in each instance. (Ord. No. 407, 12/18/84)

CHAPTER 3 – GOLF COURSE

§ 11-301 BOARD CREATED.

There is hereby created a golf course advisory board which shall consist of five (5) members to be appointed by the mayor with the consent of the council. Members shall serve without compensation. (Ord. No. 468, 6/5/90)

Cross Reference: See § 2-702 of this code for qualifications, requirements of board members. See § 2-707 for application of Part 2, § 7, to golf course advisory board.

§ 11-302 TERM.

Members of the board shall serve for a term of five (5) years. Of the initial appointments, however:

1. One member shall serve from date of appointment until May 1, 1991;
2. One member shall serve until May 1, 1992;
3. One member shall serve until May 1, 1993;
4. One member shall serve until May 1, 1994; and
5. One member shall serve until May 1, 1995.
As each term expires the successor thereto shall be appointed for a term of five (5) years. (Ord. No. 468, 6/5/90)

§ 11-303 ADVISORY BOARD; RULES; CHAIRMAN; DUTIES.

A. The board shall be advisory only, and shall submit all reports and recommendations to the parks committee of the city council or to the city council.

B. The board shall adopt rules and regulations for its own operation.

C. The board shall annually, at its first meeting after May 1, select its own chairman.

D. The board shall consider and submit to the parks committee of the city council or the city council, as often as is necessary, its recommendations concerning the planning, establishment, maintenance, development, construction, enlargement, improvement, equipment, operation, regulation, protection, policing and long range planning of the Watonga Municipal Golf Course, and may make recommendations to the city council in regard to establishment of an estimate of needs for the operation thereof, and may make recommendations to the city council concerning employees of the city whose duties relate to the Watonga Municipal Golf Course. (Ord. No. 468, 6/5/90)

_Cross Reference:_ § 2-706 of this code for meetings and reports.
PART 12 – PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1 – BOARDS AND COMMISSIONS

ARTICLE A – PLANNING COMMISSION

§ 12-101 PLANNING COMMISSION CREATED.

There is hereby created a city planning commission, which shall consist of five (5) members, all of whom shall be residents of the city as hereinafter provided. The members of the commission 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 except as hereinafter provided. (Prior Code, § 2-8-1; Ord, No. 362, 3/1/83; Ord, No. 499, 1/17/95)

State Law Reference: Planning commissions may be established, duties and powers, 11 O.S. §§ 45-101 et seq.

Cross Reference: Qualifications, requirements of planning commission members, sec §§ 2-701 et seq. of this code.

§ 12-102 TERM OF OFFICE; PROVISION FOR VACANCIES.

Members of the city planning commission shall hold office for a term of three (3) years with the exception that in the first instance two (2) shall be appointed to serve a term of one year, two (2) for a term of two (2) years and one appointed for a term of three (3) years; appointments thereafter shall be made for a term of three (3) years, except when a vacancy occurs when the appointment shall be made to fill the unexpired term. (Prior Code, § 2-8-2)

§ 12-103 EX OFFICIO MEMBERS.

The mayor and the city engineer shall be ex officio members of the city planning commission, but shall receive no compensation other than their affixed salary as such officials.

§ 12-104 QUORUM.

Three (3) members of the city planning commission shall constitute a quorum for the transaction of business. However, no action shall be taken and be binding upon the city planning commission unless concurred in by not less than a majority of all members comprising the city planning commission. (Ord. No. 363, 3/1/83)

§ 12-105 MEETINGS; ORGANIZATION AND RULES.

The members of the city planning commission 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 term of the officers shall be one year with eligibility for re-election. The commission shall be at least once each month as needed. (Prior Code, § 2-8-5)
§ 12-106 POWER TO EMPLOY STAFF; DUTIES.

The commission shall have the power and authority to employ planners, engineers, attorneys, clerks and a secretary, or other help deemed necessary for the efficient operation of the commission, subject to the approval of the city council. The salary and compensation of such employees shall be fixed by the city and shall be paid out of the city treasury as other officers and employees, and the necessary expenses incurred by the commission shall be appropriated and paid out of the city treasury as other legal expenses of the city government, but in no event may the planning commission be authorized to create a deficiency. (Prior Code, § 2-8-6; Ord. No. 499, 1-17-95)

§ 12-107 POWERS AND DUTIES, SUBDIVISION OF LAND.

A. The commission shall prepare and recommend to the council for adoption a comprehensive plan for the physical development of the city and from time to time shall prepare plans for the betterment of the city as a place of residence or for business. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the city, and make recommendations as it may deem advisable concerning the adoption thereof to any department of the city government, and for any purpose make, or cause to be made, studies, surveys, maps or plans for the conduct of its activities.

B. Before final action may be taken by any municipality or department thereof on the location, construction, or design of any public building, statue, memorial, park, parkway, boulevard, street, alley, playground, public ground, or bridge, or the change in the location or grade of any street or alley, the question shall be submitted to the planning commission for investigation and report. Counties and school districts shall be exempted from the payment of a fee to obtain any license or permit required by a zoning, building, or similar ordinance of the city.

C. All plans, plats, or replats of land laid out in lots or blocks, and the streets, alleys, or other portions of the same, intended to be dedicated to public or private use, within the corporate limits of the city, shall first be submitted to the planning commission for its approval or rejection. Before the plans, plats, or replats shall be entitled to be recorded in the office of the county clerk, they shall be approved by the city council. It shall be unlawful to offer and cause to be recorded any such plan, plat, or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city council. Any plat filed without the endorsed approval of the city council shall not import notice nor impose any obligation or duties on the city. The disapproval of any such plan, plat, or replat by the city council shall be deemed a refusal of the proposed dedication shown thereon, (Prior Code, §§ 2-8-7, 2-8-8; Ord. No. 499, 1-17-95)

§ 12-108 SUBDIVISION OF LAND.

The planning commission may exercise jurisdiction over subdivision of land and adopt regulations governing the subdivision of land within the city. Any such regulations, before they
become effective, shall be approved by the city council and shall be published as provided by law for the publication of ordinances. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations may provide for a tentative approval of the plat before such installation. And such tentative approval shall be revocable for failure to comply with commitments upon which the tentative approval was based and shall not be entered on the plat. In lieu of the completion of any improvements or utilities prior to the final approval of the plat, the commission may accept an adequate bond with surety, satisfactory to the commission, to secure for the city the actual construction and installation of the improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission, and further conditioned that the developer will pay for all material and labor relating to the construction of the improvements. The city may enforce the bond by all appropriate legal and equitable remedies. (Prior Code, § 2-8-9; Ord. No. 499, 1-17-95)

§ 12-109 ADDITIONAL AUTHORITY.

The city planning commission shall have additional authority and responsibility as the city council shall from time to time prescribe and which are consistent with statutory grant of power, (Ord. No. 499, 1/17/95)

Ed. Note: Ord. No. 499 also repealed prior code § 12-113 on variances.

Cross Reference: See also board of adjustment, variance procedures, § 12-125 of this code.

ARTICLE B – BOARD OF ADJUSTMENT

§ 12-121 CREATION OF ADJUSTMENT

There is hereby created a board of adjustment consisting of five (5) members, citizens of the city, each to be appointed by the mayor with the approval of the city council for a term of three (3) years and removable for cause by the governing body, upon written charges and after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose term becomes vacant. For the first appointment under the provisions of this article, however, one member shall be appointed for a term of one year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years. The board shall elect a chairman from its membership to serve for a term of two (2) years. (Prior Code, §§ 10-13-1, 10-13-2; Ord. No. 489, 8/3/93)


§ 12-122 MEETING AND RULES.

The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel
the attendance of witnesses. The board of adjustment shall be subject to the open meeting laws of the state and all meetings, deliberations and voting of the board shall be open to the public. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of all official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record. (Prior Code, § 10-13-3; Ord. No. 489, 8/3/93)

_Cross Reference:_ Variance requests, zoning changes, see § 12-113 of this code.

§ 12-123 POWERS.

A. The board of adjustment shall have the power to:

1. Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance;

2. Hear and decide special exceptions to the zoning ordinances to allow a use, or a specifically designated element associated with a use, which is not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment, where specifically authorized by the zoning ordinance, and in accordance with the substantive and procedural standards of the zoning ordinance;

3. Authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance when such cases are shown not be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the board shall have no power to authorize variances as to use except as provided by paragraph 4 of this section;

4. Hear and decide oil or gas applications or appeals. The board of adjustment shall be required to make the findings prescribed by § 12-126 of this chapter in order to grant a variance as to use with respect to any such application or appeal.

B. Exceptions or variances may be allowed by the board of adjustment only after notice and hearing as provided in § 12-128 of this chapter. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the questions, otherwise the variance or special exception shall be voidable on appeal to the district court. (Prior Code, § 10-13-5; Ord. No. 489, 8/3/93)
§ 12-124 EXTENT OF RELIEF.

A. When exercising the powers provided for in § 12-123 of this chapter, the board of adjustment, in conformity with the provisions of the ordinance, may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination from which appealed and may make such order, requirement, decision, or determination as ought to be made.

B. The concurring vote of at least three (3) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination being appealed from, to decide in favor of the applicant, or to decide any matter which may properly come before it pursuant to the zoning ordinance and § 12-123 of this chapter. (Prior Code, § 10-13-5; Ord. No. 489, 8/3/93)

§ 12-125 SPECIAL EXCEPTIONS.

The board of adjustment may make special exceptions to specific uses allowed within each zoning category according to the zoning ordinance in appropriate cases and subject to appropriate conditions and safeguards in harmony with its general purpose and intent and only in accordance with general or specific provisions contained in the zoning ordinance. (Prior Code, § 10-13-5; Ord. No. 489, 8/3/93)

§ 12-126 VARIANCES.

A. A variance from the terms, standards, and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance may be granted, in whole, in part, or upon reasonable conditions as provided by ordinance, only upon a finding by the board of adjustment that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;

2. Such conditions are peculiar to the particular piece of property involved;

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. (Prior Code, § 10-13-5; Ord. No. 489, 8/3/93)

§ 12-127 APPLICATION.

A. Applications for all variances and special exceptions shall be written and filed with the city clerk. The application must include:

1. The name of the owner of the real property;
2. The street address of the real property;
3. The legal description of the real property;
4. A brief description of the variance of special exception requested; and
5. The reason for the request.

B. The city clerk shall forward the application to the chairman of the board of adjustment within three (3) days of filing.

C. The chairman shall fix a reasonable time for the hearing by the board of adjustment on the application. Notice of the hearing shall be given in accordance with the provisions of § 12-128 of this chapter. (Ord. No. 489, 8/3/93)

§ 12-128 NOTICE AND HEARINGS.

A. Upon filing of an application pursuant to § 12-127 of this chapter or of notice of appeal pursuant to § 12-129 of this chapter, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the city and by mailing written notice by the city clerk to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

B. The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

1. Legal description of the property and the street address or approximate location in the city;
2. Present zoning classification of the property and the nature of the appeal, variance or exception requested; and
3. Date, time and place of hearing.

C. On hearings involving minor variances or exceptions, notice shall be given by the city clerk by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in Subsection B of this section. The board of adjustment shall set forth in a statement of policy what constitutes minor variances or exceptions. This statement of policy is subject to approval or amendment by the city council. (Prior Code, § 10-13-5; Ord. No. 489, 8/3/93)

§ 12-129 APPEALS TO BOARD OF ADJUSTMENT.

Appeals from the action of any administrative officer acting pursuant to any zoning
ordinance, to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officers in the following manner:

1. An appeal shall be taken within thirty (30) days after the decision of the administrative officer by filing with the officer from whom the appeal is taken and by filing with the city clerk a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the city clerk certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken. The city clerk shall forward all documents to the chairman of the board of adjustment;

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown; and

3. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

§ 12-130 APPEALS TO DISTRICT COURT.

A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board of bureau of the municipality to the district court of Blaine County.

B. The appeal shall be taken by filing with the municipal clerk and with the city clerk within ten (10) days from the filing of the decision of the board, a notice of appeal. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.

C. Upon filing the notice of appeal, the board of adjustment shall forthwith transmit to the court clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision or ruling of the board.

D. The appeal shall be heard and tried de novo in the district court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

E. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board, from
which the appeal is taken, certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application for notice to the administrative officer in charge of the enforcement of the terms and provisions of the ordinance, and upon notice to the chairman of the board from which the appeal is taken, and upon due cause being shown.

F. The district court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the board of adjustment unless it shall appear to the district court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions. (Prior Code, §10-13-6; Ord. No. 489, 8/3/93)

ARTICLE C - ZONING PROCEDURE

§ 12-140 GENERAL ZONING POWERS; APPOINTMENT OF ZONING COMMISSION.

A. For the purpose of promoting health, safety, morals, or the general welfare of the city, the city council may regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

B. In order to avail itself of the powers conferred by this article, the city council shall appoint a commission to be known as the zoning commission to recommend the boundaries of the various original districts and to recommend appropriate regulations to be enforced therein. The commissions shall make a preliminary report and hold public hearings thereon before submitting its final report. The city council shall not hold its public hearings or take action until it has received the final report of the commission. The planning commission shall be appointed as the zoning commission. (Ord. No. 499, 1/17/95)

§ 12-141 ESTABLISHING DISTRICTS-UNIFORMITY OF REGULATIONS.

A. The city council may divide the city into districts of such number, shape and area as it deems suitable in carrying out its powers as to buildings, land and structures. Within the districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

B. The city council may enact nondiscriminatory zoning ordinances regulating the location for the sale for consumption on the premises of nonintoxicating beverages,
as defined in § 163.1 of Title 37 of the Oklahoma Statutes, commonly called 3.2 beer; provided, however, that no special or separate classification shall be created only for businesses selling the product. (Ord. No. 499, 1/17/95)

§ 12-142 COMPREHENSIVE PLAN; PURPOSE DEREGULATIONS AND MATTERS CONSIDERED.

Zoning regulations as to buildings, structures and land shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; or to promote historical preservation. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. No. 499, 1/17/95)

§ 12-143 NOTICE AND PUBLIC HEARING OF PROPOSED REGULATIONS.

Parties in interest and citizens shall have an opportunity to be heard at a public hearing before any regulation, restriction, or boundary shall become effective. At least fifteen (15) days’ notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the city. The notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area. (Ord. No. 499, 1/17/95)

§ 12-144 AMENDMENTS OR CHANGES OF REGULATIONS, RESTRICTIONS AND BOUNDARIES, PROTESTS.

A. Regulations, restrictions and district boundaries of the city may be amended, supplemented, changed, modified or repealed. The requirements of § 12-143 of this code on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.

B. Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:

1. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or

2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change; then the proposed change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council. (Ord. No. 499, 1/17/95)
§ 12-145 ADDITIONAL NOTICE REQUIREMENTS FOR PROPOSED ZONING CHANGES AND RECLASSIFICATIONS.

A. Except as authorized in Subsection B of this section, in addition to the notice requirements provided for in § 12-143 of the code, notice of a public hearing on any proposed zoning change, unless the city is acting pursuant to Subsection B of this section, shall be given twenty (2) days prior to the hearing by mailing written notice by the secretary of the planning commission, to all the owners of real property as provided for in § 12-143 of this code. This notice shall contain the:

1. Legal description of the property and the street address or approximate location in the municipality;
2. Present zoning of the property and zoning sought by the applicant; and
3. Date, time, and place of the public hearing.

In addition to written notice requirements, notice may also be given by posting notice of the hearing on the affected property at least twenty (20) days before the date of the hearing.

B. If the city proposes zoning reclassifications in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation, and blighted areas, the city council may require, in addition to the notice requirements provided for in § 12-143 of this code, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notices shall state:

1. The date, time and place of the public hearing;
2. Who will conduct the public hearing;
3. The desired zoning classification;
4. The proposed use of the property; and
5. Other information as may be necessary to provide adequate and timely public notice. (Ord. No. 499, 1/17/95)

§ 12-146 INJUNCTION FOR VIOLATIONS OF REGULATIONS.

If any building, structure or land is in violation of any municipal ordinance or other regulation, the proper local authorities of the city, or any other person affected thereby, in addition to other remedies, may institute appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct
or abate any violation; to prevent the unlawful occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises. (Ord. No. 499, 1/17/95)

§ 12-147 GOVERNING ACT IN CASE OF CONFLICT.

Whenever the provision of a statute, local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards than any other applicable statute, local ordinance or regulation, then the provisions of the statute, local ordinance or regulation which impose higher standards or greater restrictions shall govern. In no event shall any provision of this article apply to any property of any railway company or terminal company. (Ord. No. 499, 1/17/95)

CHAPTER 2 AND 3 – ZONING REGULATIONS

ARTICLE A – CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCE

§ 12-201 CITATION.

This chapter, in pursuance of the authority granted by the legislature of the State of Oklahoma in §§43-101 to 43-109, §§ 44-101 to 44-110, and §§ 45-101 to 45-104 of Title 11 of the Oklahoma Statutes, shall be known as the “Zoning Ordinance of the City of Watonga,” and may be cited as such. (Prior Code, § 10-1-1)


§ 12-202 PURPOSE.

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities and other facilities. In interpreting and applying the provisions of this chapter, they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare. (Prior Code, § 10-1-2)

§ 12-203 NATURE AND APPLICATION.

A. This chapter classifies and regulates the use of land, buildings and structures within the corporate limits of the city as hereinafter set forth, by dividing the city into zones and regulating therein the use of land and the use and size of buildings as to the height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings and the density of population, all of the purpose of promoting the health, safety and welfare of the city.
B. Except as hereinafter otherwise provided, no land shall be used and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein. (Prior Code, §§ 10-1-3, 10-1-4)

§ 12-204 INTERPRETATIONS OF WORDS AND TERMS.

For the purpose of these regulations certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word “shall” is mandatory and not directory.

1. “Accessory building” means a subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the building or premises;

2. “Accessory use” means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith;

3. “Advertising sign or structure” means any cloth, care, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including a statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term “placed” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this chapter;

4. “Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses, shall be secondary, to that of the normal agricultural activities. The operation of commercial feed pens, sales yards, and auction yards for horses, cattle or hogs shall be deemed an industrial and not an agricultural use;

5. “Alley” means a minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes;

6. “Apartment house” see “Dwelling, Multiple Family”;

7. “Automobile” means a self-propelled mechanical vehicle designed for use on
streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters and motor cycles;

8. “Automobile repair” see “Garage, repair”;

9. “Automobile service station” see “Gasoline service or filling station”

10. “Automobile wash or laundry” means a structure designed primarily for washing automobiles using production-line methods with a chain conveyor, blower, steam cleaner, high-pressure spray or other mechanical device;

11. “Automobile wrecking or salvage yard” means:
a. Any place where two (2) or more vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or
b. Any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging or scavenging of any other goods, articles or merchandise;

12. “Basement” means a story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises;

13. “Boarding house” means a dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly or monthly basis;

14. “Building” means any structure intended for shelter, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building;

15. “Building coverage” means the lot area covered by all buildings located thereon, including the area covered by all overhanging roofs, including carports;

16. “Building height” means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck-line of a mansard roof or the average height of the highest gable of a pitch or hip roof;

17. “Building line” means the same as the front yard setback line. In the case of corner lots the side yard setback line on the lot side abutting a street shall also be included;
18. “Building, main” means a building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated;

19. “Carport” means a permanent roofed structure not permanently enclosed on more than two (2) sides;

20. “Child care center” means any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities;

21. “Court” means an open unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bordered on tow (2) or more sides by such building or buildings;

22. “Court, inner” means a court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length;

23. “Court, outer” means a court the full width of which opens onto a required yard, or street or alley. The width of the outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width;

24. “District” means any section or sections of the city for which the regulations governing the use of land and the use, density, bulk, height or coverage of buildings or other structures or premises;

25. “Drive-in restaurant” means any establishment where food, frozen dessert or beverage is sold to the consumer and where motor vehicle parking space is provided and where such food, frozen dessert or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside of the building;

26. “Dry cleaning, or laundry, self-service” means any attended or unattended place, building, or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer;
27. “Dwelling” means any building or portion thereof, which is designed or used as living quarters for one or more families, but not including mobile homes or travel trailers;

28. “Dwelling, detached” means a dwelling having open space on all sides;

29. “Dwelling, single-family” means a detached dwelling designed to be occupied by one family;

30. “Dwelling, two-family” means a detached dwelling designed to be occupied by two (2) families living independently of each other;

31. “Dwelling, multiple family” means a detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of auto or trailer court or camps, hotels or resort-type hotels;

32. “Family” means one or more persons related by blood, marriage or adoption, or a group of not to exceed give (5) persons, not all related by blood or marriage, occupying a boarding or lodging house, hotel, club or similar dwelling for group use;

33. “Garage apartment” means a dwelling unit for one family erected above a private garage;

34. “Garage, parking” means any building or portion thereof, used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided;

35. “Garage, private” means an accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which is accessory;

36. “Garage, repair” means a building in which are provided facilities for the care, servicing, repair or equipping of automobiles, to include collision service, such as body or frame straightening and repair, and painting of automobiles, but not including automobile or machinery salvage operations;

37. “Gasoline service or filling station” means any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repairs or automatic automobile washing or laundry or the sale of butane or propane fuels;

38. “Home occupation” means any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is
conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used except as its customary for purely domestic or household purposes. A beauty or barber shop, tea room or restaurant, rest home or clinic, doctor’s or dentist’s office, child care center, tourist home, or cabinet, metal or auto repair shop shall not be deemed a home occupation;

39. “Hotel” means a building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint;

40. “Kennel” means any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age;

41. “Lot” means any plot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this chapter and other laws or ordinances, and having its principal frontage on a street;

42. “Lot, corner” a lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°);

43. “Lot, double frontage” means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot:

44. “Lot, interior” means a lot other than a corner lot;

45. “Lot, area” means the total area measured on a horizontal plane, included within lot lines;

46. “Lot, frontage” means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot;

47. “Lot lines” means the lines bounding a lot;

48. “Medical facilities” means any of the following:

   a. Convalescent, rest or nursing home, defined as health facility where persons are housed and furnished with meals and continuing nursing care for compensation;

   b. Dental clinic or medical clinic, defined as a facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are
not kept overnight except under emergency conditions;

c. Dental office or doctor’s office, defined as the same as dental or medical clinic;

d. Hospital, defined as an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are in integral part of the facilities;

e. Public health center, defined as a facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith; and

f. Sanatorium, defined as an institution providing health facilities for in-patient treatment or treatment and recuperation making use of natural therapeutic agents;

49. “Mobile home” means a movable or portable dwelling or structure which exceeds wither eight (8) body feet in width or thirty-two (32) body feet in length, consisting of one or more components or of two (2) or more units separately towable but designed to be joined into one integral unit designed for towing or transport on streets and highways on its own wheels, chassis or on flatbed or other trailers, designed to be used as a dwelling, except for minor and incidental unpacking and assembly operations, location on jacks or with or without permanent foundations or skirting, when connected to utilities and similar operations. Unless otherwise indicated in the text of this chapter, the term “mobile home” shall refer to an “independent mobile home” as defined in this section;

50. “Mobile home park” means any parcel or plot of ground under single ownership upon which two (2) or more mobile homes, occupied for residence, dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. This shall not include a parcel or plot of ground where a mobile home owner has his mobile home established on the parcel and is living in the mobile home, and the owner establishes one additional single mobile home space, which space must comply with the spacing and safety requirements of this chapter;

51. “Nonconforming use” means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated;

52. “Off-street parking space” means a parking space not on or extending over any public easement or right-of-way;

53. “Parking space” means an improved surface, enclosed or unenclosed, which has adequate access to a public street or alley, sufficient in size to store one automobile.
For the purpose of this chapter, the size of the parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress;

54. “Rooming house” means a building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of this chapter;

55. “Secure facility” means a facility where six or more persons are housed under partial or total restraint for incarceration, detention, or other similar purposes.

56. “Story” means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it;

57. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall fact not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story;

58. “Street” means any public or private thoroughfare which affords the principal means of access of abutting property;

59. “Street, intersecting” means any street which joins another street at an angle, whether or not it crosses the other;

60. “Structure” means anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground;

61. “Structural alterations” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls;

62. “Tourist court” means an area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons or families and intended primarily for automobile transients;

63. “Tourist home” means a dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation;

64. “Trailer, hauling” means a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats;

65. “Travel trailer” or “trailer” means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and
vacation use not included in the definition of independent mobile homes. For purpose of regulation under this chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified;

66. “Trailer park” or "travel trailer park” means any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations;

67. “Yard” means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this chapter that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used;

68. “Yard, front” means a yard located in front of the front elevation of a building line and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building;

69. "Yard, rear” means a yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard; and

70. “Yard, side” means a yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (Prior Code, § 10-1-6; Ord. No. 534, 2/17/98)

ARTICLE B – ESTABLISHMENT OF DISTRICTS

§ 12-205 NUMBER OF DISTRICTS.

For the purpose of this chapter the following districts are hereby established for the city:

1. Agricultural Districts (A):
   a. A-1 general agriculture district;

2. Residential Districts (R):
   a. R-1 single-family district;
   b. R-2 two-family residential district;
c. R-3 multiple-family residential district;

3. Commercial Districts (C):
   a. C-1 neighborhood commercial district;
   b. C-2 general commercial district; and

4. Industrial Districts (I):
   a. I-1 restricted manufacturing and wholesale district; and
   b. I-2 general industrial district.

5. Secure Facility Districts (SF)

The city is hereby divided into districts as shown on the zoning map, filed with the city clerk. The zoning districts map of the city and all of the notations, references, and other matters shown thereon, shall be made as much a part of this chapter as if notations, references or other matters set forth by the map were all fully described herein. The district map is on file in the office of the city clerk at the city hall of the city. (Prior Code, § 10-1-5; Ord. No. 534, 2/17/98)

ARTICLE C – AGRICULTURAL DISTRICT (A)

§ 12-210 A-L GENERAL AGRICULTURAL DISTRICT.

This district is intended to provide an area primarily for either agricultural endeavors, involving twenty (20), or more acres under on ownership or the extraction of the various products such as oil, minerals, rock, and gravel from the earth. The rural nature and low density of population in this district requires only that uses essential to agriculture, mining, quarrying, and extraction have a reasonable setback of buildings from streets and highways. It is the purpose of this district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made. (Prior Code, § 10-3-1)

§ 12-211 USES PERMITTED.

Property and buildings in an A-L general agricultural district shall be used only for the following purposes:

1. Single-family dwelling structure for farm owner, operator, or employee;
2. All agricultural land uses, buildings, and activities;
3. Mining, quarrying, and extraction industries;
4. Drilling for and extraction of oil and natural gas in accordance with the ordinances of the city;
5. Transportation, pipeline, and utility easements and rights-of-way;

6. Temporary roadside stands for the sale of farm products grown on the premises; provided, however, that up to fifty percent (50%) of the display area for produce, may be used for the sale of products not grown on the premises. The temporary structure shall be required to set back from the roadway only an adequate distance to permit parking and ingress and egress, and shall not be constructed in such a location as would create an undue traffic hazard subject to the regulations and recommendations of the enforcement officer;

7. All of the following uses:
   a. Airport or landing field;
   b. Cemetery;
   c. Church;
   d. Country club;
   e. Golf course;
   f. Home occupation;
   g. Library;
   h. Municipal use;
   i. Park or playground;
   j. Plant nursery;
   k. Public stable or riding arena; and
   l. Public utility buildings and facilities; and

8. Accessory buildings which are not a part of the main building, including barns, shed, and other farm buildings, private garages, and accessory buildings which are a part of the main building. (Prior code, § 10-3-2)

§ 12-212 AREA REGULATIONS.

A. Front yard. All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements except as provided in Article G, General Provisions, on height requirements:

   1. The minimum depth of the front yard shall be twenty-five (25) feet; and
   2. When a yard has double frontage the front yard requirements shall be
complied with on both streets.

B. Side yard. There are not side yard or rear yard setback requirements for either main or accessory buildings except that clusters of three (3) or more dwellings on one parcel of land under one ownership shall be located on the parcel in such a manner that each dwelling will comply with the minimum side yard and rear yard requirements as set forth below, in the event that one or more of the home sites is conveyed to a second party. The following side yard requirements apply:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than seven (7) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as hereinafter provided in this code;

2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The side yard setback adjacent to a federal, state or county highway and section line road shall be the same as the front yard setback required on these facilities. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot: and

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than thirty-five (35) feet. The side yard setback from the intersecting street on the corner lot shall be the same as required for residential uses in Paragraph (3) of this subsection.

C. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

D. Intensity of use requirements are as follows:

1. For each single family dwelling and buildings accessory thereto, there shall be a lot area of not less than ten thousand (10,000) square feet for each dwelling and buildings accessory thereto;

2. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of these
regulations, that lot may be used for any of the uses, except churches, permitted in this article; one-single family dwelling unit or for the uses set forth above, but not for the raising of animals; and

3. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and off-street parking areas required in this code. However, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet, and for each increment in seating capacity of twenty (20) persons which exceeds a seating capacity of one hundred (100) persons in the main auditorium, an additional three thousand (3,000) square feet of lot area shall be provided.

E. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard. (Prior Code, Sec. 10-3-3)

§ 12-213 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Article H hereof. (Prior code, § 10-3-4)

ARTICLE D – RESIDENTIAL DISTRICTS (R)

§ 12-220 R-L SINGLE-FAMILY DWELLING DISTRICT

The R-L single-family dwelling district is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property values, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities through consideration of the proper functional relationship of the different uses. (Prior Code, § 10-4-1)

§ 12-221 USES PERMITTED.

Property and buildings in an R-L single-family dwelling district shall be used only for the following purposes:

1. Detached single-family dwelling;

2. Churches, but not including missions or revival tents or arbors;

3. Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;
4. Public park or playground;
5. Library;
6. Home occupation;
7. Transportation and utility easements, alleys and rights-of-way;
8. Accessory buildings which are not a part of a main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage;
9. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold;
10. A church bulletin board or sign, not exceeding fifteen (15) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building;
11. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed; and
12. Parking lot required to serve the uses permitted in this district. (Prior Code, § 12-4-2)

§ 12-222 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Chapter I of this Part 12:

1. Municipal use, public building and public utility;
2. Plant nursery in which no building or structure is maintained in connection therewith; and
3. Golf course or country club. (Prior Code, § 10-4-3; Ord. No. 571,7/17/01)

§ 12-223 AREA REGULATIONS.

All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements:

1. Front yard:
   a. The minimum depth of the front yard shall be twenty-five (25) feet; and
   b. When a yard has double frontage, the front yard requirements shall be
complied with on both streets;

2. Side yard:
   a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as hereinafter provided in Article G of this chapter;
   b. For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory buildings are located more than ninety (90) feet behind the front lot line;
   c. For dwellings and accessory buildings located on corner lots there shall be a side yard set back from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and
   d. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet;

3. Rear yard: there shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building;

4. Lot width: for dwellings there shall be a minimum lot width of fifty (50) feet at the front building line and such lot shall abut on a street for a distance of not less than thirty-five (35) feet;

5. Intensity of use:
   a. There shall be a lot area of not less than six thousand (6,000) square feet for a single family dwelling, not less than eight thousand (8,000) square feet for a two-family dwelling;
   b. There shall be a lot area of not less than eight thousand (8,000) square feet where a garage apartment is located on the same lot with a single-family dwelling;
   c. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Article II of this chapter; provided, however, that the lot area
for a church not be less than fourteen thousand (14,000) square feet; and

d. There shall be a lot area, of not less than five thousand (5,000) square feet for each mobile home located in a mobile home subdivision; and

6. Coverage: Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

§ 12-224 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in Article H of this chapter. (Prior Code, § 10-4-5)

§ 12-227 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.

The R-2 general residential district is a residential district to provide for medium population density. The principal use of the land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. Stability of property values, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities, and through consideration of the proper functional relationship of each use permitted in the district. (Prior Code, § 10-5-1)

§ 12-228 USES PERMITTED.

The following uses are permitted in the R-2 district:

1. Any use permitted in an R-I residential district;

2. Two-family dwellings or a single-family dwelling and a garage apartment; and

3. Accessory buildings and uses customarily incidental to the above uses when located on the same lot. (Prior Code, § 10-5-2)

§ 12-229 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the Board of Adjustment in accordance with provisions contained in Chapter 1 of this Part 12:

1. Any use permitted on review in an R-I single-family dwelling district;

2. Rooming and boarding house;

3. Child care center;

4. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling and is operated only by the inhabitants thereof and does not exceed two (2) operators. The use shall be conducted in such a way that it is clearly
 incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate, not exceeding two (2) square feet in area, attached to the main building;

5. Institutions of a religious, educational or philanthropic nature;

6. An off-street parking lot associated with a C-commercial use as required under the provisions of Article I of this chapter; and

7. Mobile home subdivisions and mobile home parks, providing that no travel trailers shall be allowed in mobile home parks, and further providing that such mobile home subdivisions and mobile home parks conform fully to the applicable provisions of this ordinance and to those set forth in this code relating to mobile homes and travel trailers, and all amendments thereto. (Prior Code, § 10-5-3; Ord. No. 571, 7/17/01)

§ 12-230 AREA REGULATIONS.

All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:

1. Front yard:
   a. The minimum depth of the front yard shall be twenty-five (25) feet; and
   b. When a yard has a double frontage then front yard requirements shall be complied with on both sides;

2. Side yard:
   a. For dwellings located on interior lots there shall be a side yard on each side of the main dwelling of not less than eight (8) feet for dwellings of one story, and of not less than four (4) feet for dwellings of more than one story, except as hereinafter provided in Article FI;
   b. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory buildings are located more than ninety (90) feet behind the front lot line; and
   c. For dwellings and accessory buildings located on corner lots there shall be a side yard set back from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot;
3. **Rear yard:**
   
a. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building; and
   
b. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line;

4. **Lot width:** There shall be a minimum lot width of fifty (50) feet at the front building line for single-family dwellings and ten (10) feet additional width at the front building line for each family, more than one, occupying a dwelling. A lot shall abut on a street not less than thirty-five (35) feet;

5. **Intensity of use:**
   
a. There shall be a lot area of not less than six thousand (6,000) square feet for a single family dwelling, not less than eight thousand (8,000) square feet for a two-family dwelling;
   
b. There shall be a lot area of not less than eight thousand (8,000) square feet where a garage apartment is located on the same lot with a single-family dwelling;
   
c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Article G of this chapter; provided, however, that the lot area for a church shall not be less than fourteen thousand (14,000) square feet; and
   
d. There shall be a lot area of not less than five thousand (5,000) square feet for each mobile home located in a mobile home subdivision; and

6. **Coverage:** Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard. (Prior Code, § 10-5-4)

**§ 12-231 HEIGHT REGULATIONS.**

No building shall exceed two and one-half (2 A) stories or thirty-five (43) feet in height, except as provided in Article U of this chapter. (Prior Code, § 10-5-5)

**§ 12-235 R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.**

This residential district is intended to provide for multiple-family developments which may have a relatively intense concentration of dwelling units served by open spaces including common
areas and facilities, thereby resulting in moderate gross densities. The principal use of land may he for one or several dwelling types ranging from single-family to low-rise multiple-family dwellings, and including garden apartments, condominiums and townhouses. (Prior code, § 10-6-1)

§ 12-236 USES PERMITTED.

Property and buildings in an R-3 multiple-family residential district shall be used only for the following purposes:

1. Any use permitted in an R-2 two-family residential district;
2. Townhouse, not exceeding eight (8) units per dwelling;
3. Multiple-family dwellings; and
4. Accessory buildings and uses customarily incidental to the above uses. (Prior Code, § 10-6-2)

§ 12-237 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with the provisions contained in Chapter 1 of this Part 12:

1. Any use permitted on review in an R-2 two-family residential district; and
2. Mixed mobile home and travel trailer parks, and travel trailer parks, provided that all such parks shall fully conform to the applicable provisions of this ordinance and those set forth in this code relating to mobile homes and travel trailers, and all amendments thereto. (Prior code, § 10-6-3)

§ 12-238 AREA REGULATIONS.

All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:

1. Front yard requirements are as follows:
   a. The minimum depth of the front yard shall be twenty-five (25) feet;
   b. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet; and
c. When a yard has double frontage the front yard requirements shall be provided on both streets;

2. Side yard requirements are as follows:
   a. For detached dwellings and for unattached sides of attached dwellings located on an interior lot, a side yard of not less than five (5) feet shall be provided on the unattached sides of the main dwelling for the first story and an additional three (3) feet of the side yard shall be provided for each additional story or part thereof. For detached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that detached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than ninety (90) feet from the front property line;
   b. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot; and
   c. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet;

3. Rear yard. For main buildings there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller;

4. Lot width requirements are as follows:
   a. For single-family dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and the front lot line shall abut a street for a distance of not less than thirty-five (35) feet;
   b. For townhouse dwellings there shall be a minimum lot width of twenty-two (22) feet at the front building line, and the front lot line shall abut a street for a distance of not less than twenty-two (22) feet; provided, however, that whenever a side yard is required, the width of the lot at the building line shall be increased by an amount equal to the width of the required side yard; and
   c. For multiple-family dwellings there shall be a minimum lot width of sixty (60) feet at the front building line and the width shall be increased by ten (10) feet for each additional dwelling unit exceeding three (3) which is located in the dwelling; however, the lot width at the front building line shall not be required to exceed one hundred fifty (150) feet; and further provided that the front lot line shall abut a street for a distance of not less
5. Intensity of use requirements are as follows:
   a. For a single-family dwelling, there shall be a lot area of not less than six thousand (6,000) square feet; and
   b. For all dwellings other than single-family there shall be a lot area of not less than five thousand (5,000) square feet per dwelling unit, including private and common area. In determining lot sizes for town houses and multiple-family dwellings, common area shall be allocated equally per dwelling unit by dividing the total square footage of the common area by the number of dwelling units which it serves; and

6. Coverage: Main and accessory buildings shall not cover more than forty percent (40%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard. (Prior Code, § 10-6-4)

§ 12-239 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Article H of this chapter. (Prior code, § 10-6-5)

ARTICLE E – COMMERCIAL DISTRICTS (C)

§ 12-240 C-L NEIGHBORHOOD COMMERCIAL DISTRICT

The C-L neighborhood commercial shopping district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious and educational uses, more restrictive requirements for light, open air space and off-street parking are made than are provided in other commercial districts. It is intended that uses permitted in this district be homogeneously grouped to provide maximum customer convenience and to reduce congestion on streets adjacent to such uses. (Prior Code, § 16-37)

§ 12-241 USES PERMITTED.

Property and buildings in a C-L neighborhood shopping district shall be used only for the following purposes:

1. Any use permitted in an R-3 residential district;
2. Any use permitted on review in an R-3 residential district;
3. Retail stores and shops which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, as follows:
a. Antique shop;
b. Appliance store;
c. Arts school, gallery or museum;
d. Artists materials supply studio;
e. Automobile parking lot;
f. Automobile service station;
g. Auto court or tourist court;
h. Baby shop;
i. Bakery goods store;
j. Barber shop;
k. Beauty shop;
l. Book or stationery store;
m. Camera shop;
n. Candy store;
o. Catering establishment;
p. Cleaning, pressing, laundry collection agency;
q. Curio or gift shop;
r. Drug store or fountain;
s. Dry goods store;
t. Dairy products or ice cream store;
u. Delicatessen;
v. Dress shop;
w. Florist shop, green house, nursery;
x. Furniture store;
y. Grocery store or market;
z. Hardware store;
aa. Jewelry or notion store;
bb. Lodge hall;
cc. Meat market;
dd. Medical facility;
ee. Messenger or telegraph service;
ff. Musical instrument sales;
gg. Newspaper or magazine sales;
hh. Office business;
i.i. Optometrists sales and service;
jj. Photographer studio;
kk. Pharmacy;
II. Radio and television sales and service;
mm. Restaurant;
nn. Self-service laundry or dry cleaning;
oo. Sewing machine sales, instruction;
pp. Sporting goods store;
qq. Shoe repair shop;
rr. Tailor shop;
ss. Toy shop or store; or
tt. Variety store;

4. Name plate and sign relating only to the use of the store and premises or to products sold on the premises;

5. Accessory buildings and uses customarily incidental to the above uses; and

6. A building used for any of the above enumerated uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use.
No material or goods offered for sale or stored in connection with the uses enumerated in 1 through 5 above shall be displayed or stored outside of a building. 
(Prior Code, § 10-7-2)

§ 12-242 AREA REGULATIONS.

The area requirements for dwellings shall be the same as the requirement of the R-3 residential district. The following requirements shall apply to all other uses permitted in this district:

1. Front yard: All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth;

2. Side yard: On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet. There shall be a side yard setback from an intersecting street of not less than twenty-five (25) feet;

3. Rear yard: There shall be provided an alley, service court, rear yard or combination thereof, of not less than thirty (30) feet; and

4. Area of off-street parking: Buildings shall be provided with yard area adequate to meet the off-street parking requirements set forth in article 1 of this chapter, (Prior Code, § 10-7-3)

§ 12-243 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in Article H of this chapter. (Prior Code, § 10-7-4)

§ 12-247 C-2 GENERAL COMMERCIAL DISTRICT.

The C-2 general commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and those trucks and commercial vehicles required for stocking and delivery of retail goods. (Prior Code, § 10-8-1)

§ 12-248 USES PERMITTED.

Property and buildings in a C-2 general commercial district shall be used only for the following purposes:

1. Any use permitted in C-1 neighborhood commercial district;

2. Amusement enterprises;

3. New automobile sale and services, new machinery sales and service, and public garages, provided no gasoline is stored above ground; used automobile and
machinery sales and service, and automobile and machinery repairing if conducted in conjunction with a retail agency and wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards;

4. Any of the following businesses:
   a. Advertising signs or structures;
   b. Auto court or tourist court;
   c. Ambulance service, office or garage;
   d. Automobile retail gasoline service station;
   e. Bait sales;
   f. Bakery;
   g. Bath house;
   h. Boat sales;
   i. Bus terminal;
   j. Cleaning plant;
   k. Clothing or apparel store;
   l. Commercial school or hall;
   m. Dance hall;
   n. Department store;
   o. Drive-in theater or restaurant;
   p. Electric transmission station;
   q. Feed and seed store;
   r. Frozen food locker;
   s. Furniture repair and upholstery;
   t. Funeral parlor or mortuary;
   u. Golf course, miniature or practice range;
v. Healing, ventilating or plumbing supplies, sales and services;
w. Ice storage locker plant or storage house for food;
x. Interior decorating store;
y. Kennel;
z. Key shop;
aa. Laboratories, testing and experimental;
bb. Laundry;
cc. Leather goods shop;
dd. Liquor store;
e. Museums;
ff. Music, radio or television shop;
gg. Nightclub;
hh. Novelty shop;
i. Nursery or garden supply store;
jj. Outdoor advertising signs;
k. Pawn shop;
ll. Pet shop;
m. Printing plant;
nn. Recreation center;
oo. Research laboratories;
pp. Roller skating rink;
qq. Sign painting shop;
rr. Hospital for small animals;
ss. Stock and bond broker;
t. Storage warehouse;
uu. Theater;  
vv. Tavern;  
ww. Used automobile ales; and  
xx. Wholesale distributing center;

5. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing, or compounding of products other than such as are customarily incidental and essential to retail establishments; and

6. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above. (Prior Code, § 10-8-2)

§ 12-249 OPEN DISPLAY USES PERMITTED.

1. The following uses shall be permitted in the C-2 general commercial district, provided that they comply with the additional provisions of this subsection:
   
   a. Boat sales and service;  
   b. Farm implement and machinery, new and used, sales;  
   c. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales;  
   d. Mobile home and travel trailer sales;  
   e. Monument sales;  
   f. New and used car and truck sales;  
   g. Prefabricated house sales; and  
   h. Trailers for hauling, rental and sales;

2. The uses enumerated in a. through h. above shall comply with the following provisions:
   
   a. All open storage and display of merchandise, material and equipment shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level at the side or the rear of the lot on which the open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height;  
   b. All yards, unoccupied with buildings or merchandise or used as traffic ways,
shall be landscaped with grass and shrubs and maintained in good condition the year round;

c. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns; and

d. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type. (Prior Code, § 108-3)

§ 12-250 AREA REGULATIONS.

The area regulations for dwellings shall be the same as the requirements of the R-3 residential district. The following requirements shall apply to all other uses permitted in this district:

1. Front and side yards. There are no specific front or side yard requirements for uses other than dwellings;

2. Rear yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet in width; and

3. Area for off-street parking. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article H of this chapter. (Prior Code, § 10-8-4)

§ 12-251 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in Article H of this chapter. (Prior Code, § 10-8-5)

ARTICLE F – INDUSTRIAL DISTRICTS (I)

§ 12-270 I-1 RESTRICTED MANUFACTURING AND WAREHOUSING DISTRICT.

The I-1 restricted manufacturing and warehousing district is intended for manufacturing and assembly plants and warehousing that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards. (Prior Code, § 10-9-1)

§ 12-271 USES PERMITTED.

Property and buildings in an I-1 district shall be used only for the following purposes:
1. Any use, except a residential use, permitted in a C-2 general commercial district. No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted; and

2. Any of the following uses:
   a. Bottling works;
   b. Book bindery;
   c. Candy manufacturing;
   d. Engraving plant;
   e. Electrical equipment assembly;
   f. Electronic equipment assembly and manufacture;
   g. Food products processing and packing;
   h. Furniture manufacturing;
   i. Instrument and meter manufacturing;
   j. Jewelry and watch manufacturing;
   l. Laundry and cleaning establishment;
   m. Leather goods fabrication;
   n. Optical goods manufacturing;
   o. Paper products manufacturing;
   p. Shoe manufacturing;
   q. Sporting goods manufacturing; or
   r. Wholesale or warehousing enterprise.

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level. (Prior Code, § 10-9-2)
§ 12-272 AREA REGULATIONS.

All buildings shall be set back from the street right-of-way lines and lot lines to comply with the following yard requirements:

1. Front yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth;

2. Side yard. No building shall be located closer than twenty-five (25) feet to a side lot line;

3. Rear yard. No building shall be located closer than twenty-five (25) feet to the rear lot line: and

4. Coverage. Main and accessory buildings and off-street parking and loading facilities shall not cover more than eight percent (80%) of the lot area.

All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition. (Prior code, § 10-9-3)

§ 12-273 HEIGHT REGULATIONS.

No building or structure shall exceed thirty-five (35) feet in height, except as hereinafter provided in Article H of this chapter. (Prior Code, § 10-9-4)

§ 12-277 1-2 GENERAL INDUSTRIAL DISTRICT.

The 1-2 general industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities. (Prior Code, § 10-10-1)

§ 12-278 USES PERMITTED.

A. Property and buildings in an 1-2 general industrial district shall be used only for the following purposes:

1. Any use permitted in the I-1 restricted manufacturing and warehousing district. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an 1-2 general industrial district;

2. Blacksmith shop;

3. Building materials sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;

4. Contractor’s equipment storage yard or plant, or rental of equipment
commonly used by contractors;

5. Farm produce, grain and feed storage including grain elevators;

6. Freighting or trucking yard or terminal;

7. Oil field equipment storage yard;

8. Public utility service yard or electrical receiving or transforming station;

9. City and county equipment service yard;

10. The following uses when conducted with a completely enclosed building:

   a. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products;

   b. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn and paint not employing a boiling process;

   c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only be electricity or gas;

   d. The manufacture and maintenance of electric and neon signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like;

   e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

   f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;

   g. Machine ship;

   h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors; and

   i. Assembly of electrical appliances, electronic instruments and
devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like; and

11. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

B. The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located. (Prior Code, § 10-10-2)

§ 12-279 USES PERMITTED ON REVIEW,

The following uses may be permitted on review by the Board of Adjustment in accordance with the provisions contained in Chapter 1 of this part:

1. Cement, lime or gypsum manufacture;
2. Commercial feed pens for livestock;
3. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants;
4. Natural gas production and distribution;
5. Packing house;
6. Petroleum production and refining;
7. Sale barn;
8. Salvage yards for automobiles, building materials, scrap metal, junk or any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental walls, fences or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located;
9. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products; and
10. Any use not otherwise authorized by this chapter. (Prior Code, 5 10-10-3; Ord. No. 571,7/17/01)

§ 12-280 AREA REGULATIONS.

A. Front and side yard. There are no specific front or side yard requirements for uses in this district. However, a building shall set back a distance of not less than twenty-five (25) feet from the side lot line that adjoins a residence district.

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B. Rear yard. Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required. However, a building shall set back a distance of not less than twenty-five (25) feet from the side lot line that adjoins a residence district.

C. Yard area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article I of this chapter. (Prior code, § 10-10-4)

§ 12-281 HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet in height, except as hereinafter provided in Article H of this chapter. (Prior Code, §10-10-5)

ARTICLE G – SECURE FACILITY DISTRICTS

§ 12-291 SF SECURE FACILITY DISTRICTS.

The Secure facility district is intended to provide secure facilities wherein persons are housed under restraint and where most or all residential needs must be provided for in such facilities. The unique nature of these facilities is such that use of property for these purposes is not permitted in the agricultural, residential, commercial or industrial zones. These areas are intended for high density populations in a secured environment for the purposes of incarceration, detention, or other similar uses.

§ 12-292 USES PERMITTED.

A. Property and buildings in secure facility shall be used only for the following purposes:

1. Private correctional facility, including but not limited to prisons, halfway houses and work camps.

2. Juvenile detention facility.

3. Any facility wherein persons are housed or restrained for the protection of the public.

B. Buildings, structures and uses accessory and customarily incidental to any of the above uses, including but not limited to, food service, laundry, medical facilities, administration, security, library, and any other services or activities which primarily serve or relate to the residents or inmates thereof.

§ 12-293 USES PERMITTED ON REVIEW.

Any use which is similar in nature to the uses permitted in § 12-292 and meets the definition
of secure facility.

§ 12-294 AREA REGULATIONS.

A. Front and side yards. All buildings shall set back from the street right-of-way line at least 25 feet and shall set back at least 50 feet from the side lot line that adjoins a residential district.

B. Rear yards. Where a building is to be serviced from the rear, there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater. Otherwise, no rear yard is required.

C. Yard area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements of Article I of this chapter.

§ 12-295 HEIGHT REGULATIONS.

No building shall exceed 2 1/2 stories or 35 feet in height, except as hereinafter provided in Article G of this chapter, unless the facility has its own firefighting capability sufficient to meet the needs thereof.

§ 12-296 SECURITY REGULATIONS.

There shall be provided adequate security measures to ensure the protection of the public. All security measures shall be subject to review and approval by the city council, through the Planning and Zoning Committee. (Ord. No. 534, 2/17/98)

ARTICLE H – GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

§ 12-300 APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT.

A. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.

B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used for non-residential purposes. (Prior Code, § 10-2-6)

§ 12-301 OPEN SPACE.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in this chapter:

1. No space which for the purpose of a building or dwelling, or group thereof has been
counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by this chapter may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court or other open space requirement of or for any other building;

2. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, and hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed forty-two (42) inches in height, and no other wall or fence shall exceed seven (7) feet in height;

3. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street easement;

4. No dwelling shall be erected on a lot which does not abut on at least one street, of at least fifty (50) feet in width, for a distance of not less than thirty-five (35) feet, except where a street of lesser width is in existence at the time the initial adoption of these regulations, and, due to previous construction, it is impractical to obtain the otherwise required additional street width as determined by the planning commission. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress;

5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise;

6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth, which obstructs sight lines at elevations between two (2) feet six (6) inches and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right angle on the area of the lot adjacent to the street intersection; and

7. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line. (Prior Code, § 10-2-1)

§ 12-302 HEIGHT.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in this chapter:

1. In measuring heights, a habitable basement or attic shall be counted as a story. A
story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story;

2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit; and

3. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of the rear yards and the minimum width of the side yards required in the district are increased one foot for each two (2) feet by which the height of such public or semi-public building exceeds the prescribed height limit. (Prior code, § 10-2-2)

§ 12-303 ACCESSORY BUILDINGS.

Except as otherwise permitted in this chapter, accessory buildings shall be subject to the following regulations:

A. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

B. Where an accessory building is structurally attached to a main building, it shall be subject, and must conform to all regulations of this chapter applicable to the main building.

C. No detached accessory building shall be located closer than ten (10) feet to any main building.

D. The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which the building or fence is accessory. (Prior Code, § 10-2-4)

§ 12-304 MOBILE HOME AND TRAVEL TRAILER PARKING, STORAGE, AND PARK REGULATIONS.

The parking and storage of mobile homes and travel trailers, and the design and construction standards and procedures for mobile home and travel trailer parks, shall be in accordance with the requirements set forth in this code relating to mobile homes and travel trailers and all amendments thereto. (Prior Code, § 10-2-5)

Cross Reference: Mobile home regulations, §§ 12-501 et seq. of this code.

§ 12-305 ANIMALS.

Animals in any district shall be kept only in accordance with the ordinances of the city. (Prior Code, § 10-2-8)
§ 12-306 STORAGE OF LIQUEFIED PETROLEUM GASES.

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the city and the regulations of the Liquefied Petroleum Gas Administration of the state. (Prior Code, § 10-2-7)

ARTICLE I – OFF-STREET PARKING

§ 12-310 OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING; GENERAL INTENT AND APPLICATION.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the town. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in the districts. (Prior Code, § 10-2-3)

§ 12-311 REQUIRED OPEN SPACE.

A. Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

B. The area required for off-street parking shall be in addition to the yard areas herein required; except that the front yard required in a C-1 Neighborhood Commercial District of a I-1 restricted manufacturing and wholesale district may be used for uncovered parking area; and further provided that the front yard required in a residential district may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions § 12-316 of this code. (Prior Code, § 10-2-3)

§ 12-312 LOCATION.

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley. (Prior Code, § 10-2-3)

§ 12-313 JOINT PARKING FACILITIES.

Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. (Prior Code, § 10-2-3)
§ 12-314 SIZE OF OFF-STREET PARKING SPACE.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress. (Prior code, § 10-2-3)

§ 12-315 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.

Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, single-family or duplex: One parking space for each separate dwelling unit with the structure;

2. Dwelling, multiple-family: The number of spaces provided shall not be less than one and one-half (1 ½) times the number of units in the dwelling;

3. Boarding or rooming house or hotel: One parking space for each two (2) guests provided overnight accommodations;

4. Hospitals: One space for each four (4) patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles;

5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one space for each two (2) employees;

6. Sanatoriums, convalescent or nursing homes: One space for each six (6) patient beds plus one space for each stall or visiting doctor plus one space for each two (2) employees including nurses;

7. Community center, theater, auditorium, church sanctuary: One parking space for each four (4) seats, based on maximum seating capacity;

8. Convention hall, lodge, club, library, museum, place of amusement or recreation: One parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building;

9. Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service;

10. Commercial establishments not otherwise classified: One parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public; and

11. Industrial establishments: Adequate area to park all employees’ and customers’ vehicles at all times and adequate space for loading, unloading and storing all
vehicles used incidental to or as a part of the primary operation of the establishment.

For all uses not covered in the above, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirements for the permitted use. (Prior Code, § 10-2-3)

§ 12-316 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS.
Whenever off-street parking lots for more than four (4) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. No parking shall be permitted within a front yard setback established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required;

2. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round;

3. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns;

4. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses; and

5. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted. (Prior Code, § 10-2-3)

ARTICLE J – NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

§ 12-320 NONCONFORMING BUILDINGS AND STRUCTURES.
A nonconforming building or structure existing at the time of adoption of this chapter may be continued, maintained and repaired, except as otherwise provided in this chapter, (Prior Code, § 10-11-1)

§ 12-321 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES.
A nonconforming building or structure shall not be added to or enlarged in any manner unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which the building or structure is located. No nonconforming building or structure shall be moved
in whole or in part to another location on the lot unless every portion of the building or structure is made to conform to all of the regulations of the district in which it is located, (Prior Code, § 10-11-1)

§ 12-322 OUTDOOR ADVERTISING SIGNS AND STRUCTURES.

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this chapter initially became effective which does not conform with the provisions hereof, shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the initial effective date of this chapter, (Prior Code, § 10-11-1)

§ 12-323 BUILDING VACANCY.

A building or structure or portion thereof, which is no neon forming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. (Prior Code, § 10-11-1)

§ 12-324 CHANGE IN USE.

A. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of this chapter, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

B. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of this chapter, or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located. (Prior Code, § 10-11-1)

§ 12-325 NONCONFORMING USES OF LAND.

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars ($1,000.00), existing at the time of adoption of this chapter, may be continued for a period of not more than three (3) years therefrom, provided that:
The nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the initial effective date of this chapter; or

If the nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which the land is located. (Prior Code, § 10-1 1-2)

ARTICLE K – OTHER PROVISIONS

§ 12-330 CLASSIFICATION OF ANNEXED AREAS.

A. All new additions and annexations of land to the city shall be in an R-I residential district, unless otherwise classified by the city council, for a period of time not to exceed one year from the effective date of the ordinance annexing the addition.

B. Within this one-year period of time, the planning commission shall study and make recommendations concerning the use of land within the annexation required to promote the general welfare and in accordance with the comprehensive plan, and upon receipt, of such recommendations by the city council shall, after public hearing as required by law, establish the district classification of the annexation; provided, however, that this shall not be construed as preventing the city council from holding public hearings prior to annexation and establishing the district classification at the time of the annexation. (Prior Code, § 10-14-4; Ord. No. 498, 1/17/95)

§ 12-331 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries;

3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the zoning maps; and

4. Where the boundary of a district line follows a railroad line, such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include the railroad easement unless otherwise designated. (Prior Code, § 10-1-7)
§ 12-332 VACATION OF PUBLIC EASEMENTS.

Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land. (Prior Code, § 10-1-8, 10-14-5)

§ 12-333 VIOLATION AND PENALTY

A. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of this chapter.

B. A violation of this chapter shall be deemed a misdemeanor and shall be punished. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in § 1-108 of this code, including costs for each offense. Each day a violation is permitted to exist shall constitute a separate offense. (Prior Code, § 10-14-2)

CHAPTER 4 – SUBDIVISION REGULATIONS

§ 12-401 STANDARDS AND REGULATIONS FOR SUBDIVISION OF LAND ADOPTED.

There is hereby adopted for the purpose of proper land development in the city certain standards and regulations found in “Standards and Regulations for Subdivision of Land, Watonga, Oklahoma,” prepared by The Oklahoma Center of Urban and Regional Studies of the University of Oklahoma, February 1973, now on file with the city clerk. The subdivision regulations are adopted and incorporated as fully as if set out at length herein and the provisions shall be controlling in all subdivision of land. (Ord. No. 376,4/17/84)

CHAPTER 5 – MOBILE HOMES

§ 12-501 DEFINITIONS.

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

1. “Dependent mobile home” means a mobile home which does not have a flush toilet and a bath or shower. For purposes of regulation under this chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified;
2. “Free-standing mobile home or travel trailer” means any mobile home or travel trailer not located in a mobile home park or travel trailer park or in an approved mobile home subdivision;

3. “Health officer” means the legally designated health authority of the city or his authorized representative;

4. “Independent mobile home” means a mobile home which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this chapter, the term “mobile home” shall mean an independent mobile home;

5. “Inspection officer” means the designated inspection official of the city or his authorized agent;

6. “Licensee” means any person licensed to operate and maintain a mobile home park under the provisions of this chapter;

7. “Mobile home” means a movable or portable dwelling or structure which exceeds either eight (8) body feet in width or thirty-two (32) body feet in length, consisting of one or more components or of two (2) or more units separately towable but designed to be joined into one integral unit designed for towing or transport on streets and highways on its own wheels, chassis or on flatbed or other trailers, designed to be used as a dwelling, except for minor and incidental unpacking and assembly operations, location on jacks or with or without permanent foundations or skirting, when connected to utilities and similar operations. Unless otherwise indicated in the text of this chapter, the term “mobile home” shall refer to an “independent mobile home” as defined in this section;

8. “Mobile home park” means any parcel or plot of ground under single ownership upon which two (2) or more mobile homes, occupied for residence, dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. This shall not include a parcel or plot of ground where a mobile home owner has his mobile home established on the parcel and is living in the mobile home, and the owner establishes one additional single mobile home space, which space must comply with the spacing and safety requirements of this chapter;

9. “Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home, and not located on a mobile home sales lot;

10. “Mobile home subdivision” means a subdivision designed and intended for residential use where residence is in mobile homes exclusively, and where mobile home lots are sold for occupancy;

11. “Nonresidential mobile trailer” means any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale as indicated by a clearly displayed sign.
on or near the trailer;

12. “Park” means a mobile home or travel trailer park;

13. “Permittee” means any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this chapter;

14. “Person” means natural individual, firm, trust, partnership, association or corporation;

15. “Public water system or public sewer system” means any such system built and owned by, or dedicated to and accepted by the city; all other systems are private;

16. “Residential home owner” means a person or persons owning a parcel of land under single ownership, on which there is a personal residential type dwelling house, permanently attached to the surface of the earth by way of footings, stem walls, pillars, piers, supports or basement. The residential homeowner may allow, it there are no restrictive covenants contrary thereto, one freestanding mobile home or travel trailer hookup upon the parcel of land. The space must comply with the spacing and safety requirements of this chapter;

17. “Service building” means a building housing toilet and bathing facilities for men or women, and may also include buildings containing laundry facilities and other facilities;

18. “Subdivision” means mobile home subdivision, unless otherwise indicated;

19. “Travel trailer” or “trailer” means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use not included in the definition of independent mobile homes. For purposes of regulation under this chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified;

20. “Trailer park” or “Travel trailer park” means any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations; and

21. “Travel trailer space” means a plot of ground within a travel trailer park designed for accommodation of one travel trailer. (Prior Code, § 10-12-1)

Cross Reference: See also § 12-263 et seq. on R-5 mobile home residential district.

§ 12-502 LICENSE AND TEMPORARY PERMIT.

A. It is unlawful for any person to construct, maintain or operate any mobile home park or travel trailer park within the city limits of the city unless he holds a valid license issued annually by the city clerk with the approval of the inspection officer and health officer of the city, in the name of such person for the specific mobile
home park, except that the maintenance or operation of a mobile home park or travel trailer park in existence on the effective date of this chapter may be continued under a temporary permit for such period of time and under such conditions as are hereinafter described.

B. Application shall be made to the city clerk who shall issue a license upon compliance by the applicant with all pertinent provisions of this and other ordinances and regulations of the city. Every person holding such a license shall notify the city clerk in writing within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of the person succeeding to the ownership or control of such mobile home park or travel trailer park.

C. Application for original licenses shall be in writing signed by the applicant and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:

1. Name and address of the applicant;
2. The interest of the applicant in and the location and legal description of the park;
3. A complete plan of the park showing compliance with all applicable provisions of this chapter and regulations promulgated thereunder; and
4. Such further information as may be requested by the inspection officer or health officer.

D. Applications for renewals of licenses shall be made in writing by the holder of the license and shall contain the following:

1. Any change in the information submitted since the time the original license was issued or the latest renewal granted; and
2. Other information requested by the inspection officer of health officer.

E. A complete plan, as required by Paragraph 3 of Subsection C of this section for the purpose of obtaining a license to be issued, shall show:

1. The area and dimensions of the tract of land;
2. The number, locations, and size of all mobile home spaces or travel trailer spaces;
3. The location and width of roadways, walkways, buffer strips and recreational areas;
4. The locations of service buildings and other proposed structures;
5. The location and size of utility and treatment facilities; and
6. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park.

The complete plan, as required by this section must be approved by the planning commission and city council of the city and bear the signatures of the planning commission chairman or the secretary member of that body and that of the mayor or vice mayor of the city prior its submission to the inspection officer for original licenses.

F. A temporary permit, upon written request therefor, shall be issued by the city clerk upon written approval of the inspection officer and health officer for every mobile home park or travel park in existence upon the effective date of this chapter, permitting the park to be maintained and operated during the period ending one year after the effective date of this chapter, without being subject to the provisions of this chapter except such of the provisions as are made expressly applicable to permittees.

G. The term of the temporary permit may be extended, upon written request, for not to exceed one additional period of up to one hundred and eight (180) days if;

1. The permittees shall have filed application for a license in conformity with this chapter within one year after the effective date of this chapter;
2. The park plans and specifications accompanying the application for license comply with all the provisions of this chapter and all other applicable ordinances and statutes; and
3. The permittee has diligently endeavored to make the existing park conform fully to the plans and specifications submitted with the application but has failed to do so due to circumstances beyond his control.

H. Mobile home parks and travel trailer parks in existence upon the initial effective date of this chapter, which have concrete pads indicating the location of mobile home spaces or travel trailer spaces need not comply with those section of this chapter which would require the moving of concrete pads. They must, however, comply with all other requirements. In additions, any park expansion shall be in full compliance with provisions of this chapter. (Prior Code, § 10-12-2)

§ 12-503 LICENSE FEES AND TEMPORARY PERMITS, POSTING.

A. The city clerk shall charge and collect for each mobile home park or travel trailer park an initial license or temporary permit a sum per spaces as set by the council, with a maximum per park. The initial license or temporary permit shall expire one year from the date of issue, unless renewed upon such conditions as they city council may by ordinance direct.
B. The license certificate of temporary permit shall be conspicuously posted in the office of or on the premises of the mobile home park or the travel trailer park at all times. (Prior Code, § §10-12-3, 10-12-22)

§ 12-504 INSPECTION OF MOBILE HOME AND TRAVEL TRAILER PARKS.

A. The inspection or health officers are hereby authorized and directed to make inspections to determine the condition of mobile home and travel trailer parks located within the city in order to perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

B. The inspection officer and the health officer shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions in relation to the enforcement of this chapter or of regulations promulgated thereunder,

C. The inspection and the health officer shall have the power to inspect any register containing a record of all mobile homes and occupants using the park.

D. It is the duty of every occupant of a park to give the owner thereof or his agent or employee access to any part of the mobile home park or travel trailer park or their premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this chapter. (Prior Code, § 10-12-4)

§ 12-505 NOTICE, HEARINGS AND ORDERS.

A. Whenever the inspection or health officer determines violations of this chapter or pertinent laws or ordinances exist, he shall notify the owner or his agent of the alleged violation. The notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this chapter and other pertinent regulations;
4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and
5. Be served upon the owner or his agent as the case may require. The notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

B. Whenever the inspection officer or health officer finds that an emergency exists which requires immediate action to protect the public health, the inspection officer
or health officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the city council, shall be afforded a hearing at the next regular meeting even if the agenda has been completed. (Prior Code, § 10-12-5)

§ 12-506 FREE-STANDING MOBILE HOMES, LOCATION.

A. Free standing mobile homes may be installed in a residential district within the city for purposes of occupancy as a permanent residence only under the following conditions:

1. Prior to installing any free standing mobile home the real property owner shall apply to the planning and zoning commission for a building permit, said application must be accompanied with current photographs and documents of the mobile home intended to be placed on the premises and the mobile home must be classified as a double wide mobile home by its manufacturer.

2. Before issuing any building permit for a free standing mobile home the planning and zoning commission shall consider whether it would be in the best interest of the city to allow the mobile home to be introduced into the particular residential area. The commissioners shall determine whether the free standing mobile home is of such nature that it is within the general conformity and character of the neighborhood in which it is to be introduced considering relevant economic and social factors concerning the particular neighborhood. The commissioners shall then make a recommendation to the city council for or against issuance of a building permit provided that in no instance shall a recommendation be made if the residential lot does not conform to lot size regulations as set out in § 12-220 through § 12-239 of Article D of Part 12;

3. Those free standing mobile homes already installed on residential lots in conformity with the requirements of paragraph 16 of § 12-501 of Part 12 shall be exempt from this section, provided that if the free standing mobile home is moved from the location where it is now standing, and has not been re-established as a mobile home space within six (6) months from the first date of vacancy on the nonconforming location, it may not be replaced by another free standing mobile home or travel trailer except as permitted by this section;

4. Before making a recommendation the commission can make a recommendation the applicant must obtain from the City Clerk’s office a public notice form which is to be prepared by the City Clerk, and deliver same to a newspaper of general circulation within the county and pay for
the costs of said public notice. The public notice shall set out the application for the introduction of the mobile home into the particular residential area and shall give a date, place and time for a hearing before the commission at which time and place interested parties may appear and give information as to the character of the neighborhood and the impact of the mobile home on the neighborhood. The hearing shall be at least one week after the date of publication;

5. Based upon the information gathered by the commission, the commission shall make a written recommendation to the city council to either accept or reject the application. The recommendation will be received by the city clerk who shall place the matter on the next regularly scheduled meeting of the city council who will then decide whether to accept or reject the application.

B. In no event shall a free standing mobile home be installed or kept on a residential lot in a residential area within the city unless the following criteria are met, to-wit:

1. Skirting and tie downs as recommended by the Defense Civil Preparedness Agency, U.S. Department of Defense must be attached; concrete pads shall not be required unless required by other applicable ordinances.

2. Compliance with the following must be demonstrably shown to the building inspector, to-wit:
   a. The lot must have a proper foundation, adequate to support the structure;
   b. The free standing mobile home must be properly anchored according to State and Federal requirements; and
   c. Skirting must be concrete blocks or brick, fire resistance permanent uniform siding, or skirting kit matching the mobile home in color.

3. In addition to the regulations required by Article D of Chapters 2 and 3 of Part 12 the following requirements must be met, to-wit:
   a. The mobile home must include a front porch with a minimum size of 8' deep and 10’ long;
   b. A hard surface driveway must be in place providing for both ingress and egress; and
   c. The mobile home must be utilized as a single family residence owner occupied only. The unit cannot be for rental purposes and may not be converted to rental usage.

C. This section shall not apply to mobile homes or travel trailers located within regular
commercial mobile or travel trailer sales lots provided that no such mobile home or travel trailer shall be occupied for either living or sleeping purposes, (Prior Code, § 10-12-6; Ord. No. 443; Ord. No. 475, 5/21/91; Ord. No. 628, 6/3/14)

§ 12-507 NONRESIDENTIAL MOBILE TRAILERS.

A. No nonresidential mobile trailer shall be permitted in the city unless a license for its operation is issued by the inspection officer or health officer. Such license shall specify the permitted use of the nonresidential mobile trailer, the location of such operation and the termination date of the license. No license shall be issued for a use which would violate any city ordinance or state or federal law or regulation.

B. An annual fee of as set by the council shall be charged for each nonresidential mobile trailer license, which shall expire on April 30 of each year, and be renewable on the first day of May each year thereafter.

C. Operation of nonresidential trailers by contractors on construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project without issuance of a license.

D. This section is not to be construed as permitting or authorizing the permanent location of any nonresidential mobile trailer in the city. (Prior Code, § 10-12-70)

§ 12-508 LOCATION, SPACE AND GENERAL LAYOUT OF MOBILE HOME PARKS AND TRAVEL TRAILER PARKS.

A. Parks shall be of three (3) types:

1. Mobile home parks;

2. Travel trailer parks; and

3. Mixed mobile home and travel trailer parks.

No dependent travel trailer shall be located in a mobile home park and used for occupancy. In a mixed park, separate areas shall be reserved for mobile homes and for travel trailers; no mobile home shall be permitted in the travel trailer sector, and no travel trailer shall be permitted in the mobile home sector.

B. All mobile home parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

C. The minimum area of any park shall be three (3) acres. However, parks in existence Oil the initial effective date of this chapter, may continue to operate with less than three (3) acres, but if the park is to be expanded it must at that time have a minimum area of three (3) acres,
D. Intensity of development shall be limited to no more than eight (8) mobile homes per gross acre for a mobile home park and no more than fifteen (15) travel trailers per gross acre for a travel trailer park. Area used for sewerage treatment facilities shall not be included in density computations. Each mobile home space shall have a minimum of four thousand (4,000) square feet, and each travel trailer space a minimum of one thousand two hundred fifty (1,250) square feet.

E. Every mobile home space and travel trailer space shall be clearly defined.

F. It is unlawful to locate a mobile home or travel trailer less than twenty-five (25) feet from any public street or highway right-of-way or so that any part of such mobile home or travel trailer will obstruct any roadway or walkway of such park.

G. It is unlawful to permit a mobile home to occupy a travel trailer space, a travel trailer to occupy a mobile home space, and for any mobile home or travel trailer to be located in a park unless in a designated mobile home space or travel trailer space.

H. All mobile home spaces shall abut upon a sealed-surface driveway or park road, constructed in accordance with applicable specifications of the city, of not less than eighteen (18) feet in width if on-street parking is prohibited, and twenty-six (26) feet in width if on-street parking is permitted on one side of the street only. Driveways or park roads must have unobstructed access to a public street or highway. Curbing is required on both sides of all park roads, and a roll-type curbing is recommended.

I. In new mobile home parks, at least two (2) clearly defined parking spaces, constructed in accordance with applicable specifications of the city, will be provided for each mobile home space either on or adjacent to the mobile home space. In new travel trailer parks, at least one clearly defined sealed surface parking space, constructed in accordance with applicable specifications of the city, shall be provided for each space either on or adjacent to the space. For both new mobile home parks and new travel trailer parks, parking space shall be defined as a rectangular plot having dimensions of not less than nine (9) feet by twenty (20) feet.

J. There shall be provided the following minimum yard setbacks for both mobile homes and travel trailers: A front yard setback of not less than fifteen (15) feet from the outer curb edge of park roads (where a mobile home or travel trailer space abuts more than one park road, the minimum front yard setback shall apply all abutting sides); a side yard setback of not less than five (5) feet from the mobile home or travel trailer space side line; a rear yard setback of not less than five (5) feet from the mobile home or travel trailer space rear line.

K. The minimum mobile home space width, measured parallel to the abutting park road, at the front yard setback line shall be thirty-five (35) feet. The minimum travel trailer space width, measured parallel to the abutting park road, at the front yard setback line shall be twenty-five (25) feet. All mobile home and travel trailer spaces shall abut a park road for a distance of not less than twenty-five feet.
L. It shall be unlawful to provide ingress or egress to any mobile home space or travel trailer space from a public street.

M. Sealed surface walkways shall be provided of not less than three (3) feet in width from all designated mobile home and travel trailer parking spaces to the entrance of each mobile home and travel trailer.

N. Where the size of a mobile home park or travel trailer park is of such a magnitude that collector streets are deemed desirable and appropriate, the city may require the developer to plat and dedicate such collector streets to the city. The determination of need, desirability and appropriateness in requiring the platting and dedication of collector streets within mobile home or travel trailer parks is to be made by the Watonga Planning Commission with final approval by city council.

O. Each mobile home park and travel trailer park shall provide a minimum of five percent (5%) of the gross land area within the park for permanent community recreation or service areas; provided, however, that in no case shall such area be less than one-half (1/2) acre. Permanent community recreation and service areas should be centrally located and upon a site suitable for both active and passive recreational activities. Improvements may include a service structure, however, in no case shall such a structure be used for commercial activities other than the operation of coin operated machine and appliances to serve park residents. Requirements for service buildings in travel trailer parks are set forth in § 12-509 of this ordinance.

P. New mobile home parks must provide each mobile home space with a concrete pad or a series of concrete footing which conform to the recommendations set forth by the Defense Civil Preparedness Agency, U.S. Department of Defense, prior to the placement of any mobile home upon a park space. All mobile homes within a new mobile home park shall be placed upon the pad or footings provided and piers which conform to the recommendations set forth by the D.C.P.A., U.S.D.D. All mobile homes in a new mobile home park must be provided with a system of tie downs, which conform to the recommendations of the D.C.P.A., U.S.D.D. within seventy-two (72) hours of the time of arrival of the mobile home in the mobile home park.

Q. No mobile home park existing on the effective date of this ordinance, and operating under a temporary permit issued by the city, shall be permitted to obtain a mobile home park license without fully conforming to all of the provisions for mobile home pads or footings, piers and tie down systems as set forth in the section above for new mobile home parks.

R. No mobile home or travel trailer shall be parked less than ten (10) feet from any property line of a mobile home or travel trailer park.

S. All mobile home parks and travel trailer parks shall provide suitable screening, as determined by the planning commission and approved by the city council, where
abutting single-family residential areas. Suitable screening or buffer zones, in amounts and of type deemed appropriate by the Watonga Planning Commission and approved by the city council, may be required where mobile home parks or travel trailer parks abut residential areas other than single-family, commercial areas and industrial areas.

T. Whenever practical, mobile home pads or footings should be so oriented as to minimize the exterior area of mobile homes exposed to south-southwest prevailing winds. (Prior Code, § 10-12-8)

§ 12-509 SERVICE BUILDING FOR TRAVEL TRAILER PARKS.

A. Each travel trailer park shall be provided with at least one service building adequately equipped with flush-type toilet fixtures and other sanitary facilities as required in this chapter. All sanitary facilities required by this code shall be located in service buildings.

B. Each park accommodating travel trailers shall provide the following:

1. Toilet facilities for males shall consist of not less than two (2) flush toilets and one urinal for the first ten (10) travel trailers or fraction thereof, and for travel trailers in excess of ten (10), not less than one additional Hush toilet and one additional urinal for every ten (10) additional travel trailers or fractional number thereof;

2. Toilet facilities for females shall consist of not less than two (2) flush toilets for the first six (6) travel trailer spaces or any less number thereof, and for travel trailer spaces in excess of six (6), not less than one additional flush toilet for every ten (10) additional travel trailer spaces or fractional number thereof in excess of six (6);

3. Each sex shall be provided with not less than two (2) lavatories and two (2) showers or bathtubs with individual dressing accommodations for the first ten (10) travel trailer spaces or any less number thereof, and for travel trailer spaces in excess of ten (10), not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten (10) additional travel trailer spaces or fractional number thereof;

4. Each toilet for females and each shower or bathtub with individual dressing accommodations for females shall be in a private compartment or stall;

5. The toilet and other sanitation facilities for males and females shall either be separate buildings or shall be separated, if in the same building, by a soundproof wall; and

6. There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans and other containers of human excreta or a slop sink with at least a three (3) inch trap and an
adequate supply of hot running water for cleansing such bed pans or containers;

C. Travel trailer spaces shall not be more than two hundred (200) feet from a service building.

D. Service buildings shall:
   1. Be located at least twenty-five (25) feet or more but not more than two hundred (200) feet from any travel trailer space;
   2. Be of permanent construction and be adequately lighted;
   3. Be of moisture-resistant material to permit frequent washing and cleansing;
   4. Have adequate heating facilities to maintain a temperature of seventy degrees (70°) Fahrenheit during cold weather and to supply adequate hot water during time of peak demands; and
   5. Have all rooms well ventilated with all openings effectively screened.

E. Laundry facilities shall be provided in the ratio of one laundry unit to every thirty (30) travel trailer spaces and shall be in a separate sound proof room of a service building or in a separate building. A laundry shall consist of not less than one clothes washing machine and one clothes drying machine.

F. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace. (Prior Code, § 10-12-9)

G. Each permanent travel trailer park accommodating mobile homes, recreational vehicles, and or travel trailers shall after the date of this ordinance be required to include a storm shelter located upon the property, which said storm shelter shall be construed as to industry standards and shall be of such size and construction as to safely house the same number of persons as shall at any time be residents of said park, constructed and maintained in such a manner as to meet all governmental regulations and requirements for such purpose, promulgated by the federal government, state government, or any political subdivision thereof. Such shelter must be open at all times to the needs of the residents of the park. (Ord. No. 642, 9/19/17).

§ 12-510 SEWAGE DISPOSAL FOR MOBILE HOME PARKS.

A. Waste from showers, bathtubs, flush toilets, urinals, laboratories, slop sinks and laundries in service and other buildings within the park shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system of such construction and in such manner as approved by the Oklahoma State Health Department and in accordance with all applicable ordinances of the city.
B. Each mobile home space shall be provided with at least a four (4) inch sewer connection at least four (4) inches above the surface of the ground. The sewer connection should be protected by a concrete collar of at least four (4) inches thick and have a minimum outside diameter of twenty-four (24) inches. The sewer connection shall be fitted with a standard ferrule and close nipple and provided with a screw cap. Connection between the mobile home drain and the sewer must be water-tight and self-draining. Mobile homes with fixtures from which back siphonage may occur shall not be connected to the park’s water system until the defect has been corrected.

C. In the event that a public sewer system is or becomes available within three hundred (300) feet of a mobile home park or travel trailer park, connection must be made to the public system within one hundred and eight (180) days.

D. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into any watershed. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The Oklahoma State Health Department must approve the type of treatment proposed and the design of any disposal facilities and sewer systems prior to construction.

E. Every mobile home occupying a mobile home park space shall tie into the park sewerage system and shall dump any accumulated waste into the system. Every dependent trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma State Health Department. Any other dump of accumulated waste within the city is prohibited.

F. The monthly sewerage charge shall be based on the maximum mobile home or travel trailer capacity of the park. The park operator shall, by the tenth of each month, notify the city clerk of the city’s utility office of the maximum number of mobile home spaces in use at any one time during the previous month. The city clerk shall then adjust the sewerage fee to the actual use of the park. Should the park operator fail to notify the city clerk of the prior month’s actual usage of trailer or mobile home spaces, the sewerage fee shall be levied on the maximum capacity of the park.

G. Sewer connections shall be water-tight. Park licensees shall maintain trailer and mobile home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on the park premises. (Prior Code, § 10-12-10)

§ 12-511 WATER SUPPLY FOR MOBILE HOME PARKS.

A. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred and fifty (25) gallons per
day per mobile home space. Where a public supply of water of such quality is available within three hundred (300) feet or becomes available within three hundred (300) feet, connection shall be made thereto and its supply shall be used exclusively. Where private water supplies must be developed, the health officer must approve the location, construction, and development of both the water well and pipe system and connections. No private source other than a water well shall be used.

B. The water system of the mobile home park shall be connected by pipes to all buildings and mobile home spaces. Each mobile home shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.

C. All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of back-flow or back-siphonage. All water connections shall be weather-tight.

D. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health officer.

E. Individual water service connections which are provided for direct use by mobile homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home or travel trailer connections.

F. Provisions shall be made within one hundred and fifty (150) feet of such travel trailer space to supply water for travel trailer reservoirs.

G. No well casing, pumps, pumping machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two (2) feet from the well in all directions. The pedestal shall not be less than twelve (12) inches above the floor. This shall not be construed as prohibiting submersible pumps.

H. All water storage reservoirs shall be watertight and constructed of impervious material; all overflow and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Overflow pipes form a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

I. Underground stop and wastecocks shall not be installed on any connections.
J. No water well shall draw water from any sands reserved to the city for its use except as may be otherwise permitted by ordinances of the city. (Prior Code, § 10-12-11)

§ 12-512 REFUSE DISPOSAL FOR MOBILE HOME PARKS.
A. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
B. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located within one hundred and fifty (150) feet of any mobile home space or travel trailer space. Containers shall be so provided in sufficient numbers and capacity to properly store all refuse.
C. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped to minimize spillage and container deterioration and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.
D. All refuse shall be collected at least twice weekly and as otherwise required by the health officer. Where municipal garbage collection is not available, the mobile home park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
E. Where municipal or other private disposal service is not available, the mobile home park operator shall dispose of the refuse by burial, or transporting to an approved disposal site, as directed by the health officer. Refuse may be buried only at locations and by methods approved by the inspection officer and in accordance with the ordinances of the city.
F. When municipal refuse disposal service is available, it must be used. (Prior Code, § 10-12-12)

§ 12-513 INSECT AND RODENT CONTROL.
A. Insect and rodent control measures to safeguard public health as required by the inspection officer or health officer shall be applied in the mobile home park or travel trailer park.
B. Effective larvicidal solutions may be required by the inspection officer or health officer for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.
C. The inspection officer or health officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.
D. Accumulations of debris which may provide harborage for rodents shall not be
permitted in the mobile home park.

E. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the inspection officer or health officer to exterminate them. (Prior Code, § 10-12-13)

§ 12-514 ELECTRICITY; EXTERIOR LIGHTING.

A. An electrical outlet supplying at least one hundred (100) amperes shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than eighteen (18) feet above the ground, unless otherwise approved by the inspection officer.

B. Streets and driveways within mobile home and travel trailer parks shall be lighted with street lights meeting the current standards of the Illuminating Engineering Society or one-half (1/2) candlepower, whichever is higher. (Prior Code, § 10-12-14)

§ 12-515 PIPING.

All piping from outside fuel storage tanks or cylinders to mobile homes shall be of acceptable material as determined by the inspection officer and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or less than five (5) feet from any mobile home exit. (Prior Code, § 10-12-15)

§ 12-516 PARK AREAS; WATER; FIRES.

A. Park areas shall be kept free of litter, rubbish and other flammable materials.

B. Fires shall be made only in stoves and other cooking or heating equipment intended for such purposes. (Prior Code, § 10-12-16)

§ 12-517 ALTERATIONS AND ADDITIONS.

A. All plumbing and electrical alterations or repairs in the park shall be made in accordance with the applicable regulations of the city.

B. Skirting of mobile homes is permissible but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

C. A permit issued by the inspection officer shall be required before any construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home takes place. No construction or addition or alteration to the exterior of a mobile home located in a mobile home park shall be permitted unless of the
same type of construction or materials as the mobile home affected. All such construction, additions or alterations shall be in compliance with applicable local and state laws. No permit shall be required for the addition of steps, canopies, awning or antennas.

D. No structure other than a mobile home shall be permitted on a mobile home space except one structure not to exceed one hundred seventy-five (175) cubic feet to be used for storage on each space. (Prior Code, §10-127-17)

§ 12-518 REGISTRATION OF OWNERS AND OCCUPANTS.

A. Each licensee or permittee shall keep a register containing a record of all mobile home and travel trailer owners and occupants located within the park. The register shall contain the following information:

1. The name and address of the owner or occupant of each mobile home and motor vehicle by which it is towed;

2. The make, mode, year and license of each mobile home and motor vehicle;

3. The state, territory or country issuing such license;

4. The date of arrival and of departure of each mobile home;

5. Whether or not each mobile home is a dependent or independent mobile home; and

6. Each mobile home or travel trailer shall be identified while in a park space by some clear, legible and orderly external method of identification or numbering system.

C. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, city officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register record of each occupant registered shall not be destroyed for a period of one year following the date of departure of the registrant from the park. (Prior Code, § 10-12-18)

§ 12-519 WRECKED OR DAMAGED HOMES, TRAILERS.

Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The health officer shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes the mobile home or travel trailer uninhabitable for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises. (Prior Code, § 10-12-19)
§ 12-520 MOBILE HOME SUBDIVISIONS.

A. Mobile home subdivisions shall comply with the city’s subdivision and zoning regulations unless otherwise provided.

B. The minimum size of mobile home subdivision shall be five (5) acres.

C. No residences except mobile homes shall be permitted in a mobile home subdivision.

D. Minimum effective lot width in a mobile home subdivision shall be fifty (50) feet measured at the front building line and minimum lot areas shall be five thousand (5,000) square feet provided that at least a five (5) foot side yard shall be provided on each lot beyond any mobile home and additions thereto. In areas not serviced by a public sewer, the minimum additional lot area shall be determined by the health officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home shall be determined, for interior lots, by measuring at right angles measurements shall be made right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.

E. Regardless of the effective lot width, mobile home subdivision lots must abut a public street for at least five (5) feet.

F. All mobile home subdivisions shall provide suitable screening where abutting single-family residential areas. (Prior Code, §10-12-20)

§ 12-521 SUPERVISION.

The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this chapter to which the licensee or permittee is subject. (Prior Code, § 10-12-21)

§ 12-522 PENALLY.

Any person violating the provisions of this chapter shall, upon conviction, be punished as provided in Section 1-108 of this code. (Prior Code. § 10-12-24)

§ 12-523 EMERGENCY PERIOD; TRAVEL TRAILERS; MOTOR HOMES; AND MOTOR COACHES; MODIFICATION OF CODE OF TEMPORARY BASIS.

A. Authority.

1. Pursuant to Resolution No. 2009-3, this code is modified for a period of time as set out herein below, as provided for in this section.
B. Definitions.

1. "Emergency period" means that time from and after the adoption of Resolution No. 2009-3 by the city council of the City of Watonga for a period of two (2) years thereafter, or as extended by action of the council.

2. "Emergency travel trailer park" or "Emergency motor home/motor coach park" shall mean any park developed and/or constructed pursuant to the provisions of this section, or a combination of the two types. It shall not include any park in which an independent mobile home is located.

3. "Motor homes or motor coaches" means a self contained vehicle intended for general travel upon the highways, which said vehicle contains a living unit including but not limited to the inclusion of sleeping facilities, a shower or bathing compartment, and a toilet. All such vehicles shall be in compliance with appropriate rules and regulations of the Department of Transportation and the Department of Commerce as well as those of all other applicable federal and state agencies or departments. All such vehicles shall be legally registered and licensed to operate upon the highway.

C. Council intent: It is the intent of the council of the City of Watonga by implementation of this section of the municipal code to carry out the findings and concepts delineated in Resolution No. 2009 by relaxing certain standards and requirements of the code and adding other temporary standards in order to facilitate temporarily the employment of travel trailers and motor homes or motor coaches and to encourage the utilization of these types of temporary habitations with the confines of the city during the emergency period. Further, such intent allows for the said utilization of either existing or newly constructed facilities. Nothing herein shall be construed as relaxing standards or implements new standards for dependent mobile homes, freestanding mobile homes, or independent mobile homes as defined in § 12-501 of this code.

D. During the emergency period all provisions of this section shall apply to existing mobile home parks, any new mobile home parks, and new travel trailer/motor home or motor coach parks.

E. During the emergency period there may be established and maintained parks for the use of travel trailers, motor homes or motor coaches, or a combination of the two, according to the provisions of this code as modified by this section. All provisions of Chapter 5. Mobile Homes, of this code shall apply unless modified or implemented by the provisions of this section, and shall include all requirements and all prohibitions stated herein.

F. All such parks as allowed by this section shall be located in areas zoned either commercial or industrial unless specifically allowed by action of the council as authorized by municipal code.

G. All structures falling within the purview of this section most contain at a minimum,
sleeping facilities, bathing or shower facilities, and toilet with lavatory facilities.

1. All facilities required by this section shall be maintained in good working order.

H. The following modifications of the provisions of Chapter 5. Mobile Homes, Article XII, are modified as follows:

1. § 12-508 (C): The minimum area of any emergency travel trailer park, emergency motor home, motor coach park, or combination thereof, shall be ten thousand (10,000) square feet.

2. § 12-508 (D):
   a. There shall be no maximum number of spaces “per acre”, space intensity must comply with other provision as imposed by the code.
   b. Each space shall be a minimum of 1,260 square feet.

3. § 12-508 (F): The provisions of this subsection shall apply to corner lots only.

4. § 12-508 (II):
   a. All spaces shall abut upon a driveway or park road which is at a minimum improved by placement thereon of sufficient gypsum, gravel, crushed rock or some other all weather surface as in accordance with applicable specifications of the city.
   b. The road shall be at a minimum eighteen (18) feet wide.
   c. Curbing requirements of park roads is waived,

5. § 12-508 (I):
   a. At least one clearly defined parking space shall be provided for each space, in or adjacent to the space or within a reasonable distance from the space and on the park premises.
   b. Each parking space shall be at a minimum improved by the placement thereon of sufficient gypsum, gravel, crushed rock or some other all weather surface and constructed in accordance with applicable specifications of the city.

6. § 12-508 (J): Front yard setback shall be not less than six (6) feet.

7. § 12-508 (M): Walkways shall be improved by the placement thereto of sufficient gypsum, gravel, crushed rock, or such other all weather surface and constructed in accordance with applicable specifications of the city.
8. § 12-508 (O), (R), and (S): These sections are waived.

9. § 12-508 (P): The pad requirement shall be limited to placement upon the space.

10. § 12-509, Service Building for Travel Trailer Parks. This section is waived.

11. § 12-514, Electricity; Exterior Lighting: Subsection A: An electrical outlet supplying at least fifty (50) amperes shall be provided for each space,

I. All parks operated or established pursuant to the provisions of this section must provide to all users access to an operable dump station in which the users can dispose of all solid waster accumulated within the storage unit of the travel trailer or motor home or motor coach as according to manufacturer’s specifications. Access must be available at all times. Such dump stations will be constructed and maintained in a manner required by the city.

J. Application to Council: In addition to any requirements for licensing, inspection, or other as provided by the municipal code, all applicants for license to establish such parks or to modify an existing motor home park or any part thereof as so to come under the provisions of this section either in whole or in part, shall make direct application to the city council for approval of the entire plan utilized for such purpose.

K. Extension of Emergency Period: If at the time two years after the adoption of this ordinance, the council by resolution determines that an extension of the emergency period is justifiable, the council may extend said period for either one or two years by such resolution, and may thereafter by resolution make further such extensions not more than one year at a time, however, the total emergency period shall not exceed five (5) years under the terms of this ordinance.

L. Expiration of Emergency Period and/or Extensions Thereof: At the expiration of the emergency period, unless extended by ordinance, this section in its’ entirety shall be deemed repealed by such expiration and no power to operate granted thereunder shall continue. (Ord. No. 607, 2/3/09)

CHAPTER 6 – HEIGHT RESTRICTION ZONING

§ 12-601 AIRPORT HAZARDS CONTRARY TO PUBLIC INTEREST.

This Ordinance is adopted pursuant to the authority conferred by the Airport Zoning Act, Title 3, Oklahoma Statutes 1991, § 101 et seq. (The “Act”). It is hereby found that an airport hazard endangers the lives and property of users of Watonga Municipal Airport, and property or occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of Watonga Municipal Airport and the public investment therein. Accordingly, it is hereby declared:
1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by Watonga Municipal Airport;

2. That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and;

3. That the prevention of these airport hazards or obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or the marking and lighting of existing airport hazards are public purposes for which the city may raise and expend public funds and acquire land or property interests therein. (Ord. No. 540, 10/6/98)

§ 12-602 DEFINITIONS.

1. Airport - Watonga Municipal Airport.

2. Airport Elevation - The highest point of an airport’s usable landing area measured in feet from sea level. Watonga Municipal Airport has an elevation of 1551 feet above mean sea level (MSL).

3. Airport Hazard * Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at Watonga Municipal Airport or is otherwise hazardous to such landing or taking off of aircraft.

4. Airport Hazard Area - Any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

5. Approach Surface - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 12-604 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

6. Approach, Transitional, Horizontal, and Conical Zones - These zones are set forth in § 12-603 of this chapter.

7. Board of Adjustment - A Board consisting of five members appointed by the City of Watonga as provided by the laws of the State of Oklahoma.

8. Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

9. Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
10. Height - For the purpose of determining the height limits in all zones set forth in
this chapter and shown on the zoning map, the datum shall be mean sea level
elevation unless otherwise specified.

11. Horizontal Surface - A horizontal plane 150 feet above the established airport
elevation, the perimeter of which in plan coincides with the perimeter of the
horizontal zone.

12. Larger than Utility Runway - A runway that is constructed for and intended to be
used by propeller driven aircraft of greater than 12,500 pounds maximum gross
weight and jet powered aircraft.

13. Nonconforming Use - Any pre-existing structure, object of natural growth, or use
of land that is inconsistent with the provisions of this chapter or an amendment
hereto.

14. Nonprecision Instrument Runway - A runway having an existing instrument
approach procedure utilizing air navigation facilities with only horizontal guidance,
or area type navigation equipment for which a straight-in nonprecision instrument
approach procedure has been approved or planned.

15. Obstruction - Any structure, growth, or other object, including a mobile object,
which exceeds a limiting height set forth in § 12-604 of this chapter.

16. Person - An individual, firm, partnership, corporation, company, association joint
stock association, or government entity; includes a trustee, a receiver, an assignee,
or a similar representative of any of them.

17. Primary Surface - A surface longitudinally centered on a runway. When the runway
has a specially prepared hard surface, the primary surface extends 200 feet beyond
each end of that runway; for military runways or when the runway has no specially
prepared hard surface, or planned hard surface, the primary surface ends at each
end of that runway. The width of the primary surface is set forth in § 12-603 of this
chapter. The elevation of any point on the primary surface is the same as the
elevation of the nearest point on the runway centerline.

18. Runway - A defined area on an airport prepared for landing and takeoff of aircraft
along its length.

19. Structure - An object, including a mobile object, constructed or installed by man,
including but without limitation, buildings, towers, cranes, smokestacks, earth
formations, and overhead transmission lines.

20. Transitional Surfaces - These surfaces extend outward at 90 degree angles to the
runway centerline and the runway centerline extended at a slope of seven (7) feet
horizontally for each foot vertically from the sides of the primary and approach
surfaces to where they intersect the horizontal and conical surfaces. Transitional
surfaces for those portions of the non-precision approach surfaces, which project
through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.


22. **Zoning Administrator** - Any city employee as may be so designated by the Watonga City Council. (Ord. No. 540, 10/6/98)

### § 12-603 AIRPORT ZONES.

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Watonga Municipal Airport, such zones are shown on the Watonga Municipal Airport Zoning Map consisting of one sheet prepared by Leard Bice Reeder, Inc., and dated August 1997, and hereby expressly incorporated herein and made a part hereof. At least one copy of said map shall be located at the office of the city clerk of the City of Watonga. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Runway Larger Than Utility With A Visibility Minimum Greater Than % Mile Nonprecision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. **Transitional Zones** - The transitional zones are the areas beneath the transitional surfaces.

3. **Horizontal Zone** - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. **Conical Zone** - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. (Ord. No. 540, 10/6/98)

### § 12-604 AIRPORT ZONE HEIGHT LIMITATIONS.

Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone established in this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

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1. Runway Larger Than Utility With A Visibility Minimum Greater Than % Mile Nonprecision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

2. Transitional Zones - Slope seven (7) feel outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1551 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feel outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degrees angles to the extended runway centerline.

3. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 1701 feet above mean sea level.

4. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. Excepted Height Limitations - Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. (Ord. No. 540, 10/6/98)

§ 12-605 USE RESTRICTION.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. No. 540, 10/6/98)

§ 12-206 NONCONFORMING USES.

1. Regulations Not Retroactive - The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.
2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the zoning administrator to indicate the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the City of Watonga. (Ord. No. 540, 10/6/98)

§12-607 PERMITS AND FEES.

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted upon the prior payment of the appropriate permit fees to be established from time to time. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with § 12-607(4).

a. In the areas lying within the limits of the horizontal zone and conical zones, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b. In areas lying within the limits of the approach zones, but a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter except as set forth in § 12-604(5).

2. Existing Uses - No permit shall be granted that would allow the establishment or
creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed - Whenever the zoning administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the Board of Adjustment or a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not be an airport hazard or create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the zoning administrator for advice as to the aeronautical effects of the variance. If the zoning administrator does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner’s expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the City of Watonga at its own expense to install, operate, and maintain the necessary markings and light. (Ord. No. 540, 10/6/98)

§ 12-608 ENFORCEMENT.

1. It shall be the duty of the Zoning Administrator to administer and enforce the regulations as prescribed herein. Applications for permits and variances shall be made to the zoning administrator upon a form created for that purpose. Applications required by this chapter to be submitted to the zoning administrator shall be promptly considered and granted or denied. Application for action by the forthwith transmitted by the zoning administrator.
2. The building inspector of the City of Watonga shall be the airport zoning administrator. (Ord. No. 540, 10/6/98)

§ 12-609 BOARD OF ADJUSTMENT.

1. A board of adjustment has been created to have and exercise the following powers:
   a. to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter;
   b. to hear and decide special exceptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass under this chapter;
   c. to authorize in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done; and
   d. exceptions and/or variances may only be allowed by the board of adjustment only after notice and hearing as provided in Title 11, Oklahoma Statutes 1991, § 44-108.

2. The City of Watonga board of adjustment shall be appointed as the board of adjustment for purposes of this chapter.

3. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter, applicable city ordinances, the Oklahoma Open Meetings Act and the Oklahoma Open Records Act. Meetings of the board of adjustment shall be public and held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson or, in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each questions; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the zoning administrator and on due cause shown.

4. The board of adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which properly comes before it under the provisions of this chapter.

5. The concurring vote of three (3) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the
§ 12-610 APPEALS TO THE BOARD OF ADJUSTMENT.

1. Any person aggrieved, or any taxpayer affected, by any decision of the zoning administrator made in the administration of this chapter, may appeal to the board of adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment all papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the opinion of the zoning administrator, cause imminent peril of life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment or notice to the zoning administrator and on due cause shown.

4. The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances. (Ord. No. 540, 10/6/98)

§ 12-611 JUDICIAL REVIEW OF DECISIONS OF BOARD OF ADJUSTMENT.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, who is of the opinion that a decision of the board of adjustment is illegal, may appeal to the District Court of Blaine County, Oklahoma, in the manner as provided in Title 3, Oklahoma Statutes 1991, §111. (Ord. No. 540, 10/6/98)

§ 12-612 PENALTIES AND REMEDIES.

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than $200.00 and each day a violation continues to exist shall constitute a separate offense. In addition, the city may institute an action to prevent, restrain, correct or abate any violation of this ordinance or of any order or ruling made in connection with the administration or enforcement thereof, in any court of competent jurisdiction. (Ord. No. 540, 10/6/98)
PART 13 – PUBLIC SAFETY

CHAPTER 1 – FIRE PREVENTION

§ 13-101 ADOPTION OF FIRE PREVENTION CODE; ADDITIONS, INSERTIONS AND CHANGES.

A. The City of Watonga hereby adopts the International Fire Code, in the same version that is adopted by the Oklahoma Uniform Building Code Commission, as the same may be changed or amended from time to time. The City Clerk shall retain a copy of the currently applicable version of the International Fire Code.

B. For the purposes of the Fire Prevention Code, the “fire official” shall mean the fire chief or his designee. The “appointing authority” shall be the mayor.

C. The following sections of the Fire Prevention Code are hereby revised as follows:

Section F-101.1 Insert: City of Watonga

Table F-107.2.3 Insert: “as provided by motion or resolution of the city council.”

D. There is hereby adopted by the city council the Code for Safety of Life from Fire in Buildings and Structures, 1991 Edition, as adopted by the National Fire Protection Association on November 14, 1990, at its 1990 Fall Meeting in Miami, Florida, and issued thereby, being particularly the latest edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this code. All of the regulations, provisions, penalties, conditions and terms 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 this chapter. (Ord. No. 315, 6/1/76; Ord. No. 529, 9/16/97; Ord. No. 536, 5/19/98; Ord. No. 669, 10/20/2020)

Cross Reference: Open burning prohibited, see § 8-115 of this code.

§ 13-102 FIRE DEPARTMENT TO ENFORCE CODE.

A. The fire prevention code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department.

B. The chief of the fire department may detail such members of the fire department as inspectors as may from time to time be necessary.

§ 13-103 LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

A. The limits referred to in the fire prevention code, in which storage of flammable liquids in outside aboveground tanks is prohibited, shall be as established by the
city council.

B. The limits referred to in the fire prevention code, in which new bulk plants for flammable liquids are prohibited, shall be as established by the city council.

_Cross Reference:_ Zoning regulations, See §§ 12-201 et seq.

§ 13-104 LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum has been prohibited, shall be as established by the city council.

_Cross Reference:_ See Part 5 of this code for other provisions on liquefied petroleum gases.

§13-105 LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED.

The limits referred to in the fire prevention code, in which storage of explosives and blasting agents is prohibited, shall be as established by the city council.

§ 13-106 MODIFICATIONS.

The chief of the fire department, with the approval of the mayor, shall have power to modify any of the provisions of the fire prevention code and the life safety code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief and mayor thereon shall be entered upon the records of the mayor, and a signed copy shall be furnished the applicant.

§ 13-107 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The chief of the fire department, the mayor, and one person appointed by the mayor with the approval of the council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

§ 13-108 APPEALS.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision appealed.
§ 13-109 TRUCKS, TANK VEHICLES CONTAINING FLAMMABLE COMBUSTIBLE, CORROSIVE, EXPLOSIVE OR RADIOACTIVE LIQUIDS OR MATERIALS PROHIBITED.

A. No person shall operate any truck or tank vehicle containing flammable, combustible, corrosive, explosive or radioactive liquids or materials upon any street within the corporate limits of the city except in the following circumstances:

1. Gasoline transports to existing approved gasoline storage locations for the purpose of unloading, and that during actual unloading some responsible person shall be present at the vehicle, and departure therefrom, by the most direct route to the highway during daylight hours; and

2. For necessary repairs in the use and operation of the truck or tank vehicle and in this event no such truck or tank vehicle shall proceed further north than B Street, and the driver thereof shall notify the police department and fire department of the location at which the repair is being made, the nature of the load or last load, if empty, and approximate time necessary for repairs, but no such truck or tank vehicle shall remain in the corporate limits overnight.

B. This section shall not prevent a driver from the necessary absence from the truck in connection with delivery of his load, nor shall it prevent stops for meals during the day or night, if the load is properly secured so as not to leak nor permit access by unauthorized persons, the street is well lighted at point of parking and parking can be away from the traveled portion of the highway and at least fifty (50) feet away from any building used for assembly, institutional or residential occupancy. Further provided that trucks or tank vehicles containing flammable, combustible, corrosive, explosive or radioactive liquids or materials shall not be parked at any one point for longer than one hour.

C. Nothing in this section shall be construed to enlarge upon any authority or decrease any federal or state requirements for handling, shipping, storage or control of flammable, combustible, corrosive, explosive or radioactive liquids or materials.

D. Upon any violation of this chapter, any police officer or the fire chief shall immediately impound any truck or tank vehicle containing flammable, combustible, corrosive, explosive or radioactive materials and have same removed from the corporate limits of the city, at the costs of the owner thereof. (Ord. No. 333, 3/17/81; Ord. No. 343, 4/20/82)

Cross Reference: Parking of trucks with flammable liquids, See Part 15 of this code.

§ 13-110 HAULING, PARKING GASOLINE, OR LPG ON CERTAIN STREETS.

A. It is unlawful for any person to unload within the city limits any gasoline truck, tank, tankcar or container containing as much as one thousand (1,000) gallons of gasoline between the period of sunset any day and the sunrise following, or to haul
or truck the dame at any hour along Main Street, “A” Street, 1st Street and 2nd Street, between Hook Avenue and Clevenger Avenue, along Prouty Avenue, Noble Avenue, and Weigle Avenue, between “A” Street and 2nd Street, except to service gasoline installations now in existence.

B. It is unlawful for any person to park gasoline trucks or tanks on the streets designated in Subsection A hereof, or to park the trucks or tanks, within three hundred (300) feet of any church, school, auditorium or any other building used for public assembly, except for servicing gasoline installations.

C. It is unlawful for any person to drive any butane, propane or other liquefied petroleum gas truck, or haul any such liquefied petroleum gas tank along any street within the city, except that such trucks shall be permitted to travel such streets as arc designated as through county, state or national highways. It is unlawful for any such trucks or tanks to park within the city limits. If any butane, propane or other liquefied petroleum gas truck becomes stalled within the city, the driver thereof shall immediately notify the fire department and the fire department shall convey the truck to a garage where only such emergency repair is to be done that will permit the truck to proceed. It is unlawful for the truck to remain in the city limits longer than is necessary to receive such emergency repairs.

D. Any officer of the fire department or police department is hereby authorized to order any gasoline or liquefied petroleum gas truck, which they consider dangerous to life and property removed from the city. (Prior Code, §§ 6-3-1 to 6-3-4)

§ 13-111 PENALTIES.

A. Any person who violates any of the provisions of the fire prevention code or other code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in § 1-108 of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 2 – FIRE DEPARTMENT AND SERVICE

ARTICLE A – FIRE DEPARTMENT
§ 13-201 FIRE DEPARTMENT, CHIEF OF THE DEPARTMENT.

There shall be a fire department, the head of which shall be the chief of the fire department. The chief of the fire department shall be an officer of the city, and shall have supervision and control of the fire department. There shall be such additional fire fighters as may be authorized. All firefighters shall be officers of the city. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire and explosions in theaters, stores, and other public buildings. (Prior Code, Sec. 1-17-1 in part)


§ 13-202 DUTIES OF THE FIRE CHIEF.

The chief shall be at the head of the department, subject to the laws of the state, ordinances of the city, and the rules and regulations adopted in this chapter. The chief shall have the following powers and duties:

1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him;

2. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cistern and other sources of water supply at least twice each year;

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

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

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

6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case;

7. The chief is authorized to enter any building or premise in the city at any reasonable hour for the purpose of making inspections and to serve written notice on the owners or occupants to correct any hazards or violations that may be found; and

8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the mayor as he may require. (Prior Code, §.1-17-2, 2-2-2 in part)
§ 13-203 DUTIES OF THE ASSISTANT CHIEF.

In the absence of the chief, the assistant chief on duly shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. (Prior Code, § 1-17-3 in part)

§ 13-204 USE OF FIRE EQUIPMENT, INVENTORY AND REPAIR.

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

§ 13-205 RESIDENCY REQUIREMENTS.

No person shall be eligible to appointments or to continue as fire chief or any other paid firefighter’s position or as a volunteer firefighter, unless said person lives within an area no more than twenty (20) miles distance, as measured in a straight line from the nearest point on the boundary line of the corporate limits of the City of Watonga, between his dwelling house or residence and said corporate limits. (Ord. No. 455, 6/16/87; Ord. No. 609, 4/7/09; Ord. No. 623, 10/16/12; Ord. No. 671, 10/20/2020)


§ 13-206 TENURE OF OFFICE: FIRE CHIEF AND PAID FIREMEN.

The chief and paid full-time members of the fire department shall hold their respective positions unless removed for a good and sufficient cause, (Ord. No. 455, 6/16/87)

§ 13-207 DISCIPLINARY ACTION: TERMINATION OF EMPLOYMENT; APPEALS.

A. All paid firefighters shall be subject to disciplinary action for violation of the rules and regulations or by-laws of the fire department applicable thereto, or for other good cause, which shall include but not be limited to:

1. Conduct unbecoming a firefighter;
2. Insubordination;
3. Neglect of duly; or
4. Action reflecting discredit on the fire service.

B. All paid firefighters’ disciplinary action shall be initiated by the fire chief and shall consist of one of the following actions:
1. Oral reprimand;
2. Written reprimand;
3. Suspension without pay for thirty (30) days or less; or
4. Termination of employment, except that termination shall not be instituted without the written approval of the mayor.

C. All paid firefighters’ termination proceedings shall not be completed until the firefighter has been advised in writing of the allegation against him and he shall have an opportunity for a pre-termination hearing before the fire chief, at which time the firefighter may present evidence in his behalf. Such hearing shall be no sooner than forty-eight (48) hours after the time the firefighter has been advised in writing of the charges against him.

D. Any paid firefighter who has been the subject of disciplinary action, including termination proceedings, may appeal such decision to the firefighters’ board of review. (Ord. No. 455, 6/16/87)

§ 13-208 FIREFIGHTERS’ BOARD OF REVIEW.

The board of review to hear appeals of paid firefighters shall be established and shall function as nearly as possible to the manner stated in chapter 4 of this part, and all provisions thereof shall pertain to the firefighters’ board of review except that:

1. The board of review shall be composed of two (2) paid firefighters either active or retired (instead of two (2) police officers), except that the fire chief nor the person bringing the charges may sit thereon;

2. Whenever there are insufficient paid firefighters available to serve thereon the mayor may appoint any voluntary member of the fire department to serve in one or both board positions as is necessary; and

3. The board shall have among its powers the power to modify to a lesser degree any disciplinary action instituted as provided for herein. (Ord. No. 455, 6/16/87)

ARTICLE B - VOLUNTEER DEPARTMENT

§ 13-210 VOLUNTEER FIRE DEPARTMENT.

The volunteer fire department has in its employ not more than two (2) full time salaried firefighters and it shall be comprised of not more than twenty (20) volunteer firefighters. For the purpose of this chapter, a volunteer firefighter shall be considered as one who is enrolled as a member of the fire department and who serves in that capacity without receiving a regular salary. (Prior Code, § 2-2-1)
§ 13-211 VOLUNTEER DEPARTMENT, COMPANY OFFICERS.

A. The company officers of the volunteer department shall be selected upon their ability to meet the following requirements:

1. Their knowledge of fire fighting;
2. Their leadership ability; and
3. Their knowledge of fire fighting equipment.

B. One member elected by the fire department shall be secretary-treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting; and
3. Collecting any money due the department of the members. (Prior Code, § 2-2-2 in part)

State Law Reference: Volunteer fire departments, 11 O.S. § 29-201 et seq.

§ 13-212 NEW MEMBERS OF VOLUNTEER DEPARTMENT.

A. All new members shall be on probation for one year after their appointment. New probationary members shall be recommended by majority of members of the volunteer fire department and shall be appointed by the mayor with confirmation by city council.

B. New volunteer members upon completion of their probation period must be approved by the majority of the volunteer members of the fire department and appointed by the mayor with confirmation by council. (Prior Code, § 2-2-2 in part)

§ 13-213 RULES AND REGULATIONS.

The volunteer fire department shall be subject to the following rules and regulations which shall be incorporated in the bylaws of the department:

1. A volunteer firefighter is required, when notified, to respond to alarms of fire and other emergencies;
2. A volunteer firefighter is required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters;
3. There shall be at least one regular business meeting each month;
4. Any volunteer firefighter having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the
fire department rolls;

5. Volunteer firefighters leaving the city for an extended period of time will be required to notify the chief;

6. Any volunteer firefighter refusing to attend training classes provided for him will be dropped;

7. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
   a. Conduct unbecoming a firefighter;
   b. Any act of insubordination;
   c. Neglect of duty;
   d. Any violation of rules and regulations governing the fire department; or
   e. Conviction of a felony. (Prior Code, § 2-2-2 in part)

§ 13-214 SENIOR FIREFIGHTERS

A. Definition

1. A person who performs volunteer services as a firefighter, who has attained the age of forty-five (45) or more years as of the first date such volunteer services are performed, and who is not a member of the Oklahoma Firefighters Pension and Retirement System.

B. Eligibility Requirements

1. Senior Firefighters shall be subject to the same eligibility requirements as all other Volunteer Firefighters except set out in subsection A above.

C. Appointment

1. Appointment of Senior Firefighters shall be by recommendation of the Fire Chief and with approval of the Council (Ord. No. 641, 4/____/2017)

ARTICLE C – CALLS OUTSIDE LIMITS

§ 13-220 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS.

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

§ 13-221 CONTRACT TERMS, FEES FOR SERVICE.

Any contract entered into by the city with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation or association, or political subdivision to the city for such fire apparatus and personnel at the rate as set by the council. All monies received from the calls shall go into the general fund.

§ 13-222 AUTHORITY TO ANSWER CALLS.

The fire department of the city is hereby authorized and directed to answer all outside calls unless in the opinion of the fire chief it is inexpedient to do so because of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions. Rates for these services shall be as set by the council.

§ 13-223 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters of the fire department of the city attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters shall be entitled to all the benefits of any firemen’s pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the city.

§ 13-224 DEPARTMENT CONSIDERED AGENT OF STATE.

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

CHAPTERS 3 – POLICE DEPARTMENT AND SERVICES

§ 13-301 CITY MARSHAL, DUTIES.

The marshal of the city, elected as provided in this code, shall be in charge of blocking traffic and controlling parade routes. He shall be in charge of controlling traffic for special events in the downtown area. He shall assist the police department as required by the chief of police and under the direction of the chief of police. He shall perform such other duties and keep such records as may be required of him by the mayor and council. He shall appear in uniform Monday through Friday and devote his working time to the municipal affairs of the city. The marshal shall be an ex officio member of the police department. He shall receive compensation for his services as set by the council by ordinance. In the event that the marshal is also the chief of police the salary of the marshal shall be in addition to the salary paid the chief of police. (Ord. No. 323, 2/13/79)
§ 13-302 POLICE DEPARTMENT CREATED, CHIEF.

There is a police department, the head of which is the police chief, appointed by the mayor with consent of the council. The chief is an officer of the city, and has supervision and control of the police department. All police officers are officers of the city. (Ord. No. 324, 2/13/79)


§ 13-303 DUTIES OF DEPARTMENT.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the city jail.

§ 13-304 CHIEF, DUTIES.

The chief of police shall be the principal law enforcement officer of the city and shall be charged with the responsibility of directing the other police officers in the performance of their duties. The chief of police shall at all times have the power to make or order an arrest, with proper process, for any offense against the laws of the state or of the city and bring the offender for trial before the proper official. He shall have the power and it is his duty, to keep offenders of the law in the city jail or such other proper facility to prevent their escape until a trial can be had before the proper official and he shall perform such other duties as are imposed on him by ordinance, the provisions of the city code or other laws of the city or state. (Ord. No. 324, 2/13/79)

§ 13-305 SUPERVISION OF DEPARTMENT.

The chief of police shall, subject to the direction of the mayor, have control and management of all matters relating to the police department, its officers and members, and shall have the care, custody and control of all firearms and government or military equipment, books and records belonging to or used by that department. He shall fix the hours at which regular police officers shall enter upon and retire from duty, and subject to the approval of the mayor and council establish rules and regulations for governing the police force. He shall see that all persons employed as regular police officers or those who may serve as auxiliary police officers receive all training required by state law and such supplemental training as may be required by law. (Ord. No. 324, 2/13/79)

§ 13-306 ATTENDANCE REQUIRED.

The chief of police or his designee may attend the sessions of the council and execute all orders directed to him by the council. He or his designee may attend each session of the municipal court, and execute or cause to be executed the processes thereof, and shall cause all persons under
arrest to be brought before the municipal court judge for trial as speedily as possible. (Ord. No. 324, 2/13/79)

§ 13-307 RECORDS.

The chief of police shall be the chief administrative officer of the police department and shall direct books of record to be kept at his office, for the police force, and of other required records. The chief of police or any police officer making an arrest shall enter in a book to be kept for that purpose at the police department, the name of the person arrested, the nature of the offense, a brief description of the property or articles found on the person of the prisoner and the type of bond posted and, if cash, the amount of bond. (Ord. No. 324, 2/13/79)

§ 13-308 POLICE OFFICERS.

Police officers shall perform such duties as shall be required of them by the chief of police, city ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace. The assistant chief and employees or officers deemed necessary shall be appointed by the mayor. (Prior Code, § 2-1-1 in part; Ord. No. 325, 2/13/79)

§ 13-309 EMERGENCY DUTIES IN OTHER CITIES.

A. Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this city, when such service is requested by the mayor or chief of police of the city or town.

B. Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the mayor who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this city, and after consultation with the marshal, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.


CHAPTER 4 – POLICE BOARD OF REVIEW

§ 13-401 POLICE BOARD OF REVIEW, COMPOSITION.

The city establishes the police board of review, pursuant to statute. The police board of review shall consist of the mayor, ex officio, who shall be a voting member, and four (4) members to be appointed by the city council of the city as follows:

1. Two (2) police officers, retired or active, from the police department of the city;

2. One attorney and one licensed physician residing within the corporate limits of the city; and
3. Neither the chief of police nor any person having direct appointive authority for police personnel shall be eligible for appointment to the board. (Ord. No. 379, 9/13/83)

*State Law Reference:* Police boards of review to review certain employment actions. 11 O.S. § 50-123.

**§ 13-402 UNAVAILABILITY FOR APPOINTMENT.**

Whenever person meeting the qualifications of § 13-401 of this code are unavailable for appointment or appointments, the mayor shall in lieu thereof make the appointment from the city council of the city. (Ord. No. 379, 9/13/84)

**§ 13-403 TERM OF DUTY.**

Appointed members of the board shall serve at the pleasure of the appointing official or officials. (Ord. No. 379, 9/13/84)

**§ 13-404 DISCHARGE FOR CAUSE.**

No member of the police department of the city who is a full time active duty officer may be discharged except for cause. Any such police officer who is discharged may appeal such discharge to the police board of review. (Ord. No. 379, 9/13/84)

**§ 13-405 COMPENSATION.**

The police board of review will serve without compensation for its services. (Ord. No. 379, 9/13/84)

**§ 13-406 CONFLICT OF INTEREST.**

No member of the police board of review shall have any conflict of interest with the particular case or parties before him or her, either familial or pecuniary, or otherwise. (Ord. No. 379, 9/13/84)

**§ 13-407 POWERS OF THE BOARD.**

The police board of review shall have power to take the following actions in any case properly before the board;

1. Dismissal of charge or charges against officer involved;
2. Disciplinary action pursuant to established police department policy;
3. Suspension for not more than thirty (30) days, without pay; and
4. Dismissal from employment, except that, in the instance of a complaint by private citizen where no order of termination of employment has been previously given, the board may only recommend dismissal to the mayor and does not have power to
§ 13-408 ACTIONS TO BE HEARD BY THE POLICE BOARD OF REVIEW.

The police board of review shall consider the following matters:

1. Appeals from dismissal from employment which the dismissal was properly effected by the mayor of the city, the chief of police of the city, for cause or from other disciplinary action imposed thereon; and

2. Complaints received from private citizens, which the complaints have been properly filed according to this chapter and which allege good cause for termination of employment. (Ord. No. 379, 9/13/84)

§ 13-409 PROCEDURE, APPEAL FROM DISCIPLINARY ACTION OR FROM DISCHARGE FROM EMPLOYMENT BY THE MAYOR OR CHIEF OF POLICE.

Any full time active duty police officer of the city may, upon order of disciplinary action or termination of employment for cause by the mayor or chief of police, take the appeal of such order to the police board of review of the city:

1. An appeal from disciplinary action or from termination of employment must be submitted in writing to the mayor within fourteen (14) days of the effective date of such action or termination. Such appeal must state in writing the allegations of good cause given, to the officer making the appeal, by the mayor or the chief of police; and

2. The mayor shall, upon receipt of the notice of appeal, convene the police board of review no later than fourteen (14) days after receipt of the notice of appeal. (Ord. No. 379, 9/13/84)

§ 13-410 PROCEDURE, COMPLAINTS FROM PRIVATE CITIZENS.

The police board of review shall consider all complaints submitted to the chief of police or the mayor of the city alleging misconduct on the part of any full time active duty police officer.

1. Any private citizen may submit to the police board of review a complaint alleging misconduct on the part of any police officer of the city. Such complaint must be submitted in writing to the chief of police not later than one hundred twenty (12) days after the date upon which the alleged incident or incidents complained of took place. Any citizen’s complaint not properly submitted may be, at the discretion of the chief of police, considered to be not the proper action for submission to the board and will be the subject of internal investigation and review as per established departmental policy;

2. Such complaint must specifically allege improper conduct by a member of the police department. The complaint must state fully the location, date, approximate time and specific incident of the alleged improper conduct. The complaint must be
signed by the complaining party; and

3. The police board of review shall convene no later than fourteen (14) days after the complaint is received by the chief of police or the mayor. (Ord. No. 379, 9/13/84)

§ 13-411 PROCEDURE.

Upon convening to hear either an appeal of termination of employment or a complaint filed by a private citizen, the police board of review shall consider any and all evidence it deems as relevant both written and oral. The police board of review shall have the power to call and examine witnesses. The police board of review shall make its decision as soon as is reasonably possible, and based upon the evidence heard, shall forward a copy of the decision in writing to the chief of police of the city, the city council, the police officer involved and, if applicable, the complaining party or parties. Any decision of the board shall be by majority vote of all voting members of the police board of review. (Ord. No. 379, 9/13/84)

§ 13-412 CITY ATTORNEY, ADVISOR.

The city attorney shall be and act as an advisor to the police board of review in any matter brought before them. (Ord. No. 379, 9/13/84)

§ 13-413 APPEALS FROM DECISIONS OF THE POLICE BOARD OF REVIEW.

Any officer of the city police department whose interest is adversely affected by a decision of the police board of review may take an appeal thereon to the city council. Such appeal must be taken in the same manner as provided for herein for an appeal to the police board of review. The city council may, upon the proper taking of an appeal thereto, either overturn or sustain the decision of the police board of review by majority vote of a proper quorum of the council. (Ord. No. 379, 9/13/84)

CHAPTER 5 – CIVIL DEFENSE

§ 13-501 PURPOSE OF CIVIL DEFENSE ORGANIZATION.

A civil defense organization is created for the city to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the city. The duties of the civil defense organization are the protection of the lives and health of the citizens and of property and property rights, both private and public, and performance of all functions necessary and incident thereto. (Prior Code, § 2-6-1)

State Law Reference: Organization of local civil defense departments, 63 O.S. §§ 683.11 and 683.12.

§ 13-502 DEPARTMENT ESTABLISHED.

There is hereby established under the executive branch of the government a department of civil defense which shall consist of:
1. A director of civil defense who shall be appointed and may be removed with or without cause by the mayor; and

2. A civil defense advisory committee. This committee shall consist of the mayor as chairman and five (5) members consisting of the city council and the city manager. The committee shall select from its members a vice-chairman and secretary. It shall hold such meetings as are directed by (he mayor and its function shall be to act in an advisory capacity as needed or requested by the mayor or the director of civil defense. (Prior Code, § 2-6-2)

§ 13-503 DUTIES OF DIRECTOR.

The director of civil defense shall be the executive head of the department of the civil defense and is responsible for carrying out the civil defense program of the city. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It is the duty of the director of civil defense as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this chapter and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all civil defense agencies of other governmental units, including the state and the federal government. The director of civil defense is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the civil defense organization. (Prior Code, § 2-6-3)

§ 13-504 POWERS OF DIRECTOR IN EMERGENCIES.

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

B. The director of civil defense and other members of the civil defense organization created by him shall have the power and authority to enforce the laws of the state and ordinances of the town during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances. (Prior Code, §§. 2-6-4, 2-6-5)

§ 13-505 COMPENSATION OF MEMBERS.

All members of the civil defense organization created in this chapter shall serve without compensation. The city shall not be liable for any personal or bodily injury received by any member of such organization while acting in the line of duty. (Prior Code, § 2-6-6)
CHAPTER 6 – UNCLAIMED PROPERTY

§ 13-601 COMPLETE RECORD REQUIRED.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale or other disposal, name and address of the purchaser, and the amount for which it was sold.

State Law Reference-. Uniforms Unclaimed Property Act, 60 O.S. § 655; Relating to finders of lost goods, See 15 O.S. Subsections 511 et seq; As regards disposal of stolen or embezzled property coming into hands of policemen, See 22 O.S. Subsections 1321 et seq; As regards disposal of liquor and gambling equipment seized by policemen, See 22 O.S. Subsections 1261 et seq; Seizure of alcoholic beverages in violation of state law, 37 O.S. § 539, forfeited to state 10 days notice.

§ 13-602 STOLEN, EMBEZZLED, LOST ABANDONED OR UNCLAIMED PROPERTY.

A. The chief of police is authorized to sell or dispose of personal property which has come into his possession whether the property be stolen, embezzled, lost, abandoned or otherwise, the owner of the property or money being unknown, or the owner is known and fails to claim the property after notice, and the chief of police has held the property for at least ninety (90) days, and such property or money or any part thereof is no longer needed to be held as evidence or otherwise used in connection with any litigation.

B. The chief of police shall file an application to conduct a sale or dispose of such personal property to the city council. Such an application shall include a list describing such property, the date the property came into his possession and name of owner. The city shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing.

C. If in the opinion of the mayor, all or any portion of the personal property may be more advantageously used in any city department or office, he shall so instruct the chief of police in writing, and the chief shall thereupon deliver the personal property designated to that department or office of city government and make a permanent record of its disposition.

D. Notice of the sale or disposition shall be given by the chief to each known owner by certified mail directed to his last address. In addition notice will be posted in three (3) public places in the city, including city hall.
E. If no owner comes to claim the property at the hearing, the police chief shall sell all property to the highest bidder for cash or otherwise dispose of the property. Title of the property shall pass to the person acquiring the property.

F. The money received from the sale of the personal property shall be deposited in the city account and become income for the city. (Ord. No. 370, 7/19/83)

§ 13-603 PROPERTY FOUND BY A PRIVATE PERSON.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the chief of police shall sell or dispose of the property as if it had been found by a public official or employee, or on instruction by the mayor deliver it to some department or office of the city government for its use.

CHAPTER 7 – FLOOD DAMAGE PREVENTION

ARTICLE A – FLOOD DAMAGE PREVENTION

§ 13-701 FINDINGS OF FACT.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. (Ord. No. 454, 5/19/87; Ord. No. 502, 4/4/95)

§ 13-702 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

7. Insure that potential buyers are notified that property is in a flood area, (Ord. No. 454, 5/19/87; Ord. No. 502, 4/4/95)

§ 13-703 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which service such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging and other development which may increase flood damage; or

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. No. 454, 5/19/87; Ord. No. 502, 4/4/95)

§ 13-704 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following terms as used herein will mean:

1. “Alluvial fan flooding” means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths;

2. “Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur;

3. “Area of shallow flooding” means a designated AO, AH, or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent chance or
greater annual chance of flooding to an average depth of one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow;

4. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHB). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A-99, VO, VI-30, VE or V;

5. “Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;

6. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides;

7. “Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

8. “Development” means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials;

9. “Elevated building” means a non-basement building:

   a. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and pliers), or shear walls parallel to the floor of the water; and

   b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood;

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of ill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the Nation Flood Insurance Program regulations;
10. “Existing construction” means for the purpose of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM effective before that date. “Existing construction” may also be referred to as “existing structures;”

11. “Existing manufactured home park or subdivision” means a manufactured home park of subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community;

12. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads);

13. “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland or tidal waters; or
   b. The unusual and rapid accumulation or runoff of surface waters from any source;

14. “Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium Zones applicable to the community;

15. “Flood insurance study” means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map;

16. “Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of flooding);

17. “Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations;

18. “Floodplain management regulations: means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction;
19. “Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards;

20. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents;

21. “Flood way (regulatory flood way)” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height;

22. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities;

23. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure;

24. “Historic structure" means any structure that is:

   a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

   b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

   c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

   d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

       1) By an approved state program as determined by the Secretary of the Interior or;
2) Directly by the Secretary of the Interior in states without approved programs;

25. “Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding;

26. “Levee system” means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices;

27. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of § 60.3 of the National Flood Insurance Program regulations;

28. “Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”;

29. Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale;

30. “Mean sea level” means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the base flood elevations shown on a community’s Flood Insurance Rate Map are referenced;

31. “New construction” means for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures;

32. “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community;

33. “Recreational vehicle” means a vehicle which is:
a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projections;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;

34. “Start of construction” means for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation of basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building;

35. “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home;

36. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred;

37. “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

a. Any projects for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the
minimum necessary conditions; or

b. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”;

38. “Variance” means a grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. For full requirements see § 60.6 of the National Flood Insurance Program regulations;

39. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (c)(5) is presumed to be in violation until such time as that documentation is provided; and

40. “Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (N GV D) of 1929 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. No. 454,5/19/87; Ord. No. 502, 4/4/95)

§ 13-705 GENERAL PROVISIONS.

A. Lands to which special flood hazard applies: This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

B. Basis for establishing the areas of special flood hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Hazard Boundary Map (FHBM), Community No. 400016A, dated January 16, 1976, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

C. Establishment of development permit: A development permit shall be required to ensure conformance with the provisions of this chapter.

D. Compliance: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. (Ord. No. 454, 5/19/87; Ord. No. 502, 4/4/95)

§ 13-706 ADMINISTRATION.

A. The City Council, upon the recommendation of the City Manager, shall appoint a floodplain administrator. The floodplain administrator will administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
B. Duties and responsibilities of the floodplain administrator: Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;

3. Make report and recommendation to the Floodplain Board as to approval or denial of all applications for development permits required by adoption of this chapter;

4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) for which prior approval is required;

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation;

6. Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

8. When base flood elevation data has not been provided in accordance with § 13-705(B), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and flood way data available from a federal, state or other source, in order to administer the provisions of § 13-707 of this chapter;

9. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
10. Under the provisions of 44 CFR Chapter 1, § b5.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1 to A30, AE, AH, on the community’s FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

C. Permit procedures:

1. Application for a development permit shall be presented to the floodplain administrator on forms furnished by the administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

   a. Elevation in relation to mean sea level, of the lowest floor, including basement, of all new and substantially improved structures;

   b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

   c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of paragraph 2 of Subsection B, of § 13-707;

   d. Description of the extent of which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

   e. Maintain a record of all such information in accordance with paragraph 1 of Subsection B, paragraph 1 of § 13-706;

2. Approval or denial of a development permit by the floodplain board shall be based on all of the provisions of this chapter and the following relevant factors:

   a. The danger to life and property due to flooding or erosion damage;

   b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   c. The danger that materials may be swept onto other lands to the injury of others;

   d. The compatibility of the proposed use with existing and anticipated development;
e. The safety of access to the property in times of flood for ordinary and emergency vehicles:

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site:

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

j. The relationship of the proposed use to the comprehensive plan for that area.

D. Variance procedures:

1. The floodplain board shall hear and render judgment on requests for variances from the requirements of this chapter;

2. The floodplain board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter;

3. Any person or persons aggrieved by the decision of the floodplain board may appeal such decision to the board of adjustment, pursuant to § 13-708;

4. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request;

5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter;

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (A) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in paragraph 2 of Subsection C of this section have been fully considered. As the lot size
increases beyond the one-half (A) acre, the technical justification required for issuing the variance increases;

7. Upon consideration of the factors noted above and the intent of this chapter, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter as set out in § 13-702 herein;

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

10. Pre-requisites for granting variances:
   a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
   b. Variances shall only be issued upon:
      1) Showing a good and sufficient cause;
      2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
      3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
   c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
   a. The criteria outlined in paragraphs 1 through 9 of Subsection D of this section are met;
b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety;

12. Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of twenty-five dollars ($25.00); and

13. The floodplain board shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted. The floodplain board shall conduct a hearing which complies with the requirements of § 1601 et seq. of Title 82 of the Oklahoma Statutes for public notice.

In no case shall variances be effective for a period longer than twenty (20) years. A copy of any variance issued shall be sent to the Oklahoma Water Resources Board within fifteen (15) days of issuance. (Ord. No. 454, 5/19/87; Ord. No. 502, 4/4/95; Ord. No. 670, 10/20/2020)

§ 13-707 PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. General standards: In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

1. All of new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood water; and
7. On-site waste water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific standards; In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection B of § 13-705, paragraph 8 of Subsection B of § 13-706 or paragraph 3 of Subsection C of § 13-707, the following provisions are required:

1. Residential construction. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in Subparagraph a of paragraph 1 of Subsection C of § 13-706 is satisfied;

2. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation, in relation to mean sea level, to which such structures are floodproofed shall be maintained by the floodplain administrator;

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade;
c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

4. Manufactured homes:

a. All manufactured homes to be placed within Zone A on a community’s FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

b. Require that manufactured homes that are placed or substantially improved within Zones Al-30, AH, and AE on the community’s FIRM on sites;
   1) Outside of a manufactured home park or subdivision;
   2) In a new manufactured home park or subdivision;
   3) In an expansion to an existing manufactured home park or subdivision; or
   4) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, be elevated on a permanent foundation such that the lowest floor or the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones Al-30, AH and AE on the community’s FIRM that are not subject to the provisions of paragraph 4 of this section be elevated so that either:
   1) The lowest floor of the manufactured home is at or above the base flood elevation; or
   2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and
lateral movement;

5. Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1 -30, AH, and AE on the community’s FIRM either:

   a. Be on the site for fewer than one hundred eighty (180) consecutive days;

   b. Be fully licensed and ready for highway use; or

   c. Meet the permit requirements of paragraph 1 of Subsection C of § 13-706, and the elevation and anchoring requirements for “manufactured homes” in paragraph 4 of this section.

   A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. Standards for subdivision proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with §§ 13-701 through 13-703 of this chapter;

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of Subsection C of § 13-705, Subsection C of § 13-706 and the provisions of §§ 13-707.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Subsection B of § 13-705 or Paragraph 8 of Subsection B of § 13-706 of this chapter;

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards;

5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for areas of shallow flooding (AO/AII Zones): Located within the areas of special flood hazard established in Subsection B of § 13-705 are areas designated as shallow flooding. These areas have special flood hazards associated with base
flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community’s FIRM (at least two (2) feet if no depth number is specified);

2. All new construction and substantial improvements of nonresidential structures:
   a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community’s FIRM (at least two (2) feet if no depth number is specified); or
   b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy;

3. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Subparagraph a of paragraph 1 of Subsection C of § 13-706, are satisfied;

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to side flood waters around and away from proposed structures.

E. Floodways: Floodways located within areas of special flood hazard established in Subsection B of § 13-705 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

2. If paragraph 1 of this subsection above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 13-707; and

3. Under the provisions of 44 CFR Chapter 1, § 65.12, of the National Flood
Insurance Regulations, a community may permit encroachments within the adopted regulatory applies for a conditional FIRM and floodway revision through FEMA. (Ord. No. 454, 5/19/87; Ord. No. 502, 4/4/95)

§ 13-708 APPEALS.

A. Appeals of the decision of the floodplain board shall be taken to the board of adjustment for the city. Appeals may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the floodplain board in administering the floodplain board’s rules and regulations. The appeal shall be taken within a period of not more than ten (10) days, by filing written notice with the board of adjustment and the floodplain board, stating the grounds thereof. An appeal shall stay all proceedings in furtherance of the action appealed from unless the floodplain board shall certify to the board of adjustment that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. The board of adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the floodplain board in the enforcement of the floodplain ordinances;

2. In exercising its powers, the board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the floodplain board from which the appeal is taken; and

3. In acting upon any appeal, the board of adjustment shall apply the principles, standards and objectives set forth and contained in all applicable regulations and plans adopted.

B. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or person aggrieved, or any taxpayer, or any officer, department or board of the city to the district!* court of Blaine County, pursuant to the provisions of § 12-130 of this code. (Ord. No. 502, 4/4/95)

§ 13-709 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 § 1-108 of this code. Each day that the violation continues beyond the time limit shall constitute a separate offense.
C. Any person violating any of the provisions of this chapter shall also become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. No. 502, 4/4/95)

**ARTICLE B – FLOODPLAIN BOARD**

**§ 13-720 FLOODPLAIN BOARD CREATED.**

There is hereby created a city floodplain board, consisting of five (5) members to be appointed by the mayor and city council. The members of the floodplain board shall be residents of the city. All members shall serve without compensation. (Ord. No. 502, 4/4/95)

**§ 13-721 TERMS OF OFFICE; VACANCIES; REMOVAL.**

Membership of the floodplain board shall consist of two (2) members appointed for terms of two (2) years, two (2) members appointed for terms of four (4) years, and one member appointed for a term of six (6) years. Thereafter, all appointments shall be for terms of six (6) years. Vacancies shall be filled by additional appointments for the unexpired term only. Members may be removed by the mayor and city council for cause after a public hearing for that purpose. (Ord. No. 502, 4/4/95)

**§ 13-722 ADOPTION OF FLOODPLAIN REGULATIONS.**

The floodplain board is authorized to submit revisions and amendments to the floodplain regulations to the mayor and city council of the city for approval and to file the regulations with the Oklahoma Water Resources Board within fifteen (15) days of their adoption. (Ord. No. 502, 4/4/95)

**§ 13-723 COOPERATION WITH GOVERNMENT AGENCIES.**

The floodplain board is directed to cooperate with federal, state, and local agencies and to take such official action as is necessary to carry out the objectives as stated in the National Flood Insurance Act and the State of Oklahoma’s Floodplain Management Act. (Ord. No. 502, 4/4/95)

**§ 13-724 POWERS AND DUTIES OF FLOODPLAIN BOARD.**

The floodplain board shall have the following powers and duties:

1. Those powers and duties set forth by law in § 1601 et seq. of Title 82 of the Oklahoma Statutes;

2. Those powers and duties that by implication are necessary in order to carry out the statutory obligations referred to above;

3. To elect a chairman and secretary annually;

4. Meetings of the board shall be held at the call of the chairman, as needed, and at such other times as the board may determine.
5. To hold hearings, gather evidence, and issue such orders as deemed necessary; and

6. Generally, to do all such things as in its judgment that may be necessary, proper, or expedient in the accomplishment of its duties. (Ord. No. 502, 4/4/95; Ord. No. 554, 7/3/00)

CHAPTER 8 – OIL AND GAS CODE

§ 13-801 SHORT TITLE.

This chapter shall be known as the Oil and Gas Code and may be cited as such. (Ord. No. 541, 1/5/99)

§ 13-802 INTENT AND PURPOSE.

Imprudent operation of an oil and gas facility, whether that facility is involved in drilling or production, can and has constituted a menace to the public health, safety and welfare of the citizens of the city, and includes:

1. The potential for serious contamination of water wells within the city;

2. A threat to the health and physical safety of children and other residents of the city who may live, work or play in the area of operation; a disturbance of the city’s peace and serenity through noxious odors, dust, and loud noises;

3. A general threat to the well being in the community through potential fire dangers, fluid spills and other damages to the surface; and

4. A threat of physical destruction of municipal facilities caused by heavy equipment.

It is therefore the intent and purpose of this chapter to recognize the legitimate interests of oil and gas operations but to reasonably and uniformly regulate those operations in harmony with the activities and land uses within the city for the general benefit of the public good. (Ord. No. 541, 1/5/99)

§ 13-803 DEFINITIONS.

A. As used in this chapter, the following words and terms shall have the scope and meaning hereafter defined and set out in connection with each, and this scope and meaning shall apply wherever and whenever used.

1. “Abandoned well” shall mean any natural production well in which production casing has been run but which has not been operated for six (6) months; the term shall also mean any well in which no production casing has been run, and for which drilling operations have ceased for thirty (30) consecutive days or which has otherwise not been developed or operated with due diligence.
2. “Completion process” shall mean any operations conducted after the setting and cementing of the casing and after notification thereof in writing given to the city building inspector or his designee.

3. Corporation commission” shall mean the Oklahoma Corporation Commission.

4. “Deleterious substance” shall mean any chemical, saltwater, oil field brine, waste oil, waste emulsified oil, basic sediment, fresh water drilling fluids, or injurious substances produced or used in the drilling, development, production, transportation, refining, or processing of oil, gas or condensate, and all substances used in the completion process.

5. “Developed area” shall mean any area within the corporate limits of the city and designated with a zoning classification other than “A” Agricultural, 1-1 (Industrial-Restricted Manufacturing and Warehousing District), or 1-2 (Industrial-General Industrial District),

6. “Drilling process” shall mean any operations from the beginning of operations until the beginning of the completion process.

7. “Enhanced production” mean any secondary or tertiary operation by which potable or treated water is introduced into a source of supply for the purpose of stimulating recovery therefrom,

8. “Inspector” shall mean any person designated by the mayor and council to make inspections provided for in this chapter, whether or not other duties are additionally assigned.

9. “Lease” shall mean any tract of land subject to an oil, gas or mineral lease or other oil and gas development contract, or any unit composed of several tracts and leases but operated as a single lease; and any tract of land in which the minerals are owned by an operator or someone holding under him, which due to the royalty ownership, is developed as a separate tract.

10. “Mud program” shall mean the planned usage of drilling fluid lubricants (also known in the industry as “mud”), specifying with particularity the type, names, physical and chemical composition, and the characteristics of all ingredients thereof, together with such laboratory and other technical data as may be necessary or required by the city to evaluate the same as a potential source of pollution.

11. “Natural production” shall mean the raising of petroleum and/or natural gas to the surface of the earth by natural flow.

12. “Nondeleterious substance” shall mean only nontoxic and nonpolluting water-based drilling fluids and solids.
“Permittee” shall mean the person to whom is issued a permit under the terms of this chapter.

“Person” shall include both the singular and plural; and shall also mean and include any individual, firm, partnership, association, corporation, club, society, cooperative, trust, municipal corporation, or political subdivision regardless of form. When and after activity or omission is forbidden to a person, that activity or omission is forbidden whether the person is acting for himself or for another, and whether the activity or omission is performed directly or through an agent, servant, employee, subcontractor, or independent contractor.

“Pollution” shall mean the contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the city or lands within the city, or such discharge of any liquid, gaseous, or solid substance into any water of the city or upon any lands within the city as will or is likely to create a nuisance or render such waters or such lands harmful or detrimental to public health, safety or welfare; or which will render such waters or such lands harmful or detrimental to livestock, animals, or aquatic life.

“Water” or the words “water of the City” shall mean all streams, lakes, ponds, marshes, water courses, water ways, wells, springs, irrigation systems, and all other bodies or accumulations of water whether on the surface or underground, whether natural or artificial, whether public or privately owned or maintained, and which are either contained within, flow through, or border upon the city or any portion thereof.

“Well” shall include and mean any hole or holes, bore or bores, to any sand, formation. Strata, or depth for the purpose of producing and recovering any petroleum, oil, gaseous liquid hydro-carbon, or any other liquefied matter or gaseous matter.

B. All technical or oil and gas industry words or phrases used herein and not specifically defined in this chapter, shall have that meaning customarily attributable thereto by prudent operators of the oil and gas industry. (Ord. No. 541, 1/5/99)

§ 13-804 PERMIT REQUIRED.

No person shall engage in or authorize any work or erect any structure, tanks, machinery, pipelines, or other appurtenances incident to the drilling of a well or drilling for or production of petroleum, natural gas, or their products: nor operate, maintain, or permit any equipment, structures or appurtenances incident to such production to exist or be maintained; nor allow any flow therefrom, without a permit having first been issued by the city in accordance with this chapter. A permit is transferable to the person who acquires the legal right to produce oil or gas from the well in question, but notices served upon the record permittee shall be binding upon the transferee until such time as the transferee designates a new service agent. The transferee shall
notify the city in writing of the name and address of transferee and his service agent within ten (10) days of the effective date of the transfer. (Ord. No. 541, 1/5/99)

§ 13-805 PERMITS.

A. Application and filing fee.

Every application for a permit to drill and operate a well, including a reentry to an abandoned well, shall be verified under oath and in writing, and signed by the applicant or some duly authorized person who may sign on the applicant’s behalf; it shall be filed with the building inspector and be accompanied with a filing fee as determined by the council, in cash, money order, or certified check.

A separate application shall be required for each well. The application shall include the following:

1. Name and address of applicant.
2. Name and address of operator.
3. Date of application.
4. Legal description of the land.
5. Block map of the forty (40) acres surrounding the drill site, showing thereon the location of the proposed well in the center of the forty (4) acres and the location of all abandoned wells, all structures designed for the occupancy of human beings or animals, all easements of record, property boundaries, private roads to the well, all publicly owned fresh water wells within the forty (40) acres, and all facilities and equipment proposed to be used with the well. The map shall show the distances between the drill site and these items, and show a north arrow.
6. Name and address of the surface owners as shown by the tax rolls maintained in the county where the land is located, and of the mineral owners if different from the applicant.
7. Copy of the approved drilling permit from the corporation commission and a copy of the staking plat,
8. Drilling prognosis, to specify in detail the amount, weight, and size of conductor pipe and surface pipe, and the procedures to be used for cementing such. Plugging procedures to be used in the event the production is not established shall also be specified.
9. Statement of provisions for water for the frilling rig and the mud program to be utilized.
10. Name and address of the service agent within the state upon whom service of process on behalf of the applicant may be made. In the case of non-resident person, there shall be attached to the application a designation of a service agent who is a resident of the county, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations hereunder.

11. A site plan with a specified scale showing the location of all structures, equipment and appurtenances on the drilling site.

12. The proposed depth of the well.

13. Location of mud pits, pollution prevention equipment, and fire equipment, together with a list of this equipment.

14. A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of said deleterious substances or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly report to the city of the amount of saltwater and other deleterious substances produced along with receipts for disposal of same.

B. Issuance.

The building inspector, within thirty (30) days after the filing of application for a permit to drill and operate a well, shall determine whether or not said application complies in all respects with the provisions of this chapter. Each permit issued under this chapter shall:

1. Comply with all provisions of this chapter.

2. Specify that the term of such permit shall be for a period of one year from the date of the permit, and for as long thereafter as the permittee is engaged in drilling operations with no ceasing of such drilling operations for more than thirty (30) days, or oil and gas is produced in commercial quantities from the well drilled pursuant to such permit: provided that if at any time after discovery of oil or gas and the production thereof in commercial quantities such production shall cease, the term shall not terminate if the permittee commences additional reworking operations within ninety (90) days thereafter; if the reworking operations result in the production of oil and gas, the permit shall continue so long thereafter as oil and gas is produced in commercial quantities from said well. In any event, continuation beyond one year from the date of issuance is contingent on renewal of the permit as set forth hereafter.
C. Termination.

When a permit has been issued pursuant to this chapter, the same shall terminate and become inoperative without any action on the part of the city unless within ninety (90) days of the date of issuance, actual drilling of the well commences. If drilling operations or production cease for a period sufficient to make the well an abandoned well as defined herein, this abandonment shall operate to terminate and cancel the permit without any action on the part of the city, and it shall be unlawful thereafter to continue the operation of or drilling of such a well without the issuance of a new permit.

D. Renewal.

1. At least thirty (30) days prior to the anniversary of the issuance of the permit pursuant to this chapter, the city clerk shall mail by certified mail a notice to permittee that such permit must be renewed in accordance with the provisions of this section.

2. On or before the anniversary of the issuance of the permit each year, permittee shall file an application for renewal of the base permit previously granted. Such application shall include the following:

   a. Cash, money order or certified check as a renewal fee in the amount specified by the council.

   b. A statement of amendments as to any factual issues which have changed from the facts set forth in the initial application.

   c. As to wells which were drilled during the previous year, a statement as to whether or not the well has been converted to production, and if so, identifying the strata or production.

   d. Evidence that all bonds and insurance remain in force, or have been replaced with equivalent new bonds and insurance.

3. The application for renewal may be submitted through the mails or in person. Failure to make the required application for renewal shall suspend all rights to drill, produce, or inject, but shall not be construed to terminate the base permit until after the time required to make the well an abandoned well, and all such operations are offenses and forbidden until the renewal is issued.

4. The city shall notify permittee by letter within thirty (30) days thereafter that the base permit has been extended, or that the base permit has not be extended, for a period of one year. This notice of extension shall be maintained by permittee with the permit and used as a supplement thereto for all purposes. In the event the permit is not renewed, permittee shall immediately cease all drilling and production operations and diligently
§ 13-806 PERMITTEE’S INSURANCE AND BOND.

A. In the event a permit is authorized by the city under the terms of this chapter for the drilling and operation of a well, no actual drilling operations shall be commenced until the permittee files with the city clerk a bond in the principle amount of at least fifty thousand dollars ($50,000.00) per well or a two hundred thousand dollar ($200,000.00) blanket bond on all wells operated by a single operator. Said bond shall be executed by a reliable insurance company authorized to do business in the state as surety with the permittee as principal, said bond running in favor of the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the operation of the well for either natural or artificial production, injection or disposal. Said bond shall become effective on or before the same is filed with the city and remain in force and effect for a period of at least one year after the expiration of the term of the permit issued. In addition, the bond will be conditioned that the permittee:

1. Will promptly pay all fines, penalties and other assessments imposed upon permittee by reason of the breach of any of other terms, provisions and conditions of this chapter;

2. Will promptly restore to their former condition the streets, sidewalks and other public property of the city, which may be disturbed or damaged by the operations;

3. Will promptly clear the premises of all litter, trash, waste, and the substances used, allowed or occurring in the drilling or production operations;

4. After drilling operations are complete, will grade, level, and restore said property to the same surface condition as nearly as possible, as it existed when operations for the drilling of the well was first commenced;

5. Will comply with every applicable federal and state law, municipal ordinance, rule, regulation, standard or directive relating to the maintenance of the safe and beneficial physical, chemical, and biological properties of any waters of the city or lands within the city;

6. Will bear all the costs necessary and incidental to the correction of any pollution to the waters of the city or lands within the city caused by permittee or his agents, servants, employees, subcontractors, or independent contractors; and

7. That permittee shall indemnify and hold the city harmless from any and all liability attributable to granting the permit.

B. In addition to the bond required above, permittee shall carry a policy or policies of
standard comprehensive public liability insurance, and such policies shall:

1. Contain coverage for contamination or pollution of surface or subterranean streams, watercourses, lakes, or public or private water supplies.

2. Be conditioned for payment of all damages due to injury to persons or damage to property resulting from the drilling, operation, or maintenance of the proposed well or any structure, machinery, equipment, pipelines, or appurtenances used in connection therewith.

3. Name the permittee and the City of Watonga as co-insured.

4. Such policies shall be issued by an insurance company authorized to do business within the state, and said policy or policies shall in the aggregate provide for minimum coverage of one million dollars ($1,000,000.00) combined single limit.

C. The permittee shall file with the city clerk, certificates of said insurance and bond.

Said insurance policy or policies and bonds shall not be canceled without actual written notice received by the city clerk at least ten (10) days prior to the effective date of said cancellation. In the event said insurance policy or policies are canceled, the permit granted shall terminate immediately, and permittee’s rights to operate under said permit shall cease immediately until permittee files additional insurance as provided herein. Further, if said insurance policy or policies are canceled or allowed to expire, the building inspector shall notify the light and water department of the City of Watonga or other appropriate provider of electricity of the violation, and service to all wells not conforming shall be discontinued immediately. For other wells which are not electric an injunction will be filed immediately.

D. The permittee may satisfy the bond requirement as set out in § 13-806(A) by furnishing the city with a two hundred thousand dollar ($200,000.00) cash bond which shall be governed by an agreement between the permittee and the City of Watonga. Said agreement and cash bond shall be conditioned by all the terms of this section. (Ord. No. 541, 1/5/99)

§ 13-807 ENHANCES PRODUCTION WELLS; DISPOSAL WELLS PROHIBITED.

A. No person shall drill any well for disposal, nor shall any person convert any well to a disposal well.

B. No person shall drill any well for enhanced production, or convert any well to a use for enhanced production without first applying fora permit in the same form as that required by the preceding section in applying for a permit to drill an original well. If a permit for an enhanced production well is granted, all domestic and public water supply wells located within a radius of one-quarter (A) mile of any enhanced recovery well shall be tested prior to beginning injection and thereafter annually for
the presence of deleterious substances such as chlorides, sulphates and dissolved solids. Such testing is the responsibility of the permittee and, at permittee’s expense to be conducted by a person approved by the building inspector. Said building inspector shall be notified within five (5) days in advance of such testing and may be present therefor. Test results shall be filed with the city upon completion. If the permittee is unable to comply with the required tests, the permittee shall submit a written statement specifying the reasons for noncompliance. (Ord. No. 541, 1/5/99)

§ 13-808 COMMENCEMENT OF DRILLING OPERATIONS.

Prior to the commencement of drilling operations upon a well site, written notice must be given to the building inspector and his approval must be obtained. (Ord. No. 541, 1/5/99)

§ 13-809 DERRICKS AND RIGS.

A. It shall be unlawful for any person to use or operate in connection with the drilling or reworking of any well within the city, any wooden derrick or any steam powered rig; or to permit any drilling rig or derrick to remain on the premises or drilling site for a period longer than sixty (60) days after completion or abandonment of the well. All engines required for operations after the well has been completed as a producing well shall be electrically powered by electricity produced by a regulated public utility. All rigs must be of a type using mud as a drilling fluid. The permittee shall keep a watchman on duty on the premises at all times during drilling and/or completion operations from the start of the erection of the derrick, or a mast, or gin pole, until the well is abandoned and plugged, or completed as a producing well and enclosed within a fence as required hereafter; provided, it shall not be necessary to keep an extra watchman on duty on the premises when other workmen of the permittee are on the premises.

B. Derrick heights shall not exceed the maximum allowable limit within the airport restriction zones of Watonga Municipal Airport. (Ord. No. 541, 1/5/99)

§ 13-810 MUD AND RESERVE PITS.

All mud pits used to circulate fluids in and out of the hole during drilling, reworking or completion procedures shall be made of steel. Pits used only as reserve shall be permitted to be earthen pits, fully lined with plastic, at least six (6) mils thick, into which only nondeleterious substances may be disposed. Deleterious substances may only be disposed of in a steel reserve pit. Both deleterious and nondeleterious substances shall be removed to a proper disposal facility within fifteen (15) days after completion of the well. Said disposal facility shall be one which is approved for disposal by the corporation commission. No earthen or steel reserve pit shall be located within six hundred sixty (660) feet of any developed area, park, school, church, public building, or place of public assembly. (Ord. No. 541, 1/5/99)

§ 13-811 DISPOSAL OF DELETERIOUS SUBSTANCES.

A. Disposal of deleterious substances shall not result in pollution of the waters or of the lands within the city, shall not result in any other environment hazard, and shall
incorporate the best available techniques and equipment.

B. In the event of any leakage or spillage of any pollutant or any deleterious substance, whatever the cause thereof, the permittee shall promptly notify the county health department and the code enforcement department of the city. If, in the judgment of the health department, such leakage or spillage represents a potential environmental hazard, said department may issue whatever corrective orders it deems appropriate, and, in addition, may require appropriate testing of the surface and subsurface for pollution, the costs of such test or tests to be borne by permittee.

C. Unless modified herein, the general rules and regulations of the oil and gas conservation division of the corporation commission are hereby adopted by reference and have the same force and effect as if set forth at length herein. Not less than three (3) copies are now filed by the office of the city clerk. (Ord. No. 541, 1/5/99)

§ 13-812 CASING.

A. Written notice must be given to the building inspector and his approval obtained prior to the installation of any surface casing.

B. Surface casing shall be installed to a depth at least four hundred (400) feet below the surface or a depth of two hundred (200) feet below treatable water strata found within a one mile radius of the well site, whichever is deeper. Surface pipe shall have a centralizer on the shoe joint, a centralizer within fifty (50) feet of the shoe joint, and centralizers no more than one hundred (100) feet apart above the second centralizer. Such surface casing must be set as soon as the proper depth for the casing has been drilled and said operation shall not cease until the casing is set. "No drilling to production strata shall be done until after the casing operation is complete.

C. Surface pipe shall be cemented by attempting to circulate good cement to the surface by normal displacement practices with sufficient cement to completely fill all the annular space behind such casing, to the surface of the ground. If cement cannot be circulated to the surface, the existing cement shall not be over-displaced and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining open hole behind the surface pipe shall be cemented by running a tubing string between the conductor string and the service pipe until the top of the cement is tagged. The remaining uncemented annular space shall then be cemented until good cement is circulated to the surface. Cementing of this surface casing shall be performed as soon as the depth described in subsection (B) is reached, and prior to drilling the well to deeper foundation.

D. After completion of the cementing of surface casing, such cement shall be allowed to set for at least twelve (12) hours. After such twelve (12) hours, blowout preventer shall be installed. The casing shall be tested to one thousand (1,000) pounds per square inch for a period of thirty (30) minutes. Drilling out operations shall not
commence until after completion of pressure test.

E. All casing, including surface protection and production strings shall be either seamless steel or equivalent quality oil well casing. Each production string or casing must comply with the API standards as to internal pressure yield strength. Each joint and length of each particular casing string shall have unconditionally passed a complete cold water test prior to setting. (Ord. No. 541, 1/5/99)

§ 13-813 DISPOSAL OF DELETERIOUS SUBSTANCES.

No well shall be drilled within the city limits without properly equipping the surface casing when set with at least one master valve, and without properly equipping the surface casing when set with at least one master valve and one fluid operated ram-type blowout preventer, and without properly equipping the production casing during completion operations and work over operations with at least one master valve and one fluid operated ram-type blowout preventer. On each well drilled, a valve cock or kelly cock shall be installed on the kelly used. Each blowout preventer shall test one thousand (1,000) pounds, and its mechanical operation shall be tested to insure proper and safe operation. All control equipment shall be in good working condition and order at all times. (Ord. No. 541, 1/5/99)

§ 13-814 DRILL STEM TESTS.

All drill stem tests in connection with the drilling or reworking operations of any well within the city limits shall be conducted during daylight hours. During the test, the well effluent which is produced must not be allowed to spill upon, flow across, or otherwise be allowed to cause pollution to the waters of the city on the land within the city. Adequate advance notice to the city shall be required to enable a city representative to be present and observe. (Ord. No. 541, 1/5/99)

§ 13-815 BRADENHEAD.

Each well drilled within the city limits shall be equipped with a bradenhead with the working pressure of not less than the pressure which a prudent operator would expect under the conditions known. The bradenhead shall not be welded except to surface pipe. Bradenheads installed on the surface casing shall be equipped with fittings having a working pressure rating of not less than the pressures which a prudent operator would expect under the conditions known. The bradenhead pressure shall be checked at least once each calendar month, and if pressure is found to exist, proper remedial measures shall be immediately taken to eliminate the source and the existence of the pressure. (Ord. No. 541, 1/5/99)

§ 13-816 CHRISTMAS TREES AND WELL HEAD CONNECTIONS.

A. The Christmas tree and well head connections on each well drilled within the city limits shall have at least a minimum working pressure and a minimum test pressure which meets or exceeds the highest of the following three (3) standards:

1. Corporation commission regulations for wells of the applicable depth;
2. Environmental protection agency regulations for wells of the applicable
depth;

3. The standards which would be used by a prudent operator for a well of the applicable depth.

B. In the event the surface shut-in pressure of any well within the city limits exceeds two thousand (2,000) pounds per square inch, the flow wing of the Christmas tree shall be equipped with an automatic closing and safety valve in addition to the regular valves.

§ 13-817 GASEOUS DISCHARGES TO THE ATMOSPHERE.

No gaseous discharges to the atmosphere will be permitted from any producing well. Permittee shall use well maintained and adequate equipment on site to gather any such gaseous discharge and prevent its being vented to the atmosphere during the collection process, storage process, or transportation within the city limits. Flaring will be permitted for testing purposes and as needed to complete the well: however, commencing ninety (90) days after drilling operations on the well cease, no flaring of gas will be permitted. All such gas must be captured, and reinjected or collected in a low pressure system. (Ord. No. 541, 1/5/99)

§ 13-818 PREMISES TO BE KEPT CLEAN AND SANITARY.

The premises shall be kept in a clean and sanitary condition, free from rubbish of every character, to the satisfaction of the health officers of any public body, at all times drilling operations or reworking operations are being conducted, and as long thereafter as oil or gas is being produced therefrom. The well site shall not be used for the storage of pipe, equipment (except for that equipment required for safety purposes), or materials, except during the drilling or servicing of the well or of the production facilities. All open holes excavated during drilling or completion operations shall be closed when operations are completed or the well is abandoned. (Ord. No. 541, 1/5/99)

§ 13-819 MOTIVE POWER AND MUFFLERS.

The motive power for all operations after completion of drilling operations shall be electricity produced off-site. (Ord. No. 541, 1/5/99)

§ 13-820 STORAGE TANKS.

No person shall use, construct, or operate in connection with any producing well within the city limits any crude oil storage tanks except to the extent of three (3) steel or fiberglass tanks for oil or water storage, not exceeding five hundred (500) barrels capacity each, and so constructed and maintained as to be vapor tight or otherwise properly vented. Each tank shall be surrounded by an earthen fire wall at such distance from the tanks as will under any foreseeable circumstances hold and retain at least one hundred fifty (150) percent of the maximum capacity of such tank. Permittee may use, construct, and operate a steel conventional separator, and such other steel tanks and appurtenances as are necessary for treating oil, with each of such facilities to be so constructed and maintained as to be vapor tight. Each oil/gas separator shall be equipped with both a regulation pressure release safety valve and a bursting head and shall be vented into a vessel of sufficient
capacity to contain any discharge. No such tanks may be located within three hundred (300) feet of a residence or a platted lot or parcel of land, or within three hundred (300) feet of any building or structure not owned by the permittee, or permittee’s employees and contractors or within three hundred (300) feet of a fresh water well unless said well is owned by the permittee or leaseholder of the drilling site and/or was drilled by the permittee for utilization in the drilling or production process. (Ord. No. 541, 1/5/99)

§ 13-821 FENCING AND LANDSCAPING.

A. Any person who completes any well for production shall enclose said well together with all surface facilities and storage tanks and any other facilities and appurtenances thereto by a substantial fence properly built so as to ordinarily keep persons and animals out of the enclosure. All gates thereto shall be kept locked when the permittee or his employees are not within the enclosure. Nothing herein mandates all such facilities be within the same fenced area and the mayor and council or their designee shall be authorized to approve any plan which he believes ordinarily protects persons and animals from danger. Said fence must be erected within ten (10) days after the completion of the well.

B. Screening shall be required in areas of operation which are in any developed area or within one thousand (1,000) feet of any developed area, park, school, church, public building or place of public assembly. Landscaping shall include screening by a fenced enclosure of at least eight (8) feet in height and constructed of one of the following materials:

1. A solid masonry wall.

2. A chain link fabric with three and one-half-inch mesh interwoven with redwood slats or other opaque materials for use with chain link fabric when such materials are compatible with surrounding uses and effectively screen the oil operation.

3. Any other material, including trees and shrubs, compatible with surrounding uses, which effectively screen the oil operation site.

4. All fencing, masonry walls, redwood slatting, or other comparable materials for use with chain link fabric, shall be of a solid neutral color, compatible with surrounding uses, and maintained in a neat, orderly, secure condition. Neutral colors shall include sand, grey, and unobtrusive shades of green, blue and brown.

C. Minimum setbacks for all screening shall in no case be less than twenty-five (25) feet from the right-of-way line of any public street.

D. Prior to the issuance of any permit, a screening plan which meets requirements of this chapter shall be submitted for review and approval by the mayor and council or their designee. Within sixty (60) days after completion of drilling or redrilling, or within sixty (60) days after conversion of an abandoned well, any oil operation
site in an area as described in (a) above, shall be landscaped in conformance with the plan as approved, and the specifications contained in this chapter. (Ord. No. 541, 1/5/99)

§ 13-822 MOVEMENT OF HEAVY EQUIPMENT.

A. No person shall move or cause to be moved, over, or across any paving or paved street or alley within this city, any piece of machinery of extreme weight which exceeds the design limits of such pavement without first having obtained express written permission from the city street commissioner.

B. Heavy equipment or vehicles used in the actual transportation of oil, gas, or deleterious substances shall only be moved or caused to be moved upon arterial streets, upon private roads, or upon written approval from the city street commissioner.

C. Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the drill site itself shall be surfaced at least with crushed rock, gravel, or oiled and maintained to prevent dust and mud, except that such provisions shall not apply if such access roads intersect with any unpaved road.

D. All trucks, equipment, or other vehicles used in connection with any operations on the drill site shall be cleaned prior to moving on any roads in the city. Furthermore, operators of such trucks, equipment or other vehicles and the operator of any drill site shall clean any road in the city upon which such trucks, equipment or vehicles travel, of any dirt deposited thereby upon such road. Failure by either the operator of any such truck, equipment or other vehicle or of the operator of any drill site to comply with the provisions of this section shall be an offense. (Ord. No. 541, 1/5/99)

§ 13-823 WELL LOCATION SETBACKS.

No permit shall be issued for the drilling of an original well, or the re-entry of an abandoned well, at any location which is within three hundred (300) feet of any residence, residential or commercial platted lot, commercial or office building, producing fresh water well unless said well is owned by (he permittee or lease holder of the drilling site and/or was drilled by the permittee for utilization in the drilling or production process, or boundary line of any property adjacent to the well site. No well shall be drilled or operated within fifty (50) feet of any recovery heater, oil storage tank, or source of ignition nor within three hundred (300) feet of any building used as a place of public assembly, institution, church, or school. For the purposes of this section, the respective three hundred (300) feet shall be measured from any equipment, facilities, or appurtenances required for the oil and gas operations. (Ord. No. 541, 1/5/99)

§ 13-824 NOISE, DUST, ODORS AND OTHER NUISANCES.

A. All oil or gas drilling and production operations shall be conducted in such a manner as to eliminate, as far as practical, dust, noise, vibration, or noxious odors and shall be in accordance with the best accepted practices incident to the drilling
for, and production of, oil, gas, and other hydrocarbon substances. Proven technological improvements in exploration, drilling and production methods shall be adopted as they become, from time to time, capable of reducing factors of nuisance and annoyance in accordance with prudent practices in the industry.

B. At the time of authorizing the permit or when renewal is granted, or at any time during the drilling operation, the city may specify hours of operation to reduce or eliminate noise when drilling takes place within one thousand (1,000) feet of a hospital, rest home, school (including pre-schools and nurseries), church, or place of public assembly; these limits do not apply to emergency repairs necessary to meet safety requirements. (Ord. No. 541, 1/5/99)

§ 13-825 FACILITIES.

All lease equipment shall be painted and maintained in a good state of appearance. The facilities shall have posted in a prominent place of a metal sign no less than two (2) square feet in area upon which the following information shall be conspicuous:

1. Permittee’s name;
2. Lease name;
3. Location of the drill site by reference to the United States survey;
4. Identifying number of the permit issued by the city. (Ord. No. 541, 1/5/99)

§ 13-826 FIRE PREVENTION.

The permittee shall provide adequate firefighting apparatus and supplies approved by the city fire department on the drilling site at all times during drilling and production operations. All machinery, equipment, and installations on all drilling sites within the city limits shall conform with such requirements as may from time to time be issued by the fire department. (Ord. No. 541, 1/5/99)

§ 13-827 FRACTURE AND ACIDIZING.

On the completion of an oil or gas production well where acidizing or fracturing processes are used, no oil, gas or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters on any land. (Ord. No. 541, 1/5/99)

§ 13-828 PLUGGING AND RESTORATION.

A. The permittee and operator of any oil, gas, injection or other service well, or any seismic core or other exploratory hole, whether cased or uncased, shall be jointly and severally liable and responsible for the plugging thereof in accordance with the rules and regulations of the Corporation Commission of the State of Oklahoma and the Environmental Protection agency. No surface casing nor conductor string may be pulled or removed from the well.
B. A copy of “intention to plug” for each well shall be filed with the building inspector at least forty-eight (48) hours prior to the commencement of plugging operations. The plugging operator shall notify the building inspector of the exact time or times during which all plugging operations will take place to enable the building inspector to be present if he so chooses. The building inspector may waive or reduce the forty-eight-hour notice requirement whenever a qualified representative of the Conservation Division of the Corporation Commission of the State of Oklahoma is available to supervise the plugging operation.

C. A copy of the plugging record will be sent to the building inspector no later than thirty (30) days after a well has been plugged.

D. Within thirty (30) days of ceasing operations voluntarily or of abandonment, all lands upon which a drilling or production operation was conducted shall be restored as nearly as practicable to the previous topography by the permittee and the operator.

E. Upon the failure to comply with this section, the city (directly or under contract with others) may proceed to plug the well, restore the surface and recover its costs under the bonds, (Ord, No. 541, 1/5/99)

§ 13-829 RUPTURE OF SURFACE CASING.

In the event a rupture, break, or opening occurs on the surface or production casing, the permittee, the operator, and the drilling contractor shall each take action to repair it, and shall each report the incident to the city promptly. Actual repairs and actual reporting to the city by one shall be considered adequate: however, a mistaken belief held in good faith that others have performed as required does not relieve the permittee, the operator; or the drilling contractor of their independent obligations, nor does it provide a defense to a prosecution for violation of this section. (Ord. No, 541, 1/5/99)

§ 13-830 DEPOSITING HAZARDOUS MATERIALS.

A. No person shall deposit, drain, or divert intentionally, negligently or accidentally into or upon any public highway, street, alley, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond, or lagoon, any hazardous materials, deleterious substances, or pollutants, or in any manner permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased, or controlled by such person; nor shall any person allow such substances to flow or be carried onto or upon any public highway, street, alley, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond, or lagoon within the city.

B. Any person(s) or property owner(s) who commits a violation of this section shall be liable for proper mitigation, cleanup, disposal, and transportation of the materials to a regulated hazardous materials dump site at a maximum rate of two hundred fifty dollars ($250.00) per hour per city vehicle used in the cleanup, disposal or transportation of such materials, plus the actual cost of any supplies, equipment and/or materials used by the city. If it is necessary for the city to hire independent
contractors to assist in the cleanup, the person or property owners who commit such a violation shall remit to the city the cost of any necessary supplies, equipment, materials and/or services. (Ord. No. 541, 1/5/99)

§ 13-831 SAFETY PRECAUTIONS.

Persons drilling, operating, or maintaining a well shall use all necessary care and take all precautions which are reasonably necessary under the circumstances to protect the public. Provisions of this chapter shall be deemed to be the minimum requirements for the preservation of the public peace, health, safety, and welfare. Compliance with the terms hereof shall not be deemed to relieve any person of any additional duty imposed by law. A sign measuring twenty-four (24) inches by thirty (30) inches, containing the name, address, and emergency phone number of the oil producing company and operator shall be posted prominently on the gate to the well site. (Ord. No. 541, 1/5/99)

§ 13-832 APPEALS.

A. Whenever the building inspector shall reject or refuse to approve a permit, the operator, or his duly authorized agent may appeal from the decision of the building inspector to the board of adjustment. A variance granted under this section authorized the building inspector to issue an oil and gas drilling and production permit, When the appellant files a request for appeal on the basis of written certification as herein provided and has not otherwise met the permit application requirements of this chapter, a variance granted under this section authorized the building inspector to issue a permit only at such time as all other requirements for permitting have been met.

B. Notice of appeal shall be in writing, stating the basis for appeal, and filed within thirty (30) days after the decision is rendered by the building inspector. Said notice of appeal shall be filed with the building inspector and with the city clerk. The building officer shall forthwith transmit to the city clerk certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order form which the appeal is taken. The city clerk shall forward all documents, including the notice of appeal, to the chairman of the board of adjustment.

C. The notice of appeal shall be published at least once in a newspaper of general circulation in the city, not less than twenty (20) days prior to the date of hearing of the board of adjustment. In addition thereto, such notice shall be mailed by the city clerk to all record owners of property within a three hundred (300) feet radius of the exterior boundary of the drilling site not less than twenty (20) days prior to the date of hearing. The names and address of property owners within a three hundred (300) feet radius shall be determined by a certificate provided by the applicants from a licensed and bonded abstracting company. The applicants shall pay the city in advance for the actual expenses of the mailed notice and certificates of mailing in addition to any fees due.

D. All hospitals and schools, whether public or private, shall be entitled to notice by
mail as described above if they are within one-half ('A) mile of the exterior boundary of the lease.

E. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. (Ord. No. 541, 1/5/99)

§ 13-833 ZONING.

Permits shall be issued only on unplatted land zoned “A” Agriculture or “1-2” General Industrial as provided by the zoning ordinance of the city or as provided by § 13-832 of this chapter. (Ord. No. 541, 1/5/99)

§ 13-834 APPLICABILITY TO EXISTING CONDITIONS.

This chapter and all amendments hereto shall apply to any person drilling an original well, reentering an abandoned well, or maintaining a well within the city on or after January 5, 1999. Every person whose activity preexists January 5, 1999, shall be exempt from all of the requirements of this chapter. (Ord. No. 541, 1/5/99)

§ 13-835 ENFORCEMENT.

The mayor and his duly authorized representatives, including the chief of the firm department, the city street commissioner, the chief of police, and the building inspector shall enforce the provisions of this chapter, and shall have all of the power and authority granted by law to peace and health officers. Enforcement personnel may enter the leased premises for any purpose pursuant to this chapter at all reasonable times to inspect same or to inform any duty composed by this chapter. No person having an ownership interest in or control of the leased premises shall fail or neglect to permit prompt entry, after proper demand, to the site of the oil and gas operations.

§ 13-836 VIOLATIONS.

It shall be unlawful and an offense for any person to violate, or fail to comply with any provisions hereof irrespective of whether or not the verbiage of each such section contains specific language that such violation or failure is unlawful or is an offense. Any person who shall violate any of the provisions of this chapter, or any of the provisions of the drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms thereof, shall be deemed guilty of an offense. Violation of each separate provision of this chapter, and each separate provision of the permit, and each separate provision of the bond, shall be considered a separate offense; and each day’s violation of each separate provision hereof shall be considered a separate offense. (Ord. No. 541, 1/5/99)
CHAPTER 9 – GARAGE SALE AND YARD SALE CODE

§ 13-901 SHORT TITLE.

This chapter shall be known as the Garage Sale and Yard Sale Code and may be cited as such. (Ord. No. 593; 7/5/06)

§ 13-902 INTENT AND PURPOSE

The right of the public to engage in commercial activity is inherent to the people. Private sales held by private citizens in order to dispose of excess, surplus, and unutilized items, or those in need of minor repair, are conducive to public health, safety, and welfare. However, imprudent operation or excessive frequency of such sales constitute a menace to the public health, safety and welfare of the citizens of the city, and includes:

1. Potential for violation of zoning and use ordinance by conduct of commercial sales operations under the guise of private garage or yard sales.

2. Potential for traffic congestion problems.

§ 13-903 DEFINITIONS.

As used in this chapter, the following words and terms shall have the scope and meaning hereafter defined and set out in connection with each, and this scope and meaning shall apply wherever and whenever used.

1. “Approved location” shall mean a private residence of, or lot adjacent thereto, one or more of the sellers, limited to those areas of the city which are zoned specifically for residential purposes.

2. “Calendar quarter” shall mean any date within the following blocks of months:
   - First Quarter: January through March
   - Second Quarter: April through June
   - Third Quarter: July through September
   - Fourth Quarter: October through December

3. “Filing fee” shall be the sum of five dollars ($5.00).

4. “Garage sale or yard sale” shall mean an event whereat one or more individuals or families, not to exceed five (5) such parties, makes available for sale to the general public items owned by one or more of the sellers or that person’s immediate family member(s), being items of personal property which are customarily found to be a part of one’s household or personal goods, effects and belongings, at an “approved location” as defined herein.

5. “Hours of operation” shall mean those hours during which the public is invited onto the premises for purposes of participating in “sale” as defined herein.
6. “Immediate family” shall mean any bona fide resident of the private residence or the spouse or child thereof, provided that no person shall be considered a child of the resident for such purposes unless such person is a full-time student at an institution of higher learning and who is away from home for purposes of attending such institution.

7. “Motor vehicle” shall mean a private passenger automobile or pickup truck, motorcycle or motorized scooter, owned by one or more of the sellers and in whose name there is a valid title of registration and ownership.

8. “Sale” shall mean the exchange of personal property for money or its equivalent or the offer to do so.

9. “Town-wide garage sale” shall mean a period of time, not to exceed two consecutive days, wherein all permit requirements and other restrictions of the garage sale or yard sale code shall be abated for the purpose of allowing an event, sponsored by a local non-profit organization, wherein all citizens are encouraged to hold simultaneous garage sales and yard sales in order to attract tourists to the community.

§ 13-904 PERMIT REQUIRED.

1. No person or group of persons shall hold or engage in a garage sale or yard sale within the corporate limits of the city, nor allow any person or persons to utilize real property under his or her ownership, lease or control, unless and until the holders thereof obtain a permit therefore from the city, as set out herein.

2. Application forms for the purpose of compliance with the garage sale and yard sale code must be made available by the city clerk during the regular business hours of that office.

§ 13-905 PERMITS.

A. Application and filing fee:

Every application for permit pursuant to this chapter shall be verified under oath in writing by one or more of the persons intending to hold said sale who is a bona fide resident of the private residence upon which the sale is to be held; it shall be filed with the city clerk and be accompanied by a filing fee as determined by the city council and paid to the city clerk prior to the time of issuance of any such permit. A separate application and fee is required for each such application.

Every application shall include the following:

1. Name and address of applicant, or each applicant if two or more;

2. Name of every person who will provide items for sale;
3. Date of application;
4. Physical address of the location upon which the sale will be conducted;
5. Dates of proposed sale; and
6. Hours of operation of proposed sale.

B. Issuance and display

1. The city clerk shall, upon receipt of proper application and filing fee, issue a permit to the party making such application, duly signed by the city clerk, and setting out the names of all participating sellers, the date, location, and hours of operation. A copy of said application shall immediately be forwarded by the city clerk to the police chief and the fire chief of the city.

2. The applicant shall prominently display the permit upon the grounds of the sale location during each day and hour of operation.

3. No permit issued pursuant to this code may be transferred.

§ 13-906 REGULATIONS GOVERNING CONDUCT OF GARAGE SALES AND YARD SALES.

A. Private residence sales:

1. Any resident of the city may conduct a garage sale or yard sale on the premises of his private residence or upon a lot adjacent thereto.

2. Property offered for sale must be that of one of the applicants, not to exceed five (5) in number, or of an immediate family member of the applicant.

3. No garage sale or yard sale shall exceed two (2) consecutive days in length.

4. No garage sale or yard sale shall have hours of operation extending prior to 8:00 o’clock a.m., or after 8:00 o’clock p.m., on any given day.

5. No person may participate in a garage sale or yard sale as a seller more than once in each calendar quarter.

6. No garage sale or yard sale may be held at any private residence, or lot adjacent thereto which is under the control of a seller, more than once in each calendar quarter, provided however than any garage sale or yard sale which is held on two (2) consecutive days overlapping two (2) calendar quarters shall be considered to occur in the earlier month thereof.

7. No motor vehicle may be offered at such garage sale or yard sale, other than as defined herein, which shall not exceed one (1) in number of any time.
8. No consignments of goods from commercial firms or from persons not named as applicants for permit, shall be displayed, sold or offered for sale on the premises during such sales as are authorized by this code.

9. No garage sale or yard sale shall be held on the premises of any apartment house without permission in writing, from the person in charge of said apartment house, which shall be specifically directed to one or more of the tenants thereof and a copy of which is filed with the application for permit made to the city clerk.

B. Other sales:

1. Non-profit organizations may conduct sales of a similar nature upon their own grounds, anywhere within the corporate limits of the city, provided however that such sales shall be limited to property owned by the members of such organization or property specifically donated to such organization, all for the use of the non-profit organization. The non-profit organization shall not lease, rent or otherwise provide it’s facility to any entity for such purpose.

2. By executive order the mayor may, not more than twice per annum, exempt all citizens from the provisions of this garage sale or yard sale code for the purposes of holding a “town-wide” garage sale as defined herein.

C. Limits on advertising by sign:

No sign by which any garage sale or yard sale is advertised may be displayed within the corporate limits of the city, except within the block of the approved location and on each adjacent block, or along a state or federally maintained highway. No such signs shall exceed one per block and must be placed so as not to impair line of sight along any street or alley. Any such sign shall be removed no later than 24 hours after the end of the sale.

§ 13-907 ENFORCEMENT.

The mayor and his duly authorized representatives, including the chief of the fire department, the city street commissioner, the chief of police, and the building inspector shall enforce the provisions of this chapter, and shall have all of the power and authority granted by law to peace and health officers. Enforcement personnel may enter the approved location for any purpose pursuant to this chapter at all reasonable times to inspect same or to inform any duty composed by this chapter. No person having an ownership interest in or control of the approved location shall fail or neglect to permit promptly entry, after proper demand, of the area wherein such garage sale or yard sale is being conducted, has been conducted or is intended to be conducted.

§ 13-908 VIOLATIONS AND PENALTY.

A. In general:
It shall be unlawful and an offense for any person to violate, or fail to comply with any provisions hereof irrespective of whether or not the verbiage of each such section contains specific language that such violation or failure is unlawful or is an offense. Any person who shall violate any of the provisions of this chapter, or any provisions of the garage sale or yard sale permit issued pursuant hereto, or who shall neglect to comply with the terms thereof, shall be deemed guilty of an offense. Violation of each separate provision of this chapter, and each separate provision of the permit, shall be considered a separate offense; and each day’s violation of each separate provision hereof shall be considered a separate offense.

B. Penalty:

Every person in violation of this code shall be subject to a fine not to exceed one hundred dollars ($100.00) for each such offense or violation, plus court costs.
PART 14 - STREETS AND PUBLIC WORKS

CHAPTER 1 - STREET COMMISSIONER

§ 14-101 DUTIES.

The street commissioner shall recommend to the mayor and council the employment of such workers as may be necessary for carrying out the requirements of this office. It is his duty to cause to be removed all obstructions to the free passage along the streets and alleys of the city. He shall see that all the provisions of this code, resolutions and contracts passed or entered into by the council and regulating or referring to the streets, alleys, gutters or bridges of the city are strictly enforced, and shall perform such other duties as may be required of him by the mayor and council. (Prior Code, § 1-13-1)


§ 14-102 WORK UPON STREETS.

The mayor and council shall determine and direct when and upon what streets all road work is performed, and determine the price to be paid for labor and material. (Prior Code, § 1-13-2)

§ 14-103 SUPERVISION OF STREETS.

A. The street commissioner shall be subject to the order of the mayor and council and shall have the care, supervision, and control of all public highways, avenues, lanes, alleys, bridges and culverts of the city, and shall clean and keep the same open, in repair and proper order, and free from nuisances.

B. The street commissioner shall also see the respective railroads keep their crossings well planked or paved in good condition so that vehicles and other traffic can easily and freely pass over the tracks at all crossings. (Prior Code, § 1-13-4)

CHAPTER 2 – OBSTRUCTIONS

§ 14-201 OBSTRUCTIONS IN STREETS, SIDEWALKS.

A. The following shall be declared to be obstructions to the streets and sidewalks of the city:

1. AU trees, hedges, billboards or other obstructions which prevent persons driving vehicles approaching an intersection of public highways from having a clear view of traffic approaching the intersection from cross streets, for one hundred (100) feet along the cross streets measured from the property line;

2. All limbs of trees which project over a public sidewalk or street and which are less than eight (8) feet above the surface of the public sidewalk and nine (9) feet above the surface of the street;
3. All wires over streets, alleys or public grounds which are strung less than twenty (20) feet above the surface of the ground and all wires not licensed by the city;

4. All buildings, walls and other structures which have been damaged by fire, decay or otherwise, and which are so situated as to endanger the safety of the public, or otherwise built, erected, or maintained in violation of this section;

5. All hanging signs, awnings and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety, and that are less than seven (7) feet in the clear above the street or sidewalk;

6. All gasoline pumps, gasoline storage reservoirs, oil pumps, oil reservoirs, tire repair apparatus, tire tools, or equipment, water hose connections, storage reservoir inlets or outlets, compressed air hose connections or housing for same, any merchandise businesses or any tools, stand, equipment or appurtenances thereof, and any radio aerials, poles and wires therefor, whether permanent or temporary, or any other obstructions upon any part of the public streets, alleys or sidewalks, unless a special permit is granted by the mayor and council which permit, when granted, may be revoked at any time; and

7. The allowing of ice and snow to fall from any building or structure, or water to fall or drain, from any cooling or refrigeration system upon any street, sidewalk, alley or driveway.

B. The existence of any of the above obstructions is unlawful and shall constitute a nuisance.

§ 14-202 OWNERS TO TRIM.

A. It is hereby made the duty of every person who is the owner of, or who as agent has the control of any real property or premises situated within the limits of the city, abutting on any street, alley, sidewalk or other place upon being notified so to do, to trim and keep trimmed all trees on the premises and the parking contiguous and adjacent thereto, the branches of which overhang any portion of the streets, alleys, sidewalks or other public places, in such manner that the lowermost branches thereof shall be at least eight (8) feet above the level of the portion of such streets, alleys, sidewalks or other places overhung by the branches.

B. If the owner or agent having control of any premises, as above described, after having been notified so to do, and after the lapse of a reasonable time thereafter, not to exceed ten (10) days, shall fail, neglect or refuse to comply with the requirements of the foregoing section, it is the duty of the street commissioner to cause the work to be done at the expense of the owner of the premises and any expense incurred in the doing of the same shall be assessed against the premises and certified to the county treasurer for collection as other taxes are collected. (Prior
§ 14-203 INJURING TREES.

It is unlawful for any person to cut, scar, break or bond any limbs or otherwise injure any shade trees on the streets, alleys, or public places of the city except as hereinbefore provided and all such acts shall be an offense and punished accordingly. (Prior Code, § 8-7-6)


§ 14-204 EXCAVATIONS.

It is unlawful for any person to cut, dig, bore, blast, excavate, produce or in any other manner make or cause to be made any hole, opening, ditch, displacement, depression or impairment of the surface of any paving, paving curb, crossing or walk, in any street, alley or sidewalk within the city without first making written application for a permit so to do. The work, repair or replacement shall be done under the supervision and direction of the engineer. The applicant for such permit shall be liable for all damages to persons or property caused by any such work and shall hold the city harmless for any such damages. (Prior Code, § 8-1-7)

§ 14-205 UNLAWFUL TO OBSTRUCT SIDEWALKS, STEETS WITH MERCHANDISE.

A. It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the city any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade except as provided herein.

B. The owner or occupant of commercial property which directly abuts upon a sidewalk may utilize a portion of the sidewalk for specified event sales so long as the sidewalk use does not continue for more than thirty (30) days at any one time.

§ 14-206 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the city in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the city in any manner so as to interfere unduly with lawful traffic and parking thereon.

§ 14-207 UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the city any paper, rubbish, grass, weeds, tree trimmings, dirt, (rash, crates, boxes or other refuse or any kind.

§ 14-208 UNLAWFUL TO PLAY ON SIDEWALKS AND IN STREETS.

It is unlawful for any person to play on the sidewalks, alleys, or upon the main traveled
portion of the streets and alleys of the city, except as may be authorized by ordinance.

§ 14-209 VEHICLES NOT TO BE WASHED ON STREET.

The washing of an automobile or other vehicle in any street of the city is hereby prohibited.

§ 14-210 WATER, MUD FROM VEHICLE NOT TO DRAIN INTO STREET.

No automobile or other vehicle shall be washed at any place within the city where the water, dirt, mud or other substances removed therefrom by or during the washing thereof, shall drain into or upon any street or sidewalk of the city.

§ 14-211 WATER FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

§ 14-212 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

§ 14-213 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

§ 14-214 PUTTING GLASS OR DEBRIS ON STREET PROHIBITED.

A. No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the street.

B. Any person who drops, or permits to be dropped or thrown, upon any street destructive or injurious material shall immediately remove the same or cause it to be removed,

C. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

D. No person shall throw any substance at a vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway. (Prior
§ 14-215 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in § 1-108 of this code.

CHAPTER 3 – SIDEWALKS

§ 14-301 SPECIAL PERMIT REQUIRED.

Any person or sidewalk contractor who desires to construct any sidewalk within the city shall first make application to the clerk for a special permit therefor. The building official shall thereupon ascertain the grade and set the necessary grade stakes, showing the manner in which the walk shall be constructed before same will be approved and accepted by the city. (Prior Code, § 8-1-1)

§ 14-302 SPECIFICATIONS.

All sidewalks made of concrete shall be built by the following specifications, except on special permission of the building official:

1. Width of sidewalks in residential districts shall be four (4) feet and wider where required by the official. This standard, in this discretion of the official, may be modified when local conditions require it;

2. All concrete mixtures shall be a one by three (1 x 3) proportion, well mixed. This proportion is to be used in construction of one course walks. For two (2) course walks, proportions shall be determined by the official;

3. All bases shall be four (4) inches, except where the official requires additional depths for driveways;

4. Concrete walks shall be made in one course and have wooden float finish;

5. All walks shall be cut into blocks not greater than six (6) feet in greatest dimensions. Shallow marked grooves are not permissible. All cuts shall be made with one-eighth (1/8) inch to three-sixteenths (3/16) inch separation plates and cut to the cross section of the walk;

6. Expansion joints one-half (A) inch wide and filled with bituminous material shall be placed in all walks, at least one of such joints to be placed in each fifty (50) foot section. Expansion joints shall be placed on all sides of intersecting blocks, at all curb connections, on both sides of driveway crossing; at all junctions of walks with the curbs there shall be one inch expansion joints filled with the material;

7. All walks shall slope one way, toward the curb, and shall have a fall on one-fourth (1/4) inch; and
8. Only Portland cement shall be used in the construction of concrete sidewalks and all such cement shall conform to the standard specifications of the American Society for Testing Materials, serial designation C 9-26 and all subsequent amendments and revisions. (Prior Code, § 8-1-1)

§ 14-303 REPAIRS.

It is the duty of the owner or occupant of property abutting any sidewalk to repair it as needed. All sidewalks out of repair shall be repaired with good material of the same kind and dimension and of a quality equal to that required for construction of new sidewalks, and shall be laid so as to correspond with the rest of the sidewalks. Portions of the sidewalk that have settled so as to be depressed or raised below or above the grade of the sidewalk shall be replaced on the same grade as the rest of the sidewalk. (Prior Code, § 8-1-3)

§ 14-304 SWEEPING TRASH ON SIDEWALK.

It is unlawful for any person to sweep out or deposit on any of the sidewalks or streets of the city, any dirt or trash of any kind. (Prior Code, § 8-1-5)

§ 14-305 DEFACING SIDEWALK.

It is unlawful for any person to cut, carve, paint, mark engrave or inscribe upon any sidewalk, curbing pavement or other public part of any street, any sign, mark, advertisement or effigy, other than street markings authorized by the mayor and council. (Prior Code, § 8-1-6)

§ 14-306 NOTICE TO BE GIVEN FOR SIDEWALK REPAIR.

The city may give notice to any owner or tenant of any property to make repairs to the abutting sidewalk, which notice shall be sent by certified mail to the last known address of the owner, tenant or occupant. The owner or occupant shall have not more than three (3) days from and after receipt of the notice within which to make repairs as set forth in the notice. (Prior Code, § 8-62)

State Law Reference: Similar provisions. 11 O.S. § 36-104.
PART 15 – TRAFFIC AND VEHICLES

CHAPTER 1 – GENERAL PROVISIONS

§ 15-101 CITATION OF CHAPTER.

This chapter and all amendments hereto may be cited or referred to as the “Traffic Code. City of Watonga”, and may so appear upon all official documents, records or instruments. (Prior Code, Title 9)

§ 15-102 TRAFFIC CODE CONTROLLING.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of city streets, alleys, thoroughfares, parks, parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the city, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest. (Prior Code, Title 9)

§ 15-103 DEFINITIONS.

As used herein:

1. “All-terrain vehicle” means any vehicle or conveyance of 3 or 4 wheels intended by its manufacturer for off road use, equipped with handlebars and intended for use by no more than one person;

2. “Alley” means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;

3. “Ambulance” means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill. sick, or injured persons;

4. “Bicycle” means a device propelled by human power upon which any person may ride, having two (2) tandem wheels;

5. "Bus” means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation:

6. "Business district" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;
7. “Center lane” means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway, if vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

8. "City streets" means any roadway dedicated to the public use for the passage of vehicular traffic, which is maintained for such purpose by the municipality.

9. “Controlled access highway” means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

10. "Commercial vehicles” means every vehicle designed, maintained, or used primarily for the transportation of properly;

11. “Cross walk" means that part of a roadway al an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk” also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface:

12. "Double park" means parking or stopping a vehicle on the roadway side of another vehicle already' parked adjacent to the edge or curbing of the roadway;

13. “Driver or operator” means a person who drives or is in actual physical control of a vehicle;

14. "Emergency"” means an unforeseeable occurrence of temporary' duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic:

15. “Emergency vehicle” means vehicles of the fire department, police vehicles and ambulances;

16. “Golf cart” means a vehicle or conveyance intended by its manufacturer as a means of transport upon or adjacent to golf courses in furtherance of the sport of golf.

17. “Highway”, see street;
18. “Intersection” means:
   a. The area embraced within the prolongation or connection of the lateral curb lines, or, if non, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or
   b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feel or more apart, then every crossing of two (2) roadways of such streets shall be regarded as separate intersections;

19. “Laned roadway” means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

20. “Limited access highway”, see controlled access highway;

21. “Loading zone” means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;

22. “Limit lines” means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;

23. “Motor cycle, motor scooter, and motor bicycle” mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;

24. “Motor vehicle” means every vehicle which is self-propelled;

25. “Official time” shall mean whenever certain hours are named herein they shall mean Central Standard Time, or Day light Savings lime, as may be in current use in the city;

26. ”Official traffic control device” means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic:

27. “Park or parking” means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is in an authorized place;
28. “Pedestrian" means any person afoot;

29. “Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;

30. “Private road or roadway” means a way or place in private ownership or leading to properly in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

31. “Public parking lot” means a parking lot or right of way dedicated to public use or owned by the state or a political subdivision thereof;

32. “Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails:

33. “Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars:

34. “Residence district" means the territory contiguous to and including a high wax not comprising a business district:

35. “Right-of-way” means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

36. “Roadway” means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively:

37. “Safely zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

38. “School zone” means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

39. “Sidewalk" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for use of pedestrians;

40. “Stand” or “standing” means any stopping of a vehicle whether occupied or not;

41. “Stop”, when required, shall mean the complete cessation from movement:

42. “Stop or stopping”, when prohibited, means any halting even momentarily of a
vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal;

43. “Street or highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

44. “Through street or highway” means a street, or boulevard or highway or portion thereof all the entrances to which:

a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and

b. Stop signs are erected as provided in this part,

45. “Traffic” means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

46. “Traffic control devices or signals” mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic:

47. “Urban district” means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

48. “U-turn” means a turn by which a vehicle reverses its course of travel on the same street; and

49. "Vehicle' means every device in, upon, or by which any person or properly is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks. (Prior Code, Title 9; Ord. No. 590, 6/7/05;)

State Law Reference: Definitions, state traffic code, 47 O.S. §§ 1-101 et seq. §§ 1115(E). 1115(E)(1-4) and 1151.1

CHAPTER 2 – ENFORCEMENT AND GENERAL PROVISIONS

§ 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISION.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this city and all the state vehicle laws applicable to street traffic in this city. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this part and any other traffic ordinances of this
city. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident. (Prior Code, Title 9)

§ 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity. (Prior Code, Title 9)

§ 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present. (Prior Code, Title 9)

§ 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Prior Code, Title 9)

§ 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The mayor, subject to any directions which the council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The mayor may have traffic control devices tested under actual conditions of traffic. (Prior Code, Title 9)

§ 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle, except those provisions of this part which by their very nature can have no application. (Prior Code, Title 9)
§ 15-207 LISE OE COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a cross walk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinances of this city. (Prior Code, Title 9)

§ 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this part shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any state, county, city, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this part, except as otherwise permitted in this part by state statute. This part shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty. (Prior Code, Title 9)

State Law Reference: Municipal drivers to obey state rules of the road. 47 O.S. § 16-103.

§ 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS.

Unless specifically made applicable, the provisions of this part, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flags persons. The provisions of this part shall apply to any of the persons and vehicles exempted by this section when traveling to and from such work. (Prior Code, Title 9)

§ 15-210 MAINTENANCE AND CONSTRUCTION ZONES.

A. City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the mayor, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such
Traffic control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or properly. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the city personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings. Hag persons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. (Prior Code, Title 9)

§ 15-211 AUTHORIZED EMERGENCY VEHICLES.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from fire alarm:

1. Park or stand, irrespective of the provisions of this part;
2. Proceed past a red or stop signal or slop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as life or properly is not endangered; or
4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law. except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others, (Prior Code, Title 9)

§ 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Prior Code. Title 9)


§ 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED.

The driver of any vehicle other than one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than five hundred (500) feet. or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call. (Prior Code. Title 9)


§ 15-214 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command. (Prior Code. Title 9)

State Law Reference: Similar provisions, 47 O.S. § 11-1109.

§ 15-215 POSSESSION OF VALID DRIVER’S LICENSE REQUIRED.

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator’s or chauffeur’s license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this section shall be convicted if he produces in court an operator’s or chauffeur’s license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction
that may be imposed in a restricted license issued to him with respect to the type of, or special mechanical control devices required on a motor vehicle or any other restriction applicable to the licensee as the slate may determine. (Prior Code. Title 9)

*State Law Reference:* Driver’s license, 47 O.S.§ 6-101.

**§ 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED.**

No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this section shall be punished by a fine as provided in § 1-108 of this code. Each act of driving on the streets or highways as prohibited by this section shall constitute a separate offense. (Prior Code. Title 9)

**§ 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE.**

It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law (Prior Code, Title 9)

**§ 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.**

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle. (Prior Code, Title 9)

**§ 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.**

A. The driver of any vehicle involved in an accident resulting in injury to, or death of, any person shall immediately stop such vehicle at the scene of the accident, or as close therein as possible and shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsection C hereof. Every such stop shall be made without obstructing traffic more than is necessary.

B. The driver of any vehicle involved in an accident resulting only in damage to a vehicle, which is driven or attended by any person, shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsection C hereof. Every such stop shall be made without obstructing traffic more than is necessary.

C. The driver of any vehicle involved in an accident shall give his correct name and address and the registration number of the vehicle he is driving: and shall exhibit his operator's or chauffeur's license to the person struck, or the driver, or occupant of, or person attending any vehicle collided with and shall render to any person injured in the accident reasonable assistance. If the driver does not have an
operator's or chauffeur's license in his possession, he shall exhibit other valid evidence of identification to the occupants of a vehicle, or to the person collided with.

D. Any person failing to stop or to comply with any of the requirements of this section, except, that any person negligently failing to stop or to comply with any of the requirements of Subsection A herein shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in § 1-108 of this code. (Prior Code. Title 9; Ord. No. 408. 12/18/84; Ord. No. 516, 4/16/96)

State Law Reference: Similar provisions, accident reports. 47 O.S. § 6-303,

§ 15-220 DUTY ON STRIKING UNATTENDED VEHICLES, FIXTURES.

A. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of the vehicle, of the correct name and address of the driver and the owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck a written notice giving the correct name and address of the driver and of the owner of the vehicle doing the striking, and shall provide the same information to an officer having jurisdiction.

B. The driver of any vehicle involved in an accident resulting in damage to fixtures legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of the fact, and of his name and address, and of the registration number of the vehicle he is driving, and shall exhibit his operator's or chauffeur's license, if the operator's or chauffeur's license is not in his possession at that time, the driver shall make report of such accident when and as required by law. (Prior Code. Title 9)

§ 15-221 REPORTING ACCIDENTS.

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of three hundred dollars ($300.00) shall, as soon as practicable, report such accident to a police officer or to the police department unless settlement of the collision has been made within six (6) months after the date of the accident. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state Department of Public Safety in accordance with state law, the driver shall be deemed to be in compliance with this section. (Prior Code, Title 9)


§ 15-222 ISSUANCE OF CITATION TAGS.

A. Police officers are hereby authorized to give notice to persons violating provisions of this part by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such
tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

C. The chief of police may require that the police officers use citation tags furnished by the city and that such tags are serially numbered, and may regulate the use and handling of the citation lags. (Prior Code, Title 9)

§ 15-223 DISPOSITION AND RECORDS OF TRAFFIC CITATIONS AND COMPLAINTS.

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of this traffic ordinance, shall deposit the original and a duplicate copy of the citation to an immediate superior officer who shall cause the original to be delivered to the municipal court of the city and the duplicate copy to the central records section of police department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the city clerk together with such book when all traffic citations therein have been issued.

B. Upon the filing of such original citation in the municipal court of this city the citation may be disposed of by the city attorney, by trial in the court, or by other official action by a judge of the court, including the settlement of bail or the payment of a fine, or may be dismissed by the judge, if in his opinion, the actions complained of do not constitute a violation of traffic ordinances.

C. The chief of police shall require the return to him of each traffic citation and all copies thereof except that copy required to be retained in the book as provided herein, which has been spoiled or upon which an entry has been made, and has not been issued to an alleged violator.

D. The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department, a record of the disposition of the charge by the municipal court of the city.

E. The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the municipal court of the city, all the traffic fines which are delivered to the police department for service and of the final disposition of the warrant.

F. It is unlawful and official misconduct for any member of the police department or other officer of public employ to dispose of, alter, or deface any traffic citation or any copy thereof or the record of issuance of any traffic citation, complaint or warrant in any manner other than is required in this section. (Prior Code, Title 9)
§ 15-224 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event the form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter. (Prior Code, Title 9)

§ 15-225 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section. (Prior Code, Title 9)

§ 15-226 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in Subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed, (Prior Code, Title 9)

§ 15-227 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter. (Prior Code, Title 9)

§ 15-228 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the
operation of vehicles on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The abstract must be made upon a form furnished by the state Department of Public Safety and shall include the name and address of the party charged, the number of his operator’s or chauffeur’s license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture. (Prior Code, Chapter 9)

§ 15-229 INSURANCE OR CERTIFICATE REQUIRED.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the city's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been issued by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator’s security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety and which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

C. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Owner's Policy" means an owner's policy of liability insurance which:
a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. Max provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with § 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy;

3. "Security" means:

   a. A policy or bond meeting the requirements of § 7-204 of Title 47 of the Oklahoma Statutes;

   b. A deposit of cash or securities having the equivalency of limits required under § 7204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

   c. Self-insurance, pursuant to the provisions of § 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under § 7-204 of Title 47 of the Oklahoma statutes as acceptable limits for a policy or bond:

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and § 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not
excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in § 1-108 of this code.

F. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. Court costs may be assessed by the city.

G. Upon conviction bond forfeiture, the court clerk shall forward an abstract to the state Department of Public Safety within ten (10) days reflecting the action taken by the court. (Ord. No. 423, 1/15/85, as amended)

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

§ 15-230 SPECIAL ENFORCEMENT ZONES.

Special enforcement zones shall be those portions, if any, of the federal-aid primary highways and the state highway system which are located on the outskirts and within the boundaries of the City.

The council shall determine the boundaries of the outskirts of the City, which may be determined by reference to the following factors:

a. low land use density.

b. absence of any school or residential subdivision requiring direct ingress or egress from the highway.

c. low volume of traffic on the highway, and

d. a scarcity of retail or commercial business abutting the property. (Ord. No. 550, 1/4/00) *

CHAPTER 3 – VEHICLE EQUIPMENT, INSPECTION

§ 15-301 CERTAIN VEHICLES PROHIBITED; VEHICLES INJURIOUS TO STREETS.

No vehicle or object which injures or is likely to injure the surface of a street, shall be driven or moved on any street. (Prior Code, Title 9)

§ 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police find in accordance with the terms of such permit. (Prior Code. Title 9)

§ 15-303 EQUIPMENT.

Every vehicle operated upon the streets of the city shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the city which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the city. (Ord. No. 432, 1/15/85)

State Law Reference: For state law relating to equipment, see 47 O.S. §§ 12-201 et seq.

§ 15-304 MUFFLERS, CUT-OUTS.

It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. No muffler cut-out, by-pass or similar muffler elimination device, exhaust or vacuum whistle shall be used on any motor vehicle while operating within the city; however exhaust whistles may be used on authorized emergency vehicles. (Ord. NO. 399, 12/18/84)

§ 15-305 WIDTH, HEIGHT, LENGTH, AND LOAD.

No person shall drive or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law. except in accordance with a permit issued by state authority or by the chief of police. (Prior Code, Title 9)

State Law Reference. For state law relating to size, weight, and load, see 47 O.S. §§ 14-101 et seq.

§ 15-306 INSPECTION OF VEHICLES.

A. No person shall drive or move on any road, street, or highway of this city any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this city. or any combination thereof, unless the vehicle is:

1. In good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants; and

2. Bearing a valid official inspection sticker issued by an official inspection station licensed by the Department of Public Safety.
The provisions of this section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

B. Any person who violates the provisions of this section shall upon conviction thereof be subject to a fine as provided in § 1-108 of this code. (Prior Code, Title 9)

§ 15-307 CERTAIN BRAKING EQUIPMENT PROHIBITED.

A. It shall be unlawful for any operator of any vehicle within the City to utilize any equipment for the purpose of braking which create an excessive or unusual noise.

B. This provision shall prohibit the use of devices commonly known as “Jake brakes” by any vehicle operator, but shall not be limited thereto. (Ord. No. 555. 7/18/00)

CHAPTER 4 – SPEED REGULATIONS

§ 15-401 SPEED LIMITS GENERALLY; EXCEPTIONS.

A. No vehicle shall be driven at a greater speed than thirty (30) miles per hour in the city except:

1. On designated and numbered state and federal highways, the maximum is thirty-five (35) miles per hour unless otherwise posted;

2. Emergency vehicles being lawfully driven as provided in this code;

3. When a different speed limit is otherwise designated and posted; or

4. When a different speed limit is established in this code.

B. City personnel, subject to such direction as the mayor and council may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when he does so, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit. (Prior Code, Title 9)

C. Notwithstanding any other provision of law, any person convicted of a speeding violation 1) of one (1) to ten (10) miles per hour over the posted limit on a highway or part of a highway, or 2) when operating a school bus, one (1) to ten (10) miles per hour over fifty-five (55) miles per hour on a paved two-lane road except the state highway system, or 3) one (1) to ten (10) miles per hour over twenty-five (25) miles per hour over a posted alternative school zone speed limit through state schools on state owned land where a state educational institution is established, or 4) one (1) to ten (10) miles per hour over thirty-five (35) miles per hour on a highway in a state park or wildlife refuge, or 5) one (1) to ten (10) miles per hour over ten (10) miles per hour when operating any vehicle with solid rubber or metal tires, shall be punished by a fine of Five Dollars ($5.00), and costs and fees not to exceed Ninety-five Dollars ($95.00), provided, however, that if said violation occurs in a properly marked school zone or work zone, then said fine shall be Ten
Dollars ($10.00) which fines, costs, and fees shall be collected by the court clerk and the costs and fees shall be paid as provided hereinafter:

1. The sum of Thirty-Three Dollars and seventy-two cents ($33.72) for each offense of which the defendant is convicted, irrespective of whether the sentence is deferred, shall cover docketing the case, filing of all papers, issuance of process, warrants, order and other services to the date of judgment, and may be retained by the court clerk and deposited into the General Revenue Fund of the city;

2. The sum of Eight Dollars and eighty cents ($8.80) shall be assessed and credited to the District Attorneys Council Revolving Fund to defray the costs of prosecution;

3. The sum of Eleven Dollars ($11.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes;

4. The sum of Four Dollars and fifty cents ($4.50) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the purpose of enhancing existing or providing additional courthouse security;

5. The sum of One Dollar and thirty cents ($1.30) shall be assessed and credited to the Office of the Attorney General Victim Services Unit;

6. The sum of One Dollar and thirty cents ($1.30) shall be assessed and credited to the Child Abuse Multidisciplinary Account;

7. The sum of Two Dollars and twenty-five cents ($2.25) shall be assessed and credited to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made;

8. The sum of Four Dollars and fifty cents ($4.50) shall be assessed and credited to the Council on Law Enforcement Education and Training (CLEET) Fund;

9. The sum of Four Dollars and fifty cents ($4.50) shall be assessed. Four Dollars and ten cents ($4.10) of each fee received pursuant to this paragraph shall be credited to the A.F.I.S. Fund created by Section 150.25 of Title 74 of the Oklahoma Statutes and the balance deposited into the General Revenue Fund by the court clerk. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection 1 of Section 1313.2 of Title 2 of the Oklahoma Statutes;

10. The sum of Four Dollars and fifty cents ($4.50) shall be assessed. Four Dollars and twenty-eight cents ($4.28) of each fee received pursuant to this paragraph shall be collected and sent to the Oklahoma State Bureau of Investigation for deposit into the Forensic Science Improvement Revolving Fund created by Section 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be retained by the municipal court clerk;
11. The sum of Nine Dollars ($9.00) shall be assessed and forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;

12. Pursuant to subsection C of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the Court Clerk’s Revolving Fund;

13. Pursuant to subsection D of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the District Court Revolving Fund. (Ord. No. 654, 11/20/18).


§ 15-402 SCHOOL ZONES.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted. (Prior Code, Title 9)


§ 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS: SPECIFIC LIMITS.

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration among other things, the condition of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead. (Prior Code, Title 9)

§ 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTION.

No vehicle shall be driven at such an unreasonably slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable. (Prior Code, title 9)

§ 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS.

Where official signs and marking give notice of both maximum and minimum speed limits in effect on any streets, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or obedience to posted official signs. (Prior Code, Title 9)
§ 15-406 CITY PARKS.

A. No vehicle shall be driven at a speed greater than fifteen (15) miles per hour on any street or parking lot within the confines of any municipal park established by or operated by the city.

B. Traffic speed within the confines of Roman Nose Stale Park shall be regulated by the Department of Tourism and Recreation. If the Department of Tourism and Recreation fails to set such speed limit regulations then the provisions of subsection A hereof shall be applicable. (Ord. No. 588, 5/17/05)

CHAPTER 5 – DRIVING, OVERTAKING, PASSING

§ 15-501 CHANGING LANES.

A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway which has been divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center land is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

D. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign, (Prior Code. Title 9)

§ 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS.

A. Upon all roadways of sufficient width a vehicle shall be driven to the right of the center of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and

4. Upon a roadway designated and signposted for one-way traffic.

B. All vehicles shall keep to the right roadway on all streets or highways which are divided into two (2) roadways.

C. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (Prior Code. Title 9)

State Law Reference. Similar provisions. 47 O.S. § 11-301.

§ 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

§ 15-504 OVERTAKING A VEHICLE ON THE LEFT.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaken vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on
audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Prior Code. Title 9)

§ 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT: EXCEPTION.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic fora sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

2. When approaching within one hundred (100) feet of any bridge, viaduct or tunnel or when approaching within fifty (50) feet of or traversing any intersection or railroad grade crossing. (Prior Code, Title 9)

§ 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width of not more than one line of traffic in each direction each driver shall give to the other at least (1/2) the main-traveled portion of the roadway as nearly as possible. (Prior Code. Title 9)

§ 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

A. City personnel, subject to any directions given by the council by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.

B. Whenever the city designates any street or alley or part thereof as a one-way street or alley, city personnel shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and
maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (Prior Code, Title 9)

State Law Reference: Similar provisions, 47 O.S. § 11-308.

§ 15-508 FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. (Prior Code, Title 9)

State Law Reference: Similar provisions, 47 O.S. § 11-310,

§ 15-509 NO PASSING ZONES.

A. The State Department of Transportation, as regards state and federal highways, and the mayor as regards all other streets, are hereby authorized to determine those portions of any highway where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length. (Prior Code, Title 9)

§15-510 RIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. (Prior Code. Title 9)


Cross Reference: Parade, meeting permits, see §§ 9-601 to 9-60.3 of this code.
§ 15-511 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Prior Code, Title 9)

§ 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified by headlights or as may be determined and designated by the police department, (Prior Code. Title 9)

§ 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES.

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement. (Prior Code, Title 9)

§ 15-514 OVERTAKING AND PASSING SCHOOL BUS.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus shall use due caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus. (Prior Code, Title 9)


§ 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING.

A. The provisions of § 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words “SCHOOL BUS” in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.
B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated. (Prior Code, Title 9)


§ 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED: EXCEPTION.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway. (Prior Code. Title 9)

§ 15-517 LIMITATIONS ON BACKING VEHICLE.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an intersection. (Prior Code, Title 9)

§ 15-518 LIMITATION ON USE OF MOTORCYCLES, BICYCLES AND MOTOR SCOOTERS.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the city.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold on to any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only on the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are expected from the provisions of this subsection.

F. No person under the age of sixteen (16) shall operate any motorcycle, motor
bicycle, or motor scooter within the city between and during the hours of 10:00 P.M. of one day and 4:00 A.M. of the next day. (Prior Code, Title 9)

§ 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR.

A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:

1. Handle bars which do not exceed twelve (12) inches in height, measured from the crown or point of attachment;

2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply the brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake:

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided:

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

6. One lighted headlamp capable of showing a while light visible at least three hundred (300) feet in the direction in which the vehicle is proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead; and

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.
B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this section unless the person is equipped with and wearing on the head a crash helmet of the type and design manufactured for use by the operators of such vehicles. All such helmets shall consist of lining, padding and chin straps and be of the type as not to distort the view of the driver. Such headgear shall comply with the regulations issued by the state Department of Public Safety as provided in § 40-106G of Title 47 of the Oklahoma Statutes.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle. (Prior Code. Title 9: Ord. No. 436. 1/15/85)

§ 15-520 CLINGING TO VEHICLES PROHIBITED.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway. (Prior Code, Title 9)

§ 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority. (Prior Code. Title 9)

§ 15-522 RECKLESS DRIVING.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of reckless driving, and upon conviction thereof, shall be fined as provided in § 1-108 of this code. (Prior Code. Title 9)

State Law Reference: Similar provisions, 47 O.S. § 11-901.

§ 15 523 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING.

It is unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle:

1. In a careless manner;
2. In a negligent manner;
3. In such a manner as to endanger life, limb, person, or property; or
4. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets. (Ord. No. 434. 1/15/85)

§ 15 524 FULL TIME AND ATTENTION REQUIRED.

The operator of every vehicle while driving upon the streets and highways of the city shall devote full time and attention to such driving. (Prior Code, Title 9)
§ 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the public way and any other conditions then existing. (Prior Code. Title 9)

§ 15-526 SPEED CONTEST PROHIBITED.

A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three (3) or more persons assemble to witness or participate in an unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense. (Prior Code. Title 9)

§ 15-527 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island. (Prior Code. Title 9)

§ 15-528 STARTING; PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (Prior Code. Title 9)

§ 15-529 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (Prior Code. Title 9)

State Law Reference: Similar provisions, 47 O.S. § 11-1105.

§ 15-530 OBSTRUCTIONS TO DRIVER’S VIEW OR DRIVING MECHANISM.

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's
view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle. (Prior Code, Title 9)

§ 15-531 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion. (Prior Code, Title 9)

§ 15-532 UNLAWFUL RIDING.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provisions shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Prior Code, Title 9)

§ 15-533 PRIVATE SERVICE DRIVES.

No vehicle or animal shall be driven through any private service driveway or private service area except for the purpose of obtaining service or merchandise. (Prior Code, Title 9)

§ 15-534 TRUCK DRIVING AND ROUTE RESTRICTIONS, CERTAIN TRUCKS AND PARKING PROHIBITED.

A. The city council may prescribe routes through the city for the use of trucks in general, trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the city. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the city, shall keep on such route and shall not deviate therefrom except in case of emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the city and not merely through the city.

B. Trucks or tractors and trailers in excess of two (2) axles are hereby prohibited from travel upon the streets within the residential areas of the city except:

1. Moving trucks in the actual process of moving personal property into or out of a residence;
2. Tractors moving mobile homes into a properly designated mobile home space, or removing a mobile home;
3. Trucks delivering or picking up materials or merchandise; and
4. Water tank trucks going to or leaving the water loading facility, at any hour; and then only by taking the most direct route to the loading or unloading point and leaving by the most direct route during daylight hours only. Nothing in this section shall be construed to permit any truck in excess of
two (2) axles to remain in any residential area overnight. (Ord. No. 333, 3/17/81)

Cross Reference: See also Chapter 1 of Part 13 on trucks transporting flammable liquids; § 15-721 of this code for parking restrictions.

§ 15-535 LOADS ON VEHICLES.

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load an any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

C. This section shall apply to trucks loaded with livestock, poultry or agricultural products only except baled agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom. (Prior Code, Title 9)

§ 15-536 VEHICLE APPROACHING OR ENTERING INTERSECTION.

A. When two (2) vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a stale or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

B. The right-of-way rule declared in Subsection A of this section is modified at through highways as otherwise stated in this chapter. (Prior Code. Title 9)

State Law Reference: Right of way at intersections. 47 O.S. § 11-401,

§ 15-537 VEHICLE TURNING LEFT AT INTERSECTION.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-
of-way to the vehicle making the left turn. (Prior Code, Title 9)


§ 15-538 VEHICLE APPROACHING A “YIELD RIGHT-OF-WAY” SIGN.

The driver of a vehicle approaching a “Yield Right-of-Way” sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard. (Prior Code, Title 9)


§ 15-539 VEHICLE ENTERING THROUGH HIGHWAY.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard. (Prior Code, Title 9)

§ 15-540 VEHICLES FACING STOP, SLOW, WARNING OR CAUTION SIGNAL.

It two (2) or more vehicles fact slop. slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right of way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right of way. If one vehicle is required to slow and the other to lake caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection. (Prior Code, Title 9)

§ 15-541 THROUGH STREETS.

A. City personnel, subject to such direction as the council may give, may designate any street or part of a street a through street.

B. Whenever the city designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the city if deemed desirable. (Prior Code, Title 9)
§ 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

The mayor, subject to any directions given by the council by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such slop intersection, in which event lie shall cause to be erected to a stop sign al ever such place a slop is required; or

2. Vehicles shall yield (he right-of-way to vehicles on a different street as provided in this part in which event lie shall cause to be erected a yield sign al every place where yield is required. (Prior Code. Title 9)

§ 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT.

Every stop or yield sign erected pursuant to this chapter shall bear the word “Stop” or “Yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalk on the near side of the intersection or if there is no crosswalk, then the sign shall be located at the nearest line of the intersecting roadway. (Prior Code. Title 9)

§ 15-544 VEHICLE ENTERING STOP INTERSECTION.

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a dearly marked stop line before entering the intersection. If there is no marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed and the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding. (Prior Code, Title 9)

§ 15-545 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall slop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian al a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein.
The provisions of this section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign if required for safely to stop shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the driver shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. (Prior Code, Title 9)

§ 15-546 VEHICLE ENTERING HIGHWAY FROM

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway. (Prior Code, Title 9)

*State Law Reference:* Similar provisions, 47 O.S. § 11-404.

§ 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING.

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists. (Prior Code, Title 9)

§ 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. (Prior Code, Title 9)

*State Law Reference:* Similar provisions, 47 O.S. § 11-704.

§ 15-549 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross unless there is sufficient space on the other side of the intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Prior Code. Chapter 9)

§ 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances state in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Prior Code, Title 9)

§ 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed. (Prior Code, Title 9)

§ 15-552 SAFETY BELT USAGE ON PASSENGER VEHICLE.

A. Every operator and front seat passenger of a passenger car operated in this city shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section, “passenger car” shall mean "automobile" as defined in § 1102 of Title 47 of the Oklahoma Statutes, except that “passenger car” shall not include trucks, truck-tractors, recreational vehicles, motorcycles, motorized bicycles, or vehicles used primarily for farm use and licensed pursuant to the provisions of Title 47. § 11 34 of the Oklahoma Statutes.
B. This section shall not apply to any operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety seat belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear safety seat belt system.

C. This section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service,

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this act. (Ord. No. 450, 1/20/87; Ord. No. 532, 1/6/98)

§ 15-553 CHILD PASSENGER RERAINT SYSTEM TO BE USED IN MOTOR VEHICLES.

A. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, alleys or highways of this city shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this section “child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation.

B. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

1. A driver who is not a resident of this state transporting a child in this city;
2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safely belts pursuant to state or federal laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to given an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.
E. Any person convicted of violating subsection A or B of this section shall be punished by a fine not to exceed the sum of ten dollars ($10.00), or the maximum allowed by state law, whichever is greater, plus court costs. This fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. (Ord. No. 459, 10/20/87)

CHAPTER 6 – TRAFFIC CONTROL DEVICES

§ 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

City personnel, subject to any directions given by the council by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinance, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic. (Prior Code, Title 9)

State Law Reference: For state law relating to traffic control devices, see 47 O.S. §§ 11-201 et seq.

§ 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS.

A. All traffic control signs, signals, and devices shall conform to the Manual of Uniform Traffic Control Devices approved by the State Department of Public Safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the city. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices, (Prior Code, Title 9)

§ 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this part. (Prior Code, Title 9)

State Law Reference: Drivers to obey traffic devices, 47 O.S. § 11-201.

§ 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. If a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place. (Prior Code, Title 9)
§ 15-605 TRAFFIC CONTROL SIGNAL LEGEND.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone. "Go"
   a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and
   b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "walk" signal indicator is operating:

2. Steady yellow or amber alone, "caution":
   a. The showing of such signal color following green shall constitute a warning that the "red" or "stop" signal will be exhibited immediately thereafter; and
   b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the “caution” signal first flashes that a stop cannot be made in safety, in which event vehicles may proceed cautiously through the intersection and clear the same before the “red” signal flashes;

3. Red alone, “stop”:
   a. Vehicular traffic facing the signal shall stop before entering the crosswalk and shall remain standing until green or “go” is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and
   b. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or “go” is shown alone unless authorized to do so, by a pedestrian “walk” signal;

4. Steady red with green arrow:
   a. Vehicular traffic facing such signal when in the proper traffic lane may
cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and

b. No pedestrian facing such signal shall enter the roadway until the green or “go” is shown alone unless authorized so to do by a pedestrian “walk” signal; and

5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrow's and the movements shall be made only when the green arrows are displayed. (Prior Code, Title 9)


§ 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS.

Special pedestrian control signals exhibiting the words “walk”, “wait” or “don’t walk” shall regulate pedestrian movement as follows:

1. “Walk.” Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. “Wait” or “Don't Walk.” No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the “walk” signal shall proceed to a sidewalk or safety zone while the “wait” signal is showing. (Prior Code. Title 9)

§ 15-607 FLASHING SIGNALS.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. “Flashing Red.” When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. “Flashing Yellow.” When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This section shall not apply at railroad grade crossing. (Prior Code. Title 9)
State Law Reference: Similar provisions. 47 O.S. § 11-204.

§ 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. “Flashing yellow”:
   a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and
   b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;

2. “Steady yellow alone”:
   a. Vehicular traffic facing the signal is thereby warned that the red of “stop” signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or “slop” signal is exhibited; and
   b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;

3. “Steady red”:
   a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;
   b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and

4. “Steady red and steady yellow combined”:
   a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown along; and
   b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles. (Prior Code, Title 9)
§ 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED.

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice. (Prior Code, Title 9)

§ 15-610 DEFACEMENT OF TRAFFIC CONTROL DEVICES.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injure, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or an inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

2. Any officer, agent independent contractor, employee, servant or trustee of any contractor, public utility or railroad company. (Prior Code, Title 9)

§ 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH.

City personnel, subject to any directions given by the council, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping to protect the same. (Prior Code, Title 9)
§ 15-612 PLAY STREETS, RESTRICTION ON USE.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area: and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Prior Code. Title 9)

§ 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

Authorized city personnel, subject to any directions given by the council, may:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and

2. Establish safety zones or islands of such kind and character and at such places as deemed necessary for the protection of pedestrians. (Prior Code. Title 9)

§ 15-614 TRAFFIC LANES.

A. City personnel, subject to any directions given by the council, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance, (Prior Code, Title 9, as amended)

State Law Reference: Similar provisions, 47 O.S. § 11-309.

CHAPTER 7 – STOPPING, STANDING AND PARKING GENERALLY

§ 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing or a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle, (Prior Code, Title 9. as amended)

§ 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Prior Code, Title 9)
§ 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS.

A. City personnel, subject to any directions given by the council by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

B. No vehicle shall be parking for longer than twelve (12) hours on Main Street between Burford Avenue and Leach Avenue, on Noble Avenue from First Street to “A” Street, on Prouty Avenue from “A” Street to one-half (1/2) block north of Main Street, on Weigle Avenue from one-half (1/2) block north of First Street, to one-half (1/2) block south of Main Street, and on First Street, from Weigle Avenue to one-half (1/2) block west of Noble Avenue. (Prior Code, Title 9)

§ 15-704 PARKING MORE THAN SEVENTY-TWO (72) HOURS ON ANY STREET OR RIGHT-OF-WAY

No person shall park any vehicle or an implement of husbandry on any street or right-of-way for a period of time longer than seventy-two (72) hours. The parking of a vehicle or an implement of husbandry for more than seventy-two (72) hours upon a street shall constitute a violation and upon conviction thereof shall be punished as provided in Section 1-108 of this Code and be subject to the removal provision of Section 8-503 of this Code. A vehicle or an implement of husbandry parked for more than seventy-two (72) hours upon right-of-way other than a street shall be subject to removal therefrom as a public nuisance, pursuant to the provisions of Section 8-503. The parking of a vehicle or an implement of husbandry for more than seventy-two (72) hours on either a street or right-of-way shall constitute prima facie evidence of abandonment of the vehicle or implement of husbandry. (Prior Code, Title 9: Ord. No. 568. 4/16/02)

§ 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked. (Prior Code, Fit 1c 9)

§ 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

The mayor, subject to any directions given by the city council by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed. (Prior Code, Title 9. as amended)

§ 15-707 OBEDIENCE TO ANGLE-PARKING SIGNS OR MARKINGS.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Prior Code. Title 9)
§ 15-708 PARKING IN SPACES MARKED OFF.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off and not on or over a line delimiting a space. (Prior Code, Title 9)

§ 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB.

A. The mayor is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The mayor may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (Prior Code, Title 9)

§ 15-710 HAZARDOUS OR CONGESTED PLACES, STOPPING, STANDING, PARKING.

A. City personnel are hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in Subsection A of this section, no person shall violate such signs. (Prior Code, Title 9)

§ 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law, or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;
5. On a crosswalk
6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of street opposite the entrance to any dire station within seventy-five (75) feet of the entrance when properly signposted;

11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or an unlawful distance away from a curb, (Prior Code. Title 9)

State Law Reference: Similar provisions, 47 O.S. § 11-1003,

§ 15-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Prior Code, Title 9)

§ 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY.

A. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The city council may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. (Prior Code, Title 9)
§ 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS.

City personnel may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such signs. (Prior Code. Title 9)

§ 15-715 PARKING ADJACENT TO SCHOOLS.

A. City personnel may have signs erected indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such signs. (Prior Code, Title 9)

§ 15-716 PARKING PROHIBITED AT INTERSECTIONS.

The parking of vehicles at the curb where streets intersect shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection. (Prior Code, Title 9)

§ 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property. (Prior Code. Title 9)

§ 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF.

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real properly owned or legally occupied by another without the owner’s or occupant’s consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given. (Prior Code, Title 9)

§ 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY.

A. Upon any street, no person shall stop, park, or leave standing any vehicle, whether attended or unattended upon the paved or main traveled part of the street when it is practical to stop, park, or leave the vehicle off such parts of the street, except, that delivery vehicles, either loading or unloading, may park in the center of Main Street, headed east, while in the process of loading or unloading and making delivery or pick up at any local business establishment.
B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (Ord. No. 327, 9/4/79)

§ 15-720 DOUBLE PARKING PROHIBITED.

No vehicle shall be double parked on any street within the city limits, except under the following circumstances:

1. In compliance with the directions of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle; and

2. That delivery vehicles, either loading or unloading, may double park, except on Main Street, in the right-hand lane while in the process of loading or unloading and making delivery to local business establishment; provided that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved and further providing that the double parking shall be permitted only so long as both traffic lanes are not blocked. (Ord. No. 327, 9/4/79)

§ 15-721 PARKING PROHIBITED FOR TRUCKS TRANSPORTING HAZARDOUS MATERIALS.

It is unlawful to park, store or otherwise leave a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the Fire Prevention Code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the city. However, the trucks and vehicles restricted in this section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquefied petroleum gases for a period not to exceed one and one-half (1 1/2) hours during any twenty-four (24) hour period.

Cross Reference: See also Chapter 1 of Part 13 on transporting flammable liquids, § 15-534 of this code for driving restrictions,

§ 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;

2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or

3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated by an emergency. (Prior Code. Title 9)
§ 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel lo and within eighteen (18) inches of the left-hand curb. (Prior code, Title 9)


§ 15-724 NEGLIGENT PARKING.

No person shall park, cause to be parked, slop or leave unattended any vehicle as follows:

1. In a careless or negligent manner:

2. In such a manner as to endanger life, limb, person, or property; or

3. In such manner as to endanger or interfere with the lawful traffic or use of the streets. (Prior Code. Title 9)

§ 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space. (Prior Code, Title 9)

§ 15-726 HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY.

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of § 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in § 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in § 1-108 of this code.
CHAPTER 8 – LOADING

§ 15-801 DEFINITIONS.

As used in this chapter:

1. “Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale;

2. “Commercial vehicle" means:
   a. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag:
   b. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the city at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle; and

3. “Passenger loading zones" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles. (Prior Code, Title 9)

§ 15-802 CURB LOADING ZONES, DESIGNATION.

A. The mayor, subject to any directions given by the council by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and slating the hours during which the provisions of this section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the city an amount of money estimated by the city council to be adequate to reimburse the city for all costs of establishing and signing the same. (Prior Code, Title 9)
§ 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law. (Prior Code, Title 9)

§ 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period not to exceed three (3) minutes. (Prior Code, Title 9)

§ 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE.

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such slopping does not interfere with any commercial vehicle which is waiting to enter the zone. (Prior Code, Title 9)

§ 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS.

The mayor may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs. (Prior Code, Title 9)

§ 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such slopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone. (Prior Code, Title 9)
§ 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading of passengers. (Prior Code, Title 9)

CHAPTER 9 – TURNING MOVEMENTS

§ 15-901 TURNING MARKERS OR INDICATORS.

A. The mayor, subject to any directions given by the council by motion or resolution, is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning there at, no driver of a vehicle shall disobey the directions of such indications. (Prior Code, Title 9)

§ 15-902 DESIGNATION OF RESTRICTED TURNS.

The mayor is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted. (Prior Code, Title 9)
§ 15-903 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign. (Prior Code, Title 9)

§ 15-904 U-TURNS.

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the city at the following locations:

1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;

2. Where a police officer is directing traffic except at the latter’s direction; or

3. At any other location where an official "No-U-Turn" has been placed and is maintained,

B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner;

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the turn is completed, proceeding to make the turn across the intersection;

2. In one continuous movement without slopping or backing the vehicle;

3. By yielding the right-of-way at all times to all vehicles until such turn is completed; and

4. Without constituting a hazard to or interfering with any other vehicle. (Prior Code, Title 9)

§ 15-905 POSITION AND METHOD OF TURNING.

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever
practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or

3. Left turns, on other than two-lane roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered. (Prior Code, Title 9)


§ 15-906 TURNING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in § 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or stopping.


§ 15-907 MEANS OF GIVING TURN SIGNALS.

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma Department of Public Safety, except as provided in Subsection B of this section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects twenty-four (24) inches or more to the left of the center of the steering wheel;

2. Under any conditions where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post. (Prior Code, Title 9)
§ 15-08 METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;
2. Right turn - hand and arm extended upward, and
3. Stop or decrease speed - hand and arm extended downward with palm to the rear.

(Prior Code, Title 9)

CHAPTER 10 – PEDESTRIANS

§ 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians shall be subject to traffic control signals as provided for in this code of ordinances, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (Prior Code, Title 9)


§ 15-1002 PEDESTRIANS’ RIGHT-OF-WAY AT CROSSWALKS.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or
2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safely or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle, (Prior Code, Title 9)

§ 15-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable,
upon the right half of the crosswalk. (Prior Code, Title 9)

§ 15-1004 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk. (Prior Code, Title 9)

§ 15-1005 WHEN PEDESTRIANS SHALL YIELD.

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

C. The provisions of this section are not applicable where pedestrian crossings are prohibited. (Prior Code, Title 9)

§ 15-1006 PEDESTRIANS WALKING ALONG ROADWAYS.

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles. (Prior Code, Title 9)

§ 15-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS.

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.

B. No person shall:

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;

2. Sell or attempt to sell anything to any person in any vehicle;

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or
4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose. (Prior Code, Title 9)

§ 15-1008 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway. (Prior Code, Title 9)

§ 15-1009 CROSSING PROHIBITED.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk. (Prior Code, Title 9)

§ 15-1010 OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Prior Code, Title 9)

CHAPTER 11 – BICYCLES

§ 15-1101 APPLICATION OF BICYCLE REGULATIONS.

The provisions of this chapter shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter. (Prior Code, Title 9)

State Law Reference: Similar provisions, 47 O.S. §§ 11-1201 et. seq.

§ 15-1102 APPLICATION OF TRAFFIC LAWS TO BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons. (Prior Code. Title 9)

§ 15-1103 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or U-turn is
permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians. (Prior Code. Title 9)

§ 15-1104 RIDING ON BICYCLES.

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Prior Code, Title 9)

§ 15-1105 RIDING ON ROADWAYS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and shall not use the roadway. (Prior Code, Title 9)

§ 15-1106 SPEED OF BICYCLE.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Prior Code, Title 9)

§ 15-1107 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways. (Prior Code, Title 9)

§ 15-1108 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handle bars. (Prior Code, Title 9)

§ 15-1109 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic. (Prior Code. Title 9)
§ 15-1110 RIDING ON SIDEWALKS.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The city council, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Prior Code, Title 9)

§ 15-1111 LAMPS AND EQUIPMENT ON BICYCLES.

A. Bicycles in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from five hundred (500) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet.

C. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

D. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (Prior Code. Title 9)

CHAPTER 12 – (RESERVED)

CHAPTER 13 – IMPOUNDMENT OF VEHICLES

§ 15-301 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles. (Prior Code. Title 9)

State Law Reference: Grounds for removal of vehicles on highways by state. 47 O.S. § 955; removal of abandoned vehicles on private property. 47 O.S. § 954 A.
§ 15-1302 PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the city and to no other place. (Prior Code, Title 9)

§ 15-1303 DURATION OF IMPOUNDMENT.

A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle. (Prior Code, Title 9)

§ 15-1304 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter. (Prior Code, Title 9)

§ 15-1305 DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard. (Prior Code, Title 9)

§ 15-1306 VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded. (Prior Code, Title 9)

§ 15-1307 ARREST AND DETENTION OF DRIVER OF VEHICLE.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded, unless the driver or person in charge can provide immediately for the vehicle’s custody or removal. (Prior Code, Title 9)
§ 15-1308 VEHICLE CONSTITUTES TRAFFIC HAZARD.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded. (Prior Code, Title 9)

§ 15-1309 ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner’s or legal occupant’s property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause (he vehicle to be impounded from the property and placed in storage. (Prior Code, Title 9)

§ 15-1310 VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code, regarding more than forty-eight (48) hours, shall be impounded. (Prior Code, Title 9)

§ 15-1311 VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded. (Prior Code, Title 9)

§ 15-1312 VEHICLES PARKED IN INTERSECTION.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing. (Prior Code, Title 9)

§ 15-1313 STOLEN VEHICLES; RECOVERY BY POLICE.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from
records or information available from reports of stolen cars, the vehicle may be
removed to the nearest authorized place to impoundment and the registered owner
of the vehicle shall be notified of the location of the place of impoundment as soon
as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the
stolen vehicle, the owner shall be given the right to make his own arrangement for
the removal of the vehicle within the period of one hour from the time he is actually
notified of its recovery, and if the owner is unable or unwilling to effect the removal
within the time specified the vehicle may be impounded. (Prior Code, Title 9)

§ 15-1314 VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.

Any vehicle for which two (2) or more citations have been issued, for violation of an
ordinance, and have not been presented as required, may be impounded if parked in violation of
any provision of this part. (Prior Code, Title 9)

CHAPTER 14 – PENALTIES

§ 15-1401 OBEDIENCE TO TRAFFIC CODE.

A. It is an offense against the city for any person to do any act forbidden or to fail to
perform any act required by this part.

B. It is an offense against the city for the parent of any child or for the guardian of any
ward to authorize or knowingly permit any such child or ward to violate any of the
provisions of this part.

C. It is an offense for any person to authorize or knowingly to permit any vehicle
registered in his or her name to be driven or to stand or to be parked in violation of
any of the provisions of this part. (Prior Code. Title 9)

§ 15-1402 PENALTIES, SPECIFIC AND GENERAL.

A. Except as otherwise provided in this part, any person violating any of the provisions
of this part containing the traffic laws of the city, or who performs any unlawful act
as defined in this part, or who fails to perform any act required by this part, shall be
guilty of an offense and upon conviction thereof shall be fined or punished as
provided in § 1-108 of this code.

B. Any person violating the provisions of § 15-711(A)(1) by parking or standing a
vehicle upon a sidewalk located on either side of Main Street between Weigle
Avenue on the east and Leach Avenue on the west shall be punished by a fine not
less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) not
including costs.

1. Any person guilty of a second or subsequent offense of said section, along
Main Street as set out in subsection B above, within a twenty-four (24)
CHAPTER 15 – USE OF GOLF CARTS AND CITY-OWNED ALL-TERRAIN VEHICLES

§ 15-1501 USAGE OF GOLF CARTS AND SIDE BY SIDE FOUR WHEEL OFF-ROAD UTILITY VEHICLES.

A. Golf carts may be operated on the city streets, but not on public highways, within the corporate limits of the city, when:

1. such city streets are located within the boundaries of a state park operated by the Oklahoma Tourism and Recreation Department;

2. on other city streets which are not designated state or federal highways and upon which the posted speed limit does not exceed 30 miles per hour.

Off road utility vehicles may not be operated within the boundaries of a state park operated by the Oklahoma Tourism and Recreation Department.

B. Golf carts and side by side four wheel off-road utility vehicles may be operated on city streets as set out in subsection “A” above only during daylight hours, unless properly equipped with highway lighting equipment as required by statute.

C. No person may operate a golf cart or side by side four wheel off-road utility vehicle within the boundaries or confines of the city unless said person holds a valid operators license enabling that person to operate a motor vehicle.

D. No person operating a golf cart or off-road utility vehicle within the corporate limits of the city as set out in this section may operate such golf cart at a speed in excess of 30 miles per hour.

E. There shall be placed at the entrances of the state park located within the corporate limits of the city warning signs stating that at this state park golf carts may be operated on such streets and that motor vehicle operators shall take special precaution to be alert for the presence of the golf carts on such streets.

F. Golf carts or side by side four wheel off-road utility vehicle may be operated across those routes designated as state or federal highways only at designated points, said points to be designated from time to time by order of the street commissioner with approval of the council.

G. Designated crossings of those roadways as set out in subsection “F” above are to be marked by signage clearly identifying the location as a place where golf carts may cross. (Ord. No, 591.6/7/05; Ord. No. 612, 2009)
§15-1502 APPLICATION OF TRAFFIC LAWS TO GOLFCARTS AND SIDE BY SIDE FOUR WHEEL OFF-ROAD UTILITY VEHICLES.

Every person operating a golf car or side by side four wheel off-road utility vehicle upon a city street or highway as allowed within the provisions of this chapter shall be granted all the rights and shall be subjected to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provision of law and ordinances which by their nature are inapplicable to such persons. (Ord. No. 612, 2009)

§ 15-1503 USAGE OF ALL-TERRAIN VEHICLES.

A. All-terrain vehicles owned and operated by the City of Watonga may be operated on city streets with the corporate limits of the city for city business purposes.

B. All-terrain vehicles owned by the City of Watonga and engaged in city business shall be operated on city streets as only during day light hours.

C. No person may operate an all-terrain vehicle owned by the City of Watonga, within the boundaries or confines of the city unless said person holds a valid operators license enabling that person to operate a motor vehicle.

D. No person operating an all-terrain vehicle owned by the City of Watonga, within the corporate limits of the city as set out in this section may operate such all-terrain vehicle at a speed in excess of 25 miles per hour.

§ 15-1504 ALL-TERRAIN VEHICLES USAGE ON HIGHWAYS.

A. For purposes of this section only, “highway” is defined as a roadway within the corporate limits of the city which is maintained by the state or federal government or which is part of a recognized state and/or federal highway system.

B. An All-terrain vehicle owned by the City of Watonga may be operated upon highways within the corporate limits of the city whenever the operator of the all-terrain vehicle needs to make a direct crossing of the highway while the vehicle is traveling upon a regularly traveled trail or street and needs to continue travel from one area of the trail or street to another and if the all-terrain vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the highway at an angle of approximately 90 degrees to the direction of the highway. This exception shall not apply to divided highways or highways with a posted speed limit of more than 35 miles per hour in the area of the crossing.

C. An All-terrain vehicle owned by the City of Watonga may be operated upon the highways within the corporate limits of the city if the operator of the all-terrain vehicle needs to travel on a highway in order to cross a railroad track. In that event, the all-terrain vehicle may travel upon the highway for not more than three hundred feet upon the highway to cross a railroad track. This exception shall not apply to
divided highways or highways with a posted speed limit of more than 35 miles per hour in the area of crossing.

D. The operator of the all-terrain vehicle making the crossing at a highway or a railroad crossing must have a valid driver’s license.

E. The operation of the all-terrain vehicle making a crossing of a highway or a railroad track occurs during daylight hours only. (Ord. No. 612, 2009)

§ 15-1505 APPLICATION OF TRAFFIC LAWS TO ALL-TERRAIN VEHICLES.

Every person operating an all-terrain vehicle owned by the City of Watonga upon a city street or highway as allowed within the provisions of his chapter shall be granted all the rights and shall be subjected to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provision of law and ordinances which by their nature are inapplicable to such persons.

§ 15-1506 PENALTY

Every person who violates any provision of this chapter or who maintains or permits to continue any situation or act defined by this chapter as unlawful, shall be guilty of an offense and, upon conviction thereof, shall be fined in accordance with the penalty for traffic offenses. (Ord. No. 591, 5/7/05)

§ 15-1507 SIDE BY SIDE FOUR WHEEL OFF-ROAD UTILITY VEHICLES.

A. Side by side four wheel off-road utility vehicles defined, for purposes of this chapter side by side four wheel off-road utility vehicles shall be defined as motorized conveyances, either gasoline or electrically powered, which meet the following criteria:

1. Subject of issuance of Certificate of Title by the Oklahoma Tax Commission of the state of Oklahoma as a vehicle.

2. Equipped with four wheels mounting low pressure rubber tires.

3. Meet federal government specifications as a “low speed vehicle” as such may be currently defined by Code of Federal Regulations.

B. Particular Models Qualified as Eligible:

For purposes of this chapter only certain off-road utility vehicle models will be considered eligible for treatment as authorized upon city streets. Initial eligibility shall be limited to:

1. Polaris Ranger Side by Sides designated as:
a. 800 HD
b. 400 HD
c. 800 XP
d. EV
e. 800 6x5
f. 800 crew
g. 500 H.O.
h. 800 XP Browning

2. Tombelin Automotive Group VANISH

3. Gem
   a. G2
   b. G4

C. City Council to Revise Eligibility:

   From time to time the city council may by resolution revise the list of street eligible side by side four wheel off-road utility vehicles. The council shall upon revision of said list provide a certified copy of said list to the chief of police, to be disseminated thereby to members of the police department. It shall be a criteria of the council that any such vehicle be classified as “street legal” as defined by the state. (Ord. No. 606, 5/20/08; Ord. No. 612, 2009)

§ 15-1508 PERMIT REQUIRED; SIDE BY SIDE FOUR WHEEL ALL TERRAIN UTILITY VEHICLES.

A. All such side by side four wheel terrain utility vehicles the use of which upon the city streets is authorized by this chapter shall be subject to permitting process, said permit to be issued by the city clerk.

B. The city clerk, before issuance of said permit, must be provided with:

   1. Proof of ownership: Certificate of title issued by Oklahoma Tax Commission or other proof as necessary.

   2. Proof of current liability insurance certificate meeting minimum state liability insurance requirements for personal injury and property damage.

   3. Current state motor vehicle operator’s license.
4. Payment of fee of $20.00 per calendar year.

C. Upon receipt of the required fee and documents the clerk shall issue:

1. Use permit, which said permit shall identify the side by side four wheel all terrain utility vehicle, and the owner thereof. Permit shall be carried by operator of the conveyance.

2. Identification decal, which shall include the identifying numbers. The decal shall be attached to the side by side four wheel all terrain utility vehicle and shall be displayed in a prominent manner visible to motorists. (Ord. No. 612, 2009)

State Law Reference: 47 O.S. §§1115(E). 1115(E)(1-4) and 1151.1
PART 16 – TRANSPORTATION

CHAPTER 1 – RAILROADS

§ 16-101 RAILROADS TO IMPROVE STREETS AND ALLEYS.

When a railway occupies any portion of a street within its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the council by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, or with such other same material which is to be, or has been, used on the alley, or with such other satisfactory material as the council by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the council by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the city is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in good state of repair at all times.

§ 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS.

Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in good state of repair at all times.

§ 16-103 CLIMBING ON TRAINS.

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the city, unless such person is acting in line of duty, or to board any train or railroad car, including passenger, freight, or other car, except with proper ticket or the permission of the person in charge of the train or car or in the line of duty. (Prior Code § 8-10-2)

§ 16-104 SPEED OF TRAINS.

It is unlawful for any person to operate or drive a train or railroad engine at a speed greater than twenty (20) miles per hour within the city. (Prior Code, § 8-10-4)

§ 16-105 BLOCKING STREETS.

It is unlawful for any railroad train or railroad car to block streets or avenues of the for a longer period of than five (5) minutes except in the event of an emergency. (Prior Code, § 8-10-3)
CHAPTER 2 – AIRPORT

§ 16-201 BOARD CREATED.

There is hereby created an airport board which shall consist of six (6) members to be appointed by the mayor with the consent of the council. Effective May 1, 1983, the airport board shall consist of five (5) members. Members shall serve without compensation. (Ord. No. 364, 3/1/83)

State Law Reference: Municipal airport powers, 3 O.S. §§ 65.1 et seq.

Cross Reference: See § 2-702 of the code for qualifications, requirements of airport board members.

§ 16-202 TERM.

Members of the airport board shall serve for a term of three (3) years. Of the initial appointments, however, two (2) members shall serve for one year, two (2) members shall serve for three (3) years and thereafter their successors shall be appointed for a term of three (3) years. The terms shall begin at the first meeting of the council in January of each year. (Ord. No. 365, 3/1/83)

§ 16-203 DUTIES.

The board shall adopt rules and regulations for its own guidance and for the governing of the operation of the municipal airport. The board shall submit to the council its recommendations for the planning, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of the municipal airport and other air navigation facilities operated and controlled by the city. (Prior Code, § 2-9-2)

§ 16-204 CONFORMITY TO FEDERAL AND STATE LAW.

All recommendations made by the board and adopted by the council shall substantially conform with the laws of this state and the standards governing aeronautics established by the federal government. (Prior Code, § 2-9-4)

§ 16-205 DRIVING ON AIRPORT RUNWAYS PROHIBITED.

It is unlawful for any person to drive any motorized vehicle upon, over or across any airport runway, taxi-way or approaches designed and used primarily for the purpose of aircraft traffic, except:

1. Emergency vehicles;
2. Motorized vehicles designed and used primarily for the purpose of servicing aircraft while in the process of servicing aircraft;
3. Any vehicle necessary and used for the repair or maintenance of the runways, approaches and taxi-ways, while in the actual process of maintenance, repair or
replacement of the runways, approaches and taxi-ways; and

4. Such other necessary vehicles as may be, from time to time, authorized operation, repair or service to the airport. (Ord. No. 343, 4/20/82)
PART 17 – UTILITIES

CHAPTER 1 – UTILITY SERVICES IN GENERAL

§ 17-101 UTILITY FEES AND BILLINGS IN GENERAL.

All fees and charges in connection with any customer’s use of the city’s sanitary sewer system, the city’s water facility system, or the operation of the city’s collection and disposal of refuse and garbage are billed in accordance with applicable rates set by the city council. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. The utility bills submitted under the terms of this section shall be payable on or before the due date on the billing each month.

§ 17-102 FAILURE TO PAY UTILITY BILLS; PENALTY AND DISCONNECTION OF SERVICE.

A. Upon failure of any customer to pay any part of a utility bill submitted by the city for any utility services pursuant to § 17-101 of this code by due date specified, the following actions and penalties may result:

1. The authorized agents of the city may disconnect or discontinue any or all utility services to the customer after providing written notice to the customer of the intent of the city to disconnect or discontinue any or all of the utility services;

2. The authorized agents of the city may discontinue to furnish water or electricity to any customer refusing or neglecting to pay all or any part of a utility bill submitted after mailing or providing written notice to the customer of the intent of the city to disconnect the water or electric service; and

3. A fee for connection of utility service where the service has been turned off or a meter has been disconnected by the city for any reason shall be set by the council by motion or resolution.

B. If any utility service is discontinued or disconnected pursuant to this section, the city, or its agents, shall not reconnect or reestablish the service until the full amount of any outstanding utility service bill is paid, plus any penalty, plus any applicable charges or expenses in reconnecting or reestablishing the service.

§ 17-103 UTILITY TAPS AND CONNECTIONS; FEES; UTILITY DEPOSITS.

The city or its agent shall approve any request for a water tap and connection, a sewer lap on an existing line, or a sewer tap on a new line. Prior to granting approval by the superintendent, the customer shall have paid the connection or tap charge as applicable and set by motion or resolution of the council. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed to the city in connection with the utility service. It shall be held in trust by the city. When a customer’s utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the city have been satisfied, shall be returned to the customer.
§ 17-104 OTHER UTILITY FEES OR CHARGES.

The city council from time to time by motion or resolution shall have the power to establish rates and charges governing all aspects of the city utility services, including monthly service fees, connection fees and charges, and deposits.

§ 17-105 UTILITY SERVICE REQUIREMENTS.

Any property owner desiring the extension of city owned sewer, water or electric service must:

1. Plot the area including necessary utility easements and street dedication;

2. Have the plat and necessary utility easements and street dedications approved by the light and water superintendent, the street and alley commissioner, the zoning and planning board and the city council;

3. Secure at his own expense, if any, easements or dedications necessary to connect the property owners property with the city system; and

4. Agree to pay at least one-half (1/2) of:
   a. The cost of all installations of sewers, or
   b. All of the material bills with the city performing the labor, whichever figure is the greater. (Ord. No. 313, 5/18/76)

CHAPTER 2 – WATER DEPARTMENT AND SERVICES

§ 17-201 WATER SYSTEM AS PUBLIC UTILITY.

The water system of the city is hereby declared to be a public utility and a proper source of city revenues and expenditures for the upkeep and maintenance of the water system.

§ 17-202 WATER RATES.

The city council shall from time to time by motion or resolution set or amend the fees and charges for water use by customers of the water system. A copy of the current fees or charges shall be kept on file in the city clerk’s office.

§ 17-203 APPLICATION FOR WATER SERVICE.

Any person desiring to secure water from the water system, shall make an application therefor to the city on an application form to be provided by the city or authority. The applicant shall give such reasonable information as the city may request. He shall state in the application that he will abide by all ordinances, rules, and regulations governing the water system of the city.
§ 17-204 CONTRACT FOR WATER SERVICE.

The application for water service shall constitute a contract on the part of the person making the water is consumed;

1. To pay for the water consumed at the rate prescribed by the city at the time the water is consumed;

2. To recognize the right of the city to change the rate at any time;

3. To recognize the right of the city temporarily to discontinue water service at anytime without notice to the consumer, to install, repair or remove a water meter or for any other proper cause;

4. Stating that the contract is subject to all the ordinances, rules and regulations in effect at the time of making the contract and which may be passed and go into effect thereafter;

5. Stating that the city shall not be responsible for any damage by water or other cause resulting from defective appliances, and that the fact that an agent of the city has inspected appliances shall not be pleaded as a basis for recovery in case of damage to the premises from defective plumbing or appliances installed by the owner or occupant of such premises;

6. Providing that the city shall not be liable for damages resulting from the interruption or failure of the supply of water, regardless of the cause thereof; and that such failure for any reasonable period of time shall not be held to constitute a breach of contract on the part of the city nor relieve the consumer from performing the obligations of his contract;

7. Providing that all meters are the property of the city; and

8. Providing that the water deposit, or so much thereof as may be necessary, may be retained by the city and applied by the city on any unpaid water bill of the consumer; and providing further that unless the water deposit is claimed by the consumer after the consumer ceases to be a customer in the manner provided by law, or within ninety (90) days of the date the municipality mails notice to the consumer at his last known address to claim the deposit, whichever period is longer, then the consumer forfeits all right, title or interest in and to the water deposit.

§ 17-205 ONE PREMISE TO A TAP, SUBSIDIARY CONNECTION AND CROSS CONNECTION PROHIBITED.

Not more than one premise may be connected to any one tap. No customer shall make or permit to be made any subsidiary connection of another’s premise with his water service. A cross connection with another water supply shall not be permitted.

§ 17-206 TURNING ON WATER.

It is unlawful for any person to turn the water on to any premises from the municipal water system, except by permission of the superintendent. Water shall not be turned on until the plumbing has been installed and is in operation as provided by ordinance and until any and all
deposits and charges have been paid. The city or its agent will see that the water is turned on when all requirements for service have been complied with.

**§ 17-207 WATER MAY BE CUT OFF.**

Water may be cut off and service discontinued for any user of water from the municipal water system for any of the following reasons:

1. Violation of any ordinance provision relating to the water system, or violation of any ordinance provision or any provision of any code adopted by reference relating to water and sanitary plumbing;

2. Any act or omission in regard to the water system or sanitary sewer system, the use of water, or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others; or

3. Failure to pay a water bill or other proper charge in connection with the water system by the time when the bill becomes delinquent.

**§ 17-208 WATER TO BE TURNED BACK ON ONLY BY CITY AUTHORITY.**

When the water of any customer has been turned off by city or its agent, it shall not again be turned on except by permission of the city or its agent.

**§ 17-209 CUSTOMERS TO KEEP SERVICE PIPES IN GOOD REPAIR, NOT TO WAIST WATER.**

All customers using municipal water shall keep their service pipes, stop cocks, and other water apparatus in good repair and in proper operation, and shall not unnecessarily waste water.

**§ 17-210 FLUORIDE.**

In order to protect the health and welfare of the citizens of the city, the quantity of fluoride in the public water supply shall be controlled in such a manner that the amount present in the water served to the public shall be in conformity with the policy, and subsequent changes thereto, established by the Oklahoma State Board of Health.

**§ 17-211 WATER SHORTAGES, DECLARATION OF EMERGENCY.**

A. Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the mayor is hereby authorized to restrict or prohibit the use of water from the city’s water system.

B. An emergency exists whenever the mayor reasonably determines that the city’s water system is unable or will within sixty (60) days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.
§ 17-212 RESTRICTION ON WATER USE IN EMERGENCY.

A. Upon the determination that such an emergency exists, the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the city system. The order may:

1. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and

2. Prohibit usages not essential to public health and safety. The order may be revised from time to time as the mayor deems necessary.

B. A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the mayor shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the council by resolution approved by a majority of all its members votes to terminate the emergency and proclamation upon a different date.

C. Unless otherwise determined by the mayor, the users located outside city limits shall be subject to water use restrictions before the users located in city limits.

§ 17-213 PROCLAMATION AND NOTICE OF EMERGENCY.

A. The proclamation required by the preceding section shall be published in a newspaper of general circulation in the city or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the city. The emergency shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the emergency.

B. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. However, if any means other than that required in Subsection A of this section is used, the proclamation shall be republished in accordance with Subsection A within twenty-four (24) hours of the first notice.

§ 17-214 GRIEVANCES WITH WATER RESTRICTIONS.

Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the city council or to any emergency session called to discuss the water emergency. The council may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person’s health or safety. The ruling of the council by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the council, all water users shall be bound by the proclamation.
§ 17-215 PENALTIES.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation or any provision of this chapter shall be guilty of a misdemeanor. Any violation of the provisions of the mayor’s proclamation or action of the board shall be punishable as provided in § 1-108 of this code.

§ 17-216 WATER CONNECTION REQUIREMENTS.

A. Except in areas zoned A agricultural:

1. All buildings or structures, construction of which commenced on or after the effective date of this ordinance and

2. For which a water line was available in any street, alley, or easement adjoining or adjacent to the premises upon which the building or structure was located, at construction commencement shall have all kitchen, culinary, bathroom and drinking facilities connected to the city water system.

B. Except in areas zoned A agricultural:

1. All buildings or structures, construction of which commenced before the effective date of this ordinance and

2. For which a water line was available in any street, alley or easement adjoining or adjacent to the premises upon which the building or structure is located as of the effective date of this ordinance; and

3. Providing such building or structure was not connected to the city water system as of the effective date of this ordinance, shall have the option of connecting all kitchen, culinary, bathroom and drinking facilities to the city water system or electing to become a water utility customer for fire protective services from the effective date of this ordinance and shall be required to be so connected no later than the 28th day of May 2007.

C. Except in areas zoned A agricultural:

1. Every building or structure, construction of which commenced prior to a water line being available in any street, alley or easement adjoining or adjacent to the premises upon which the building or structure is located, and

2. For which a water line becomes available in any street, alley or easement adjoining or adjacent to the premises upon which the building or structure is located on or after the effective date of this ordinance shall connect all kitchen, culinary, bathroom and drinking facilities to the city water system no later than 90 days after which such service becomes available.

D. All buildings or structures which are provided with municipal water for kitchen, drinking, bathroom and culinary purposes shall continue to be so connected to municipal water at
all times. Any person who owns, rents or is in control of a building or structure, which building or structure is connected with city water, shall be deemed a customer of the utility system regardless of the water usage or nonusage,

E. This section shall not be construed to limit the city’s authority to require connection for new development pursuant to the subdivision regulations of the city.

F. All water used for kitchen, culinary, bathroom and drinking facilities from nonpublic water sources shall meet primary drinking water standards set forth by the state Department of Health and State Environmental Protection Agency or other appropriate authority. Should, at anytime, the water quality violate these standards, the person shall, within thirty (30) days, bring water into compliance with all primary drinking water standards. If not corrected within that time period, the water supply well(s) shall be disconnected by such person and the private distribution system shall be immediately connected by such person to the municipal water supply system of the City of Watonga.

G. No person who owns, rents, or is in control of a building or structure which is required to be connected to municipal water shall fail to connect to such municipal water system.

H. Except in areas zoned A agricultural:

   After the effective date of this ordinance no building or structure not then connected to a non-public water source of supply shall be connected to any non-public water source of supply for any kitchen, culinary, bathroom or drinking facility purpose.

I. Violation of this section shall constitute an offense for each day in which such condition exists. (Ord. No. 597, 2/19/07)

CHAPTER 3 – ELECTRIC SERVICE

§ 17-301 APPLICATION TO MAKE CONNECTION TO ELECTRIC SYSTEM.

Any person desiring to make a connection to an electric system of the city is required to file a written application with the city to make the connection.

§ 17-302 CONNECTIONS TO BE MADE IN ACCORDANCE WITH ORDINANCE AND LAW.

Any person, firm or corporation who connects to the electric system of the city in violation of this chapter or other ordinances of the city or the laws of the state will be denied further electric service until such ordinances and laws are complied with.

§ 17-303 ELECTRIC DEPOSIT REQUIRED.

Any person who desires to use electricity shall put up with the city as a meter deposit the amount which is established by motion or resolution of the council. The city council may establish classifications of customers, such as residences, mobile homes, location inside or outside of city limits, and various types of businesses, for different deposit requirements.
§ 17-304 CONTRACT FOR ELECTRIC SERVICE.

The application for electric service shall constitute a contract on the part of the person making the application:

1. To pay for the electricity consumed at the rate prescribed by the city at the time the electricity is consumed;

2. To recognize the right of the city to change the rate at any time;

3. To recognize the right of the city temporarily to discontinue electric service at any time without notice to the consumer, to install, repair or remove an electric meter or for any other proper cause;

4. Stating that the contract is subject to all the ordinances, rules and regulations in effect at the time of making the contract and which may be passed and go into effect thereafter;

5. Stating that the city shall not be responsible for any damage by electricity or other cause resulting from defective appliances, and that the fact that an agent of the city has inspected appliances shall not be pleaded as a basis for recovery in case of damage to the premises from defective plumbing or appliances installed by the owner or occupant of such premises;

6. Providing that the city shall not be liable for damages resulting from the interruption or failure of the supply of electricity, regardless of the cause thereof; and that such failure for any reasonable period of time shall not be held to constitute a breach of contract on the part of the city nor relieve the consumer from performing the obligations of his contract;

7. Providing that all meters are the property of the city; and

8. Providing that the electric deposit, or so much thereof as may be necessary, may be retained by the city and applied by the city on any unpaid electric bill of the consumer; and providing further that unless the electric deposit is claimed by the consumer after the consumer ceases to be a customer in the manner provided by law, or within ninety (90) days of the date the municipality mails notice to the consumer at his last known address to claim the deposit, whichever period is longer, then the consumer forfeits all right, title or interest in and to the electric deposit.

§ 17-305 ESTIMATE OF BILL.

In all cases where meters or meter boxes are lost, injured or broken by wilful action or by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired at the expense of the owner or occupant. In case of nonpayment, the electricity shall be cut off and will not be turned on until such charges are paid. In the event of a meter getting out of order or failing to register properly, the consumer shall be charged on an estimate made by the city of the average monthly consumption during the last three (3) months when the meter was in good condition or from what he may consider to be the most reliable date at his command.
§ 17-306 PENALTIES.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any section of this chapter shall be guilty of a misdemeanor. Any violation of the provisions of this chapter shall be punishable as provided in § 1-108 of this code.

CHAPTER 4 – SEWER SYSTEM

§ 17-401 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1. “B.O.D.” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter;

2. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall;

3. “Building sewer” means the extension from the building drain to the public sewer or other place of disposal;

4. “Combined sewer” means a sewer receiving both surface runoff and sewage;

5. “Commercial use” means all uses not for a dwelling or public buildings and includes all rooming houses and hotels having for rent more than four (4) rooms;

6. “Dwelling” means any housing unit occupied by a single family, and in the case of multiple units, each unit is a dwelling;

7. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce;

8. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage;

9. “Metallic wastes” mean substances consisting of or having the characteristics of a metal or metals, which such substances may be pure in nature or may consist of by-products produced from metals or in conjunction with the use of metals, and may include water and other fluids which contain solutions, salts or particles thereof in excess of that normally contained in the water supply source used by this city;

10. “Natural outlet” means any outlet in watercourse, pond, ditch, lake, or other body of surface or groundwater;

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11. “Person” means any individual, firm, company, association, society, corporation, or group;

12. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solutions;

13. “Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension;

14. “Public building” means the buildings of the state, the county, and school buildings;

15. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority;

16. “Sanitary sewer” means a sewer into which storm, surface, and ground waters are not intentionally admitted;

17. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present;

18. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage;

19. “Sewage works” means all facilities for collecting, pumping, treating, and disposing sewage;

20. “Sewer” means a pipe or conduit for carrying sewage;

21. “Shall” is mandatory; “may” is permissive;

22. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation;

23. “Storm drain” (sometimes termed “storm sewer”) means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water;

24. “Superintendent” means the superintendent of sewage works or water pollution control of the city, or his authorized deputy, agent, or representative;

25. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering; and
26. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently. (Prior Code, § 7-4-1; Ord. No. 440, 1985)

§ 17-402 USE OF PUBLIC SEWERS REQUIRED.

A. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

B. It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage.

D. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred (100) feet of the property line. (Prior Code, § 7-4-2)

§ 17-403 PRIVATE SEWAGE DISPOSAL.

A. Where a public sanitary or combined sewer is not available under the provisions of § 17-402 of this code, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city. The applicant shall supplement the application with any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee as set by the council shall be paid to the city at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the superintendent.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the department of health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000)
square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Subsection D of this section, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage facilities shall be abandoned and filled with suitable material.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

G. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer.

H. When a public sewer becomes available, the building sewer shall be connected to the sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Prior Code, § 7-4-3)

§ 17-404 SEWER CONNECTIONS.

The following rules and regulations shall govern the sanitary plumbing and connecting of houses and other users of sewers with the sanitary sewer system of the city:

1. House drains when not within the building may be glazed, with vitrified clay pipe, not less than four (4) inches in diameter, free from checks and defects, and laid in a uniform grade, the joints to be filled with a good strong cement mortar composed of one part cement and two (2) parts of clear sharp sand, and joints to be carefully wiped out and finished with bevel or mortar at the bell; all drains must be laid with a fall of not less than one-fourth (1/4) inch to the foot where such fall can be made, and where such fall cannot be had, the sewer or drain shall be laid with the greatest possible fall descending to the sewer;

2. Each building shall be separately and independently connected with the street sewer when one is provided. If there is no sewer in the street or alley, a private sewer may be constructed when plans for the same are approved by the plumbing inspector;

3. No permit shall be issued to make any connections with a main or lateral outside of the sewer district or to make connections with a main or lateral for the purpose of sewer service to any property which has not been especially assessed or is not regularly liable to special assessment for the cost and expense of such lateral sewer, until such written application shall have been presented to the mayor and council and the cost to be fixed and determined in such application by the body shall have been paid to the treasurer and his receipt therefore attached to the written application;

4. Upon the granting of such permits, a notice in writing, within at least twenty-four (24) hours, shall be given by the plumber or other person to the plumbing inspector, requesting him to designate the location where connections or junctions are desired to be made to any main or lateral sewer, and it is the duty of the inspector to give the location of all junctions with such connections permitted to be made, and no connection is to be made to any main or lateral sewer at
any other point than that designated by the inspector; provided, that the city shall in no case be liable for a failure on the part of the inspector to locate such junctions exactly;

5. It is the duty of the plumbing inspector to superintend the making or building of connections of such main or lateral sewers and to see that proper material is used and that proper connections are made in a good and workmanlike manner as provided in this section;

6. Whenever it is necessary because of the absence of junctions, or for any other reason, to break into a sewer constructed of vitrified clay pipe, twelve (12) inches or under in diameter, a joint of pipe must be taken out, and a new joint with a "Y" connection inserted in the sewer and such work shall invariably be done under the supervision of the inspector; provided, that the property owner shall pay all expense incurred thereby;

7. Any person building or constructing any main or lateral sewer or the plumber building or making any connection with any main or lateral sewer in any part of the streets, alleys, avenues or any public places in the city, shall replace the earth removed in excavating for any main or lateral sewer or connections therewith, and shall tamp the earth as it is replaced in such ditch in such a manner and to the extent directed by the street commissioner, within forty-eight (48) hours after the completion of such ditch, and such streets, alleys, avenues, lanes or other public places shall be put in as good condition by such person or plumber as they were previous to such digging, and shall be kept in such condition by such person or plumber at his own expense for a period of thirty (30) days;

8. Every sewer builder or plumber shall enclose any opening or excavation he may make in any of the public streets, alleys, avenues, lanes or any of the public places with good and sufficient barriers not less than three (3) feet high, and shall maintain red light danger signals from sunset to sunrise, which lights shall be placed at each end of the opening and such places as may be designated by the street commissioner and such persons shall be held personally liable for any and all damages to persons or property resulting from negligence in maintaining such barriers and signals or in any manner resulting from building and construction of such sewer or lateral, or private drain, upon his bond herein provided for; and

9. It is unlawful to allow any surface water to overflow from any cistern, reservoir or receptacle to be connected with a main or lateral sewer, or to allow any garbage, hair, ashes, fruits or vegetable peelings, refuse, rags, cinders or any other matter or thing whatsoever except feces, urine, the necessary toilet paper and liquid slops to be deposited in any receptacle or depository connected with the sewer. No sewer line connection shall be made to the city sewer lines and sewer mains to provide sewer service to property outside of the city limits. (Prior Code, §§ 7-4-4, 7-4-5)

§ 17-405 BUILDING SEWERS AND CONNECTIONS.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

B. There shall be two (2) classes of building sewer permits:

1. For residential and commercial service; and
2. For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

F. The size, slope alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in the appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

J. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

K. All excavations for building sewer installation shall be adequately guarded with
§ 17-406 STORM WATER DISCHARGE INTO SANITARY SEWER PROHIBITED.

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet. (Prior Code, § 7-4-7)

§ 17-407 OTHER DISCHARGES PROHIBITED.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer;

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; or

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders. (Prior Code, § 7-4-7)

§ 17-408 METALLIC WASTES PROHIBITED.

A. No person shall discharge, and it is unlawful to discharge or to cause to be discharged, into the city sewer system or into the streets or alleys of this city or into any pit or onto the surface of any land within this city, any metallic waste or wastes or any combination thereof,
or any waters and other fluids containing levels of toxic substances in quantities which are determined by the city inspector or the city water and light superintendent to be harmful to the sewers, the sewage treatment process or equipment, or to have an adverse effect on the receiving stream, or which can otherwise endanger life, limb, or properly, or which otherwise constitutes a nuisance.

B. No plant or other industrial concern which, in the opinion of the city inspector or the water and light superintendent, will have on its premises any quantity of metallic substances which could reasonably be expected to produce metallic wastes will be allowed to connect the establishment or plant onto the city sewer system, except as follows:

1. The plant may connect onto the city sewer system its toilet, washroom, shower, or kitchen facilities;

2. The plant may connect onto the city sewer system, with prior inspection thereof and approval of the city inspector:
   a. Its degreaser tanks or vats, if the discharge therefrom in no way exceeds the pH requirements established elsewhere by the code; and
   b. Its boiler blow down, insofar as the discharge therefrom consists only of steam, water, and water-treating chemicals which will not endanger or expose to unusual hazard, the city’s sewer system or treatment plant;

3. No plumbing fixtures or lines or drain facilities shall be allowed or constructed therein except as stated in Paragraphs 1 and 2 of this Subsection B, and no line shall be extended in violation of this provision;

4. The city inspector shall have the power at all reasonable times to inspect all such premises to ensure compliance herewith; and

5. Any plant connected to the city sewer system as provided for herein must install in connection therewith a trapping device for the purpose of trapping metallic wastes and allowing samples to be taken therefrom, and shall at all times allow the city inspector full access thereto for purposes of obtaining samples therefrom. The trapping device shall be of a capacity of no less than one thousand (1,000) gallons and shall be installed in such a manner that it be located between the plant’s degreaser tanks or vats and boiler blow down and the main sewer line connection thereto. The city inspector will be required to take samples therefrom no less than semi-annually, for purposes of analysis. If at any time the level of metallic wastes within any sample shall reach a degree of concentration inconsistent with the provision of Subsection A above, then the city inspector shall have full authority to immediately require the plant to cease operation until an investigation of the source of the problem can be completed and corrective action taken. Licensee shall be required to pay the reasonable cost of additional testing and sampling occasioned thereby.

C. For purposes of this section, those metals which shall be considered as potentially harmful shall include but not be limited to:

<table>
<thead>
<tr>
<th>Antimony</th>
<th>Cobalt</th>
<th>Rhenium</th>
</tr>
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D. Any plant, business or concern involved in the plating of metals with metallic substances which are potentially harmful as defined in this section shall be required to obtain a license to do such business. The license shall be subject to the following provisions:

1. The license shall require the payment of a fee in the sum of two hundred fifty dollars ($250.00), per annum;

2. The license shall be issued annually by the city clerk, and shall be due on July 1st each year;

3. Prior to issuance, the applicant must submit to the clerk a written description showing the location of the activities for which the license is required;

4. The license shall not be issued until:
   a. Applicant has submitted to the city clerk and city inspector, evidence of compliance with all applicable federal, state and local statutes and regulations;
   b. City inspector has submitted a written report approving of the operation in regard to compliance with this section;
   c. A bond has been posted in the sum of ten thousand dollars ($10,000.00) for the purposes of ensuring that the site is adequately cleaned up in the event of abandonment by the licensee;
   d. Applicant has submitted to the city clerk proof of general liability insurance in a sum of not less than five hundred thousand dollars ($500,000.00) as insurance for the negligent acts of the applicant, its agents, servants and employees, with the provision thereon that the city be named upon a certificate of insurance whereby notice would be given to the city in the event of cancellation of the policy of insurance;
   e. Applicant has submitted to the city inspector:
      1) A plot of the property showing accurately all existing sanitary sewers and storm drains;
      2) Plans and specifications, approved by a professional engineer, licensed to
practice in the stale, covering any work proposed to be performed;

3) A complete schedule of all process waters and industrial wastes produced or expected to be produced at the property, including description of the character of each waste, the daily volume thereof and maximum rates of discharge, and respective analysis thereof; and

4) The name and address of the firm which will perform any work in connection with the sewer system; and

5. The license shall not be transferable or assignable.

E. Violation of any provision of this section shall be punishable as provided in § 1-108 of this code, and each separate day on which a prohibited act or omission occurs or continues, shall be considered to be a separate violation. (Prior Code, § 7-14-12; Ord. No. 440, 6/14/85.)

§ 17-409 DISCHARGES PROHIBITED IN CERTAIN INSTANCES.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) or sixty-five degrees Centigrade (65°C);

2. Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) or sixty-five degrees Centigrade (65°C);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the superintendent;

4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials;
6. Any waters or wastes containing phenols or other taste-or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations;

8. Any waters or wastes having a pH in excess of nine and one-half (9 1/2);

9. Materials which exert or cause:
   a. Unusual concentrations of inert suspended solids, such as but not limited to, fullers earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;
   b. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions;
   c. Unusual BOD, chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works; or
   d. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein; and

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Prior Code, § 7-4-7)

§ 17-410 UNLAWFUL DISCHARGES, ACTIONS OF CITY.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 17-408 of this code, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 17-414 of this code.

If the superintendent permits the pretreatment or equalization of waste flows, the design
and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, and laws. (Prior Code, Sec. 7-4-7)

§ 17-411 INTERCEPTORS REQUIRED FOR GREASES AND OIL.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (Prior Code, § 7-4-7)

§ 17-412 PRELIMINARY TREATMENT AT OWNER’S EXPENSE.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Prior Code, § 7-4-7)

§ 17-413 BUILDINGS REQUIRING MANHOLE COVERS.

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Prior Code, § 7-4-7)

§ 17-414 SAMPLINGS AND TESTS OF INDUSTRIAL WASTES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH’s are determined from periodic grab samples. (Prior Code, § 7-4-7)

§ 17-415 SPECIAL DISCHARGE AGREEMENTS FOR INDUSTRIAL WASTES.

No statement contained in this chapter shall be construed as preventing any special
agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Prior Code, § 7-4-7)

§ 17-416 RATE SCHEDULE FOR SEWER USE.

The rates for the residential, commercial, or industrial users or for negotiation of contracts for payment shall be established by the city from time to time by motion or resolution. (Prior Code, § 7-4-7)

§ 17-417 PROTECTION OF SYSTEM FROM DAMAGE.

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any violation of this section shall constitute an offense against the city. (Prior Code, § 7-4-8)

§ 17-418 INSPECTORS MAY ENTER ALL PROPERTIES FOR INSPECTION.

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Prior Code, § 7-4-9)

§ 17-419 INSPECTORS ARE RESPONSIBLE FOR THEIR OWN SAFETY.

While performing the necessary work on private properties referred to in § 17-417 of this code, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 17-412 of this code. (Prior Code, § 7-4-9)

§ 17-420 INSPECTORS MAY ENTER CH Y EASEMENTS.

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Prior Code, § 7-4-9)
§ 17-421 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 § 1-108 of this code.

C. Any person violating any of the provisions of this chapter shall also become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Prior Code, § 7-4-10)

CHAPTER 5 – REFUSE COLLECTION

§ 17-501 DEFINITIONS.

Whenever the following words or terms are used in this chapter, they shall have the meaning herein ascribed to them:

1. “Collector” means the person holding a license or contract with the city and authorized to collect, handle, transport and dispose of refuse and wastes, or such person or persons within the employment of the city who are lawfully designated for this purpose;

2. “Garbage” includes all putrescible waste, except sewage and body waste;

3. “Owner” or “occupant” wherever herein used may be used interchangeably and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house, or any eating place, shop, place of business, manufacturing or business establishment where garbage or other refuse is created or accumulated;

4. “Refuse” means solid wastes, including garbage and rubbish;

5. “Rubbish” means refuse other than garbage; and

6. “Waste” means unwanted solid, liquid or gaseous materials. (Prior Code, § 7-3-1; Ord. No. 589 6/7/05)

§ 17-502 RESPONSIBLE AUTHORITY.

The police chief and such other persons as may be appointed by the mayor and council shall be responsible for the enforcement of the provisions of this chapter, (Prior Code, § 7-3-2)

§ 17-503 COMPULSORY USE OF THE SYSTEM.

A. Every owner and occupant of premises within the prescribed limits of the city must use the refuse collection and disposal system herein provided and shall deposit or cause to be
deposited in accordance with this chapter all rubbish and garbage that is of such nature that it is perishable, or may decompose or may be scattered by wind or otherwise, which is accumulated on such premises.

B. It is the duty of every person occupying or having control of the occupancy of any premises located within the city, at the beginning of said occupancy, to notify the city clerk and request, accept and utilize the refuse collection service of the city. The failure of any owner, renter, rental agent or occupant to so notify shall not prevent or impair or impede the city from providing such service and enforcing appropriate action and charges therefore, and collecting fees therefore. (Prior Code, § 7-3-3; Ord. No. 589 6/7/05)

§ 17-504 REFUSE COLLECTION.

A. It is unlawful for any person to engage in the business of collecting, transporting, hauling or conveying any refuse over the streets or alleys of the city, or to dump or dispose of the same, unless such person is licensed therefor or has a contract therefor as an authorized representative of the city.

B. The collection and disposal of refuse is hereby declared to be a municipal function, and it is declared a policy of the city to regulate the collection and disposal thereof in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, and to enhance and preserve the natural beauty and the quality of the community environment. (Prior Code, § 7-3-3; Ord. No. 589, 6/7/05)

§ 17-505 REFUSE ACCUMULATION UNLAWFUL.

It is unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place or premises, or upon any street, alley or sidewalk adjacent to such lot, yard, place or premises, owned or occupied by such person, or under the control or care of such person, whether by contract or otherwise, any garbage or refuse. (Prior Code, § 7-3-5; Ord. No. 604, 5/20/08)

§ 17-506 CONTAINERS.

A. It is the duty of every owner or occupant of any place where garbage or rubbish is created or accumulated to at all times keep or cause to be kept approved type containers for the deposit therein of rubbish and garbage and, except as otherwise provided, to deposit or cause to be deposited all rubbish and garbage therein. The council may from time to time designate appropriate types of containers.

B. Such containers shall be kept in a sanitary condition, with the inside and outside thereof washed at such time as to keep the same free and clean of all accumulated grease and decomposing material and so that no odor nuisance shall exist. All containers shall be placed in a place accessible to the collector.

C. Each commercial or non-residential customer shall utilize metal dumpsters of a capacity not less than one nor more than two cubic yards. A commercial customer may utilize a polycart if conditions warrant, in lieu of a dumpster, at the discretion of the street commissioner.
D. Each residential customer shall utilize one or more polycarts of not less than 65 gallons nor more than 95 gallons capacity, such polycarts to be of a uniform type which is designated by the street commissioner from time to time with approval of the council. A residential customer may utilize a dumpster if conditions warrant, in lieu of a poly cart, at the discretion of the street commissioner.

E. The city shall make available for sale to residential customers polycarts of suitable type and size and which are compatible with the cart tipper system utilized by city vehicles used to collect refuse. Such items shall be furnished to the public at cost.

F. All residential customers may retain and utilize the existing refuse receptacle until such receptacle is no longer serviceable, but no such receptacle may be replaced other than as set out in this chapter and in no case-shall such receptacle be continued in usage for more than two (2) years following the effective date of this section. (Ord. No. 589, 6/7/05)

§ 17-507 COLLECTING PERIOD, FEE.

The council shall designate the time and schedule for the collection of garbage and rubbish. Fees and rates for the collection of garbage and rubbish shall be set by the council. (Prior Code, § 7-3-7)

§ 17-508 LICENSING AND CONTRACTING.

A. The mayor and council shall have sole authority to license or contract for the performance of all services pertaining to refuse collection and disposal. All rules, regulations and conduct of operations and all fees as provided for in this chapter shall be determined and prescribed by the mayor and council.

B. Absent such licensing or contracting the collection of refuse shall be exclusively a function of the city street and alley department. (Prior Code, § 7-3-8, Ord. No. 589, 6/7/05)

§ 17-509 CERTAIN REFUSE NOT TO BE PLACED IN CONTAINERS.

A. It shall be unlawful and an offense for any person to place or cause to be placed in any container, the use of which is intended to be utilized in the city refuse collection system, any

1. hazardous material
2. carcass of dead or dying animal, reptile or fowl
3. storage battery
4. automobile or motorcycle part
5. rock or stone
6. barbed wire or other fencing material
7. fence posts
8. furniture or appliance
9. air conditioner or water cooler
10. tree limb or trunk
11. object or combination of related objects the weight of which is in excess of 300 pounds
12. item the length, width or girth of which exceeds the capacity of the container and thereby prevents closure thereof
13. non hazardous industrial solid waste such as
   a. unusable industrial or chemical products
   b. solid waste generated by a manufacturing or industrial process
14. used motor oil
15. junked roofing materials
16. raw dirt
17. rainwater
18. liquid refuse properly disposable through the sanitary sewer system
19. sand or gravel
20. brush
21. broken concrete
22. demolition wastes
23. explosives
24. pathological wastes
25. herbicides or pesticides or the wastes thereof

B. Grass clippings, brush and other such substances may be disposed of through the city refuse collection system only when such material is placed securely into plastic bag(s) and not exceeding 30 pounds in weight in any such bag. Such bags shall be securely tied and placed in close but reasonable proximity to the designated container.

C. Items of refuse excluded from placement in the containers as required herein may
at the discretion of the city, be removed by agreement with the customer at the expense thereof by special arrangement. (Ord. No. 589, 6/7/05)

**§ 17-510 MEDISSLING WITH REFUSE CONTAINER UNLAWFUL.**

It shall be unlawful and constitute an offense, punishable by the general penalty clause of this code upon conviction there for any person to meddle with, pilfer, or scavenge any container or the refuse contents thereof, or to scatter the contents thereof outside the confines of the container, or to utilize any such container for any purpose to which said person is not legally entitled by ownership or other right. (Ord. No. 589, 6/7/05)

**§ 17-511 PENALTY.**

Unless provided for in another section, the penalty for violation of any provision of Chapter 5 hereof shall be a fine not to exceed fifty dollars ($50.00) plus court costs, provided however that any second or subsequent offense by any person, committed within two (2) years of a prior violation of this Chapter, shall be punishable by a fine not less that one-hundred dollars ($100.00) nor more than two hundred dollars ($200.00) plus court costs. (Ord. No. 604, 5/20/08)

**CHAPTER 6 – TRANSFER OF OPERATIONS OF UTILITY SERVICES**

**§ 17-601 TRANSFER OF OPERATIONS.**

The Watonga Public Works Authority shall henceforth maintain the operation of the following city utility services to wit:

1. Electric generation, transmission and distribution.
2. Water production, storage, transportation and distribution.
3. Garbage and trash collection, transportation, procession and disposal.
4. Sanitary sewage collection, transportation, processing and disposal. (Ord. No. 618, 5/3/11)

**CHAPTER 7 - IDENTITY THEFT PREVENTION PROGRAM**

**§ 17-701 SHORT TITLE**

This article shall be known as the Identity Theft Prevention Program.

**§ 17-702 PURPOSE**

The purpose of this Chapter is to comply with 16 CFR Section 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.
§ 17-703 DEFINITIONS

For the purpose of this Chapter, the following definitions apply:

A. “City” means the City of Watonga.

B. “Covered account” means (1) an account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a utility account; and (2) any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

C. “Credit” means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

D. “Creditor” means any person, who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

E. “Customer” means a person that has a covered account with a creditor.

F. “Identity Theft” means a fraud committed or attempted using identifying information of another person without authority.

G. “Person” means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

H. “Personal Identifying Information” means a person’s credit card account information, debit card information, bank account information an driver’s license information and for a natural person includes their social security number, mother’s birth name and date of birth.

I. “Reg Flag” means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

J. “Service provider” means a person that provides a service directly to the city.

(Statutory reference: 16 CFR Section 681.2)

§ 17-704 POLICIES TO PREVENT IDENTITY THEFT

A. The City is deemed to be a creditor pursuant to 16 CFR Section 681.2 due to its provision or maintenance of covered accounts for which payment is made after services have been provided.

B. Covered accounts offered to customers for the provision of city services include
utility accounts. The city shall limit access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees shall be entered directly into the city’s computer system and shall not otherwise be recorded.

C. The City shall institute policies to prevent identity theft from occurring in the following manners:

1. Use by an applicant of another person’s personal identifying information to establish a new covered account.

2. Use of a previous customer’s personal identifying information by another person in an effort to have service restored in the previous customer’s name.

3. Use of another person’s bank account, or other method of payment by a customer to pay such customer’s covered account or accounts.

4. Use by a customer desiring to restore such customer’s covered account of another person’s bank account, or other method of payment.

§ 17-705 PROCESS OF ESTABLISHING A COVERED ACCOUNT

A. As a precondition to opening a covered account with the City, each applicant shall provide the City with personal identifying information of the customer. The City will use the list of acceptable as required by the federal regulations in regard to Identify Theft Program. Such information shall be entered directly into the city’s computer system and shall not otherwise be recorded.

B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

§ 17-706 ACCESS TO COVERED ACCOUNT INFORMATION

A. Access to customer accounts shall be password protected and shall be limited to authorized city personnel.

B. Such password(s) shall be changed on an as deemed necessary basis.

C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Light and Water Commissioner and the password assigned to said account shall be changed immediately.

D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately referred to the Light and Water Commissioner.
§ 17-707 SOURCES AND TYPES OF RED FLAGS.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include but shall not be limited to:

A. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
   1. A fraud or active duty alert that is included with a consumer report;
   2. A notice of credit freeze in response to a request for a consumer report;
   3. A notice of address discrepancy provided by a consumer reporting agency;
   4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
      a. A recent and significant increase in the volume of inquiries;
      b. An unusual number of recently established credit relationships;
      c. A material change in the use of credit, especially with respect to recently established credit relationships; or
      d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious documents. Examples of suspicious documents shall include:
   1. Documents provided for identification that appear to be altered or forged;
   2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
   3. Identification on which the information is inconsistent with information provided by the applicant or customer;
   4. Identification on which the information is inconsistent with readily accessible information that is on file with the reporting institution or creditor, such as a signature card or a recent check; or
   5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
   1. Personal identifying information that is inconsistent with external information
sources used by the financial institution or creditor. For example:

a. The address does not match any address in the consumer report; or

b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration’s Death Master File.

2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

3. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.

4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

5. The SSN provided is the same as that submitted by other applicants or customers.

6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.

2. A new account is used in a manner commonly associated with known patterns of fraud patterns. For example:

   a. The customer fails to make the first payment or makes an initial payment but no subsequent payments.

   3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
a. Nonpayment when there is no history of late or missed payments;
b. A material change in consumer’s payment patterns;

4. An account that has been inactive for a long period of time is used taking into consideration the type of account, the expected pattern of usage and other relevant factors.

5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer’s account.

6. The city is notified that the customer is not receiving paper account statements.

7. The city is notified of unauthorized charges or transactions in connection with a customer’s account.

8. The city is notified by a customer, law enforcement or another person that the City has opened a fraudulent account for a person engaged in identity theft.

E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts

§ 17-708 PREVENTION AND MITIGATION OF IDENTITY THEFT.

A. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the appropriate department head. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to department head, who may in his or her discretion determine that no further action is necessary. If a department head in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Light and Water Commissioner:

1. Contact the customer;

2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer’s covered account:
   a. change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
   b. close the account;

3. Cease attempts to collect additional charges from the customer or sell the customer’s account to a debt collector in the event that the customer’s account has been accessed without
authorization and such access has caused additional charges to accrue;

4. Notify law enforcement, in the event that someone other than the customer has accessed the customer’s account causing additional charges to accrue or accessing personal identifying information; or

5. Take other appropriate action to prevent or mitigate identity theft.

B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the appropriate department head. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the department head, who may in his or her discretion determine that no further action is necessary. If the department head in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Light and Water Commissioner:

1. Request additional identifying information from the applicant;
2. Deny the application for the new account;
3. Notify law enforcement of possible identity theft; or
4. Take other appropriate action to prevent or mitigate identity theft.

§ 17-709 UPDATING THE PROGRAM.

The city council shall annually review and, as deemed necessary by the council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the city council shall consider the following factors and exercise its discretion in amending the program:

A. The city’s experiences with identity theft;
B. Updates in methods of identity theft;
C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
D. Updates in the types of accounts that the city offers or maintains; and
E. Updates in service provider arrangements.
§ 17-710 PROGRAM ADMINISTRATION.

The Department Heads shall be responsible for oversight of the program and for program implementation within the respective department. The Mayor shall be responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the city council for consideration by the council.

A. The Department Heads will report to the Mayor at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

2. Service provider arrangements;

3. Significant incidents involving identity theft and management’s response; and

4. Recommendations for material changes to the Program.

B. The Light and Water Commissioner is responsible for providing training to all City employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program, The Light and Water Commissioner shall exercise his or her discretion in determining the amount and substance of training necessary.

§ 17-711 OUTSIDE SERVICE PROVIDERS

In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the Light and Water Commissioner shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider’s activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider’s activities and take appropriate steps to prevent or mitigate identity theft.”

§ 17-712 PROGRAM FOR TREATMENT OF ADDRESS DISCREPANCIES

For purposes of this Chapter the City shall adopt a Program for Treatment of Address Discrepancies as follows:

A. Purpose.

Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by
which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

B. Definitions.

For purposes of this section, the following definitions apply:

1. ‘Notice of address discrepancy’ means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(l), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

C. Policy.

In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:
   a. Information the city obtains and uses to verify a consumer’s identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);
   b. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
   c. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or

2. Verify the information in the consumer report with the consumer.

D. Methods of Confirming Consumer Addresses.

The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;
2. Reviewing the city’s records to verify the consumer’s address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes. (Ord. No. 608 4/7/09)