

TOWN OF CALUMET
CODE OF ORDINANCES

Containing all of the ordinances
of the town of Calumet, Oklahoma of a general and
permanent nature passed prior to April 1, 1986,
and still in effect on that date

ORDAINED AND PUBLISHED BY AUTHORITY
OF THE TOWN BOARD OF TRUSTEES
TOWN OF CALUMET

Town of Calumet
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ADOPTING ORDINANCE NO. 142

AN ORDINANCE ADOPTING AND ENACTING A CODE OF ORDINANCES OF THE TOWN OF CALUMET, OKLAHOMA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREINAFTER PROVIDED; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SALE AND COPIES IN THE CLERK'S OFFICE; PROVIDING FOR SUPPLEMENTS OR CHANGES TO CODE; AND PROVIDING FOR AN EMERGENCY:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CALUMET, OKLAHOMA:

SECTION 1 TITLE

A code and revision of the ordinances of the Town of Calumet is hereby adopted as the "Code of Ordinances, Town of Calumet, Oklahoma," or by any other properly identifying designation.

SECTION 2 CODE SUPERSEDES OTHER ORDINANCES

This code shall be treated and considered as a new and comprehensive ordinance of the town which shall supersede all other general and permanent ordinances enacted by the board of trustees prior to April 1, 1986, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

SECTION 3 EFFECTIVE DATE OF CODE, REPEAL.

All provisions of this code shall be in full force and effect from the date this ordinance becomes law. All ordinances of a general and permanent nature of the town in effect on or before April 1, 1986, and not in the code or recognized and continued in force by reference herein and which are in conflict herewith, are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4 ORDINANCES NOT REPEALED.

The repeal provided for in Section 3 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall the repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract or obligation assumed by the town; nor shall the repeal affect the administrative regulations or resolution of the town board of trustees not in conflict or inconsistent with the provisions of the code; nor shall the repeal affect any right or franchise granted by any ordinance or resolution of the town board

of trustees to any person, firm or corporation; nor shall the repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, vacating, etc., any street or public way in the town; nor shall the repeal affect any annual budget or salary ordinance; nor shall the repeal affect any ordinance levying or imposing taxes; nor shall the repeal affect any ordinance establishing and prescribing the street grades of any street in the town; nor shall the repeal affect any ordinance providing for local improvements and assessing charges therefor; nor shall the repeal affect any ordinance dedicating or accepting any plat or subdivision in the town; nor shall the repeal affect any ordinance extending the limits of the town; nor shall the repeal be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance; nor shall the repeal affect any rate, fee or charge in effect as of the effective date of this code until such rate, fee or charge is specifically amended by motion, resolution or ordinance of the town. The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from the code, shall not be affected by such omission therefrom; and the adoption of the code shall not repeal or amend any such ordinance or part of any such ordinance.

SECTION 5 CODE NOT NEW ENACTMENT.

The provisions appearing in this code, so far as they are the same as those ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

SECTION 6 ORDINANCES ADOPTED AFTER EFFECTIVE DATE OF CODE.

Ordinances and parts of ordinances of a permanent and general nature passed or adopted on and after the effective date of this code may be passed or adopted either:

1. In the form of amendments to the code of ordinances adopted by this ordinance; or
2. Without specific reference to the code.

In either case, all such ordinances and parts of ordinances shall be deemed amendments to the code. All of the substantive permanent and general parts of such ordinances and changes made thereby in the code, shall be inserted and made in the code whenever authorized or directed by motion, resolution or ordinance of the town board of trustees, as provided hereinafter.

SECTION 7 SUPPLEMENTS TO CODE.

By contract or by town personnel, a change, or supplement, to the code of ordinances adopted by this ordinance shall be prepared and printed whenever authorized or directed by the town board of trustees. A change to the code shall include all substantive permanent and general parts of ordinances passed by the board of trustees or adopted by initiative and referendum during the period covered by the change and all changes made thereby in the code. The pages of a change shall be so numbered that they will fit properly into the code and, where necessary,

replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be up to date to the date to which the code is being brought up to date. Each change shall include a new title page for the code; and the title page shall include a notation below the title indicating that the code contains all permanent and general ordinances and parts of ordinances passed prior to the date to which the code is brought up to date and still in effect. The words "as amended" and the date, may be added to the title after the year. After every change has been prepared and printed, a number of copies of the change equal at least to the number of copies of the code still in existence, may be deposited in the office of the town clerk. The town clerk, if possible, may notify each holder of a copy of the original code about the availability of the change or supplement.

SECTION 8 SALE OF COPIES OF THE CODE.

The town clerk is hereby authorized and directed to sell copies of the code of ordinances to the public at a price determined from time to time by motion or resolution of the town board of trustees.

SECTION 9 COPY OF CODE IN CLERK'S OFFICE.

A copy of the current code as amended or supplemented from time to time shall be kept on file in the office of the town clerk. This copy of the code shall be available for all persons desiring to examine it; it shall be considered the official code of ordinances of the town, and may be so certified by the town clerk as may be required.

SECTION 10 PREPARATION OF CODE.

The code of ordinances hereby adopted consists of Seventeen (17) Parts, all of which have been examined, considered and approved by the town board of trustees of the Town of Calumet and adopted in compliance with Sections 14-109 et seq. of Title 11 of the Oklahoma Statutes.

SECTION 11 EMERGENCY.

Reference being made to "Section 3" hereinbefore set out, whereas, it being immediately necessary for the preservation of the peace, health and safety of the Town of Calumet, Oklahoma, and the inhabitants thereof, that the provisions of this Ordinance and the new provisions of said Code not heretofore enacted be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this Ordinance shall take effect and be in full force from and after its passage, as provided by law.

YEAS: Garland, Leck, Penwright and Daughety

NAYS:

ABSENT: Funck

Passed and approved this 17th day of June, 1986.

/s/ A. C. Daughety
Mayor

ATTEST: (Seal)

/s/ Neta Knight
Deputy Clerk

PART 1 GENERAL PROVISIONS

Subject	Chapter
Use And Construction Of The Code.....	1
Corporate And Ward Limits.	2

CHAPTER 1 USE AND CONSTRUCTION OF THE CODE¹

SECTION:

- 1-101: How Code Designated And Cited
- 1-102: Rules Of Construction
- 1-103: Catchlines Of Sections; Citations
- 1-104: Effect Of Repeal Of Ordinances
- 1-105: Severability Of Parts Of Code
- 1-106: Amendment To Code; Effect Of New Ordinances; Amendatory Language
- 1-107: Altering Code
- 1-108: General Penalty
- 1-109: Fines Recoverable By Civil Action
- 1-110: Ordinances In Effect In Outlying Territory Of Town

1-101 : HOW CODE DESIGNATED AND CITED:

The provisions embraced in the following chapters and sections shall constitute and be designated the CODE OF ORDINANCES, TOWN OF CALUMET, OKLAHOMA, and may be so cited. (1986 Code)

1-102 : RULES OF CONSTRUCTION:

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

¹ 11 OS §§ 14-108, 14-109.

BOARD OF TRUSTEES OR TOWN BOARD:	The board of trustees of the town of Calumet.
COMPUTATION OF TIME:	Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted
COUNTY OR THIS COUNTY:	The county of Canadian, Oklahoma.
GENDER:	A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well.
JOINT AUTHORITY	All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
LAW:	Includes applicable federal law, provisions of the constitution and statutes of the state of Oklahoma, the ordinances of the town, and, when appropriate, any and all rules and regulations promulgated thereunder.
MAYOR:	The mayor of the town.
MONTH:	A calendar month.
NONTECHNICAL AND TECHNICAL WORDS:	Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

NUMBER:	A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears.
OATH:	be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
OR, AND:	Or may be read "and", and "and" may be read "or", if the sense requires it.
OTHER OFFICIALS OR OFFICERS, ETC.:	Whenever reference is made to officers, agencies or departments by title only, i.e., "clerk", "town clerk", "town attorney", "fire chief", "chief of police", etc., they shall mean the officers, agencies or departments of the town.
PERSON:	Shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears.
PRECEDING, FOLLOWING::	Next before and next after, respectively.
PROPERTY:	Shall include real and personal property.
SIGNATURE OR SUBSCRIPTION:	Includes a mark when a person cannot write.
STATE OR THIS STATE:	Shall be construed to mean the state of Oklahoma.
STATUTORY REFERENCES:	References to statutes of the state of Oklahoma as they now are or as they may be amended to be.

STREET:	Shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the town which are dedicated and open to public use.
TENSE:	Words used in the past or present tense include the future as well as the past and present.
TOWN:	The town of Calumet.
WEEK:	Seven (7) days.
YEAR:	A calendar year. (1986 Code)

1-103: CATCHLINES OF SECTIONS; CITATIONS:

The catchlines of sections in this code are printed in capital letters and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or reenacted. (1986 Code)

1-104: EFFECT OF REPEAL OF ORDINANCES:

- A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed. (1986 Code)

1-105: SEVERABILITY OF PARTS OF CODE:

It is hereby declared to be the intention of the board of trustees that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause,

sentence, paragraph, or section of this code or of any ordinance in the code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (1986 Code)

1-106: AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE¹:

A. All ordinances passed subsequent to this code or ordinances which amend, repeal or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.

B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language:

Be it ordained by the Board of Trustees of the Town of Calumet, Oklahoma, that Section of the code of ordinances of the Town of Calumet, Oklahoma, is hereby amended to read as follows: (set out new provisions in full.)

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

Section _____ Be it ordained by the Board of Trustees of the Town of Calumet, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Calumet, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention.

D. All sections, articles, chapters or provisions of this code desired to be repealed may be specifically repealed by section or chapter number, as the case may be. (1986 Code)

¹11 OS § 14-103 et seq.

1-107: ALTERING CODE:

It is unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with this code in any manner whatsoever which will cause the law of the town to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-108 of this chapter. (1986 Code)

1-108: GENERAL PENALTY¹:

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine not exceeding two hundred dollars (\$200.00), plus court costs, witness and juror fees and any other fees as mandated by state law. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense. (Ord. 2000-04, 11-7-2000)

B. Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section. (1986 Code)

1-109: FINES RECOVERABLE BY CIVIL ACTION:

All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law. (1986 Code)

1-110: ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN:

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

¹ 11 OS §§ 14-111, 27-119.

the town shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the town, unless the context clearly indicates otherwise. (1986 Code)

CHAPTER 2 CORPORATE AND WARD LIMITS

SECTION:

1-201: Map of Town Designated As Official Map

1-202: Wards

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

The map of the town showing its territorial limits is hereby designated as the official map of the town and is hereby adopted and incorporated herein by reference. A copy of the map is available for inspection in the office of the town clerk. (1986 Code)

1-202 : WARDS¹: The town is not divided into wards. (1986 Code)

¹ 11 OS § 12-103.1.

PART 2 ADMINISTRATION AND GOVERNMENT

Subject	Chapter
Town Board of Trustees.....	1
Mayor.....	2
Town Officers and Personnel.....	3
Social Security	4
Retirement and Pensions.....	5
Fire Pension System.....	5A
Police Pension System.....	5B

CHAPTER 1 TOWN BOARD OF TRUSTEES¹

SECTION:

- 2-101: General Powers
- 2-102: Board Of Trustees
- 2-103: Meetings Of The Town Board
- 2-104: Rules Of Order And Procedure
- 2-105: Trustees May Be Designated To Perform Duties
- 2-106: Elections Conducted By County Election Board

2-101: GENERAL POWERS:

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

B. The powers, rights and authorities of the town, including the determination of matters of policy, shall be vested in and exercised by the board of trustees. (1986 Code)

2-102: BOARD OF TRUSTEES²:

A. The town board of trustees shall consist of five (5) trustees, each elected at large, and holding an at large position on the board. Each trustee is required to be a resident and registered voter of the town of Calumet for at least six (6) months prior to filing a declaration of candidacy. The term of office for a trustee shall be four (4) years beginning at twelve o'clock (12:00) noon on the second Monday following the general municipal election. The trustee shall serve until his successor is elected and qualified. (Ord. 2000-01, 3-7-2000)

¹ 11 OS § 12-101

² 11 OS §§ 12-102, 12-103, 8-102, 16-205, 8-109, 12-103.1.

The terms of the trustees shall be staggered so that at the general municipal election in 1987, the following trustees are elected for four (4) year terms:

1. Trustees one, three and five; and
2. Clerk;

At the general municipal election in 1985, the following officers are to be elected for four (4) year terms:

1. Trustees two and four; and
2. Treasurer. (1986 Code)

2-103: MEETINGS OF THE TOWN BOARD¹²:

A. The board of trustees shall meet regularly, once each month, at six thirty o'clock (6:30) P.M., on the first Tuesday of each month, and at such other times as it may prescribe by ordinance, resolution, or otherwise, at the town hall. Where the day for a meeting falls upon a day which is a holiday, the meeting shall be held on the next succeeding day which is not a holiday. Special meetings may be called by the mayor or any three (3) trustees. A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day. (Ord. 98-01, 4-7-1998)

B. Every meeting of the board of trustees shall be held in the town hall unless, in case of an emergency, the mayor designates another place in the town for the holding of a special meeting. Any adjourned meeting may be held at any other place within the town designated by the board. (1986 Code)

2-104: RULES OF ORDER AND PROCEDURE:

A. The board may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the board may prescribe. Whenever a trustee is absent from more than one-half (1/2) of all meetings of the board, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

B. The order of business for each meeting of the board shall be as follows:

1. Call to order;

¹ 11 OS § 12-107.

² 25 OS § 301-314.

2. Determination of a quorum;
3. Reading and approval of the minutes;
4. Purchase order for approval;
5. Old business;
6. New business;
7. Business from the floor; and
8. Adjournment.

C. The following rules of procedure shall apply to any regular or special meeting of the board unless two (2) trustees agree to waive the rule or rules:

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

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

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

- e. To commit;
- f. To amend; or
- g. To postpone indefinitely,

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

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

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

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

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

10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration. (1986 Code)

2-105: TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES:

The board of trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the board. (1986 Code)

2-106: ELECTIONS CONDUCTED BY COUNTY ELECTION BOARD:

A. Pursuant to section 16-301 et seq., of title 11 of the Oklahoma Statutes, the town is not governed by the Oklahoma town meeting act as a means of electing its officers and deciding initiative and referendum questions.

B. The town shall elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to section 16-101 et seq., of title 11 of the Oklahoma Statutes. (Ord. 2002-01, 11-5-2002)

CHAPTER 2 MAYOR

SECTION:

2-201: Election And Duties Of The Mayor

2-201: ELECTION AND DUTIES OF THE MAYOR¹:

A. The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified.

B. The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, duties and responsibilities of a trustee, including the right to vote on questions.

C. During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor. When a vacancy occurs in the office of the mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term. (1986 Code)

¹ 11 OS §§ 12-104, 12-105.

CHAPTER 3 TOWN OFFICERS AND PERSONNEL

SECTION:

- 2-301: Town Clerk
- 2-302: Town Treasurer
- 2-303: Town Attorney, Appointment And Duties
- 2-304: Health Officer
- 2-305: Other Personnel, Appointments, Removals
- 2-306: Bonds
- 2-307: Salaries
- 2-308: Compensation Of Employees, Number And Classes Of Personnel
- 2-309: Salaries Of Certain Officers Not To Be Changed After Election Or Appointment
- 2-310: Oaths
- 2-311: Officers To Continue Until Successors Are Elected And Qualify
- 2-312: Appointment Of Personnel In Emergencies

2-301 : TOWN CLERK¹:

A. The town clerk is an elected official of the town, elected for a four (4) year term at the general municipal election in which trustees one, three and five are elected. The town clerk shall:

1. Keep the journal of the proceedings of the board;
2. Enroll in a book kept for that purpose all ordinances and resolutions passed by the board;
3. Have custody of documents, records and archives as may be provided by law or ordinance and have custody of the town seal;

¹ 11 OS §§ 12-109, 16-205, 8-109.

4. Attest and affix the seal of the town to documents as required by law or ordinance; and
5. Have such other powers, duties and functions as may be prescribed by law or ordinance or by the board.

B. When the words "clerk" or "town clerk" are used in this code or in other ordinances of the town, they shall be deemed to mean the town clerk or the deputy town clerk unless another meaning is clearly indicated by the context. (1986 Code)

C. In accordance with 11 Oklahoma Statutes section 8-106, the town clerk shall have the authority to appoint one or more deputy clerks, subject to confirmation by the board of trustees. Deputy clerk shall have the same duties and responsibilities as the clerk and shall serve under the direction and control of the clerk. Such deputy shall not serve until the appointment is confirmed by the board of trustees. The board of trustees shall annually by resolution fix the compensation to be paid any deputy clerk.

D. The person who serves as town clerk may also perform additional administrative duties not specified by state law as an employee of the town. The additional duties shall be performed by the person serving as town clerk or as otherwise provided by motion or other action of the board. The person performing additional administrative duties shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the board. (Ord. 92-04, 7-7-1992; amd. Ord. 2003-01, 1-7-2003)

2-302: TOWN TREASURER¹:

A. The town treasurer is an elected official of the town, elected for a four (4) year term at the general municipal election in which trustees two and four are elected. The treasurer shall:

1. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any monies have been paid;
2. Deposit daily funds received for the town in depositories as the board may designate; and
3. Have such other powers, duties and functions as may be prescribed by law or ordinance.

¹ 11 OS § 12-110; 19 OS § 645.

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

B. When the words "treasurer" or "town treasurer" are used in this code or in other ordinances of the town, they shall be deemed to mean the town treasurer or the deputy town treasurer unless another meaning is clearly indicated by the context. (1986 Code)

C. In accordance with 11 Oklahoma Statutes section 8-106, the town treasurer shall have the authority to appoint one or more deputy treasurers, subject to confirmation by the board of trustees. A deputy treasurer shall have the same duties and responsibilities of the treasurer and who shall serve under the direction and control of the treasurer. Such deputy shall not serve until the appointment is confirmed by the board of trustees. The board of trustees shall annually by resolution fix the compensation to be paid any deputy treasurer. (1986 Code; amd. Ord. 89-02, 1-10-1989)

D. The person who serves as town treasurer may also perform additional administrative duties not specified by state law as an employee of the town. The additional duties shall be performed by the person serving as the town treasurer or as otherwise provided by motion or other action of the board. The person performing additional administrative duties shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the board. (1986 Code)

2-303: TOWN ATTORNEY, APPOINTMENT AND DUTIES:

The board of trustees may appoint a town attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The town attorney, when and if appointed, shall be the legal adviser of the board, all officers, departments and agencies of the town government in matters relating to their official powers and duties. He shall represent the town in proceedings in the courts. He shall perform all services incident to his position which may be required by law or ordinance. (1986 Code)

2-304: HEALTH OFFICER:

The board of trustees may appoint a town health officer. The county health officer or any qualified personnel of the state department of health may perform the duties and functions of a town health officer. (1986 Code)

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2-305: OTHER PERSONNEL, APPOINTMENTS, REMOVALS:

A. The board of trustees may appoint such other officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, lay off or remove all such personnel in compliance with due process and other requirements of law.

B. An employee or officer who, after a probationary period as set by the town board, is laid off, suspended without pay for more than ten (10) days, demoted or removed may appeal in writing to the town board. The appeal must be filed with the town clerk for transmittal to the board within ten (10) days after the layoff, suspension, demotion or removal. As soon as practicable thereafter, the board shall conduct a hearing on the appeal, or give an adequate opportunity therefor, and shall report in writing its findings and recommendations and make its final decision in writing regarding the appellant's layoff, suspension, demotion or removal. If the board finds that the layoff, suspension, demotion or removal was made for any reason other than the good of the service, it shall veto the layoff, suspension, demotion or removal and order the reinstatement of the employee or officer. Any proceedings of the board shall be subject to open meeting laws and applicable exceptions provided for executive sessions. Employees or officers on probationary status may be laid off, suspended without pay, demoted or removed at any time without the written statement, hearings and procedures required in this section. (1986 Code)

2-306: BONDS¹:

The board shall require the town treasurer and any other officers and employees as it may designate by ordinance or otherwise to give bond for the faithful performance of duties in such amount and form as the board shall prescribe. The town shall pay the premiums on such bonds. The town may require the officer to secure the bond within ten (10) days after his election or appointment. (1986 Code)

¹ 11 OS § 8-105.

2-307: SALARIES¹:

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

1. Mayor;
2. Each trustee;
3. Town clerk; and
4. Town treasurer. (1986 Code; amd. Ord. 92-04, 7-7-1992)

B. Town Clerk:

1. The pay period for the town clerk of the town of Calumet shall be monthly. The town clerk shall be paid each pay period the amount of one hundred fifty dollars (\$150.00) contingent upon the town clerk's performance of the clerk's legal duties of the office. Any increase or decrease in town clerk's salary for legal duties shall not go into effect until the next term of office.
2. The pay period for performing the additional administrative duties shall be the same as for other municipal employees and shall be paid at the discretion of the town board. The salary for performing the additional administrative duties shall not be subject to constitutional restrictions. (Ord. 2003-01, 1-7-2003)

C. Town Treasurer:

1. The pay period for the town treasurer of the town of Calumet shall be monthly. The town treasurer shall be paid each pay period the amount of one hundred fifty dollars (\$150.00) contingent upon the town treasurer's performance of the treasurer's legal duties of the office. Any increase or decrease in the town treasurer's salary for legal duties shall not go into effect until the next term of office.
2. The pay period for performing the additional administrative duties shall be the same as for other municipal employees and shall be paid at the discretion of the town board. The salary for performing the additional administrative duties shall not be subject to constitutional restrictions. (Ord. 2005-01, 2-7-2005, eff. 4-18-2005)

¹ 11 OS § 12-113; OK const., art. 23, § 10.

2-308: COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL:

- A. The compensation of all other officers and employees excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the board of trustees, and may be changed at any time in the same manner.
- B. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees. (1986 Code)

2-309: SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT:

In no case shall the salary or emoluments of any town officer elected or appointed for a definite term, be changed after his election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment, such being prohibited by the constitution, article 23, section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees. (1986 Code)

2-310: OATHS:

- A. All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.
- B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law. (1986 Code)

2-311: OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY:

Every officer who is elected or appointed for a definite term shall continue to serve thereafter until his successor is elected or appointed and qualifies, unless his services are sooner terminated by resignation, disqualification, removal, death, abolition of the office, or other legal manner. (1986 Code)

2-312: APPOINTMENT OF PERSONNEL IN EMERGENCIES:

The mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of the emergency, subject to the approval of the board of trustees as soon as

a special meeting or regular meeting can reasonably be called or held therefor. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the town. (1986 Code)

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CHAPTER 4 SOCIAL SECURITY¹

SECTION:

- 2-401: Declaration Of Policy To Come Under Coverage
- 2-402: Execution Of Agreement With State Agency
- 2-403: Withholdings
- 2-404: Contributions
- 2-405: Records And Reports
- 2-406: Exclusions

: DECLARATION OF POLICY TO COME UNDER COVERAGE:

It is hereby declared to be the policy and purpose of the town to extend, at the earliest date, to the eligible employees and officials of the town the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and section 121 et seq. of title 51 of the Oklahoma Statutes. In pursuance of this policy, the officers and employees of the town shall take such action as may be required by applicable state or federal laws or regulations. (1986 Code)

: EXECUTION OF AGREEMENT WITH STATE AGENCY:

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of section 2-401 of this chapter. (1986 Code)

¹51 OS § 125.

: WITHHOLDINGS:

Withholdings from salaries or wages of employees and officials for the purposes provided in section 2-401 of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations. (1986 Code)

: CONTRIBUTIONS:

Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated state or federal agency in accordance with applicable state or federal laws or regulations. (1986 Code)

: RECORDS AND REPORTS:

The town clerk shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations. (1986 Code)

: EXCLUSIONS:

- A. Excluded from this chapter authorizing the extension of social security benefits to town officers and employees are the following:
1. Any authority to make any agreement with respect to any position, employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town; or
 2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations. (1986 Code)

CHAPTER 5 RETIREMENT AND PENSIONS

SECTION:

Article A. Fire Pension System

- 2-510: Local Fire Pension And Retirement Board
- 2-511: Fund To Be Operated In Accordance With Law
- 2-512: Contributions To Fund

Article B. Police Pension System

- 2-520: Name
- 2-521: Local Police Pension And Retirement Board
- 2-522: State Police Pension And Retirement Provisions Adopted

ARTICLE A. FIRE PENSION SYSTEM^{1,2}

2-510: LOCAL FIRE PENSION AND RETIREMENT BOARD:

There is hereby created a local firefighters' pension and retirement board composed of the mayor, the clerk, the treasurer and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions as prescribed by section 49-103 et seq. of title 11 of the Oklahoma Statutes. (1986 Code)

2-511: FUND TO BE OPERATED IN ACCORDANCE WITH LAWS³:

The town's firefighters' pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system. (1986 Code)

¹ 11 OS § 49-100.11 et seq.

² See also part 13, chapter 4 of this code.

³ 11 OS § 49-122.

2-512: CONTRIBUTIONS TO FUND:

A. The clerk shall deduct from the salaries or wages of each paid member of the fire department the amounts which are required by applicable state law. If the members of the fire department, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this subsection shall be increased to reflect the amounts approved by the majority vote. The treasurer of the town shall deposit monthly in the Oklahoma Firefighters' Pension and Retirement Board the amounts deducted pursuant to this subsection. Any amounts deducted from the salary or wages of a fire department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount which he is contributing.

B. The town treasurer shall deposit monthly with the Oklahoma Firefighters' Pension and Retirement Board the amounts of money which are required by applicable state law for each paid member of the fire department.

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

D. All assets of the town firefighters' pension and retirement fund shall be transferred to the Oklahoma Firefighters' Pension and Retirement Board. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the state board. (1986 Code)

ARTICLE B. POLICE PENSION SYSTEM¹

2-520: NAME:

The system herein established for the purpose of providing pension retirement allowances and other benefits for police officers, their spouses and children, shall be designated and known as the "Police Pension and Retirement System of the Town of Calumet", and by such name all of its business transacted, all of its funds handled, and all of its cash and securities and other property be held. (1986 Code)

2-521: LOCAL POLICE PENSION AND RETIREMENT BOARD:

There is hereby created a board of trustees which shall have the operation and management of the police pension and retirement system of the town, which board of trustees

¹ 11 OS § 50-101 et seq., §§ 50-106.1, 50-106.3, 50-109, 50-110

shall consist of the town clerk, town treasurer, and three (3) members of the police department of the town, which is designated and known as the board of trustees of the pension and retirement system of the town. (1986 Code)

2-522: STATE POLICE PENSION AND RETIREMENT PROVISIONS ADOPTED:

The town hereby adopts the provisions of the state law governing the Oklahoma Police Pension and Retirement System and amendments thereto for the purpose of providing the police officers of the town with a retirement program. The town agrees to make contributions to the system in such amounts as are required by law. (1986 Code)

PART 3 ALCOHOLIC BEVERAGES

Subject	Chapter
Alcoholic Beverages	1
Nonintoxicating Beverages	2

CHAPTER 1 ALCOHOLIC BEVERAGES¹

SECTION:

- 3-101: Purposes Of Chapter
- 3-102: Terms And Phrases
- 3-103: Occupation Tax
- 3-104: When Due And Posting
- 3-105: Payment Required
- 3-106: Civil Penalty
- 3-107: Application For Certificate, Investigations
- 3-108: Issuance Of Certificate Of Zoning and Certificate Of Compliance
- 3-109: Condition Of Sale
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¹37 OS § 501 et seq.

3-101: PURPOSES OF CHAPTER:

This chapter is enacted as an exercise of the police power of the town to preserve the public peace, safety, health and good order thereof, and to aid the enforcement of the policy of the state as established by the Oklahoma Alcoholic Beverage Control Act, section 501 et seq. of title 37 of the Oklahoma Statutes, and to establish annual occupation taxes upon all persons engaged in the manufacture, sale or distribution of alcoholic beverages. (1986 Code)

3-102: TERMS AND PHRASES:

For the purpose of this chapter, all of the terms and phrases used in this chapter shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Control Act. "Minor" shall mean a person who, in accordance with state law, has not yet attained the age at which consumption of alcoholic beverages is permitted. "State licensee" means any person who holds a license issued under authority of the Oklahoma Alcoholic Beverage Control Act. (1986 Code)

3-103: OCCUPATION TAX¹

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

1. Brewer	\$1,250.00
2. Distiller	3,125.00
3. Winemaker	625.00
4. Oklahoma winemaker	75.00
5. Rectifier	3,125.00
6. Wholesaler	2,500.00
7. Class B wholesaler	625.00
8. Package store	300.00
9. Bottle club	1,000.00 initial 900.00 renewal

¹37 OS § 518.

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

C. The license fee for those service organizations which are exempt under section 501(c)(19) of the Internal Revenue Code for mixed beverage or bottle club licenses shall be five hundred dollars (\$500.00) per year. (1986 Code)

3-104: WHEN DUE AND POSTING:

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

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

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

D. The town clerk shall make and transmit to the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission an annual report covering the fiscal year showing the number and class of businesses upon which occupation taxes were levied, and the amount of money collected from such taxes. (1986 Code)

3-105: PAYMENT REQUIRED:

Any person who engages in any of the occupations taxed by this chapter without first paying the occupation tax imposed therefor in advance of such operation is guilty of an offense against the town, and upon conviction thereof shall be punished as provided in section 1-108 of this code. A penalty in the form of increased tax may be levied upon any person not paying the tax within fifteen (15) days after it is due. (1986 Code)

3-106: CIVIL PENALTY:

All sums due from any person, firm or corporation by reason of occupation taxes imposed by this chapter shall be recoverable at the suit of the town brought against such person in any court of competent jurisdiction. In such suit, in addition to the tax, the town shall be allowed to recover interest at the maximum allowable rate permitted by state law upon all sums due by way of tax, from the date of accrual thereof, any penalty, and all costs of collection, judicial or otherwise, including reasonable attorney fees. Prosecution for an offense against the town arising out of the failure to pay a tax levied by this chapter, regardless of the outcome or its continued pendency, shall not constitute a defense or a bar in any manner to the collection of any tax and penalties, if any are due, as herein provided. (1986 Code)

3-107: APPLICATION FOR CERTIFICATE, INVESTIGATIONS¹:

- A. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the town required by title 37 of the Oklahoma Statutes shall apply at the office of the clerk by:
 - 1. Filing a written application on forms prescribed by that office; and
 - 2. Paying a verification and certification fee in the amount as set by the board of trustees at the time of filing.
- B. Upon receipt of an application for a certificate of compliance the town shall cause an investigation to be made to determine whether the premises proposed for licensed operations complies with the provisions of the zoning ordinance and any health, fire, building and other safety codes applicable to it.
- C. The town shall act on all such applications within twenty (20) days of receipt thereof. (1986 Code)

3-108: ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE:

- A. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE Commission.
- B. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety, and health codes, a certificate of compliance shall be issued to the ABLE Commission.

¹37 OS § 523.

- C. The above certificates of compliance shall be signed by the mayor.
- D. A conditional certificate may be granted if construction, modification or alteration of the premises proposed for licensed operations is not completed. The conditional certificate shall indicate that the proposed premises will comply with town zoning, fire, safety and health codes. A certificate in accordance with subsections A and B of this section shall be issued within ten (10) days after all final inspections are complete. (1986 Code)

3-109: CONDITION OF SALE:

- A. No person shall sell or deliver alcoholic beverages out of any retail alcoholic beverage store other than:
 - 1. In retail containers;
 - 2. At ordinary room temperatures;
 - 3. In the original package; and
 - 4. For consumption off the premises.
- B. No person owning, employed in, or in any manner assisting in the maintenance and operation of such a store shall suffer, or permit any alcoholic beverage to be consumed, or any retail container of such beverage to be opened on the premises of such a store. (1986 Code)

3-110: CONSUMPTION PROHIBITED, WHERE:

No person shall drink or consume in any manner any alcoholic beverage on the premises of a retail alcoholic beverage package store, nor in any other public place. Neither shall a person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail beverage store. (1986 Code)

3-111 COMPLIANCE REQUIRED:

No person shall sell at retail or otherwise, and no person shall deliver, in consequence of or in completion of such a sale, any alcoholic beverages at any place in the town except at a retail alcoholic beverage store in strict conformity with this chapter and the laws of the state. (1986 Code)

3-112: COMPLIANCE WITH ZONING REGULATIONS REQUIRED¹:

No retail alcoholic beverage package store, no bottle club, and no wholesale alcoholic beverage store, warehouse, brewery, distillery, winery or any other place, however described, and for the manufacture or production or bottling of alcoholic beverages of any kind, shall be located, maintained, or operated by any person, at any place within the boundaries of the town except at a location at which such an establishment is permitted or authorized by the zoning ordinances of the town. No person shall own, operate, maintain or be interested in any retail alcoholic beverage store which is located at a place within the town limits which is in violation of or forbidden as a location by the town or under the laws of the state. (1986 Code)

3-113: PROHIBITED LOCATION²:

The location of a retail package store, mixed beverage establishment or bottle club is specifically prohibited within three hundred feet (300') from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church or school shall be established within three hundred feet (300') of any licensed premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, mixed beverage establishment or bottle club along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. (1986 Code)

3-114: PROHIBITED SALES:

A. No person shall knowingly sell, deliver or furnish alcoholic beverages, at any place within the town limits, to any person who is a minor. Neither shall any minor misrepresent his age verbally or in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him alcoholic beverages.

B. No person shall sell, deliver or knowingly furnish alcoholic beverage or beverages within the town to an intoxicated person or to any person who has been adjudged insane or mentally deficient. (1986 Code)

¹37 OS § 534.

²37 OS § 518.2.

3-115: TRANSPORTING BEVERAGES:

- A. It is unlawful to transport any alcoholic beverage, unless the same is:
1. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or
 2. In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of a vehicle. (1986 Code)

3-116: PROHIBITED EMPLOYMENT:

No minor shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within the town. No person shall employ or assist or aid in causing the employment of any minor at any place within the town in the selling, manufacture, distribution or other handling of alcoholic beverages. No minor shall be permitted to remain within or to loiter about the premises of a retail alcoholic beverage store. Violation of this provision shall subject the owner or proprietor, as well as the underage person, to prosecution. (1986 Code)

3-117: DATES, HOURS ON WHICH SALE PROHIBITED:

- A. No person shall open for business or keep open for business or sell or deliver alcoholic beverages, as defined herein, to any person at a retail alcoholic beverage store in the town on any Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day, or while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county, or town, or any other day except between the hours of ten o'clock (10:00) A.M. and nine o'clock (9:00) P.M.
- B. No wholesale dealer in alcoholic beverages, and no officer, agent or employee of such a dealer shall sell or deliver to any retail alcoholic beverage store within the town any amount of spirits or wines on Saturday of any week, on Sunday of any week, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Veterans Day, on Thanksgiving Day, on Christmas Day, or, while the polls are open on the day of any general, primary, runoff primary, or special election, whether national, state, county or town. (1986 Code)

3-118: DRINKING AND INTOXICATION IN PUBLIC PLACE PROHIBITED:

No persons within this town shall drink intoxicating liquor in any public place, nor shall any person be intoxicated in a public place within this town. (1986 Code)

3-119: NOT TO PERMIT INTOXICATED PERSON IN CAFE, CLUB:

No person operating a cafe, restaurant, club, or any place of recreation within this town, and no employee engaged in connection with the operation of such a cafe, restaurant, club or place of recreation shall permit any person to be drunk or intoxicated in the place of business. (1986 Code)

3-120: PENALTY:

Any and each violation of any of the provisions of this chapter is an offense against the town, and upon conviction of such an offense the violator shall be punished as provided in section 1-108 of this code. (1986 Code)

CHAPTER 2 NONINTOXICATING BEVERAGES¹

SECTION:

3-201:	Definitions
3-202:	Hours Of Sale
3-203:	License Fees
3-204:	License Required
3-205:	Not To Sell To Minors
3-206:	Possession By Minors
3-207:	Persons Under Eighteen Not To Be Employed
3-208:	Not To Permit Minors To Frequent Bars; Exceptions
3-209:	Unlawful Transportation Of Nonintoxicating Beverage
3-210:	Prohibited Location
3-211:	Penalty

3-201: DEFINITIONS:

In the administration of this chapter, the following words and phrases are given the meanings respectively indicated:

MINOR:

A person who, according to state law, has not yet attained the age at which consumption of nonintoxicating beverages is permitted under state law.

NONINTOXICATING BEVERAGES:

All beverages containing more than one-half of one percent (0.5%) alcohol by volume and less than three and two-tenths percent (3.2%) alcohol by weight.

¹37 OS § 163.1 et seq.

PLACE OF BUSINESS: Each separate location or service unit in which or from which nonintoxicating alcoholic beverages are sold, delivered or otherwise furnished.

RETAIL DEALER: Means and includes any person who sells any nonintoxicating alcoholic beverage as defined herein for consumption or use and not for resale. (1986 Code)

3-202: HOURS OF SALE¹:

It is unlawful for any owner, firm, person, operator, corporation, proprietor, or manager of any beer tavern, beer garden, beer hall, taproom or any other premises or place in which the principal business is that of selling nonintoxicating beverages for consumption on the premises to barter, sell, dispense or otherwise furnish nonintoxicating beverages for consumption on the premises of his place of business between the hours of two o'clock (2:00) A.M. Sunday and seven o'clock (7:00) A.M. on the following Monday, or between the hours of two o'clock (2:00) A.M. to seven o'clock (7:00) A.M. on any other day. (1986 Code)

3-203: LICENSE FEES²:

There is hereby levied on each retail dealer in nonintoxicating beverages within the town selling such beverages for consumption on or off the premises of the dealer's place of business a license fee of twenty dollars (\$20.00) per annum, and on each retail dealer selling such beverages exclusively in original packages (of not less than case lots) and not for consumption on his premises, a license fee of ten dollars (\$10.00) per annum. A separate license fee shall be paid for each "place of business", as herein defined, operated and conducted by the retail dealer. (1986 Code)

3-204: LICENSE REQUIRED:

A. It is unlawful and an offense for any person to sell, distribute or dispense within the town any nonintoxicating beverages to the public for consumption or use without first having obtained a license therefor from the town clerk. Every person desiring to engage in business as a retail

¹37 OS § 213.

²37 OS § 163.7.

dealer in nonintoxicating beverages or to continue in the business within the town shall make application to the town clerk on forms to be provided, setting forth the locations of the business, together with the applicant's address, and if a corporation, the name of the president and managing officer. The application shall show the date and permit number of the permits issued by the district court judge and the Oklahoma Tax Commission as required by law.

B. Upon a showing that the applicant has obtained his permits from the district court judge and the Oklahoma Tax Commission and after payment of the license fee to the town such license shall be issued forthwith. All licenses shall expire on April 30 of each year. Licenses issued hereunder shall not be assignable or transferable, and the fee shall not be prorated for part of the year. The town license shall be displayed in the licensee's place of business. The license may be canceled for any violation of the laws of the state for which the licensee's county or state license may be canceled, and in a similar manner. (1986 Code)

3-205: NOT TO SELL TO MINORS:

It is unlawful for any person to sell, offer, give away, procure for, barter or otherwise dispense to any minor any nonintoxicating beverage, or for any minor to purchase, receive, or procure any nonintoxicating beverage. (1986 Code)

3-206: POSSESSION BY MINORS:

A. "Possession" under the terms of this chapter shall consist of actual physical possession and shall further include any nonintoxicating alcoholic beverage or beer accessible or within the range of reach of hands of any such person.

B. It is unlawful for a minor to be in possession of any nonintoxicating beverage while such person is upon any public street, avenue, alley, road, highway or public building or place. (1986 Code)

3-207: PERSONS UNDER EIGHTEEN NOT TO BE EMPLOYED¹:

A. It is unlawful for any owner, manager, operator or employee of a place where nonintoxicating beverages are sold for consumption on the premises to employ a person under eighteen (18) years of age to work in such place; or for any person under eighteen (18) years of age to work in such place. This subsection shall not apply to any licensed premises where sales

¹37 OS § 243.

of nonintoxicating beverages do not exceed twenty five percent (25%) of the gross sales of the licensee.

B. It is unlawful for any minor to be employed or permitted to work in any capacity whatsoever in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of nonintoxicating beverages. This subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of nonintoxicating beverages are incidental to the main purpose. (1986 Code)

3-208: NOT TO PERMIT MINORS TO FREQUENT BARS; EXCEPTIONS¹:

A. The owner of any bar, beer hall, tavern, or other place wherein any nonintoxicating beverage is dispensed for consumption on the premises shall not permit any minor to be admitted to, enter or to remain in a separate enclosed bar area of the licensed premises which has as its main purpose the selling or serving of nonintoxicating beverages for consumption on the premises unless the person's legal guardian or parent is present, nor shall any minor enter or remain about such separate or enclosed bar area.

B. This section shall not prohibit minors from being admitted to, entering or remaining in an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of nonintoxicating beverages are incidental to the main purpose, if the minors are not sold or served or do not consume nonintoxicating beverages. (1986 Code)

3-209: UNLAWFUL TRANSPORTATION OF NONINTOXICATING BEVERAGE:

A. It is unlawful for any person knowingly to transport in any moving vehicle upon a public street or alley, or any public way within this town any nonintoxicating beverage unless it is:

1. In the original container which shall not have been opened and from which the original cap or seal shall not have been removed; or

2. If it is in an opened container, the opened container is in the rear trunk or rear compartment, which shall include the spare tire

compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or to any other person in the vehicle while it is in motion. (1986 Code)

¹37 OS §§ 241, 246.

3-210: PROHIBITED LOCATION¹:

It is unlawful for any place licensed to sell nonintoxicating beverages for on-premises consumption to be located within three hundred feet (300') from any public school or church property primarily and regularly used for worship services and religious activities. If any public school or church shall be established within three hundred feet (300') of any place which sells nonintoxicating beverages for on-premises consumption after such place has been licensed, this shall not be a deterrent to the renewal of such license so long as there has not been a lapse of more than sixty (60) days. The distance indicated in this section shall be measured from the nearest property line of such public school or church to the nearest public entrance door of the premises of any place licensed to sell such nonintoxicating beverages for on-premises consumption along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such public school or church shall be considered as if it were located on the same side of the street with the school or church. The above restrictions shall not affect premises already licensed as of the initial effective date of this section to sell nonintoxicating beverages for on-premises consumption or premises which may presently or in the future be licensed to sell nonintoxicating beverages for on-premises consumption even though a school or church is subsequently established within three hundred feet (300') of such licensed premises. (1986 Code)

3-211: PENALTY:

Any and each violation of any of the provisions of this chapter is an offense against the town, and upon conviction of such an offense the violator shall be punished as provided in section 1-108 of this code. (1986 Code)

¹37 OS § 163.24.

PART 4 ANIMALS

Subject	Chapter
Animal Regulations	1

CHAPTER 1 ANIMAL REGULATIONS¹

SECTION:

- 4-101: Definitions
- 4-102: Keeping In Annoying Manner
- 4-103: Animals Not To Be At Large
- 4-104: Turning Animals At Large Unlawful
- 4-105: Pasturing Public Areas, Illegal
- 4-106: Impoundment And Sale Of Nuisance Animals And Animals Running At Large; Citation
- 4-107: Registration and Licensing of Dogs And Cats
- 4-108: License Tag
- 4-109: Rabies Vaccination
- 4-110: Cruelty To Animals
- 4-111: Poisoning Animal
- 4-112: Encouraging Animals To Fight
- 4-113: Dogs Muzzled And Cats Confined
- 4-114: Vicious Animal May Be Killed
- 4-115: Animal That Bites To Be Reported And Confined
- 4-116: Rabid Animals
- 4-117: Kennels Must Be Licensed
- 4-118: Building For Animals
- 4-119: Town May Enter Into Contract For Operation Of Pound
- 4-120: Penalty

¹ 11 OS § 22-115.

4-101: DEFINITIONS:

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

ANIMAL:	Does not include people but means any other mammal or any reptile, bird or amphibian.
ANIMAL CONTROL OFFICER	Any person designated by the state of Oklahoma, this municipality, or a humane society as a law enforcement officer qualified to perform such duties under this chapter or the laws of this state.
ANIMAL SHELTER	Any facility operated by a humane society, or a municipal agency, or its authorized agents, including pens and pounds as defined by section 22-115 of title 11 of the Oklahoma Statutes, such as may be necessary for the purpose of impounding or caring for animals held under the authority of this chapter or state law.
AT LARGE	Not securely confined by a fence or other means on-premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.
COMMERCIAL ANIMAL ESTABLISHMENT:	Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibits, kennel or like establishment.
GROOMING SHOP:	A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.
KENNEL	Includes any premises wherein any person engages in either boarding, breeding, buying, letting for hire, training for a fee, or selling three (3) or more dogs or three (3) or more cats.

LICENSING AUTHORITY:	The town clerk or a veterinarian or veterinary hospital designated by the town.
OWNER:	Any person, firm, or corporation owning, harboring, or keeping an animal. The occupant of any premises on which a pet remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the pet.
PET:	Any animal kept for purposes other than utility or profit.
PET SHOP:	Refers to any person, partnership or corporation except for a licensed kennel which as part of its business buys, sells or boards animals.
PUBLIC NUISANCE:	Refers to any animal which: <ul style="list-style-type: none"> A. Molests passersby or passing vehicles; B. Attacks other animals; C. Is repeatedly at large; D. Damages private or public property; or E. Whines or howls during hours of darkness so as to repeatedly disturb the tranquility of the neighborhood.
RESIDENTIAL DISTRICTS:	Those areas of the town included within the residential use districts as fixed and established by the zoning ordinance of the town.
RESTRAINT OR UNDER RESTRAINT:	Refers to any animal secured by a leash, fenced or within the real property limits of its owner, or under the control of or obedient to the control of a responsible person.
RIDING SCHOOL OR STABLE:	Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro.

VETERINARY HOSPITAL: Any establishment maintained and operated by licensed veterinarian for surgery or other diagnosis and treatment of injury or disease of animals.

VICIOUS ANIMAL: Any animal that has bitten, clawed or attempted to bite or claw any person without undue provocation, or which threatens to bite or claw any person without undue provocation.

WILD ANIMAL: Any animal other than dogs, cats or farm animals normally found in a wild or undomesticated state. (1986 Code; amd. Ord., 3-7-1987)

4-102: KEEPING IN ANNOYING MANNER:

The keeping of, or permitting the keeping of, any livestock, animals or fowl within the corporate limits of the town in such a manner that it annoys or bothers a person or persons, by barking, howling, or otherwise, or disturbs the peace and quiet of a person is unlawful and a public nuisance. (1986 Code)

4-103: ANIMALS NOT TO BE AT LARGE:

Other than domestic cats, no owner shall permit any animals, including chickens and other fowl, owned, harbored or kept by him to be at large at any time. All animals must be kept under restraint. (1986 Code)

4-104: TURNING ANIMALS AT LARGE UNLAWFUL:

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn such animal at large, or in any manner to turn such animal at large. (1986 Code)

4-105: PASTURING PUBLIC AREAS, ILLEGAL:

It is unlawful for any person to stake, confine, or pasture any animal on any public school ground or other public property, federal, state, town or other, on any railroad right of way, or on any property without the consent of the person owning or controlling such property. (1986 Code)

4-106: IMPOUNDMENT AND SALE OF NUISANCE ANIMALS AND ANIMALS
RUNNING AT LARGE; CITATION:

A. It is the duty of the animal control officer of the town to take into their possession any animal that may be in violation of this chapter running at large upon the streets, curbing, alleys, public places or trespassing upon the lands of any person within the corporate limits of the town, or any animal which constitutes a public nuisance, and impound such animal. An animal impounded by virtue of this chapter shall be released to the owner or person entitled to the possession thereof upon payment of the cost of feeding such animal a sum as set by the town board of trustees.

B. The animal control officer shall post a description of impounded animals in the town clerk's office, which description shall give the color, sex and description of the impounded animal(s) impounded and shall state that the animal will be sold, or otherwise disposed of, unless it is released from impoundment on a date not less than seventy two (72) hours from the date the notice or description is posted in the clerk's office.

C. If the owner or person entitled to the possession of any animal impounded under this section is known, the animal control officer shall notify him, in writing or by telephone, that the animal will be destroyed unless the owner or other person releases such animal from impoundment. If such animal is not released from impoundment by the owner or person entitled to the possession thereof prior to such date, the animal control officer may sell the animal to the highest bidder for cash, and the buyer shall thereafter have complete title to such animal, or destroy the animal.

D. From the proceeds of the sale of animals sold under this section, there shall be first paid the cost of feeding the animals and the cost of publishing the notice of sale. The residue shall be paid into the office of the town clerk and placed to the credit of the general fund.

E. Any authorized officer may enter on the premises of the owner or other private premises to take an animal into custody which animal is in violation of this chapter or such officer may demand the exhibition by the owner of current rabies and town tags or receipt therefor.

F. An animal impounded and found to be suffering from a dangerous disease shall not be released while infected and may be destroyed if deemed necessary by the animal control officer.

G. In addition to, or in lieu of, impounding a public nuisance or at large animal, the animal control officer or police officer may issue a citation to the owner and the court may impose a fine

as provided in section 1-108 of this code. An owner harboring or possessing a vicious animal may also be issued a citation and fined, and the court may further order such animal, if still living, to be destroyed. (1986 Code; amd. Ord., 3-17-1987)

4-107: REGISTRATION AND LICENSING OF DOGS AND CATS:

A. It is the duty of every person owning, keeping or harboring within the town any dog or cat six (6) months of age or older to cause such dog or cat to be registered with the town clerk, by giving the clerk a description of the dog or cat, including its name, breed and sex, and the owner's or keeper's name and address, and applying for and obtaining a license for such dog or cat, within thirty (30) days after such dog or cat reaches the age of six (6) months or after the dog or cat is brought into the town, and on or before May 1 of each year thereafter.

B. The registration and license tax provided in this chapter shall not apply to a dog or cat only temporarily brought and kept within the town, nor to a dog or cat brought within the town to participate in a dog or cat show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale. (1986 Code; amd. Ord., 3-17-1987)

4-108: LICENSE TAG:

A. There is hereby imposed a license tag fee of five dollars (\$5.00) per annum on each dog or cat in the town, whether the dog or cat is male or female. Such fee shall be paid at the time the annual license required by section 4-107 of this chapter is obtained. Upon the payment of such fee to the town clerk, the clerk shall receipt therefor and furnish the applicant a duplicate thereof which duplicate receipt shall contain a description of the dog or cat upon which the tax was paid. The clerk shall also issue an appropriate tag to the applicant. The tag shall constitute a license for the dog or cat.

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

C. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the town clerk, showing to him the original receipt, and paying a fee of one dollar (\$1.00).

D. All monies collected from license fees by the town clerk shall be paid into the town treasury and placed in the general fund of the town. (1986 Code; amd. Ord., 3-17-1987)

4-109: RABIES VACCINATION:

It is the duty of the owner, keeper, or harborer of every dog or cat in the town, once each calendar year and, in the case of a pup or kitten, before it is six (6) months old, to cause such dog or cat to be vaccinated against rabies by a licensed veterinarian, secure a certificate of vaccination from the veterinarian, and attach to the collar of the dog or cat a metal tag indicating the vaccination. No license shall be issued for the keeping of any dog in the town until a certificate of such vaccination for the current year is exhibited to the town clerk. (1986 Code; amd. Ord., 3-17-1987)

4-110: CRUELTY TO ANIMALS:

It is unlawful for any person willfully and maliciously to pour on, or apply to, an animal, any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner. (1986 Code)

4-111: POISONING ANIMAL:

It is unlawful for a person willfully to poison any dog or other animal except a noxious, nondomesticated animal. It is unlawful knowingly to expose poison so that the same may be taken by such an animal. (1986 Code)

4-112: ENCOURAGING ANIMALS TO FIGHT:

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue, or annoy another animal, except a noxious nondomesticated animal; or to keep a house, pit, or other place used for fights between animals. (1986 Code)

4-113: DOGS MUZZLED AND CATS CONFINED:

A. When the health officer determines and certifies that a dog, a cat, or other animals in the town or within five (5) miles of the town is or was infected with rabies and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be muzzled when at large within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its

passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

B. While such resolution is in effect, it is unlawful for any owner to permit an unmuzzled dog or a cat to be at large in violation of such resolution, or for any such dog or a cat to be at large in violation thereof. (1986 Code)

4-114: VICIOUS ANIMAL MAY BE KILLED:

Any person may kill an animal in self-defense or in defense of another when the animal, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack, him or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the animal are directed is about to be bitten or otherwise physically harmed. (1986 Code)

4-115: ANIMAL THAT BITES TO BE REPORTED AND CONFINED:

Any owner or custodian of an animal having any reason to believe that such animal has bitten any person in the town shall immediately report such incident to the chief of police of the town. Such animal shall immediately be confined at the veterinary clinic chosen by the owner or custodian, under observation of a licensed doctor of veterinary medicine, for a period of ten (10) days to determine if such animal be rabid. The cost of confinement shall be borne by the owner or keeper of the animal. (1986 Code)

4-116: RABID ANIMALS:

A. Any animal suspected of being rabid or of having been bitten by a rabid animal may be confined by order of the health officer or police chief to determine whether the animal is rabid. If a person has been bitten or if there is good reason to believe that a person has been otherwise infected by such animal, the health officer or police chief may have the animal put to death in a humane manner and have it examined by medical authority to determine whether it has rabies. All expenses incurred in confining the animal as provided in this section shall be paid by the owner or keeper of the animal.

B. Any such animal as described in subsection A of this section may be killed if it cannot be impounded safely in the discretion of the animal control officer. (1986 Code)

4-117: KENNELS MUST BE LICENSED:

- A. A "kennel" is defined in section 4-101 of this chapter.
- B. Any person owning or operating a kennel must first secure a license from the town clerk and pay a sum as set by the town board per year for the license. The location of the kennel shall be subject to any planning or zoning guidelines or decisions of the town board of trustees or town planning commission. In any case, no kennel may be kept in any residential area of the town. (1986 Code)

4-118: BUILDINGS FOR ANIMALS:

- A. Every stable or building wherein any animal is kept within the town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- B. Every stable or building, if located within two hundred feet (200') of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and flytight receptacle for manure, such size as to hold all accumulations in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.
- C. No stable, dog kennel, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept, shall be maintained closer than forty feet (40') to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.
- D. Every stable, structure, pen, coop or place wherein an animal is kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.
- E. Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.
- F. The health officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a

complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order; but this shall not abridge the right of others to make such complaint. (1986 Code)

4-119: TOWN MAY ENTER INTO CONTRACT FOR OPERATION OF POUND:

The board of trustees is authorized to join into a cooperative effort with the county or any other community in the county for the purpose of establishing, operating and maintaining a pound for animals running in violation of this chapter. (1986 Code)

4-120: PENALTY:

Any person, firm or corporation who violates any provision of this chapter, or who violates, refuses or neglects to carry out any reasonable order made by the health officer or town police chief pursuant to this chapter, shall upon conviction thereof be punished as provided in section 1-108 of this code. (1986 Code)

4-121: AGGRESSIVE OR POTENTIALLY DANGEROUS DOGS; VIOLATIONS AND PENALTIES:

- A. The owner of any dog known to display unprovoked, aggressive tendencies, or determined by animal control to be potentially dangerous or of a variety as determined by the Center for Disease Control and Prevention as having the most dog bite-related fatalities or considered most likely to kill, and seriously maim, shall provide proof of a liability insurance policy of \$100,000.00 to the Chief of Police and confine such dog within a building or secure and closed locked pen or kennel made of at least 8 foot fencing with a secured top and not allow the animal off the premises until such dog is both:
 - 1. Securely muzzled; and
 - 2. Securely controlled by both collar and leash no longer than 4 feet in length.
- B. Police working or service dogs are exempt from this section.
- C. Any person convicted of violating this section shall be punished by a fine of \$500.00 and/or 30 days in jail.

4-122 REGISTRATION OF DANGEROUS DOGS; VIOLATIONS AND PENALTIES

- A. The animal Control supervisor and his or her designee may investigate a dog attack or bite and determine whether or not that dog is deemed to be dangerous or potentially dangerous. Upon the determination by the Animal Control supervisor or his designee that the dog acted in an unwarranted manner and is a dangerous dog, the owner is required to register the dog with the Calumet Animal Control Department and immediately comply with all registration requirements.
- B. A dog shall not be declared dangerous or potentially dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.
- C. Any person convicted of violating this section shall be punished by a fine of \$500.00 AND/OR 30 days in jail.

4-123 DANGEROUS DOG REGISTRATION REQUIREMENTS:

- A. The owner of any dog determined to be dangerous by the Animal Control supervisor or his designee shall:
 - 1. Validly register the dog with the Town of Calumet.
 - 2. Show proof of liability insurance \coverage or surety bond in the amount as required in 4 O.S. Section 45, Certificate of Registration for Certain Dogs Required.
 - 3. Securely confine the dog indoors or in a securely enclosed and locked pen or structure with at least 150 square feet of space for each dog kept therein which is over 6 months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides with a secure top and shall also provide protection from the elements for the dog.
 - 4. Post the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.
- B. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person over 16 years of age. The muzzle will be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

4-124 CONFISCATION OF DANGEROUS OR POTENTIALLY DANGEROUS DOG:

- A. Any dangerous dog shall be immediately confiscated by an Animal Control officer or police officer if:

1. The dog is not validly registered with the Town of Calumet;
 2. The owner does not secure or is unable to provide proof of liability insurance coverage or surety bond required as provided for in this chapter.
 3. The dog is not maintained in the proper enclosure; or
 4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person or in compliance with the provisions of this chapter.
- B. Any potentially dangerous dog shall be immediately confiscated by an Animal control Officer or a police officer if:
1. The owner does not secure or is unable to provide proof of liability insurance coverage or surety bond required under the provisions of this chapter;
 2. The dog is not maintained in the proper enclosure as provided for in this chapter; or
 3. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the physical restraint of the responsible person or in compliance with the provisions of this chapter.

SECTION 2. All ordinances or parts thereof which are inconsistent with this ordinance are revealed.

SECTION 3. Nothing in this ordinance as adopted shall be construed to affect any suit or proceeding now pending in any Court, or any rights acquired, or liability incurred, nor any cause or causes of action existing, under any act or ordinance repealed, nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

PART 5 BUILDING REGULATIONS AND CODES

Subject	Chapter
Building Code and Regulations	1
Adoption of Codes.....	1 A
Permits.....	1 B
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Plumbing Code.....	2
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CHAPTER 1 BUILDING CODE AND REGULATIONS

SECTION:

Article A. Adoption Of Codes

- 5-101: Codes Adopted
- 5-102: Modifications Of Adopted Codes
- 5-103: Adopted Codes On File
- 5-104: Codes In Effect
- 5-105: Conflicts With Code Of Ordinances
- 5-106: Building Inspector Enforce Codes
- 5-107: Penalty
- 5-108 through 5-114: Reserved (Ord. 94-04, 8-2-1994)

Article B. Permits

- 5-115: Building Permits
- 5-116: Certificate Of Occupancy
- 5-117: Pavement Cutting Permits
- 5-118 through 5-129: Reserved (Ord. 94-04, 8-2-1994)

Article C. Miscellaneous Provisions

- 5-130: Flood-Prone Areas
- 5-131: Smoke Detectors Required

ARTICLE A. ADOPTION OF CODES

5-101: CODES ADOPTED:

The particular model construction codes listed below (with revisions as may be hereinafter set forth) are hereby adopted and incorporated in this code, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried out within the corporate limits of the town of Calumet, Oklahoma:

A. Building Code: The construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures:

Basic Building Code (recommended by Building Officials and Code Administration International-BOCA, 1993 Edition). (Ord. 94-04, 8-2-1994)

5-102: MODIFICATIONS OF ADOPTED CODES:

A. Wherever the words "city", "town" or "municipality" are used in those model construction codes adopted, it shall mean the town of Calumet, Oklahoma.

B. Wherever the words "Inspector", "Building Inspector" or "Administrative Official" are used in those model construction codes adopted, it shall mean the municipal official currently assuming the duties and responsibilities of municipal building inspector for the town of Calumet, Oklahoma.

C. All official titles used in the model construction codes adopted shall be interpreted as defined in this code.

D. Maximum penalties for violation of provisions of those model construction codes adopted shall be provided in the penalty section of this chapter.

E. Notwithstanding any provisions of any of those model construction codes adopted by this chapter, wood shingles may be used for roofing.

F. All limits, except "fire limits", referred to in any of those model construction codes adopted by this chapter are hereby established as the corporate limits of the town of Calumet, Oklahoma. (Ord. 94-04, 8-2-1994)

5-103: ADOPTED CODES ON FILE:

Three (3) copies of those model construction codes adopted by the town of Calumet, Oklahoma, are on file in the office of the town clerk. (Ord. 94-04, 8-2-1994)

5-104: CODES IN EFFECT:

From the date on which this chapter shall take effect, the provisions of said codes, as herein modified, shall be controlling in those areas set forth hereinabove, within the corporate limits of the town of Calumet, Oklahoma. (Ord. 94-04, 8-2-1994)

5-105: CONFLICTS WITH CODE OF ORDINANCES:

Whenever any provision of any of those model construction codes adopted by this chapter conflict with this code, the latter provisions shall govern. (Ord. 94-04, 8-2-1994)

5-106: BUILDING INSPECTOR ENFORCE CODES:

Any municipal official, or other employee designated by the town board of trustees, shall be responsible for enforcing the model construction codes adopted by this code. Said persons may bear such titles as "Building Inspector", "Gas Inspector", "Plumbing Inspector", "Electrical Inspector", etc., as may be deemed appropriate to indicate their respective areas of concern and shall be appointed or designated by the town board of trustees. (Ord. 94-04, 8-2-1994)

5-107: PENALTY:

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in section 1-108 of this code, including costs. Each day upon which a violation continues shall be deemed a separate offense. (Ord. 94-04, 8-2-1994)

5-108 through 5-114: RESERVED: (Ord. 94-04, 8-2-1994)

ARTICLE B. PERMITS

5-115: BUILDING PERMITS¹:

- A. No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile, modular or manufactured home, or initiate any other construction without first obtaining a separate building permit for each such building or structure from the office of the town clerk.
- B. No manmade change to improved or unimproved real estate located within a designated "Flood Hazard Area", including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate building permit has been obtained for each such operation from the office of the town clerk.
- C. No mobile manufactured or modular home shall be placed on improved or unimproved real estate without first obtaining a separate building permit for each such home from the office of the town clerk. (Ord. 94-04, 8-2-1994)
- D. Ordinary repairs of buildings or structures, the cost of which may not exceed three thousand dollars (\$3,000.00), may be made without obtaining a building permit. (Ord. 94-04A, 12-6-1994)
- E. All applications for building permits shall be signed and in writing, upon an official blank form supplied by the office of the town clerk or the municipal building inspector, and shall be submitted to either of said officials, along with the required fee.
- F. Building permit fees shall be based primarily upon the municipal costs incurred in the administration of the municipal building permit system, and shall be by motion or resolution of the town board. They are now set as follows:
1. Residential Dwellings: Four cents (\$0.04) per square foot, minimum of twelve dollars (\$12.00).
 2. Commercial/Business/Nonresident Construction: Eight cents (\$0.08) per square foot, minimum of twelve dollars (\$12.00).
- G. The office of the town clerk shall be responsible for the administration of the building permit process within the said community; provided, that building permit application forms may be obtained from, and submitted to, the municipal building inspector.

¹For additional flood plain regulations, see part 12, chapter 4 of this code.

H. Applications for building permits shall contain all applicable information required on the building permit form, and shall be accompanied by drawings of the proposed work (drawn to scale), showing floor plans, structural details, computations and such additional information as may be required of the applicant by the office of the town clerk, the municipal building inspector, this code or the town board of trustees.

I. Upon a receipt of a complete building permit application and the required fee, the town clerk shall immediately turn the application over to the municipal building inspector, who shall review the application to ensure that:

1. The involved land is proper for the proposed use;
2. Applicable zoning district provisions (including floodway and floodway fringe district provisions), and any applicable historic preservation provisions, have been met;
3. Roadway access is available;
4. Adequate and sanitary provisions have been made for utilities, and fire protection is also adequate;
5. All easements provided in the recorded plat, if any, are not encroached upon;
6. All other flood plain regulations, if applicable, have been met and the required information provided; and
7. All other required municipal permits and/or licenses have been obtained.

J. Building permit applications for development, location, demolition or alteration within delineated "Flood Hazard Areas" (as shown on the community's official flood hazard boundary map (FHBM) and flood insurance rate map (FIRM), dated April 9, 1976, which is hereby adopted by reference as if set out fully herein), shall be reviewed by the municipal building inspector to ensure that all of the following requirements are met:

1. All building sites shall be reasonably safe from flooding; if a proposed building site is in a flood-prone area, all new construction and substantial improvement (including the placement of prefabricated buildings and mobile homes) shall:
 - a. Be designed, modified and/or adequately anchored to prevent flotation, collapse or lateral movement of the structure; all manufactured housing to be placed within Zone A on a community's flood hazard boundary map (FHBM) shall be anchored by providing over-the-top and frame ties to ground anchors, over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate points, and manufactured homes less than fifty feet (50') long requiring one additional tie per

side; frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side; all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and additions to the manufactured home shall be similarly anchored;

- b. Be constructed with materials and utility equipment resistant to flood damage; and
 - c. Be constructed by methods and practices that minimize flood damages.
2. All new and replacement water supply systems within flood-prone areas shall be designed to minimize or eliminate infiltration of flood waters into the systems.
 3. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 4. On-site waste disposal systems within flood-prone areas shall be located to avoid impairment to them, or contamination from them, during flooding.
 5. The municipal building inspector shall utilize all available 100-year flood elevation data to review building permit applications, and shall require that all applications for development within a flood-prone area be accompanied by: a) the elevation of the lowest habitable floor (including basement) of all new or substantially improved structures; and b) a certificate signed by a registered professional engineer or architect, stating that the floodproofing methods to be utilized are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood, and indicating the specific elevation to which the structure will be floodproofed.
 6. All new construction or substantial improvement of residential structures within zones A1-30 on the municipality's flood insurance rate map (FIRM) shall have the lowest floor, including basement, elevated one foot (1') above the level of the 100-year flood.
 7. Within zones A1-30 on the municipality's flood insurance rate map (FIRM), all manufactured housing not in a park or subdivision, all new manufactured housing parks and subdivisions, all expansions to existing manufactured housing parks and subdivisions, and all repairs, reconstruction or improvement of streets, utilities and/or pads in existing manufactured housing parks or subdivisions, shall

be located, developed, expanded or improved according to the following criteria:
(Ord. 94-04, 8-2-1994)

- a. All manufactured housing shall be placed, or be capable of being placed, on compacted fill or on pilings so that the lowest floor of the home will be two feet (2') above the level of the 100-year flood; (Ord. 94-04, 8-2-1994; amd. Ord. 2000-02, 8-1-2000)
- b. All lots shall have adequate provisions for surface drainage and access;
and
- c. All manufactured housing to be elevated on pilings shall: 1) be placed on lots large enough to permit steps, 2) provide for piling foundations to be placed in stable or stabilized soils, no more than ten feet (10') apart, and 3) provide for reinforcement of piers more than six feet (6') above ground level. (Ord. 94-04, 8-2-1994)

8. All new construction or substantial improvement of residential structures located within any AO (Area of Shallow Flooding) zone, as shown on the municipality's flood insurance rate map (FIRM), shall have the lowest floor, including the basement, elevated above the crown of the nearest street, two feet (2') above the depth number specified for the area on the municipality's flood insurance rate map (FIRM). (Ord. 94-04, 8-2-1994; amd. Ord. 2000-02, 8-1-2000)

9. All new construction or substantial improvement of nonresidential structures within zones A1-30 on the municipality's flood insurance rate map (FIRM) shall: (Ord. 94-04, 8-2-1994)

- a. Have the lowest floor, including basement, elevated two feet (2') above the level of the 100-year flood; or (Ord. 94-04, 8-2-1994; amd. Ord. 2000-02, 8-1-2000)
- b. Be designed, together with the attendant utility and sanitary facilities, so that, below the level of the 100-year flood, the structure is watertight, with walls substantially impermeable to the passage of water, and contains structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

10. All new construction or substantial improvement of nonresidential structures within any AO (Area of Shallow Flooding) zone on the community's flood insurance rate map (FIRM) shall: (Ord. 94-04, 8-2-1994)

- a. Have the lowest floor, including basement, elevated above the crown of the nearest street, two feet (2') above the depth number specified on the municipality's flood insurance rate map (FIRM); or
- b. Be completely floodproofed, along with the attendant utility and sanitary facilities, to two feet (2') above the depth number specified on the municipality's flood insurance rate map (FIRM), so that any space below that level is watertight, with walls substantially impermeable to the passage of water, and contains structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. (Ord. 94-04, 8-2-1994; amd. Ord. 2000-02, 8-1-2000)

11. The requirements of this chapter shall also be in effect for building permit applications located within any A99 zones on the municipality's Flood Insurance Rate Map (FIRM).

12. Floodways, as designated on the municipality's official flood hazard boundary map (FHBM), are hazardous areas due to: a) the velocity of flood waters which carry debris and potentially damaging projectiles, and b) the creation of severe erosion problems; the following provisions apply within designated floodway areas:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a professional registered engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- b. If the provisions of subsection J12a of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this code.

K. The municipal building inspector shall have the following additional responsibilities in the review of building permit applications for development, location, demolition or alteration within a delineated "Flood Hazard Area".

- 1. Building permit applications shall be reviewed to ensure that all necessary governmental agency permits required by state or federal law have been obtained.
- 2. In the case of building permit applications for alteration or relocation of a watercourse, the municipal building inspector shall:
 - a. Notify adjacent communities and the State Flood Insurance Coordinating Office prior to such work (and submit copies of such notification to the Federal Flood Insurance Administrator); and

R. The municipal building inspector shall keep a permanent and accurate accounting of all building permits, and shall transmit copies of each permit issued to the chairman of the municipal planning commission, for information purposes. The town clerk shall keep a permanent and accurate record of all building permit fee payments.

S. The town clerk may revoke a building permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached materials on which the building permit approval was based.

T. Building permits shall be conspicuously displayed on the project or site, in a manner visible from the street.

U. The town clerk and the municipal building inspector shall monitor municipal utility hook-up requests and shall not allow municipal utilities to be turned on to any unit, structure or project for which a building permit has not been issued.

V. Appeals from any aggrieved person concerning a decision of the town clerk relative to the granting of building permits, shall be taken to the town board of trustees, who shall act as the permit board of appeals for the town of Calumet, Oklahoma. (Ord. 94-04, 8-2-1994)

5-116: CERTIFICATE OF OCCUPANCY:

A. No new building shall be occupied, and no change in the use of a building or part of a building or tract of land shall be made, until the building inspector shall have issued a certificate of occupancy therefor; issuance shall be conditioned upon passing an inspection for compliance with applicable provisions of this code.

B. The fee shall be as established by motion of the town board of trustees. (Ord. 94-04, 8-2-1994)

5-117: PAVEMENT CUTTING PERMITS:

A. It shall be unlawful for any person to cut any pavement or any street or alley within the town of Calumet, Oklahoma, without a pavement cutting permit from the office of the town clerk; said permit shall first be approved by the mayor or acting mayor.

B. An estimate of the cost of repairing such pavement cut shall be made by the mayor or acting mayor, and a deposit equal to the amount of the estimate shall be made by the applicant, in addition to a permit fee of fifty dollars (\$50.00).

C. The town may, at its option, either make repairs of the pavement which has been cut under the provisions of this section, and charge the costs of such repairs to the deposit herein provided, or require that the person cutting the pavement make the repairs; in the latter case, the person's deposit shall be returned, upon satisfactory repair of the pavement. Any balance remaining after all such costs are paid shall be returned to the person making said deposit.

D. Any person cutting such pavement shall maintain proper safeguards, with suitable lights during night hours, and sufficient in number to give warning of danger to all persons. (Ord. 94-04, 8-2-1994)

5-118 through 5-129: RESERVED: (Ord. 94-04, 8-2-1994)

ARTICLE C. MISCELLANEOUS PROVISIONS

5-130: FLOOD-PRONE AREAS:

A. The town board of trustees shall review subdivision and other development proposals to determine whether such proposals will be safe from flooding.

B. If a subdivision or other development proposal is in a flood-prone area, the town board of trustees shall ensure that:

1. Such proposals are consistent with the community's adopted comprehensive plan and the need to minimize flood damage;
2. All public utilities and facilities are located and constructed to avoid, minimize or eliminate flood damage;
3. Adequate drainage provisions are made; and
4. Proposals of more than fifty (50) lots or five (5) acres shall include 100-year flood elevation data. (Ord. 94-04, 8-2-1994)

5-131: SMOKE DETECTORS REQUIRED:

A. No building permit shall be issued for construction of any structure designed for human occupancy unless the plans for the same include at least one smoke detection device.

B. No variance from this requirement shall be allowed, and the municipal building inspector shall have the power and duty to prohibit occupancy of structures in violation hereof until such time as the structure becomes in compliance with the requirements of this section. (Ord. 94-04, 8-2-1994)

CHAPTER 2 PLUMBING CODE¹

SECTION:

- 5-201: Adoption Of Plumbing Code
- 5-202: Additions, Insertions And Changes To Plumbing Code
- 5-203: Plumbers; Registration, Permits And Fees
- 5-204: Plumbing; Permits And Inspections
- 5-205: Plumbing Inspector; Office Created; Duties

5-201: ADOPTION OF PLUMBING CODE:

A certain document, at least one copy of which is on file in the office of the town clerk, being marked and designated as the "BOCA Basic/National Plumbing Code", the latest edition thereof, and any revisions or amendments thereto, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the plumbing code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the BOCA Basic/National Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this code, with additions, insertions and changes, if any, prescribed in this chapter. (1986 Code)

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

- A. The following sections are hereby revised as follows:
 - 1. Section P-100.1 (page 5, second line). Insert the Town of Calumet;
 - 2. Section P-104.1 (page 6, second line). Insert effective date of the town's code of ordinances;
 - 3. Section P-114.2 (page 12, third line). Insert "as provided in Section 5-204 of the town's code of ordinances";

¹59 OS § 1001 et seq.

4. Section P-117.4 (page 13, fifth, sixth and seventh lines). Insert "offense and punished as provided in Section 1-108 of the town's code of ordinances";
5. Section P-118.2 (page 14, fifth line). Insert "fine as provided in Section 1-108 of ordinances";
6. Section P-303.2 (page 32, third line). Insert "a distance in feet as determined by the town board of trustees"; and
7. Section P-308.3 (page 33, second and third lines). Insert "a depth in feet as determined by the town board of trustees". (1986 Code)

5-203: PLUMBERS; REGISTRATION, PERMITS AND FEES¹:

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

B. It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor (otherwise known as a master plumber), or of a journeyman plumber, or of a plumber's apprentice, in this town unless he is registered with the plumbing inspector and has a current and valid certificate of registration issued by the town.

C. Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the State Commissioner of Health as provided by the state plumbing license law may register as such with the plumbing inspector; and only persons who have current and valid certificates of registration as plumber's apprentices issued by the State Commissioner of Health as provided by the law, may register as such with the town.

D. Upon application to the town, the town shall register such applicants and issue to them certificates of registration; provided that an applicant for registration as a plumbing contractor shall also furnish a bond as prescribed below. Such town certificates shall not be valid after the termination or expiration of the state licenses or certificates. Registration certificates of plumbing contractors and journeyman plumbers issued as provided herein shall expire annually each year. The town certificates of plumber's apprentices shall expire when their state certificates expire which is five (5) years after date of issue.

E. An applicant for a plumbing contractor's certificate of registration, after complying with the laws of the state and with the established town code, and after payment of the fee hereinafter

¹59 OS § 1001 et seq.

specified, shall be registered by the town clerk. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by town code.

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

G. The fee for registration shall be as set by the town board by motion or resolution.

H. The town board, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the town registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the town relating to the installation of plumbing or for any other cause specified in the state plumbing license law. (1986 Code)

5-204: PLUMBING; PERMITS AND INSPECTIONS:

A. No plumbing work shall be undertaken without a permit from the plumbing inspector.

B. The application for such work must follow the adopted town code.

C. The schedule of permit fees may be set forth by resolution or motion of the town board. Such payment will be made upon application.

D. Inspection of such work must conform to the guidelines set forth in this code. (1986 Code)

5-205: PLUMBING INSPECTOR; OFFICE CREATED; DUTIES¹:

The office of inspector of plumbing is hereby created and shall be filled and the duties of the office performed by some person appointed by the town board of trustees. Such inspector shall make inspection and testing of all plumbing and sewer connections done within the town and shall have the right to deputize any person equally qualified to make the actual inspections and report. He may and shall carry out the performance of this chapter. The testing of plumbing shall be done by filling all drains with water to the roof, and such other tests as the inspector shall deem necessary. (1986 Code)

¹59 OS § 1016.

CHAPTER 3 ELECTRICAL CODE¹

SECTION:

- 5-301: "Electrical Equipment" Defined
- 5-302: National Electrical Code
- 5-303: Underwriters' Laboratories, Inc.
- 5-304: Town Board Of Trustees May Make Special Rulings
- 5-305: Pilot Light Required For Iron In Mercantile Occupancies
- 5-306: Branch Circuits
- 5-307: Basement Installations
- 5-308: Permit Required For Electrical Installations; Issuance
- 5-309: Inspection Fee
- 5-310: Electricians' Registration Required, Bond

5-301 : "ELECTRICAL EQUIPMENT" DEFINED:

The term "electrical equipment" used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure. (1986 Code)

5-302 : NATIONAL ELECTRICAL CODE:

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the state of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the American Insurance

¹59 OS §§ 1680-1696.

Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property. (1986 Code)

5-303 : UNDERWRITERS' LABORATORIES, INC.:

All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this chapter, by a statute of the state, or any orders, rules, or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters' Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property. (1986 Code)

5-304 : TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS:

The board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions. (1986 Code)

5-305 : PILOT LIGHT REQUIRED FOR IRON IN MERCANTILE OCCUPANCIES:

In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure. (1986 Code)

5-306 : BRANCH CIRCUITS:

In residential and mercantile occupancies, lighting branch circuits shall be confined to 1,000 watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits. Branch circuit conductors shall be smaller than No. 12. Type C lamp cord will not be permitted in the kitchen or restaurants or like places where grease accumulates, nor in part of a building where live poultry are confined. (1986 Code)

5-307 : BASEMENT INSTALLATIONS:

A circuit of not less than No.12 wire shall be installed in basements in any area subject to floods. Ground connections shall not be made in toilets, adjacent to salt storage, acid vapors, or in any location where the grounding conductor and fitting is likely to become corroded. (1986 Code)

5-308: PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS;ISSUANCE:

- A. It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of this town or make extensions to any existing electrical installations without first securing a permit from the town clerk.
- B. Applications for electrical permits shall be made to the town clerk; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.
- C. The fee for an electrical permit shall be as prescribed by motion or resolution passed by the town board of trustees. (1986 Code)

5-309: INSPECTION FEE:

The town board of trustees by motion or resolution may prescribe an inspection fee to be paid to the town when electrical installations are inspected by the electrical inspector. (1986 Code)

5-310: ELECTRICIANS' REGISTRATION REQUIRED, BOND:

- A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or apprentice electrician without a certificate of registration as such secured from the town and valid license from the state. The initial fee for an electrical contractor's registration certificate, and any renewal, to be paid to the town clerk, shall be as set by the town board. A registration certificate must be renewed within ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. All such certificates shall expire annually. This certificate is not transferable to any other individual or company.
- B. Every person receiving a certificate as an electrical contractor shall file with the town clerk a bond in such sum as set by the town board executed with a surety company authorized to do business in the state. The bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the town relating to electrical installations and in a workmanlike manner;

that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or nonstandard material; and that the town may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor as the case may be.

C. The bond must be approved by the town. No certificate shall be issued to any such person until the bond shall have been filed and approved. Any such certificate issued shall be valid only while the bond is in effect.

D. For the installing of bell, telephone or signal systems not using over 12 volts, no certificate or bond will be required. The installation of same must comply with all other requirements of the ordinances of the town.

E. After adequate opportunity for a hearing and for just cause, the town board may revoke the certificate of an electrical contractor an apprentice electrician, or a journeyman electrician. (1986 Code)

CHAPTER 4 LIQUEFIED PETROLEUM GAS

SECTION:

5-401: Persons Must Comply With State Law

5-401: PERSONS MUST COMPLY WITH STATE LAW:

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, "Storage and Handling of Liquefied Petroleum Gases", as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished accordingly. (1986 Code)

CHAPTER 5 GAS PIPING CODE

SECTION:

5-501: Pamphlet Adopted

5-501: PAMPHLET ADOPTED:

Pamphlet No. 54 published by the National Fire Protection Association, entitled "National Fuel Gas Code", the latest edition thereof, is hereby adopted and incorporated in this code by reference. The pamphlet shall be in full force and effect in the town and shall govern the installation of gas piping and gas appliances in the town. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the town. (1986 Code)

CHAPTER 6 FAIR HOUSING

SECTION:

- 5-601: Purposes And Construction
- 5-602: Housing Discrimination Acts Prohibited
- 5-603: Exemptions
- 5-604: Fair Housing Board Created
- 5-605: Duties Of Fair Housing Board
- 5-606: Procedure For Complaints
- 5-607: Notices
- 5-608: Penalty

: PURPOSES AND CONSTRUCTION:

- A. The general purposes of this chapter are:
 - 1. To secure for all people equal access to housing in all neighborhoods; and
 - 2. To preserve the public safety, health and welfare. (1986 Code)

: HOUSING DISCRIMINATION ACTS PROHIBITED:

- A. It is unlawful for any person, real estate broker, real estate salesperson, or corporation:
 - 1. To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, sex, religion or national origin;
 - 2. To refuse to negotiate with any person for the sale, rental, or leasing of any residential property, or to represent that such property is not available for

inspection, sale, rental or lease when in fact it is so available, because of such person's race, sex, religion or national origin;

3. To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housin to sell, rent or lease, or not to sell, rent or lease such housing 'to any person on the ground of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, sex, religion, or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed material or making statements designed to induce a residential property owner to sell or lease his property due to such change in neighborhood; or
4. To file a complaint alleging a violation of this chapter, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment. (1986 Code)

: EXEMPTIONS:

- A. Nothing herein shall apply to any religious organization, association, society or private club; a religious nonprofit organization, operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwelling units owned and operated for other than a commercial purpose.
- B. Nothing herein shall apply to:
 1. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three (3) such single-family houses and was not the most recent resident of such house prior to such sale with the exception granted to one such sale within a twenty four (24) month period; provided further that such owner does not own or retain in his behalf title to a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further that such sale or rental of such single-family house shall be excepted if such house is sold or rented without the use in any manner of a sale or rental facilities or employee thereof; or
 2. Any dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independent of each other and the owner actually occupies one such living quarters as his residence. (1986 Code)

: FAIR HOUSING BOARD CREATED:

There is hereby created a fair housing board of the town, hereinafter referred to as "board", which shall be appointed by the board of trustees unless other members are appointed by the board of trustees. (1986 Code)

: DUTIES OF FAIR HOUSING BOARD:

- A. It is the duty of the fair housing board to:
1. Initiate, receive, and investigate complaints, charging unlawful housing practices;
 2. Seek conciliation of such complaints, hold hearings, make findings of fact, and publish its findings of fact; and
 3. Adopt such rules and regulations as may be necessary within the limits of this chapter, and carry out the purposes and provisions of this chapter. (1986 Code)

: PROCEDURE FOR COMPLAINTS:

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

B. The board shall investigate each complaint filed with the board, and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the board shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the board takes no action within ninety (90) days of the filing of the complaint, it shall be considered as dismissed.

C. If conference or conciliation does not result in compliance with this chapter, the board shall cause to be issued and served in the name of the town a written notice, together with a copy of the complaint, requiring the person named in the complaint, hereinafter referred to as

respondent, to answer charges of the complaint at a hearing before the board at a time and place to be specified in the notice.

D. At the hearing, provided for in subsection C of this section, the complaint shall be heard by the board. At the hearing, the complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board. If the board finds at the hearing that the respondent has engaged in any discriminatory practice or practices prohibited by this chapter, it shall state its findings of fact, and shall so certify the matter to the town attorney for appropriate action. No prosecution shall be brought under this chapter except upon such certification. If the board, upon hearing, finds that respondent has not engaged in any discriminatory practice, it shall state its findings of fact and shall issue and file an order dismissing the complaint. The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein. (1986 Code)

: NOTICES:

Any and all notices required under the provisions of this chapter to be served upon any person, may be served personally on such person, or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the most current business or residence address of such person. (1986 Code)

: PENALTY:

It is unlawful and constitutes an offense for any person to violate any of the provisions of this chapter. Any person found guilty of violating any provisions shall be deemed guilty of an offense, and is subject, upon conviction, to a fine as provided in section 1-108 of this code. (1986 Code)

CHAPTER 7 OIL AND GAS DRILLING

SECTION:

- 5-701: Preservation Of Rights
- 5-702: "Permit" Defined
- 5-703: Lapsed Permits
- 5-704: Applications; Power Of Town Clerk
- 5-705: Offenses
- 5-706: Permit Fees
- 5-707: Return Of Fees
- 5-708: Penalty

: PRESERVATION OF RIGHTS:

No substantial property right accrued or action or proceeding commenced prior to the effective date of this chapter shall be affected by the provisions hereof but all provisions thereafter taken shall so far as possible conform to the provisions of this chapter. (1986 Code)

: "PERMIT" DEFINED:

The term "permit", as used herein, shall mean a written permit allowing the holder thereof to drill one oil or gas well within the legally described area of the town and in conformity with the provisions of this chapter. (1986 Code)

: LAPSED PERMITS:

All permits shall lapse and become void if not exercised within one year from the date of issuance. (1986 Code)

: APPLICATIONS; POWER OF TOWN CLERK:

A. All applications for permits for the drilling of oil and gas and mineral wells shall be made to the town clerk on the prescribed form supplied by the town.

B. The town clerk shall have the following jurisdiction and authority:

1. To receive and act upon application for permits for the drilling of oil and gas wells and to instruct any person, firm or corporation that the location of all wells must be consistent with the rules and regulations and orders of the corporation commission; and
2. To make recommendations to the town board of trustees as to the manner in which a particular application will affect the land usage of the town, taking into consideration the health and general welfare of the rehabilitation of the town and the recommendations to the board of trustees shall also include a general recommendation for the disallowance of the application. (1986 Code)

: OFFENSES:

A. It is unlawful and an offense for any person, firm or corporation or any individual, either for himself or acting as agent, employee or servant of any other person, firm or corporation, to open any well drilled for the production of petroleum or natural gas or to permit to flow therefrom any petroleum or natural gas, or to engage in any work or to erect any structures, tanks, machinery, pipelines or other appurtenances incident to the production of petroleum or natural gas, or to operate, maintain or permit to exist any equipment, structures, appurtenances incident to such production or to use or maintain any property or premises for such production within the town limits, unless a permit for the drilling and operation of the well shall have been first obtained as provided by the terms of this chapter. Each day of noncompliance shall constitute a separate violation.

B. It is unlawful and an offense for any person, firm or corporation or any individual, either for himself or acting as an agent, employee or servant of any other person, firm or corporation to drill, erect or place or to permit anyone else to place or drill or erect any structures, tanks, machinery or other appurtenances incident to the production of petroleum or natural gas, or to operate, maintain or permit to exist any equipment, structures or appurtenances incident to the production of petroleum or natural gas, or to operate, maintain or permit to exist any equipment, structures or appurtenances incident to such production within five hundred feet (500') from the boundary of any parcel or tract upon which is a structure which is or is capable of being used as a residence. Each day of noncompliance shall constitute a separate violation. (1986 Code; amd. Ord. 89-07, 11-17-1989)

: PERMIT FEES:

From and after the passage of this chapter, the fee for the drilling or putting down of each well for the purpose of producing oil or gas within the limits of the town, as such limits may be now or hereafter fixed by ordinance, shall be seven thousand five hundred dollars (\$7,500.00). Before the issuance of any permit for the drilling or putting down of any such oil or gas well, there shall be paid to the town clerk, the sum of seven thousand five hundred dollars (\$7,500.00) and no such permit shall be issued to any firm, person or corporation without payment of such fee; provided, that no permit shall be issued until the fee hereinabove provided for has been paid to the town clerk without regard to or irrespective of any application now pending for which a permit has not yet been issued. (1986 Code)

: RETURN OF FEES:

In the event the drilling permit shall be denied by the town clerk, the applicant shall be entitled to the return of seven thousand five hundred dollars (\$7,500.00) from his permit fee previously paid to the town clerk. The decision of the town clerk to deny a permit is appealable to the board of trustees of the town. (1986 Code)

: PENALTY:

Any violation of this chapter is punishable as provided in section 1-108 of this code. (1986 Code)

CHAPTER 8 PENALTY

SECTION:

5-801: Penalty

5-802: Relief In Courts

5-801: PENALTY:

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of the chapters in this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in section 1-108 of this code. (1986 Code)

5-802: RELIEF IN COURTS:

No penalty imposed by and pursuant to this part shall interfere with the right of the town also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation. (1986 Code)

PART 6 COURT

Subject	Chapter
Municipal Court	1

CHAPTER 1 MUNICIPAL COURT

SECTION:

- 6-101: Organization Of Municipal Court
- 6-102: Definitions
- 6-103: Jurisdiction Of Court
- 6-104: Judge; Qualifications
- 6-105: Term Of Judge
- 6-106: Alternate Judge
- 6-107: Acting Judge
- 6-108: Appointment Of Judge And Alternate Judge
- 6-109: Salary and Payments To Judges
- 6-110: Removal Of Judge
- 6-111: Vacancy In Office Of Judge
- 6-112: Disqualification Of Judge
- 6-113: Court Marshal
- 6-114: Clerk Of The Court; Duties
- 6-115: Prosecuting Attorney; Duties; Conflict Of Interest
- 6-116: Bond Of Clerk
- 6-117: Rules Of Court
- 6-118: Enforcement Of Rules
- 6-119: Written Complaints To Prosecute Ordinance Violations
- 6-120: Traffic Ordinance Violations; Procedures For Issuing Citations; Custody, Arrest
- 6-121: Creation Of Traffic Violations Bureau
- 6-122: Summons For Arrest
- 6-123: Form Of Arrest Warrant
- 6-124: Procedures For Bail Or Bond
- 6-125: Deposit of Driver's License As Bail For Traffic Violations (Repealed)
- 6-126: Arraignment And Pleadings By Defendant

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- 6-127: Trials And Judgments
- 6-128: Witness Fees
- 6-129: Suspension Of Sentence
- 6-130: Imprisonment, Work By Prisoners
- 6-131: Fines And Costs
- 6-132: Penalty Assessments

6-101: ORGANIZATION OF MUNICIPAL COURT¹:

This chapter shall govern the organization and operation of the municipal criminal court of the town of Calumet, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by sections 27-101 and 27-102 of title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this town, the provisions of this chapter shall control. (1986 Code)

6-102: DEFINITIONS:

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

- CHIEF OF POLICE: The peace officer in charge of the police force of the municipality.
- CLERK: The clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office.
- COURT: The municipal court of the town of Calumet.
- GOVERNING BODY: The town board of trustees of the town of Calumet.

¹11 OS §§ 27-101-27-131.

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

MUNICIPALITY OR THIS MUNICIPALITY: The town of Calumet, Oklahoma.

THIS JUDICIAL DISTRICT: The district court judicial district of the state of Oklahoma wherein the government of this municipality is situated. (1986 Code)

6-103: JURISDICTION OF COURT:

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this municipality is charged, including any such prosecutions transferred to the court in accordance with applicable law. (1986 Code)

6-104: JUDGE; QUALIFICATIONS:

There shall be one judge of the court. A judge need not be an attorney licensed to practice law in Oklahoma. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court pending therein, or which might become the subject of proceedings therein. He must be a resident of this state or maintain a law office therein. He may serve as judge of other municipal courts, if such service may be accomplished consistently with his duties as judge of this court, with the consent of the mayor and board of trustees. If no licensed attorney residing within this state is willing to accept appointment as judge, a resident of this municipality of the age of twenty five (25) years or older, possessed of good moral character, may be appointed judge. (1986 Code; amd. Ord. 91-01, 6-4-1991)

6-105: TERM OF JUDGE:

The official term of the judge shall be two (2) years expiring each odd-numbered year on February 12. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified. (1986 Code)

6-106: ALTERNATE JUDGE:

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

1. Absent from the court;
2. Unable to act as judge; or
3. Disqualified from acting as judge in the case. (1986 Code)

6-107: ACTING JUDGE:

If at any time there is no judge or alternate judge, duly appointed and qualified, available to sit as judge, the mayor shall appoint some person, possessing the qualifications required by this chapter for the judge, who shall preside as acting judge over the court in the disposition of pending matters until such time as a judge or alternate judge shall be available. (1986 Code)

6-108: APPOINTMENT OF JUDGE AND ALTERNATE JUDGE:

Judges and alternate judges shall be appointed by the mayor with the consent of the governing body. A proposed appointment shall be submitted in writing to the governing body at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The governing body may decide upon the proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the governing body unless the mayor, in writing, withdraws the proposed appointment. (1986 Code)

6-109: SALARY AND PAYMENTS TO JUDGES:

A. A judge, other than an alternate judge or an acting judge, shall receive a salary as set by the governing body by motion or resolution, paid in the same manner as the salaries of other officials of this municipality.

B. An alternate judge or an acting judge shall be paid an amount as set by motion or resolution of the governing body, however, payments to an acting or alternate judge shall not exceed the salary set for a judge in whose stead he sits. (1986 Code)

6-110: REMOVAL OF JUDGE:

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

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

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

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

C. So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings¹ shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal. (1986 Code)

6-111: VACANCY IN OFFICE OF JUDGE:

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

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

¹75 OS §§ 309-317, as amended.

B. Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term in the same manner as an original appointment is made. (1986 Code)

6-112: DISQUALIFICATION OF JUDGE:

In prosecutions before the court no change of venue shall be allowed; but the judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate or acting judge appointed as provided in this chapter. (1986 Code)

6-113: COURT MARSHAL:

All writs or processes of the court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal officer of the court. (1986 Code)

6-114: CLERK OF THE COURT; DUTIES:

The clerk, or a deputy designated by him, shall be the clerk of the court. He shall assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers. He shall administer oaths required in proceedings before the court. He shall enter all pleadings, processes, and proceedings in the dockets of the court. He shall perform such other clerical duties relating to the proceedings of the court as the judge shall direct. He shall receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court. He shall pay to the treasurer of this municipality all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the general fund of the municipality, or in such other funds as the governing body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed. (1986 Code)

6-115: PROSECUTING ATTORNEY; DUTIES; CONFLICT OF INTEREST:

The attorney for this municipality, or his duly designated assistant, shall be the prosecuting officer of the court. He shall also prosecute all alleged violations of the ordinances of the town. He shall be authorized, in his discretion, to prosecute and resist appeal, proceedings in

error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of matters in this court. (1986 Code)

6-116: BOND OF CLERK:

The court clerk shall give bond, in the form provided by section 27-111 of title 11 of the Oklahoma Statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives. (1986 Code)

6-117: RULES OF COURT:

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this municipality for the proper conduct of the business of the court. (1986 Code)

6-118: ENFORCEMENT OF RULES:

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state. (1986 Code)

6-119: WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS:

All prosecutions for violations of ordinances of this municipality shall be styled The Town of Calumet v. (naming defendant or defendants). Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged and approved for filing by the town attorney. (1986 Code)

6-120: TRAFFIC ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION; CUSTODY, ARREST:

A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, committed by a resident thereof, in lieu of arresting such a person, he may take his name, address, operator's license number, and registered license number

of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the mayor or his duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.

B. If the alleged traffic violation is committed by a nonresident or resident of this municipality, the police officer may:

1. Release the person after obtaining sufficient information as set out in subsection A of this section pending his appearance on a day certain in court, as specified in the citation after the person:
 - a. Posts cash bail;
 - b. Deposits with the arresting officer a guaranteed arrest bond certificate; or
 - c. Deposits with the arresting officer a valid license to operate motor vehicle in exchange for a receipt therefor issued by the arresting officer;
2. Take the person in custody and demand that bond for the offense charged be posted according to the provisions of this chapter; or
3. Take the person into custody under arrest. The arrested person either shall be taken immediately, before the judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in subsection A of this section, the person shall be released from custody.

C. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in subsection A or B of this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under subsection A or B of this section. (1986 Code)

6-121: CREATION OF TRAFFIC VIOLATIONS BUREAU:

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

B. The traffic violations bureau shall be staffed by court personnel and be physically separate and apart from the police department.

C. The traffic violations bureau shall accept fines which may be paid in lieu of a court appearance for such traffic offenses as may be designated by the judge under the court's rules. The schedule of fines shall be adopted by the governing body from time to time by motion or resolution. A copy shall be kept in the clerk's office.

D. All such fines shall be the minimum penalty prescribed for such violation, and no costs shall be assessed.

E. In no event shall payment of a fine without court appearance be accepted in the traffic violations bureau for the following offenses:

1. A second or subsequent offense of the same violation;
2. Driving under the influence of intoxicating liquor or drugs or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs;
3. Leaving the scene of an accident;
4. Driving while license is suspended or revoked;
5. Reckless driving;
6. Careless driving; or
7. Any charge made because of a motor vehicle accident in which personal injury or death occurred.

F. Payment of any fine to the traffic violations bureau shall be deemed a final determination of the cause against the defendant. In no event shall any such payment be introduced as evidence in any civil cause arising out of the offense charged. (1986 Code)

6-122: SUMMONS FOR ARREST:

A. Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a

citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter. (1986 Code)

6-123: FORM OF ARREST WARRANT:

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

The Town of Calumet to the Marshal of the Municipal Court of Calumet, Oklahoma.

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

Witness my hand this _____ day of _____, 19____.

*Judge of the Municipal Court
Calumet, Oklahoma.*

B. It is the duty of the marshal, personally, or through a duly constituted member of the police force of this municipality, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. (1986 Code)

6-124: PROCEDURES FOR BAIL OR BOND:

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the

rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than ten dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

B. In the event of nonappearance of a person who has posted a bond in sufficient amount to pay the fine and costs assessed, the judge may treat the nonappearance as a plea of no contest to the charge and order the bond forfeited to pay the fine and costs.

C. In the event of nonappearance of a person who has not posted a bond in sufficient amount to pay the fine and costs, the judge may issue a bench warrant for the arrest of such individual and direct the police chief or his designated representative to take such person into custody. Such person may be released upon posting bail in amount sufficient to pay the fine and costs for the original offense together with the fine and costs for the offense of failing to appear. No person shall be held in any municipal or county jail for such nonpayment except upon the authorization of the municipal judge.

D. In the event that a person found guilty of any offense under this code is ordered to pay a fine and costs and time is given for making such payment, any bond posted by such person shall continue until the payment in full is made. In any such case, the judge shall direct the person to make such payment by a date and time certain and shall direct such person to appear on such date and time and show cause why he should not be further punished if payment has not been made by such time or show cause why he should be excused from making such payment. The failure of any person to appear and show good cause for making such payment is itself an offense punishable as provided in section 1-108 of this code.

E. The failure of any person who has not posted a sufficient bond as provided by subsection B of this section to appear on the date and time of his scheduled offense, is itself an offense punishable as provided in section 1-108 of this code. (1986 Code; amd. Ord., 3-17-1987)

6-125: DEPOSIT OF DRIVER'S LICENSE AS BAIL FOR TRAFFIC VIOLATIONS:
(Repealed)

6-126: ARRAIGNMENT AND PLEADINGS BY DEFENDANT:

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

disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date. (1986 Code)

6-127: TRIALS AND JUDGMENTS:

- A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
- B. The defendant must be present in person at the trial.
- C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the supreme court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.
- D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.
- E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.
- F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.
- G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each five dollars (\$5.00) of fine. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (1986 Code)

6-128: WITNESS FEES:

- A. Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena

witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The names of no more than three (3) witnesses;
 2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
 3. That the testimony of the witnesses is material; and
 4. That their attendance at the trial is necessary for his proper defense.
- B. The fees of such witnesses shall be paid by the municipality. (1986 Code)

6-129: SUSPENSION OF SENTENCE:

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by sections 27-123 and 27-124 of title 11 of the Oklahoma Statutes. (1986 Code)

6-130: IMPRISONMENT, WORK BY PRISONERS:

- A. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.
- B. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving two (2) days of imprisonment under his sentence.
- C. The chief of police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor. (1986 Code)

March 2001

6-131: FINES AND COSTS:

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in an amount not to exceed the maximum sum permitted by state law, plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine that may be imposed. (Ord. 2000-04, 11-7-2000)

6-132: PENALTY ASSESSMENTS:

A. Any person:

1. Convicted of an offense punishable by a fine of ten dollars (\$10.00) or more, or by imprisonment, excluding parking and standing violations; or
2. Forfeiting bond when charged with such an offense under subsection A1 of this section, shall pay a sum as set by state law as a separate penalty assessment for law enforcement training, and as a separate fingerprinting fee, which shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. The court shall provide for separate bail for the assessments; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.

B. Upon conviction or bond forfeiture, the court shall collect the assessment and deposit the monies for payment as required by state law.

C. At the end of every quarter the court clerk shall forward to the Oklahoma state treasury the funds deposited in the law enforcement training funds and the AFIS (automated fingerprint identification system) fund as required by law. Along with the required deposits, the court clerk shall also submit a report stating the total amount of funds collected and the total number of penalty assessments imposed during the preceding quarter.

D. For the purpose of this section, "conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment. (Ord. 2000-04, 11-7-2000)

March 2001

PART 7 FINANCE AND TAXATION

Subject	Chapter
Finance And Budget Administration	1
Sales Tax.....	2
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CHAPTER 1 FINANCE AND BUDGET ADMINISTRATION

SECTION:

- 7-101: Depositories Designated; Funds To Be Deposited
- 7-102: Funds Secured By Unit Collateral System
- 7-103: Contractual Services Defined For Purchasing
- 7-104: Purchases, How Made
- 7-105: When Prior Approval By The Town Board Of Trustees Is Required
- 7-106: Competitive Bidding
- 7-107: When Competitive Bidding Is Not Required
- 7-108: Sales, Town Board Of Trustees To Declare Surplus Or Obsolete Competitive Bidding
- 7-109: When Competitive Bidding Is Not Required On Sales

7-101 : DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED¹:

All banks and all savings and loan associations in this town which are incorporated under federal or state law are hereby designated as depositories for the funds of the town. The town treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations. (1986 Code)

7-102 : FUNDS SECURED BY UNIT COLLATERAL SYSTEM²:

The deposits of the town shall be secured by the unit collateral system provided by the Oklahoma Statutes. (1986 Code)

7-103 : CONTRACTUAL SERVICES DEFINED FOR PURCHASING:

¹ 11 OS § 12-110.

² 62 OS § 516.1 et seq.

"Contractual services", for the purpose of this chapter means services performed for the town by persons not in the employment of the town, and may include the use of equipment or the furnishing of commodities in connection with said services under express or implied contract. Contractual services shall include travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; printing out; binding; repairs, alterations and maintenance of buildings, equipment, streets and bridges, and other physical facilities of the town; and other services performed for the town by persons not in the employment of the town. (1986 Code)

7-104: PURCHASES, HOW MADE:

All purchases of supplies, materials, equipment and contractual services for the offices, departments and agencies of the town government, shall be made by the town board of trustees or by other town personnel in accordance with purchase authorizations issued by the town board of trustees. (1986 Code)

7-105: WHEN PRIOR APPROVAL BY THE TOWN BOARD OF TRUSTEES IS REQUIRED¹:

Every contract for, or purchase of, supplies, materials, equipment or contractual services for more than two thousand five hundred dollars (\$2,500.00) shall require the prior approval of the town board of trustees; and under no circumstances may such contract or purchase be made without first obtaining the approval of the board of trustees. (1986 Code)

7-106: COMPETITIVE BIDDING²:

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

¹62 OS § 310.1.

²61 OS § 101 et seq.

the town. All bids shall be sealed and shall be opened in public at a designated time and place. He may repeatedly reject all bids, and again may submit to the same or other persons, firms or corporations the request for quotation, or invitation to bid, and/or again publish notice of the proposed purchase. He may purchase from the bidder whose bid is most advantageous to the town, considering price, quality, date of delivery and so on, and in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the town. (1986 Code)

7-107: WHEN COMPETITIVE BIDDING IS NOT REQUIRED:

- A. The following may be purchased without giving an opportunity for competitive bidding:
1. Supplies, materials, equipment or contractual services whose costs do not exceed twenty five thousand dollars (\$25,000.00) in a single transaction; (Ord. 2004-04, 8-3-2004)
 2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;
 3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;
 4. Equipment to replace existing equipment which has become inoperable when the board of trustees declares the purchase an emergency;
 5. Contractual services, including, but not limited to, natural gas, electricity, telephone service, purchased from a public utility at a price or rate determined by the state corporation commission or other governmental authority;
 6. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency or any other state agency hereafter authorized to regulate prices for things purchased by the state, whether such price is determined by a contract negotiated with a vendor or otherwise; and
 7. Contractual services of a professional nature, such as engineering, architectural and medical services unless competitive bidding is required by applicable law or regulations, such as certain federal grants programs. (1986 Code)

December 2004

7-108 : SALES, TOWN BOARD OF TRUSTEES TO DECLARE SURPLUS OR OBSOLETE COMPETITIVE BIDDING:

No surplus or obsolete supplies, materials or equipment of a value of more than one thousand dollars (\$1,000.00) may be sold until the town board of trustees has declared them obsolete or surplus. Before the town board of trustees sells any surplus or obsolete supplies, materials or equipment, except as otherwise provided below, they shall be advertised for sale in a newspaper of general circulation in the town or give notice in such other manner as the board of trustees deems necessary adequately to reach prospective buyers to give them opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The town board of trustees may repeatedly reject all bids and advertise or give notice again. The town board of trustees shall sell such supplies, materials or equipment to the highest responsible bidder for cash. In case of a tie, the board of trustees may sell to either of the bidders tying, or may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders for cash. (1986 Code)

7-109 : WHEN COMPETITIVE BIDDING IS NOT REQUIRED ON SALES:

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

1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed one thousand dollars (\$1,000.00) in a single transaction; and
2. Supplies, materials or equipment when sold at a price at least as great as that paid by the town for the same. (1986 Code)

CHAPTER 2 SALES TAX¹

SECTION:

- 7-201: Adoption; Amendments
- 7-202: Definitions
- 7-203: Tax Collector Defined
- 7-204: Classification Of Taxpayers
- 7-205: Subsisting State Permits
- 7-206: Effective Date
- 7-207: Purpose Of Revenues
- 7-208: Tax Rate; Sales Subject To Tax
- 7-209: Exemptions; Sales Subject To Other Tax
- 7-210: Exemptions; Governmental And Nonprofit Entities
- 7-211: Exemptions; General
- 7-212: Exemptions; Agriculture
- 7-213: Exemptions; Manufacturers
- 7-214: Exemptions; Corporations And Partnerships
- 7-215: Tax Due When; Returns; Records
- 7-216: Payment Of Tax; Brackets
- 7-217: Tax Constitutes Debt
- 7-218: Vendor's Duty To Collect Tax; Penalties
- 7-219: Returns And Remittances; Discounts
- 7-220: Interest And Penalties; Delinquency
- 7-221: Waiver Of Interest And Penalties
- 7-222: Erroneous Payments; Claim For Refund
- 7-223: Fraudulent Returns
- 7-224: Records Confidential
- 7-225: Amendments
- 7-226: Provisions Cumulative

¹68 OS §§ 2701, 1350 et seq.

7-201: ADOPTION; AMENDMENTS:

A. This chapter shall be known and may be cited as *TOWN OF CALUMET SALES TAX ORDINANCE*.

B. Following are the sales tax ordinances passed by the town: (1986 Code)

Ordinance	Date	Description
113		Levies 1% tax
126	Passed 8-21-1979 Effective 10-1-1979	Levies 1% tax
141	Passed 5-28-1986 Effective 8-1-1986	Levies 1% tax
2001-01	Passed 1-11-2001 Effective 7-1-2001	Levies 1% tax

7-202: DEFINITIONS:

The definitions of words, terms and phrases contained in the Oklahoma sales tax code, section 1352 of title 68, and in sections 576 and 593 of title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter. (1986 Code)

7-203: TAX COLLECTOR DEFINED:

The term "tax collector" as used in this chapter means the department of the town or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this chapter. (1986 Code)

7-204: CLASSIFICATION OF TAXPAYERS:

For the purpose of this chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma sales tax code. (1986 Code)

October 2001

7-205: SUBSISTING STATE PERMITS:

All valid and subsisting permits to do business issued by the Oklahoma tax commission pursuant to the Oklahoma sales tax code are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose. (1986 Code)

7-206: EFFECTIVE DATE:

This chapter became effective as to each cent tax after approval of a majority of the registered voters of the town voting on the ordinance in the manner prescribed by section 16-112 of title 11 of the Oklahoma Statutes. (1986 Code)

7-207: PURPOSE OF REVENUES:

A. The purpose of the first and second cent sales taxes is to provide revenues for the general municipal government of the town.

B. The purpose of the third one cent (\$0.01) sales tax, levied by ordinance 141, to provide revenues for the payment of the principal of and interest on indebtedness incurred on behalf of the town by any duly constituted authority thereof for the improvement of the water system of the town. All of these proceeds shall be deposited only in the sinking fund of the authority in relation to indebtedness to be incurred in connection with improvements to the water system until the indebtedness shall have been paid or sufficient funds shall be deposited therein to retire the indebtedness, and thereupon the collection of the additional excise tax shall cease. (1986 Code; amd. Ord. 141, 5-28-1986)

C. The purpose of the fourth one cent (\$0.01) sales tax levied by ordinance 2001-01, is to provide revenues for the general municipal government of the town. (Ord. 2001-01, 1-11-2001, eff. 7-1-2001)

7-208: TAX RATE; SALES SUBJECT TO TAX:

A. There is hereby levied an excise tax of four percent (4%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code including, but not exclusive of, the following: (Ord. 2001-01, 1-11-2001, eff. 7-1-2001)

1. Tangible personal property;

2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this chapter;
3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;
4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
5. Printing or printed matter of all types, kinds, and characters and the service of printing or overprinting, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers;
6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camps;
7. Service of furnishing storage or parking privileges by auto hotels and parking lots;
8. Selling, renting or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which prewritten programs have been coded, punched or otherwise recorded;
9. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;
10. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;
11. Dues or fees to clubs including free or complimentary dues or fees which shall have the value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;
12. Sales of tickets, fees or other charges made for admission to or voluntary contributions made to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities, including free or complimentary

admissions which shall have the value equivalent to the charge that would have otherwise been made;

13. Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged spectators, such as tennis, racquetball or handball courts;
14. Charges made for the privilege of using items for amusement, sports, entertainment or recreational activity such as trampolines or golf carts;
15. The rental of equipment for amusement, sports, entertainment or other recreational activities, such as bowling shoes, skates, golf carts, or other sports and athletic equipment;
16. The gross receipts from sales through any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;
17. Gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. Provided if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;
18. Any licensing agreement, rental, lease or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performances or rights to receive images, pictures or performances for telecast by any method are transferred. Provided, persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed under this chapter shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons and scenes from copyrighted features and the sale or licensing of such films shall not be considered a sale within the purview of this chapter;
19. Flowers, plants, shrubs, trees and other floral items, whether or not same was produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in

another state. Provided, all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this chapter;

20. Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this state will lose tax revenue due to the difficulty of enforcing this chapter because of:
 - a. The operation of the business;
 - b. The nature of the business;
 - c. The turnover of independent contractors;
 - d. The lack of place of business in which to display a permit or keep records;
 - e. Lack of adequate records;
 - f. The persons are minors or transients;
 - g. The persons are engaged in service businesses; or
 - h. Any other reasonable reason;
21. Any taxable services and tangible personal property including materials, supplies and equipment sold to contractors for the purpose of developing and improving real estate even though such real estate is intended for resale as real property are hereby declared to be sales to consumers or users and taxable; and
22. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, are hereby declared to be sales to consumers or users and taxable. (1986 Code; amd. Ord. 141, 5-28-1986)

7-209: EXEMPTIONS; SALES SUBJECT TO OTHER TAX:

A. There is hereby specifically exempted from the tax levied by this chapter the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code inclusive, but not exclusive of, and derived from the:

1. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;
3. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state; and
4. Sale of aircraft on which the tax levied pursuant to sections 6001 through 6004 of title 68 of the Oklahoma Statutes has been paid. The provisions of this subsection A4 shall not become operative until July 1, 1984. (1986 Code)

7-210: EXEMPTIONS; GOVERNMENTAL AND NONPROFIT ENTITIES:

A. There are hereby specifically exempted from the tax levied by this chapter:

1. Sale of tangible personal property or services to the United States Government or to the state of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States Government, state of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;
2. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States Government if ownership and possession of such property transfers immediately to the United States Government;
3. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;
4. Sale of food in cafeterias or lunchrooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;
5. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which

inures to the benefit of any individual member or members thereof to the exclusion of other members;

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

of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice of sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in subsection A9 of this section; and

11. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the section 501(c)(3) of the Revenue Code. (1986 Code)

7-211: EXEMPTIONS; GENERAL:

- A. There are hereby specifically exempted from the tax levied by this chapter:
 1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;
 2. Transportation of persons where the fare of each person does not exceed one dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;
 3. Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not exceed seventy five cents (\$0.75). A "carrier" is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;
 4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling;

neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;

5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;
6. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;
7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by section 353.1 of title 59 of the Oklahoma Statutes;
8. Transfers of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums; and
9. Nothing herein shall be construed as limiting or prohibiting the town from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the town on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items. (1986 Code)

7-212: EXEMPTIONS; AGRICULTURE:

- A. There are hereby specifically exempted from the tax levied by this chapter:

1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:
 - a. Farm, orchard or garden products;
 - b. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
 - c. Livestock sold by the producer at a special livestock sale; or
 - d. The provisions of this subsection shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;
2. Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;
3. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;
4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:
 - a. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;
 - b. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
 - c. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
 - d. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
 - e. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other furbearing animals; and

- f. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the tax commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;
5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:
- a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;
 - b. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching, and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;
 - c. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, "agricultural fertilizer", "pharmaceuticals" and "biologicals" shall mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals;
 - d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;

- e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and
 - f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; and
6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit. (1986 Code)

7-213: EXEMPTIONS; MANUFACTURERS:

- A. There are hereby specifically exempted from the tax levied by this chapter:
1. Goods, wares, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
 2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;
 3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this chapter. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
 4. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise; or
 5. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state. (1986 Code)

7-214: EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS:

A. There are hereby specifically exempted from the tax levied in this chapter:

1. The transfer of tangible personal property, as follows:
 - a. From one corporation to another corporation pursuant to a reorganization. As used in this subsection the term "reorganization" means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;
 - b. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
 - c. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the property prior to the transfer;
 - d. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or
 - e. From a partnership to the members thereof when made in kind in the dissolution of such partnership; or
2. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property. (1986 Code)

7-215: TAX DUE WHEN; RETURNS; RECORDS:

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code. (1986 Code)

7-216: PAYMENT OF TAX; BRACKETS:

A. The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of state sales tax.

B. The bracket system for the collection of the town sales tax by the tax collector shall be the same as is hereafter adopted by the agreement of the town and the tax collector, in the collection of both the town sales tax and the state sales tax. (1986 Code)

7-217: TAX CONSTITUTES DEBT:

The taxes, penalty and interest due under this chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (1986 Code)

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

A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this town to collect from the consumer or user the full amount of the tax levied by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A vendor, as defined hereunder, who wilfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this chapter, or wilfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in section 1-108 of this code.

D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the town. Any person, firm, corporation, joint venture or association that wilfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in section 1-108 of this code. (1986 Code)

7-219: RETURNS AND REMITTANCES; DISCOUNTS:

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of state sales taxes. (1986 Code)

7-220: INTEREST AND PENALTIES; DELINQUENCY:

Section 217 of title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter. (1986 Code)

7-221: WAIVER OF INTEREST AND PENALTIES:

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in section 220 of title 68 of the Oklahoma Statutes. To accomplish the purposes of this section, the applicable provisions of section 220 of title 68 of the Oklahoma Statutes are hereby adopted by reference and made apart of this chapter. (1986 Code)

7-222: ERRONEOUS PAYMENTS; CLAIM FOR REFUND:

Refund of erroneous payment of the town sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in section 227 of title 68 of the Oklahoma Statutes. To accomplish the purpose of this section, the applicable provisions of section 227 of title 68 of the Oklahoma Statutes are hereby adopted by reference and made a part of this chapter. (1986 Code)

7-223: FRAUDULENT RETURNS:

In addition to all civil penalties provided by this chapter, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine as provided in section 1-108 of this code. (1986 Code)

7-224: RECORDS CONFIDENTIAL:

The confidential and privileged nature of the records and files concerning the administration of the town sales tax is legislatively recognized and declared, and to protect the same the provisions of the State Sales Tax Code, section 205 of title 68 of the Oklahoma Statutes, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax as if here set forth in full. (1986 Code)

7-225: AMENDMENTS:

The people of the town, by their approval of the sales tax ordinance hereby authorize the town board of trustees, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the town as provided by law. (1986 Code)

7-226: PROVISIONS CUMULATIVE:

The provisions of this chapter shall be cumulative and in addition to any or all other taxing provisions of town ordinances. (1986 Code)

CHAPTER 3 TELEPHONE EXCHANGE TAX

SECTION:

- 7-301: Fee Levied On Telephone Exchanges
7-302: Fee To Be In Lieu Of Other Fees, Taxes

7-301: FEE LEVIED ON TELEPHONE EXCHANGES¹:

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the town in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the town. The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the town as required by the town board shall be paid into and appropriated and expended from the general revenue fund of the town. (1986 Code)

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

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the town is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the town. (1986 Code)

¹ 68 OS § 2601 et seq.

CHAPTER 4 UTILITY TAX

SECTION:

- 7-401: Utility Tax Levied
- 7-402: Not To Apply To Franchises
- 7-403: Payment Of Tax
- 7-404: Failure To Pay Tax
- 7-405: Tax Constitutes Lien

7-401: UTILITY TAX LEVIED¹:

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of gas in the town, which tax shall be in lieu of any other franchise, license, occupation, or excise tax levied by such town, all as provided by state law. (1986 Code)

7-402: NOT TO APPLY TO FRANCHISES:

The tax levied under this chapter shall, when levied, apply to all persons, firms, associations, or corporations engaged in the business of furnishing gas within the town limits, except it shall not apply to any person, firm, association, or corporation operating under a valid franchise from the town. (1986 Code)

7-403: PAYMENT OF TAX:

The tax levied under this chapter on gas receipts shall be levied for a term of not less than one year and shall be payable quarterly or as otherwise provided by the town board and placed in the general revenue fund of the town. (1986 Code)

¹68 OS § 2601 et seq.

7-404: FAILURE TO PAY TAX:

Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from such town and in addition thereto, an action may be maintained against such person, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney fees. (1986 Code)

7-405: TAX CONSTITUTES LIEN:

The tax so imposed shall constitute a first and prior lien on all the assets located within the town of any person, firm, or corporation engaged in the business of selling gas within the town limits. (1986 Code)

CHAPTER 5 USE TAX

SECTION:

- : Citation And Codification
- : Definitions
- : Excise Tax On Storage, Use Or Other Consumption Of Tangible Personal Property
Levied
- : Purpose Of Revenues
- : Exemptions
 - : Time When Due, Returns,
Payment 7-507: Tax
Constitutes Debt
- 7-508: Collection Of Tax By Retailer Or Vendor
- 7-509: Collection Of Tax By Retailer Or Vendor Not Maintaining A Place Of Business
Within State Or Both Within And Without State, Permits
- 7-510: Revoking Permits
- 7-511: Remunerative Deductions Allowed Vendors Or Retailers Of Other States
- 7-512: Interest And Penalties, Delinquency
- 7-513: Waiver Of Interest And Penalties
- 7-514: Erroneous Payments, Claim For Refund
- 7-515: Fraudulent Returns
- 7-516: Records Confidential
- 7-517: Classification Of Taxpayers
- 7-518: Subsisting State Permits
- 7-519: Provisions Cumulative

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7-501: CITATION AND CODIFICATION:

This chapter shall be known and may be cited as TOWN OF CALUMET USE TAX.
(Ord. 89-05, 10-3-1989)

7-502: DEFINITIONS:

The definitions of words, terms and phrases contained in the Oklahoma use tax code, section 1401 of title 68 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter. In addition thereto, the following words and terms shall be defined as follows:

TAX COLLECTOR: The department of the town government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied.

TRANSACTION: Sale. (Ord. 89-05, 10-3-1989)

7-503: EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE PERSONAL PROPERTY LEVIED:

There is hereby levied and there shall be paid by every person storing, using, or otherwise consuming within the town, tangible personal property purchased or brought into this town, an excise tax on the storage, use or other consumption within the town of such property at the rate of four percent (4%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the town, tangible personal property purchased or brought into the town. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the town and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible personal property intended solely for use outside the town, but which is stored in the town pending shipment outside the town or which is temporarily retained in the town for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the town had been levied on the sale of such goods or services. (Ord. 2001-02, 5-1-2001, eff. 7-1-2001)

October 2001

: PURPOSE OF REVENUES:

It is hereby declared to be the purpose of this chapter to provide revenues for the support of the functions of the municipal government of the town, and any and all revenues derived hereunder may be expended by the governing body of the town for any purpose for which funds may be lawfully expended as authorized. (Ord. 89-05, 10-3-1989)

: EXEMPTIONS:

A. The provisions of this chapter shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the town by a nonresident individual visiting in this town for his or her personal use or enjoyment while within the town;
2. In respect to the use of tangible, personal property purchased for resale before being used;
3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the town of Calumet use tax, has been paid by the person using such tangible, personal property in the town, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and town of Calumet use tax, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the town of Calumet use tax, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the town;
4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the town, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the town. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the town. The term "manufacturing plants" means those establishments

primarily engaged in manufacturing or processing operations, and generally recognized as such;

5. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the town;
6. In respect to the use of any article of tangible, personal property brought into the town by an individual with intent to become a resident of this town where such personal property is for such individual's personal use or enjoyment;
7. In respect to the use of any article of tangible, personal property used or to be used by commercial airlines or railroads; or
8. In respect to livestock purchased outside Oklahoma and brought into this town for feeding or breeding purposes, and which is later resold. (Ord. 89-05, 10-3-1989)

: TIME WHEN DUE, RETURNS, PAYMENT:

The tax levied by this chapter is due and payable at the time and in the manner and form prescribed for payment of the state use tax under the Use Tax Code of the state of Oklahoma. (Ord. 89-05, 10-3-1989)

: TAX CONSTITUTES DEBT:

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (Ord. 89-05, 10-3-1989)

: COLLECTION OF TAX BY RETAILER OR VENDOR:

Every retailer or vendor maintaining places of business both within and without the state, and making sales of tangible, personal property from a place of business outside this state for use in this town shall at the time of making such sales collect the use tax levied by this chapter from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the tax commission, if the tax commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the tax commission the name and address of all his agents operating in this town and location of any and all distribution or sales houses or offices or other places of business in the town. (Ord. 89-05, 10-3-1989)

: COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE, PERMITS:

The tax commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this town and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without this state and making sales of tangible, personal property at such out-of-state place of business for use in this town. Such retailer or vendor may be issued, without charge, a permit to collect such taxes by the tax commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within this town. Such authority and permit may be canceled when at any time the tax commission considers that such tax can more effectively be collected from the person using such property in this town. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this town by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier) such sales or transactions shall continue to be subject to applicable town sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly. (Ord. 89-05, 10-3-1989)

: REVOKING PERMITS:

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this chapter of the Oklahoma Use Tax Code or any orders, rules or regulations of the tax commission, the tax commission may, upon notice and hearing as provided for in section 1408 of title 68 of the Oklahoma Statutes, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel the corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this chapter, the Oklahoma Use Tax Code, or any orders, rules or regulations of the tax commission. (Ord. 89-05, 10-3-1989)

: REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR
RETAILERS OF OTHER STATES:

Returns and remittances of the tax herein levied and collected shall be made to the tax commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for the collection of state use taxes. (Ord. 89-05, 10-3-1989)

: INTEREST AND PENALTIES, DELINQUENCY:

Section 217 of title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in the amounts as herein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this chapter. (Ord. 89-05, 10-3-1989)

: WAIVER OF INTEREST AND PENALTIES:

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state use tax provided in section 220 of title 68 of the Oklahoma Statutes, and to accomplish the purposes of this section the applicable provisions of said section 220 are hereby adopted by reference and made a part of this chapter. (Ord. 89-05, 10-3-1989)

: ERRONEOUS PAYMENTS, CLAIM FOR REFUND:

Refund of erroneous payment of the town use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state use tax as set forth in section 227 of title 68 of the Oklahoma Statutes, and to accomplish the purpose of this section, the applicable provisions of said section 227 are hereby adopted by reference and made a part of this chapter. (Ord. 89-05, 10-3-1989)

: FRAUDULENT RETURNS:

In addition to all civil penalties provided by this chapter, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be punished as provided in section 1-108 of this code. Each day of noncompliance with this chapter shall constitute a separate offense. (Ord. 89-05, 10-3-1989)

: RECORDS CONFIDENTIAL:

The confidential and privileged nature of the records and files concerning the administration of the town use tax is legislatively recognized and declared, and to protect the same the provisions of section 205 of title 68 of the Oklahoma Statutes, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the town use tax as is herein set forth in full. (Ord. 89-05, 10-3-1989)

: CLASSIFICATION OF TAXPAYERS:

For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code. (Ord. 89-05, 10-3-1989)

: SUBSISTING STATE PERMITS:

All valid and subsisting permits to do business issued by the tax commission pursuant to the Oklahoma Use Tax Code are for the purpose of this chapter hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose. (Ord. 89-05, 10-3-1989)

: PROVISIONS CUMULATIVE:

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the town ordinances. (Ord. 89-05, 10-3-1989)

PART 8 HEALTH AND SANITATION

Subject	Chapter
Weeds And Trash.....	1
Food Regulations.	2
Nuisances.	3
Enforcement And Penalty	4
Dilapidated Buildings	5

CHAPTER 1 WEEDS AND TRASH

SECTION:

- 8-101: Accumulation Of Trash Or Weeds Unlawful
- 8-102: Definitions
- 8-103: Reports Of Accumulation Of Grass, Weeds Or Trash On Property
- 8-104: Receipt Of Report, Hearing And Notice
- 8-105: Work Done By Employees Or Contract
- 8-106: Determination And Assessment Of Costs
- 8-107: Lien On Property, Civil Remedy
- 8-108: Service Of Notice
- 8-109: Unlawful To Deposit Rubbish
- 8-110: Burning Refuse
- 8-111: Removal Of Dead Animals
- 8-112: Unlawful To Litter
- 8-113: Unlawful To Litter From Automobiles
- 8-114: Litter Not To Accumulate On Property
- 8-115: Penalty

8-101: ACCUMULATION OF TRASH OR WEEDS UNLAWFUL¹:

It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds. (1986 Code)

¹ 11 OS § 22-110.

8-102: DEFINITIONS:

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

- OWNER: The owner of record as shown by the most current tax rolls of the County Treasurer.
- TRASH: Any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned.
- WEEDS: Includes, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
- A. Exceeds twelve inches (12") in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - B. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - C. Harbors rodents or vermin;
 - D. Gives off unpleasant or noxious odors;
 - E. Constitutes a fire or traffic hazard; or
 - F. Is dead or diseased.
- The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty feet (150') from a parcel zoned for other than agricultural use. (1986 Code)

8-103: REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY¹:

A. Any officer or employee of the town who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the town, shall report the condition to the town clerk if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;
2. A hazard to traffic;
3. A fire hazard to property; or
4. Any two (2) or more of these conditions. (1986 Code)

8-104: RECEIPT OF REPORT, HEARING AND NOTICE:

A. Upon receiving the report provided for in section 8-103 of this chapter, or upon receipt of equivalent information from any reliable source, the town clerk shall place the matter upon the agenda of the town board for hearing and consideration at an appropriate date which will permit the giving of the notices prescribed by state law. At the hearing the board shall consider whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, or a fire hazard to property, or any two (2) or more of such conditions.

B. At least ten (10) days prior to the hearing, the town clerk shall give written notice of the hearing by forwarding a copy thereof by certified mail, with return receipt requested, to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of the hearing.

C. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the town board shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the board determines that any of the conditions specified in section 8-101 of this chapter exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:

¹ 11 OS § 22-111.

1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or
2. Gives written consent authorizing the town to abate the trash or weeds, thereby waiving his right to a hearing. (1986 Code)

8-105: WORK DONE BY EMPLOYEES OR CONTRACT:

The work ordered to be performed under section 8-104 of this chapter may be done by the employees of this town under supervision of the town utility or sanitation department, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts. (1986 Code)

8-106: DETERMINATION AND ASSESSMENT OF COSTS:

Upon the completion of the work ordered to be performed under section 8-105 of this chapter, the town clerk shall report the cost thereof to the town board. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of five percent (5%) of direct actual costs. The board shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The board shall direct the town clerk to forward a statement and demand payment of the total cost by certified mail, with return receipt requested, to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies. (1986 Code)

8-107: LIEN ON PROPERTY, CIVIL REMEDY¹:

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by section 8-106 of this chapter, the town clerk shall forward a certified statement of the amount of the costs to the County Treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the County Treasurer in the manner prescribed by the law of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this section the town may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the town clerk shall forward to the County Treasurer a notice of such payment and directing discharge of the lien. (1986 Code)

¹See also section 8-308 of this part.

8-108: SERVICE OF NOTICE:

The service of all notices prescribed by this chapter shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the town clerk. (1986 Code)

8-109: UNLAWFUL TO DEPOSIT RUBBISH:

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse, or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this town. (1986 Code)

8-110: BURNING REFUSE:

- A. It is unlawful to wilfully burn any trash or refuse or any type material within the town.
- B. It is unlawful for any person to burn trash, wastepaper, rubbish or refuse except under a permit issued by the State Health Department or U.S. Environmental Protection Agency. (1986 Code)

8-111: REMOVAL OF DEAD ANIMALS:

The owner or any person having charge of any animal dying in this town, shall within twenty four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor. (1986 Code)

8-112: UNLAWFUL TO LITTER:

- A. "Littering" is defined as throwing any trash, refuse, wastepaper, tin cans, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the town or upon any real property owned or occupied by another.
- B. It is unlawful for any person to litter. (1986 Code)

8-113: UNLAWFUL TO LITTER FROM AUTOMOBILES:

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the town any litter, trash, wastepaper, tin cans or any other substance or refuse whatever. (1986 Code)

8-114: LITTER NOT TO ACCUMULATE ON PROPERTY:

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, wastepaper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, wastepaper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender. (1986 Code)

8-115: PENALTY:

Any person, firm or corporation found violating any provision of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined as provided in section 1-108 of this code. (1986 Code)

CHAPTER 2 FOOD REGULATIONS¹

SECTION:

- 8-201: U.S. Food Service Sanitation Ordinance Adopted
- 8-202: Milk Ordinance Adopted
- 8-203: Grade Requirements
- 8-204: Violation; Penalty

8-201 : U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED:

A. The unabridged form of the latest edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted and incorporated in this code by reference. One copy of the sanitation ordinance and code shall be on file in the office of the town clerk. The sanitation ordinance and code shall govern the definitions, inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section. In the sanitation ordinance and code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: subsections H.2.e., H.7 and H.8.

B. "Health authority" shall mean the director of the County Health Department of this county or his designated representative.

C. Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation. (1986 Code)

¹63 OS § 1-1101 et seq.

8-202: MILK ORDINANCE ADOPTED¹:

Part II of the Grade A Pasteurized Milk Ordinance recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the pasteurized milk ordinance shall be filed in the office of the appropriate official. Sections 9, 16 and 17 of the abridged ordinance shall be replaced, respectively by sections 8-203 and 8-204 of this chapter. (1986 Code)

8-203: GRADE REQUIREMENTS:

Only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments; provided that in an emergency, or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded". (1986 Code)

8-204: VIOLATION; PENALTY:

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 1-108 of this code. (1986 Code)

¹63 OS § 1-1301 et seq.; 2 OS § 7-1 et seq.

CHAPTER 3 NUISANCES

SECTION:

- 8-301: Nuisance Defined; Public Nuisances; Private Nuisances
- 8-302: Persons Responsible
- 8-303: Time Does Not Legalize
- 8-304: Remedies Against Public Nuisances
- 8-305: Remedies Against Private Nuisances
- 8-306: Town Has Power To Define And Summarily Abate Nuisances
- 8-307: Certain Public Nuisances In The Town Defined
- 8-308: Summary Abatement Of Nuisances
- 8-309: Abatement By Suit In District Court
- 8-310: Nuisance Unlawful
- 8-311: Health Nuisances; Abatement
- 8-312: Toilet Facilities Required; Nuisance
- 8-313: Procedure Cumulative

8-301 : NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES¹:

A. A "nuisance" is unlawfully doing an act or omitting to perform a duty or is any thing or condition which either:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
4. In any way renders other persons insecure in life or in the use of property.

¹50 OS § 1 et seq.

B. A "public nuisance" is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

C. Every nuisance not included in subsection B of this section is a "private nuisance". (1986 Code)

8-302: PERSONS RESPONSIBLE:

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it. (1986 Code)

8-303: TIME DOES NOT LEGALIZE:

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right. (1986 Code)

8-304: REMEDIES AGAINST PUBLIC NUISANCES:

A. The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement:
 - a. By person injured as provided in section 12 of title 50 of the Oklahoma Statutes; or
 - b. By the town in accordance with law or ordinance. (1986 Code)

8-305: REMEDIES AGAINST PRIVATE NUISANCES:

A. The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:

- a. By person injured as provided in sections 14 and 15 of title 50 of the Oklahoma Statutes; or
- b. By the town in accordance with law or ordinance. (1986 Code)

8-306: TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES:

As provided in section 16 of title 50 of the Oklahoma Statutes, the town has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the town has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done. (1986 Code)

8-307: CERTAIN PUBLIC NUISANCES IN THE TOWN DEFINED:

- A. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:
 - 1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
 - 2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinances of the town;
 - 3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
 - 4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
 - 5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
 - 6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
 - 7. The conduct or holding of public dances in violation of the ordinances of the town; or the keeping of a place where such dances are held;

8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;
11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;
13. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;
14. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;
15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
16. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;
18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; or
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance.

B. The above enumeration, of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms. (1986 Code)

8-308: SUMMARY ABATEMENT OF NUISANCES:

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. The chief of the fire department, the chief of police, the town attorney, the building inspector, the electrical inspector, the plumbing inspector or any other officer subordinate to the mayor may submit through or with the consent of the mayor to the town board of trustees, a statement as to the existence of a nuisance as defined by the ordinances of the town or law, and a request or recommendation that it be abated. The mayor himself, the health officer and board of trustees or any resident or residents of the town may submit such a statement and request a recommendation to the board of trustees.

C. The board of trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the board of trustees shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the board of trustees shall give notice of a hearing on the proposed abatement to the owner of any property concerned and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the town.

D. If the board of trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the board of trustees shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by section 16 of title 50 of the Oklahoma Statutes. The town clerk shall send a statement of the cost of such summary abatement to the owner or other persons

responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts to the town may be collected.

E. The cost of abatement of nuisances, if ordered by the town, may be added on to the utility bill servicing the same premises or added to the tax rolls as a lien against the property. (1986 Code)

8-309: ABATEMENT BY SUIT IN DISTRICT COURT:

In cases where it is deemed impractical summarily to abate a nuisance the town may bring suit in the district court of the county where the nuisance is located, as provided in section 17 of title 50 of the Oklahoma Statutes. (1986 Code)

8-310: NUISANCE UNLAWFUL:

It is unlawful for any person, including, but not limited to, any owner, lessee, or other person to create or maintain a nuisance within the town or to permit a nuisance to remain on premises under his control within the town. (1986 Code)

8-311: HEALTH NUISANCES; ABATEMENT:

A. Pursuant to authority granted by section 1-1011 of title 63 of the Oklahoma Statutes, the health officer shall have authority to order the owner or occupant of any private premises in the town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty four (24) hours, or within such other time as may be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a policeman or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises is unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.

B. If the order is not complied with, the health officer may cause the order to be executed and complied with and the cost thereof shall be certified to the town clerk, -and the cost of removing or abating such nuisance shall be added to the water bill or other town utility bill of the owner or occupant if he is a user of water from the town water system or such other utility

service. The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any town utility service, such cost, after certification to the town clerk, may be collected in any manner in which any other debt due the town may be collected. (1986 Code)

8-312: TOILET FACILITIES REQUIRED; NUISANCE¹:

A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:

HUMAN EXCREMENT: The bowel and kidney discharge of human beings.

SANITARY PIT PRIVY: A privy which is built, rebuilt or constructed so as to conform with the specifications approved by the State Health Department.

SANITARY WATER CLOSET: The flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.

B. Every owner of a residence or other building in which humans reside, are employed or congregate within this town shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred feet (200') of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the State Health Department.

C. All human excrement disposed of within this town shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the town in any other manner.

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water,

¹See also part 17, chapter 3 of this code.

kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense. (1986 Code)

8-313: PROCEDURE CUMULATIVE:

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative onto any other penalties or procedures authorized. (1986 Code)

CHAPTER 4 ENFORCEMENT AND PENALTY

SECTION:

- 8-401: County Health Department Designated To Enforce Health Ordinances
- 8-402: Obstructing Health Officer
- 8-403: Quarantine; Violations
- 8-404: Penalty

8-401: COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES:

Anywhere in this chapter where the word or words "health officer" are used it shall be construed to mean the director of the County Health Department or his duly designated representative. It is the intent and purpose of the mayor and town board of trustees to delegate the enforcement of the health ordinances of this town as set out in this section and any such decisions rendered under this section shall be subject to review by the governing board upon an appeal from an offender. (1986 Code)

8-402: OBSTRUCTING HEALTH OFFICER:

It is unlawful for any person to wilfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of this town. (1986 Code)

8-403: QUARANTINE; VIOLATIONS:

It is unlawful for any person to wilfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation. (1986 Code)

8-404: PENALTY:

Any person who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in section 1-108 of this code. In addition thereto, such person may be enjoined from continuing such violations. (1986 Code)

CHAPTER 5 DILAPIDATED BUILDINGS¹

SECTION:

- 8-501: Definition
- 8-502: Condemnation Of Dilapidated Buildings, Notice, Removal
- 8-503: Lien

8-501: DEFINITION:

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section, unless the context clearly requires otherwise: "dilapidated building" means the neglect of necessary repairs to the building or allowing it to fall into a state of decay, or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or welfare of the general public. (Ord. 90-03, 8-7-1990)

8-502: CONDEMNATION OF DILAPIDATED BUILDINGS, NOTICE, REMOVAL:

After fifteen (15) days' notice by the town to the property owner by posting upon certain property within the town limits and by written notice to the owner thereof by certified mail, return receipt requested, at the address shown by the current year's tax rolls in the County Treasurer's office, and by mailing notice to any mortgage holder as shown by the records in the office of the County Clerk to the last known address of the mortgagee, a hearing may be held by the board of trustees of the town to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property. Upon a finding that the condition of the property requires such a conclusion, and that the property would be benefited by the removal of such conditions, the board of trustees may cause the dilapidated buildings to be torn down and removed and shall fix reasonable dates for the commencement and completion of the work. For such purpose the agents of the town are hereby granted the right of entry to such property for the performance of the necessary duties as a governmental function of the town if the work is not performed by the property owner within dates fixed by the board of trustees. (Ord. 90-03, 8-7-1990)

¹OS 11 § 22-112.

8-503: LIEN:

A. The board of trustees shall determine the actual cost of such dismantling and removal of dilapidated buildings, and such other expenses as may be necessary in connection therewith, including the cost of notice and mailing, and the town clerk shall forward by certified mail, with return receipt requested, to the property owner, at the address shown by the current year's tax rolls in the County Treasurer's office, and by mailing notice to any mortgage holder as shown by the records in the offices of the County Clerk to the last known address of the mortgagee, a statement of such actual cost and demand payment thereof; providing that, if dismantling and removal of dilapidated buildings is done on a private contract basis, it shall be awarded to the lowest and best bidder. If dismantling and removal of dilapidated buildings is done by the town, then cost to property owner shall not exceed the actual cost of the labor, maintenance and equipment required for dismantling and removal of dilapidated buildings. If payment is not made within six (6) months from the date of such mailing, the town clerk shall forward a certified statement of the amount of such cost to the county treasurer of the county in which the property is located and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law.

B. Such cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against such property, and such liens shall continue until such cost shall be fully paid. (Ord. 90-03, 8-7-1990)

PART 9 LICENSING AND BUSINESS REGULATIONS

Subject	Chapter
Occupational License Taxes.	1

CHAPTER 1 OCCUPATIONAL LICENSE TAXES

SECTION:

- 9-101: License Tax Levied On Certain Occupations
- 9-102: Ex-Service Persons
- 9-103: Payment Of License Tax; Issuance Of License; Expiration Date
- 9-104: Separate Licenses Required
- 9-105: License To Be Displayed
- 9-106: License May Be Revoked
- 9-107: Transfer Of License Prohibited
- 9-108: Duplicate License
- 9-109: Proper Operation Of Pool, Billiard, And Other Recreation Halls; Time When Closed
- 9-110: Fee For Fortunetelling Prohibited
- 9-111: Penalty

9-101 : LICENSE TAX LEVIED ON CERTAIN OCCUPATIONS¹:

A. A license tax is hereby levied on every person engaging in, exercising, or pursuing any of the following businesses, professions, trades, occupations, or privileges in this town, in the amounts respectively indicated:

1. For each itinerant show, exhibition, or entertainment of any kind which charges admission, including all activities under its auspices, five dollars (\$5.00) per day. This subsection shall not apply to circuses, street fairs, and carnivals, nor to any athletic exhibition given by public or private schools, nor to any event given under the auspices of a local nonprofit organization, nor to any event from which all the proceeds go to some charitable or eleemosynary cause;

¹ 11 OS §§ 22-106, 22-107.

2. For each circus, street fair or carnival, ten dollars (\$10.00) per day, or twenty five dollars (\$25.00) per week. This subsection shall not apply to events sponsored by civic clubs located in the school district or by the town;
3. For each shooting gallery, skill or strength game, or game of chance, such as knife boards, rag or wooden images or other thing or things at which rings, balls, or other things are thrown, pitched, or shot, lung testing or striking machine, or similar device, two dollars (\$2.00) per day, or five dollars (\$5.00) per month. This subsection shall not apply to games under the auspices of street fairs, carnivals, and circuses, nor to family recreation halls or arcades;
4. For each family recreation center or hall or arcade, fifty dollars (\$50.00) per year;
5. For each ferris wheel, merry-go-round, small cars, or similar apparatus, when not under the auspices of a street fair, civic club, carnival, or circus, two dollars (\$2.00) per day, or five dollars (\$5.00) per month; or
6. For each itinerant person, agent, or solicitor selling, offering for sale, taking orders for, auctioning, or offering to take orders for, goods, products, wares, patent medicines, magazines, services, or other things or services of any kind excepting wholesalers, and persons or organizations licensed or regulated by the state of Oklahoma, twenty dollars (\$20.00) per day, thirty dollars (\$30.00) per week or fifty dollars (\$50.00) per year. The permit shall expire at sunset of the date issued. No proration of the fee is permitted. This subsection shall not apply to persons selling farm products produced by themselves in Oklahoma, nor to persons representing any charitable and nonprofit organizations located in or from the county.

B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor, subject to collection of sales taxes under the sales tax code of the town and state. A copy of this permit shall be provided by the applicant for a license to the town clerk prior to issuance of the town license. The town clerk may require any reasonable information from an itinerant or peddler or solicitor which the clerk deems desirable to protect the public interest. "Itinerant" means not residing in the town. (1986 Code)

9-102: EX-SERVICE PERSONS:

Nothing in this chapter or in other ordinances of the town shall be deemed to require ex-service persons to secure a license or pay a license fee for engaging in a business, occupation, or

privilege when they are exempted therefrom by statutes of the state or other provisions of law. (1986 Code)

9-103 : PAYMENT OF LICENSE TAX; ISSUANCE OF LICENSE; EXPIRATION DATE:

A. It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a license tax is levied by this code or by any other ordinance or ordinance provision without paying the license tax, and securing and possessing a valid license therefor. Upon making proper application to the town clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law or ordinance, the town clerk shall issue a license therefor. Such license taxes shall be credited to the general fund of the town.

B. Annual licenses shall expire on April 30 of the year for which they were issued. When an annual license is issued after May 1 for the remainder of the year to a person just beginning to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum of five dollars (\$5.00). (1986 Code)

9-104 : SEPARATE LICENSES REQUIRED:

Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the town, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege. (1986 Code)

9-105 : LICENSE TO BE DISPLAYED:

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or

attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this section. (1986 Code)

9-106: LICENSE MAY BE REVOKED:

A. Any license issued by the town to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the board of trustees after adequate opportunity for a hearing, for either of the following reasons:

1. The licensee is engaging in, exercising, or pursuing the business, profession, trade, occupation, or privilege in such a manner that he has created or is creating a public nuisance as defined by state law or local ordinance; or
2. Serious or repeated violation of the law or ordinances. (1986 Code)

9-107: TRANSFER OF LICENSE PROHIBITED¹:

The assignment or transfer of licenses shall not be permitted in this town. (1986 Code)

9-108: DUPLICATE LICENSE:

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the town clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the town clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the town clerk, shall be set by the town board. (1986 Code)

9-109: PROPER OPERATION OF POOL, BILLIARD, AND OTHER RECREATION HALLS;
TIME WHEN CLOSED²:

A. It is unlawful for the owner, manager, or operator of a pool, billiard, or other recreation hall to permit therein gambling, betting, operation of a lottery or the sale, furnishing, or drinking of intoxicating and nonintoxicating beverages, disorderly conduct, loud or disturbing language,

¹ 11 OS § 22-107.

² 68 OS §§ 50004, 1501 et seq.

noise, or music, profane language, or any other violation of the laws of the state or of the ordinances of the town, or for any person to engage therein in such place.

B. It is unlawful for the owner, manager, or operator of such a hall to permit therein fighting, boxing, wrestling, or other contests of physical strength; or for any person to engage therein in such place.

C. Any coin-operated amusement device, including pool and billiard tables, shall be properly licensed pursuant to state law in order to operate lawfully in the town.

D. Pool, billiard and other recreation halls shall be closed between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. each day. (1986 Code)

9-110: FEE FOR FORTUNETELLING PROHIBITED:

It is unlawful for any person or persons pretending or professing to tell fortunes by the use of any subtle craft, means, or device whatsoever, either by palmistry, clairvoyance, or otherwise, plying his or her trade, art or vocation within this town, to make any charge therefor either directly or indirectly, or to receive any gift, donation, or compensation by any means whatsoever for the same. (1986 Code)

9-111: PENALTY:

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this chapter, without a valid license as thereby required, or who shall violate any provision of this chapter, shall be guilty of an offense, and upon conviction, shall be fined as provided in section 1-108 of this code. Violation of this chapter shall also be grounds for revocation or suspension of license granted. (1986 Code)

PART 10 OFFENSES AND CRIMES

Subject	Chapter
Offenses In General	1
Offenses Against Property	2
Offenses Against The Public	3
Offenses Against The Health, Welfare And Morals	4
Offenses Against Persons	5
Offenses Against Public Authority	6
Penalties	7

CHAPTER 1 OFFENSES IN GENERAL

SECTION:

10-101: Attempts To Commit An Offense

10-102: Aiding In An Offense

10-101 : ATTEMPTS TO COMMIT AN OFFENSE:

Every person who attempts to commit an offense against the ordinances of the town, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself. (1986 Code)

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. (1986 Code)

CHAPTER 2 OFFENSES AGAINST PROPERTY

SECTION:

- 10:201: Petit Larceny Prohibited
- 10-202: Injuring Automobiles And Other Vehicles
- 10-203: Destroying Or Injuring Buildings And Other Property
- 10-204: Placing Signs On Property Of Another
- 10-205: Throwing Or Shooting At Persons Or Property
- 10-206: Tampering With Or Damaging Public Utilities
- 10-207: Unlawful Intrusion Upon Land
- 10-208: Illegal Entrance
- 10-209: Throwing Advertising On Street, Prohibited
- 10-210: Throwing Injurious Substances
- 10-211: Injury To Plants And Trees
- 10-212: Public Streets And Trees
- 10-213: Trespass Prohibited
- 10-214: Parking On Property Of Another
- 10-215: Interference With Fire Hydrants

10-201 : PETIT LARCENY PROHIBITED¹:

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. (1986 Code)

¹21 OS §§ 1704, 1706.

10-202 : INJURING AUTOMOBILES AND OTHER VEHICLES:

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, loiter in, or injure any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof. (1986 Code)

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. (1986 Code)

10-204 : PLACING SIGNS ON PROPERTY OF ANOTHER:

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof. (1986 Code)

10-205 : THROWING OR SHOOTING AT PERSONS OR PROPERTY:

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property. (1986 Code)

10-206 : TAMPERING WITH OR DAMAGING PUBLIC UTILITIES:

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

tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system. (1986 Code)

10-207 : UNLAWFUL INTRUSION UPON LAND:

It is unlawful for any person to intrude or squat upon any lot or piece of land within the town without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the town, any hut, shanty, hovel, or other structure without authority of law or ordinance. (1986 Code)

10-208 : ILLEGAL ENTRANCE:

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or any notice or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge. (1986 Code)

10-209 : THROWING ADVERTISING ON STREET, PROHIBITED:

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter. (1986 Code)

10-210 : THROWING INJURIOUS SUBSTANCES:

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal. (1986 Code)

10-211 : 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 in or around any park or

public street within the town, 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. Any person violating this section, upon conviction, shall be deemed guilty of an offense. (1986 Code)

10-212: PUBLIC STREETS AND TREES:

A. 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 town;
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 town;
4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the town; or to cut, break or otherwise injure any pavement, curb or gutter therein; or
5. Connect any driveway to any street or other public place without first securing permission from the town inspector so to do.

B. Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or town engineer. (1986 Code)

10-213: TRESPASS PROHIBITED:

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

PRIVATE PROPERTY:

Any property other than public property.

PUBLIC PROPERTY:

That property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control.

TRESPASS:

Each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer or owner or other authorized person. The provisions of this definition shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

- B. It is unlawful for any person to trespass on private property. (1986 Code)

10-214: PARKING ON PROPERTY OF ANOTHER:

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge or by authority of law or ordinance. (1986 Code)

10-215 : INTERFERENCE WITH FIRE HYDRANTS:

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

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant. (1986 Code)

CHAPTER 3 OFFENSES AGAINST THE PUBLIC

SECTION:

- 10-301: Disturbing The Peace
- 10-302: Insulting Signs, Literature Or Language
- 10-303: Literature Or Language Ridiculing Religion
- 10-304: Fireworks Regulated
- 10-305: Storing Or Keeping Explosives
- 10-306: Carrying Weapons; Exceptions
- 10-307: Reckless Conduct
- 10-308: Discharging Firearms; Exceptions
- 10-309: Loud Noise Or Music Prohibited; Amplified Sound

10-301 : DISTURBING THE PEACE:

- A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in subsection B of this section.
- B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:
 - 1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
 - 2. Appearing in an intoxicated condition;
 - 3. Engaging in a fistic encounter;
 - 4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
 - 5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;

6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
8. Making unnecessarily loud, offensive noises;
9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
10. Committing any other act in such a manner as to unreasonably disturb or alarm the public. (1986 Code)

10-302 : INSULTING SIGNS, LITERATURE OR LANGUAGE:

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

B. It is unlawful for any person to 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. (1986 Code)

10-303 : LITERATURE OR LANGUAGE RIDICULING RELIGION:

It is unlawful for any person to utter, publish, distribute or circulate any literature or language within the corporate limits of the town that casts profane ridicule on any deity, or any religion, which in its common acceptance is calculated or where the natural consequence is to cause a breach of the peace or an assault. (1986 Code)

10-304 : FIREWORKS REGULATED^{1,2}:

A. For the purpose of this section, "fireworks" shall have the meaning prescribed by state law, section 1622 of title 68 of the Oklahoma Statutes.

B. The purchase, sale, offer for sale, use, discharge, ignition or possession of fireworks within the corporate limits of the town is hereby prohibited except for authorized public displays approved by the town in accordance with its fire prevention code. (1986 Code)

10-305 : STORING OR KEEPING EXPLOSIVES:

It is unlawful for any person to store or keep within the town any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance of any kind without having first complied with the laws of the state for the purpose of selling, storing or keeping such items. (1986 Code)

10-306 : CARRYING WEAPONS; EXCEPTIONS³:

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring type knife, metal knuckle, or any other dangerous or deadly weapon or instrument except when doing so in line of duty or as may be permitted by law. (1986 Code)

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, except as may be authorized by law. (1986 Code)

10-308 : DISCHARGING FIREARMS; EXCEPTIONS:

No person shall discharge any species of firearm in the town except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or

¹ 68 OS § 1621 et seq., § 1624.

² See also part 13, chapter 1 of this code.

³ 21 OS § 1289.1 et seq.

when otherwise authorized by law or ordinance. It is unlawful to discharge an air rifle or BB gun in the town. (1986 Code)

10-309 : LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND:

It is unlawful for any person to disturb the peace and quietude of any part of the town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music. (1986 Code)

CHAPTER 4 OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

SECTION:

- 10-401: Public Intoxication And Drinking Prohibited
- 10-402: Possession; Transportation Of Intoxicating And Nonintoxicating Beverages
- 10-403: Intoxicating Liquors
- 10-404: Marijuana Prohibited
- 10-405: Prostitution
- 10-406: Disorderly House
- 10-407: Maintaining Or Leasing A Disorderly House
- 10-408: Residents And Visitors To Disorderly House
- 10-409: Nudity; Improper Dress; Indecent Exposure
- 10-410: Definitions, Obscenity Regulations
- 10-411: Prohibited Obscene Conduct
- 10-412: Vagrancy Defined For Specific Acts, Offenses
- 10-413: Curfew For Children
- 10-414: Sleeping In Public
- 10-415: Begging Prohibited
- 10-416: Gambling Prohibited
- 10-417: Being About Place Where Gambling Is Going On
- 10-418: Harmful Deception
- 10-419: False Or Bogus Checks
- 10-420: Swindling Unlawful
- 10-421: Possession Of Spray Paint, Marking Materials With Intent To Deface Property
- 10-422: Tobacco Products

: PUBLIC INTOXICATION AND DRINKING PROHIBITED:

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

B. For the purposes 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, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others. (1986 Code)

: POSSESSION; TRANSPORTATION OF
INTOXICATING AND NONINTOXICATING
BEVERAGES:

A. It is unlawful for any person under the age of twenty one (21) years to be in possession of any intoxicating or nonintoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the town limits.

B. It is unlawful for any parent or guardian of a person under the age of twenty one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

C. It is unlawful for any person to knowingly transport. in any moving vehicle upon a public highway, street or alley any intoxicating or nonintoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container be in the rear trunk or rear compartment. The rear trunk or compartment shall include the spare tire compartment in a station wagon or panel truck or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

D. For the purpose of this section "intoxicating beverage" and "nonintoxicating beverage" shall be as defined in part 3 of this code. (1986 Code)

: INTOXICATING LIQUORS:

A. It is unlawful:

1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating or nonintoxicating liquor or beverage of any kind except as permitted by law;
2. To have in possession or under control any intoxicating or nonintoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey

from place to place in the town any intoxicating or nonintoxicating liquor or beverage except as permitted by law;

3. To loiter in a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or
4. To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law. (1986 Code)

: MARIJUANA PROHIBITED:

A. It is unlawful for any person knowingly to:

1. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store, distribute, dispense or possess with intent to manufacture, distribute or dispense marijuana;
2. Use, have, inject, ingest, inhale, otherwise introduce into the human body or possess marijuana;
3. Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or
4. Appear or be upon or in any street, alley, place of business or other public place in the town while under the influence of a controlled dangerous substance or marijuana;

B. For the purpose of this section, "marijuana" shall have the meaning prescribed by section 2-101 of title 63 of the Oklahoma Statutes, "Drug paraphernalia" shall have the meaning prescribed by section 2-101 of title 63 of the Oklahoma Statutes, including the factors to determine in section 2-101.1 of said title 63.

C. This section shall not apply to any marijuana lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice. (1986 Code)

: PROSTITUTION:

A. It is unlawful for any person to:

1. Be a prostitute;
2. Solicit, entice, or procure another to commit or engage in any act of prostitution;

3. Engage in any act of prostitution;
4. Knowingly let premises for purposes of prostitution;
5. Conduct a business or premises for prostitution; or
6. Be a party to an act of prostitution or solicitation of prostitution in the limits of town.

B. For the purposes of this section:

1. "Prostitution" is the giving of the body for sexual intercourse or sodomy for hire or money;
2. "Soliciting for prostitutes" is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
3. "Letting premises for prostitution" is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge. (1986 Code)

: DISORDERLY HOUSE:

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

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
2. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (0.5%) alcohol by volume;
3. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution; or
4. The violation of any state statute or town ordinance prohibiting gambling. (1986 Code)

: MAINTAINING OR LEASING A DISORDERLY HOUSE:

- A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house. (1986 Code)

: RESIDENTS AND VISITORS TO DISORDERLY HOUSE:

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the town shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties. (1986 Code)

: NUDITY; IMPROPER DRESS; INDECENT EXPOSURE:

- A. It is unlawful for any person to:
 - 1. Appear in any public place in the town in a state of nudity;
 - 2. Appear in any public place in the town in any offensive, indecent or lewd dress;
or
 - 3. Make an indecent public exposure of his or her person. (1986 Code)

: DEFINITIONS; OBSCENITY REGULATIONS:

- A. The following terms when used in this chapter shall have the meanings respectively ascribed to them in this section:

AVAILABLE TO THE PUBLIC:

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.

DISSEMINATE:	To transfer possession of, with or without consideration.
KNOWINGLY:	Being aware of the character and the content of the material.
MATERIAL:	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.
NUDITY:	The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state.
OBSCENE:	To the average person applying contemporary community standards: <ol style="list-style-type: none"> 1. 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; 2. The matter depicts or describes in a patently offensive manner sexual conduct regulated by title 21 of the Oklahoma Statutes; and 3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.
PERFORMANCE:	Any preview, play, show, skit, film, dance or other exhibition performed before an audience.
PERSON:	Any individual, partnership, firm, association, corporation or other legal entity.
PROMOTE	To cause, permit, procure, counsel or assist.

SERVICE TO PATRONS:

The provision of services to paying guests in establishments providing food and beverages; including, but not limited to, hostessing, hatchecking, cooking, bartending, serving, table setting and clearing, waiter and waitressing, and entertaining. (1986 Code)

: PROHIBITED OBSCENE CONDUCT:

A. It is unlawful for any person to:

1. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material; or
2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or
3. Knowingly engage or participate in any obscene performance made available to the public; or
4. Provide service to patrons in such a manner as to expose to public view:
 - a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - c. Any portion of the female breast at or below the areola thereof; or
 - d. Knowingly promote the commission of any of the above listed unlawful acts.

B. Each complete or partial display or other material exhibition of any motion picture film or other material shall be deemed to constitute a separate offense. The provisions of this section and section 10-410 of this chapter shall not apply to a projectionist, assistant projectionist, usher or cashier provided such person has no financial interest in the motion picture theater so long as that person is not acting as director or manager of the theater. (1986 Code)

: VAGRANCY DEFINED FOR SPECIFIC ACTS, OFFENSES:

A. It is unlawful to be a vagrant in the limits of the town. For the purposes of this section, a "vagrant" means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;
2. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;
3. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;
4. For the purpose of injuring, destroying, molesting or defacing any property of another;
5. For the purpose of assaulting any person;
6. For the purpose of begging or soliciting alms, provided that this section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or
7. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband. (1986 Code)

: CURFEW FOR CHILDREN:

A. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

CUSTODIAN:	Any person over the age of twenty one (21) years who is in loco parentis to a minor.
GUARDIAN:	Any person other than a parent who has legal guardianship of a minor.
MINOR:	Any person under the age of seventeen (17).
PARENT:	The natural or adoptive parent of a minor.

PUBLIC PLACE:

Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above. (1986 Code; amd. Ord. 89-06, 10-3-1989)

B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the town between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M. unless:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;
2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor; or
3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation. (Ord. 89-06, 10-3-1989)

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the town between the hours of curfew designated in subsection B of this section. The provisions of this section do not apply if:

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1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;

2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or
3. The parent, guardian or other adult person herein has made a missing person notification to the town police department.

E. The board of trustees may permit by resolution or motion procedures for advance notice or registration with the town of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The board of trustees may also prescribe the procedures for taking into custody minors found in violation of this section. (1986 Code)

: SLEEPING IN PUBLIC:

It is unlawful for any person, between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M., 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. (1986 Code)

: BEGGING PROHIBITED:

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need. (1986 Code)

: GAMBLING PROHIBITED¹:

A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:

1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any

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¹ 11 OS § 22-108.

banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;

2. To setup, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;
3. To gamble knowingly in any other manner; or
4. To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section.

B. It is unlawful and an offense against the town for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value. (1986 Code)

: BEING ABOUT PLACE WHERE GAMBLING IS GOING ON:

It is unlawful for any person to be about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise. (1986 Code)

: 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. (1986 Code)

: 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 or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall

be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted. (1986 Code)

: SWINDLING UNLAWFUL:

It is unlawful to get money or property from any other person or persons or businesses under false pretenses, deception, cheating or by any other fraudulent act. (1986 Code)

: POSSESSION OF SPRAY PAINT, MARKING MATERIALS WITH INTENT TO DEFACE PROPERTY:

It is unlawful and an offense for any person to have in his possession or under his control spray paint, paint, soap, marking pencils, crayons, or like materials, substances, or devices with the intent to use them for defacing, besmearing or molesting any public or private buildings, structures or property. The possession or the control of the same by any such person during the nighttime while on private property without the consent of the owner shall be prima facie evidence of the intent to use the same for unlawful purposes. (1986 Code)

: TOBACCO PRODUCTS:

A. Furnishing Of Tobacco To Minors Prohibited:

1. It is unlawful for any person to sell 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. Provided, however, that it shall not be unlawful for an employee under eighteen (18) years of age to handle such products when required in the performance of the employee's duties.
2. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.
3. When a person violates subsection A1 or A2 of this section, the town of Calumet shall assess such person a fine of twenty five dollars (\$25.00) for the first offense within a one year period, fifty dollars (\$50.00) for the second offense within a one year period, and seventy five dollars (\$75.00) for a third offense 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.

4. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
5. Upon failure of the employee to pay the fine within ninety (90) days of the day of the assessment of such fine, the town of Calumet shall notify the department of public safety and the department shall suspend or not issue a driver's license to said employee until proof of payment has been furnished to the department of public safety.
6. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A1 or A2 of this section, each individual franchise or business location shall be deemed a separate entity.

B. Purchase, Receipt Or Possession Of Tobacco Products By Minors Prohibited:

1. It is unlawful for a person who is under eighteen (18) years of age to purchase, accept receipt of, or have in their possession a tobacco product, or to present or offer to any other 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. Provided, however, that it shall not be unlawful for such person to handle such tobacco product when required in the performance of such person's duties.
2. When a person violates subsection B1 of this section, the town of Calumet shall assess such person a fine of twenty five dollars (\$25.00) for the first offense within a one year period, fifty dollars (\$50.00) for the second or subsequent offense within a one year period. Upon failure of the individual to pay the fine within ninety (90) days of the day of the assessment of such fine, the town of Calumet shall notify the department of public safety and the department shall suspend or not issue a driver's license to said individual until proof of payment has been furnished to the department of public safety.

C. Distribution Of Tobacco Product Samples Restricted:

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

2. Notwithstanding subsection C1 of this section, 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.
3. When a person violates subsection C1 or C2 of this section, the town of Calumet shall assess such person a fine of twenty five dollars (\$25.00) for the first offense within a one year period, fifty dollars (\$50.00) for the second offense within a one year period, and seventy five dollars (\$75.00) for a third offense or subsequent offense within a one year period.
4. Upon failure of the individual to pay the fine within ninety (90) days of the day of the assessment of such fine, the town of Calumet shall notify the department of public safety and the department shall suspend or not issue a driver's license to said individual until proof of payment has been furnished to the department of public safety.

D. Sale Of Tobacco Products Except In Original, Sealed Packaging Prohibited:

1. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they are placed by the manufacturer.
2. When a person violates subsection D1 of this section the town of Calumet shall assess such a person a fine of two hundred dollars (\$200.00) for each offense.

E. Enforcement: The fines and penalties set forth herein are enforceable, notwithstanding section 10-701 of this part to the contrary. (Ord. 96-02, 12-3-1996)

CHAPTER 5 OFFENSES AGAINST PERSONS

SECTION:

10-501: Assault And Battery Prohibited

10-501: ASSAULT AND BATTERY PROHIBITED:

- A. An "assault" is any intentional, wilful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.
- B. A "battery" is any intentional, wilful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.
- C. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the town. Any person committing an assault or an assault and battery within the jurisdiction of the town, shall be guilty of an offense. (1986 Code)

CHAPTER 6 OFFENSES AGAINST PUBLIC AUTHORITY

SECTION:

- 10-601: Resisting An Officer
- 10-602: Refusing Or Failing To Assist An Officer
- 10-603: Assault Or Battery Upon Police Or Other Law Officer
- 10-604: Rescuing Prisoners
- 10-605: Escape Of Prisoners
- 10-606: Impersonating An Officer Or Employee
- 10-607: False Alarms
- 10-608: False Representation To An Officer
- 10-609: Removal Of Barricades
- 10-610: Resisting Public Officials

: RESISTING AN OFFICER:

- A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the town.
- B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.
- C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his 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. (1986 Code)

: REFUSING OR FAILING TO ASSIST AN OFFICER:

A. An officer of the town making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the town or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

B. It is unlawful for any person lawfully called upon thus to assist an officer of the town to refuse or fail to do so. (1986 Code)

: ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER:

It is unlawful for any person to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties. (1986 Code)

: RESCUING PRISONERS:

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner or prisoners, from any officer or employee of the town having legal custody of the same or from the town jail or other place of confinement by the town, 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. (1986 Code)

: ESCAPE OF PRISONERS:

It is unlawful for any person confined in the town jail or other place of confinement by the town, or working upon the streets or other public places of the town in pursuance of any

judgment, or otherwise held in legal custody by authority of the town, to escape or attempt to escape from any such jail, prison or custody. (1986 Code)

: IMPERSONATING AN OFFICER OR EMPLOYEE:

It is unlawful for any person to impersonate any officer or employee of the town, falsely represent himself to be an officer or employee of the town, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the town without being duly authorized to do so. (1986 Code)

: FALSE ALARMS:

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run. (1986 Code)

: FALSE REPRESENTATION TO AN OFFICER:

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the town government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the town. (1986 Code)

: REMOVAL OF BARRICADES:

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the town to keep traffic off any pavement, street, curb, sidewalk or other area. (1986 Code)

: RESISTING PUBLIC OFFICIALS:

A. 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 town 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. (1986 Code)

CHAPTER 7 PENALTIES

SECTION:

10-701: General Penalties

10-701: GENERAL PENALTIES:

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in section 1-108 of this code. (1986 Code)

PART 11 PARKS, RECREATION AND CULTURAL AFFAIRS

Subject	Chapter
Park Commission.....	1

CHAPTER 1 PARK COMMISSION

SECTION:

- 11-101: Created
- 11-102: Duties And Powers
- 11-103: Gifts; Contracts
- 11-104: Organization; Meeting Place
- 11-105: Service Without Compensation

11-101: CREATED:

The mayor by and with the consent of the town board shall appoint five (5) persons who shall constitute the park board of the town. The members appointed by the mayor shall be appointed for terms of one, two (2), three (3), four (4), and five (5) years. All subsequent appointments shall be for a term of three (3) years, except appointments to fill vacancies, which appointments shall be made by the mayor, and which appointees shall serve the unexpired term of the member who they have been appointed to replace. The terms of the members first appointed shall be determined by the mayor with the consent of the town board, with reference to the number of years each is to serve. (Ord. 94-03, 8-2-1994)

11-102: DUTIES AND POWERS:

A. The board of park commissioners shall advise the town board on policies pertaining to the use of the park and recreational facilities of the town, and pursuant thereto:

1. Propose rules and regulations for the maintenance of order, safety and decency in the parks and recreational facilities;
2. Consider and investigate any matter affecting the development and improvement of parks and recreational facilities and policies pertaining to the use of those facilities;
3. Make recommendations to improve the park and recreational facilities;

4. Make recommendations regarding systems of supervised recreation, and modifications in existing recreational programs;
5. Provide copies of the minutes of its meetings to the office of the town clerk within ten (10) days from the date of their approval; and
6. Provide a report of the board's acts and affairs to the town board annually on or before the end of the fiscal year of the town.

B. The board of park commissioners shall not authorize nor incur the expenditures of any town funds for any purpose except as may be authorized and appropriated therefor by the town board. (Ord. 94-03, 8-2-1994)

11-103: GIFTS; CONTRACTS:

The board of park commissioners shall have authority, with the prior approval of the town board, to receive gifts, enter into contracts, or agreements, with the Board of County Commissioners of the county and the state through any commission created for the purpose in connection with the public parks and with the Federal Government. (Ord. 94-03, 8-2-1994)

11-104: ORGANIZATION; MEETING PLACE:

At the first meeting of the board it shall organize by electing one of its members chairman, one of its members vice chairman, and one of its members secretary-treasurer. The meeting place of the board shall be in the town board chamber in the town hall building. (Ord. 94-03, 8-2-1994)

11-105: SERVICE WITHOUT COMPENSATION:

The members of the board shall serve without compensation except members of the board are entitled to reimbursement for their actual and necessary expenses, so long as those expenses were incurred solely in the performance of their duties as board members. (Ord. 94-03, 8-2-1994)

PART 12 PLANNING, ZONING AND DEVELOPMENT

Subject	Chapter
Administration	1
Planning Commission.....	1A
Board Of Adjustment.....	1 B
Zoning Regulations	2
Title And Purpose.....	2A
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General Provisions Applying To All Or To Several Districts.....	2D
Nonconformities.....	2E
A-G, General Agricultural District.....	2F
R-S, Single-Family Residential District.....	2G
R-G, General Residential District.....	2H
C-C, Convenience Commercial District.....	2I
C-A/R, Automotive Commercial And Commercial Recreation District.....	2J
C-G, General Commercial District.....	2K
I-L, Light Industrial District.....	2L
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Enforcement And Amendment.....	2N
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Statutory Authorization, Findings Of Fact, Purpose And Methods.....	4A
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General Provisions.....	4C
Administration.....	4D
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CHAPTER 1 ADMINISTRATION

SECTION:

Article A. Planning Commission¹

- 12-101: Created; Membership
- 12-102: Organization; Meetings; Officers And Employees
- 12-103: Powers And Duties
- 12-104: To Have Power Of A Zoning Commission

Article B. Board Of Adjustment

- 12-110: Established
- 12-111: Organization And Procedures
- 12-112: Appeals To Board Of Adjustment
- 12-113: Public Hearing Required
- 12-114: Fees
- 12-115: Powers
- 12-116: Four Votes Required
- 12-117: Appeal To District Court
- 12-118: Appeal Stays Proceedings

ARTICLE A. PLANNING COMMISSION

12-101 : CREATED; MEMBERSHIP:

A town planning commission is hereby created for the town. It shall consist of five (5) appointive members, all of whom shall be residents of the town, and the chairman of the town board of trustees and the town engineer (if any) as ex officio members. The appointive members shall be nominated by the mayor and appointed by the board of trustees and shall serve for terms of three (3) years. Of the original appointive members, one shall serve for a term of one year;

¹ 11 OS §§ 45-101-45-105.

two (2) shall serve for a term of two (2) years; and two (2) shall serve for a term of three (3) years. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The town board of trustees may remove members of the town planning commission for cause. (1986 Code)

12-102 : ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES:

The town planning commission shall elect a chairman, a vice chairman, and secretary, who shall serve until the first Monday of the next May after their election. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings; and the chairman or any three (3) members may call special meetings of the commission. The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the town board of trustees. Their salaries and compensation shall be fixed by the board, and shall be paid out of the town treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the town treasury as other legal expenses of the town government are paid. (1986 Code)

12-103 : POWERS AND DUTIES:

The town planning commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by any other provision of ordinance or law. (1986 Code)

12-104 : TO HAVE POWER OF A ZONING COMMISSION:

A. The town planning commission is hereby appointed the zoning commission of the town, and the town planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the town planning commission.

B. Exercising the powers of a zoning commission, the town planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by state law and all powers which now or in the future may be granted by applicable state law to such authorities. (1986 Code)

ARTICLE B. BOARD OF ADJUSTMENT

12-110: ESTABLISHED:

There is hereby created a zoning board of adjustment consisting of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the town board upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board of adjustment shall be appointed by the mayor and confirmed by the town board and shall serve without compensation. (Ord. 94-05, 12-6-1994)

12-111 :ORGANIZATION AND PROCEDURES:

The zoning board of adjustment shall elect one of its members as chairman. The board shall adopt rules in accordance with the provisions of this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board 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 its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. All meetings of the board shall be open to the public. (Ord. 94-05, 12-6-1994)

12-112: APPEALS TO BOARD OF ADJUSTMENT:

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer of the municipality affected by any administrative decision based on this zoning ordinance. Such appeal shall be taken within thirty (30) days of such decision by filing with the town clerk and the board of adjustment a notice of appeal specifying the grounds thereof. The town clerk shall forthwith transmit to the board all papers constituting the record of the action from which the appeal is taken. (Ord. 94-05, 12-6-1994)

12-113: PUBLIC HEARING REQUIRED:

The zoning board of adjustment shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give fifteen (15) days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and person or by agent or by attorney at the hearing. (Ord. 94-05, 12-6-1994)

12-114: FEES:

The zoning board of adjustment shall establish a fee for the hearing of appeals, which shall be sufficient to defray the cost of publishing the notice of public hearing and any other costs associated with the hearing; the appellant shall pay such fee upon filing the appeal. (Ord. 94-05, 12-6-1994)

12-115: POWERS:

The zoning board of adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning administrator, building inspector, or other administrative officer in the enforcement of this part;

B. To authorize upon appeal in specific cases such variances from the terms of this part as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will, in any individual case, result in unnecessary hardship, so that the spirit of this part shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
2. The application of this part to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;
3. Such conditions are peculiar only to the particular piece of property involved; or
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations or the comprehensive plan; provided, however, that no variance may be granted for use of land or building or structure that is prohibited by this part. (Ord. 94-05, 12-6-1994)

12-116: FOUR VOTES REQUIRED:

In exercising the above powers, the board of adjustment shall have the concurring vote of at least four (4) of its members in order that it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the

powers of the administrative officer for directing the issuance of a permit. (Ord. 94-05, 12-6-1994)

12-117: APPEAL TO DISTRICT COURT:

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, or any taxpayer, or any officer, department, board or bureau of the town to the district court by filing a notice of appeal with the town clerk and with the board of adjustment within sixty (60) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit forthwith to the court clerk of the county the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board. (Ord. 94-05, 12-6-1994)

12-118: APPEAL STAYS PROCEEDINGS:

An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment of the administrative office from which the appeal is taken certified to the court clerk, after the notice of appeal shall have been filed, that, by reason of the facts stated in the certificate, a stay, in his opinion, would 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 or notice to the administrative officer in charge of the enforcement of the terms and provisions of this part and upon notice to the chairman of the board of adjustment from which the appeal is taken, and, upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review. (Ord. 94-05, 12-6-1994)

CHAPTER 2 ZONING REGULATIONS

SECTION:

Article A. Title And Purpose

- 12-201: Title
- 12-202: Purpose
- 12-203: Interpretation And Application
- 12-204: Jurisdiction

Article B. Establishment Of Districts

- 12-210: Zoning Districts Established
- 12-211: Zoning Map Incorporated
- 12-212: District Boundaries Established
- 12-213: Maintenance Of Official Zoning Map

Article C. Definitions

- 12-215: Interpretation Of Words And Terms

Article D. General Provisions Applying To All Or To Several Districts

- 12-220: Application Of Regulations In Districts Authorized
- 12-221: Application Of Regulations To The Uses Of A More Restricted District
- 12-222: Residential Uses Restricted To Residential Lots
- 12-223: Division Of Lots
- 12-224: Use Of Yards
- 12-225: Street Access
- 12-226: Storage And Parking Of Trailers And Commercial Vehicles In Residential Districts
- 12-227: Display Of Trailers, Etc., In Commercial And Industrial Districts
- 12-228: Purpose And Application Of Off-Street Parking Requirements
- 12-229: Required Open Space, Off-Street Parking
- 12-230: Location Of Off-Street Parking

- 12-231 : Joint Parking And Off-Site Parking Facilities
- 12-232: Size Of Off-Street Parking Space
- 12-233: Amount Of Off-Street Parking And Loading Required
- 12-234: Paved Surface Required
- 12-235: Off-Street Parking Lots Located With Or Adjacent To A Residential District
- 12-236: Screening Wall Or Fence Specifications
- 12-237: Maintenance Of Walls Or Fences
- 12-238: Sewer Service

Article E. Nonconformities

- 12-240: Intent
- 12-241 : Nonconforming Lots Of Record
- 12-242: Nonconforming Structures
- 12-243: Nonconforming Uses Of Structures
- 12-244: Nonconforming Uses Of Land
- 12-245: Changes In Nonconformity

Article F. A-G, General Agricultural District

- 12-250: General Description
- 12-251: Uses Permitted
- 12-252: Area And Height Regulations
- 12-253: Signs And Billboards

Article G. R-S, Single-Family Residential District

- 12-255: General Description
- 12-256: Uses Permitted
- 12-257: Uses Permitted Subject To Additional Requirements
- 12-258: Area And Height Regulations
- 12-259: Signs And Billboards

Article H. R-G, General Residential District

- 12-260: General Description
- 12-261: Uses Permitted
- 12-262: Uses Permitted Subject To Additional Requirements
- 12-263: Area And Height Regulations
- 12-264: Signs And Billboards
- 12-265: Mobile Home Park

Article I. C-C, Convenience Commercial District

- 12-268: General Description
- 12-269: Uses Permitted
- 12-270: Area Regulations
- 12-271: Business Signs

Article J. C-A/R, Automotive Commercial And Commercial Recreation District

- 12-275: General Description
- 12-276: Uses Permitted
- 12-277: Area And Height Regulations
- 12-278: Business Signs

Article K. C-G, General Commercial District

- 12-280: General Description
- 12-281: Uses Permitted
- 12-282: Area And Height Regulations
- 12-283: Signs And Billboards

Article L. I-L, Light Industrial District

- 12-285: General Description
- 12-286: Standards
- 12-287: Uses Permitted
- 12-288: Area And Height Regulations
- 12-289: Signs And Billboards

Article M. I-H, Heavy Industrial District

- 12-290: General Description
- 12-291: Standards
- 12-292: Uses Permitted
- 12-293: Area Regulations
- 12-294: Signs And Billboards

Article N. Enforcement And Amendment

- 12-295: Duty Of Zoning Administrator
- 12-296: Zoning Clearance Permit Required
- 12-297: Amendment Procedures
- 12-298: Violations And Penalties

ARTICLE A. TITLE AND PURPOSE

12-201: TITLE:

This chapter shall be known as and may be cited and referred to as the ZONING ORDINANCE OF THE TOWN OF CALUMET, OKLAHOMA. (Ord. 94-05, 12-6-1994)

12-202: PURPOSE:

This chapter is enacted for the purposes of promoting the health, safety, morals, and general welfare of the community; lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and promoting the development of the community in accordance with a comprehensive plan. (Ord. 94-05, 12-6-1994)

12-203: INTERPRETATION AND APPLICATION:

As concerns interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control. Terms and words are to be used and interpreted as defined in article C of this chapter. Words used in the present tense include the future; the singular include the plural, and the plural the singular; the word "building" also means the word "structure"; the word "used" includes "arranged", "designed", "constructed", "altered", "converted", "rented", "leased" or "intended to be used", and the word "shall" is mandatory and not directory, except where the natural construction of the writing indicates otherwise. (Ord. 94-05, 12-6-1994)

12-204: JURISDICTION:

This chapter is in full force and effect in the corporate limits of the town. Territory annexed to the corporate limits of the town, subsequent to the effective date of this chapter, shall immediately be subject to the provisions of this chapter and are deemed to be designated as R-S Single-Family Residential District until altered or reclassified in the manner provided by law. (Ord. 94-05, 12-6-1994)

ARTICLE B. ESTABLISHMENT OF DISTRICTS

12-210: ZONING DISTRICTS ESTABLISHED:

For the purpose of this chapter and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the town:

A-G, General Agricultural District

R-S, Single-Family Residential District R-G, General Residential District

C-C, Convenience Commercial District

C-A/R, Automotive Commercial and Commercial Recreation District

C-G, General Commercial District I-L, Light Industrial District

I-H, Heavy Industrial District (Ord. 94-05, 12-6-1994)

12-211: ZONING MAP INCORPORATED:

The locations and boundaries of the zoning districts established by ordinance and delineated are shown on the map entitled "Zoning Map of the Town of Calumet, Oklahoma", and the zoning map is hereby incorporated as a part of this chapter. (Ord. 94-05, 12-6-1994)

12-212: DISTRICT BOUNDARIES ESTABLISHED:

The boundaries of a zoning district extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the "Zoning Map of the Town of Calumet, Oklahoma", the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination. (Ord. 94-05, 12-6-1994)

12-213: MAINTENANCE OF OFFICIAL ZONING MAP:

It is the duty of the zoning administrator to maintain an up to date official "Zoning Map of the Town of Calumet, Oklahoma," including all amendments directly adopted by the town board. (Ord. 94-05, 12-6-1994)

ARTICLE C. DEFINITIONS

12-215: INTERPRETATION OF WORDS AND TERMS:

The following terms, for the purpose of this chapter, shall have the meanings respectively ascribed to them in this section:

ACCESSORY USE OF STRUCTURE:

A use of structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

AGRICULTURE:

The use of land for agricultural purposes including farming, dairying, pasturage, horticulture, 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 shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the commercial feeding of swine or other animals, stockyards or commercial feedlots for cattle.

ALLEY:

A minor right of way dedicated to public use not more than thirty feet (30') wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

AUTOMOBILE AND TRAILER SALES AREA:

An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE REPAIR, MAJOR:

General repair, rebuilding or recondition of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; and/or vehicle steam cleaning.

AUTOMOBILE REPAIR, MINOR:

Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) ton capacity

AUTOMOBILE SERVICE STATION AND FILLING STATION:

Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services, including facilities for lubricating and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

AUTOMOBILE WASH OR AUTOMATIC CAR WASH:

A building or structure or chain conveyor, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles.

BLOCK:

In describing the boundaries of a district, refers to the legal description. In all other cases, the word "block" refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting

street and a railroad right of way or between an intersecting street and a watercourse.

BOARD OF ADJUSTMENT:

The board of adjustment of the town of Calumet, Oklahoma, also referred to as the "Board".

BOARDING HOUSE OR ROOMING HOUSE:

Where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns, and other such facilities.

BUILDING:

Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property

BUILDING ACCESSORY:

See definition of Accessory Use Of Structure.

BUILDING HEIGHT:

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.

BUILDING LINE:

A line established beyond which no part of a building shall project, except as otherwise provided by this chapter.

BUILDING, PRINCIPAL:

A building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling is deemed to be the principal building on the building site.

BULLETIN BOARD:

Any sign announcing the activities of an educational, religious, institutional or similar use.

CEMETERY:

Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

CHILDCARE CENTER:

Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardians or custodians, and 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, 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 their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities.

CLINIC:

A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises.

CLUB:

A nonprofit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMPREHENSIVE PLAN:

The official town plan of the town.

CONVALESCENT HOME:	Means, also, a nursing home, a rest home, a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.
COVERAGE:	The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
DWELLING:	Any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, trailer coach, mobile home, boarding or rooming house, hotel or motel.
DWELLING, MULTI-FAMILY:	A building or portion thereof containing three (3) or more dwelling units and designed for or used by three (3) or more families; also includes the word "apartments".
DWELLING, SINGLE FAMILY:	A building containing one dwelling unit and designed for or used exclusively by one family.
DWELLING, TWO-FAMILY:	A building containing two (2) dwelling units and designed for or used exclusively by two (2) families; also includes the word "duplex".
DWELLING UNIT:	A room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family.

ESSENTIAL SERVICES:

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY:

A person living alone or two (2) or more persons related by blood or marriage, living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house or sorority house.

FLOOR AREA:

The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two (2) buildings.

FRONTAGE:

The lineal measurement of a lot boundary which is abutting a street.

GARAGE APARTMENT:

A dwelling for one family erected as a part of a private garage.

GARAGE, PARKING:

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.

GARAGE, PRIVATE:

A detached accessory building or a portion of

the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.

GARAGE, PUBLIC:

The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.

GARAGE, REPAIR:

A building in which facilities are provided for the care, servicing, repair, or equipping of automobiles.

HEIGHT:

The vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure.

HOME OCCUPATION:

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 building; provided that no trading and merchandising is carried on and in connection with which there is no display of merchandise or advertising sign other than on nonilluminated nameplate, not more than two (2) square feet in area, attached to the main or accessory building, and no mechanical equipment is used except such as is customarily used in purely domestic or household purposes. A tearoom, restaurant, rest home, clinic, barbershop, beauty parlor, doctor's or dentist's office, childcare center, tourist house or cabinet shop, metal shop, lawn mower repair, or auto repair garage shall not be deemed a home occupation.

HOSPITAL:

See definition of Medical Facilities.

HOTEL:	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 means for compensation, but not including trailer parks, or camp, hospital, asylum, orphanage, or building where persons are housed under restraint.
INDUSTRY:	Storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use.
INSTITUTIONAL USES:	Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a nonprofit basis.
JUNK OR SALVAGE YARD:	A place where waste, discarded or salvage materials are bought, sold, exchanged, baled, packed, disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.
KENNEL:	Any structure or premises on which three (3) or more dogs over four (4) months of age are kept.

LOADING SPACE:	A space on the same lot as the principal use of at least ten feet (10') in width and thirty feet (30') in length and having a vertical clearance of a least fourteen feet (14'), designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
LOT:	A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter and having access on a public street.
LOT, CORNER:	A lot which has at least two (2) adjacent sides abutting 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°).
LOT, DEPTH:	The mean horizontal distance between the front and rear lot lines.
LOT, DOUBLE FRONTAGE:	A lot having a frontage of two (2) nonintersecting streets, as distinguished from a corner lot.
LOT, INTERIOR:	A lot other than a corner lot.
LOT LINE:	Any boundary of a lot.
LOT LINE, FRONT:	The boundary of a lot which abuts a public street; where the lot abuts more than one street, the owner may select the front lot line.
LOT LINE, REAR:	The boundary of a lot which is most distant from the most nearly parallel to the front lot line.
LOT LINE, SIDE:	Any boundary of a lot which is not a front lot line or a rear lot line.
LOT, WEDGE-SHAPED:	Any boundary of a lot which is not a front lot line or a rear lot line.

LOTS OF RECORD:

A separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of the county.

MEAN LOT ELEVATION:

The average elevation of a lot.

MEDICAL FACILITIES:

A. Nursing Home, Rest Or Convalescent Home: See definition of Convalescent Home;

B. Dental Or Medical Clinic: A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions;

C. Dental Or Doctor's Office: The same as dental or medical clinic, including the various dental and medical specialties;

D. Hospital: An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities; and

E. Public Health Center: A facility primarily utilized by a health unit for providing public health services, including related facilities.

MOBILE HOME:

A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, assembly operation, location on jacks or other temporary or permanent foundations, and connection to utilities.

MOBILE HOME LOT:

A portion of a mobile home park allocated to

the exclusive use of the occupants of a single mobile home.

MOBILE HOME PARK:

A parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences.

MOTEL:

An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons.

OPEN SPACE:

Areas included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and of porches.

PARCEL:

A "lot" as defined herein.

PARKING SPACE:

A permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

PLANNING COMMISSION:

See definition of Town Planning Commission.

ROOMING HOUSE:

See definition of Boarding House Or Rooming House.

SIGN: Any word, lettering, part of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or product, which are visible from any public street or right of way and designed to attract attention. "For sale" and "for rent" are signs within the meaning of this definition, but the term "sign" shall not include the flag, pennant or insignia of any nation, state, town, or other political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event used for a public purpose in the public interest.

SIGN, DISPLAY SURFACE AREA: The net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations, provided that only one face of a double-faced sign shall be included in the computation of display surface area.

SIGN, ILLUMINATED: A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

SIGN, PROJECTING: A sign erected on the face or outside wall of a building which projects out at any angle therefrom.

SIGN, TEMPORARY: Signs of a temporary nature used to advertise the premises for sale, rent, or lease.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET:	A public right of way more than thirty feet (30') in width which provides the primary public means of access to abutting property and used primarily for vehicular circulation.
STREET, ARTERIAL:	Any street designated on the thoroughfare plan as an arterial, primary arterial, secondary arterial, major street, etc.
STREET, MINOR:	Any street not designed on the thoroughfare plan as an arterial.
STRUCTURAL ALTERATION:	Any change in the structural members of a building, such as walls, columns, beams or girders.
STRUCTURE:	Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improvement areas).
THOROUGHFARE PLAN:	The part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the word "major street plan" and "trafficway plan".
TOWN BOARD:	The official governing body of the town.
TOWN PLANNING COMMISSION:	The town planning commission, as established by the statutes hereinbefore cited, also referred to as "Planning Commission". The town planning commission is also the zoning commission for the town.
TRAILER:	A portable or mobile unit, other than a mobile home, used or designed to carry or transport material, or animals.
YARD:	A required space on a lot unobstructed except as expressly permitted.
YARD, FRONT:	A yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude.

YARD, REAR:

A yard extending across the rear of a lot measured from side lot line to side lot line.

YARD, SIDE:

A yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude. (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

ARTICLE D. GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

12-220 : APPLICATION OF REGULATIONS IN DISTRICTS AUTHORIZED:

No land, building, structure, or improvement 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 accordance with the use, height, area, coverage, yard, space and other requirements established in the district in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by article E of this chapter. (Ord. 94-05, 12-6-1994)

12-221 : APPLICATION OF REGULATIONS TO THE USES OF A MORE RESTRICTED DISTRICT:

Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses are subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified. (Ord. 94-05, 12-6-1994)

12-222 : RESIDENTIAL USES RESTRICTED TO RESIDENTIAL LOTS:

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 primarily for nonresident purposes except that one accessory residential unit may be provided for a night watchman, hotel manager or similar purpose where essential to the main use of the lot. (Ord. 94-05, 12-6-1994)

12-223 : DIVISION OF LOTS:

An improved lot shall not hereafter be divided into two (2) or more lots unless all lots resulting from such division comply with all the applicable yard, space, area, parking and loading regulations of the zoning district in which located. (Ord. 94-05, 12-6-1994)

12-224 : USE OF YARDS:

No building, structure, or improvement shall be permitted to encroach upon required yard spaces set forth in the provisions of this chapter; provided, however, that surfaced parking facilities, signs, fences, and gasoline pumping service units may be permitted to occupy required yard space unless otherwise prohibited in those districts permitting such improvements, and provided that no inoperative vehicle may be stored in the front yard of a lot in a residential district. (Ord. 94-05, 12-6-1994)

12-225 : STREET ACCESS:

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street. (Ord. 94-05, 12-6-1994)

12-226 : STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS:

Commercial vehicles and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

A. No more than one commercial vehicle, which does not exceed one and one-half (1 1/2) tons' rated capacity, per family living on the premises is permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted; (Ord. 94-05, 12-6-1994)

B. No more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted, and said trailer shall not exceed twenty nine feet (29') in length or eight feet (8') in width; and further provided that the trailer shall not be parked or stored for more than forty eight (48) hours unless it is located behind the front yard building line. A camping

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trailer or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the town, except as provided for in section 12-227 of this article; and (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

C. A mobile home shall be parked or stored in a mobile home park which is in conformity with ordinances of the town. (Ord. 94-05, 12-6-1994)

12-227 : DISPLAY OF TRAILERS, ETC., IN COMMERCIAL AND INDUSTRIAL DISTRICTS:

Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of the vehicles or in such industrial districts allowing their manufacture; provided, however, the vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the town. (Ord. 94-05, 12-6-1994)

12-228 : PURPOSE AND APPLICATION OF OFF STREET PARKING REQUIREMENTS:

It is the intent of these requirements that adequate parking and loading facilities be provided on off the street areas 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 all districts. (Ord. 94-05, 12-6-1994)

12-229 : REQUIRED OPEN SPACE, OFF STREET PARKING:

Off street parking space may be part of the required open space associated with the permitted use, unless otherwise prohibited; provided, however, the off street parking requirements shall not be reduced or encroached upon in any manner. (Ord. 94-05, 12-6-1994)

12-230 : LOCATION OF OFF STREET PARKING:

The off street parking lot shall be located within two hundred feet (200'), exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley. (Ord. 94-05, 12-6-1994)

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12-231 : JOINT PARKING AND OFF SITE 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. Owners jointly provide for their individual parking needs through a joint facility and/or facilities, provided that the total number of spaces so provided shall not be less than the sum of the individual requirements and that each business and/or other use is within two hundred feet (200') of the parking facility. (Ord. 94-05, 12-6-1994)

12-232 : 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 ten feet by twenty feet (10' x 20') plus adequate area for ingress and egress. (Ord. 94-05, 12-6-1994)

12-233 : 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:

- A. Dwelling, Single-Family Or Duplex: 1 parking space for each separate dwelling unit within the structure
- B. Dwelling, Multi-Family: The number of spaces provided shall not be less than 1 1/2 times the number of units in the dwelling
- C. Boarding Or Rooming House Or Hotel: 1 parking space for each sleeping room
- D. Hospitals: 1 space for each 4 patient beds, exclusive of bassinets, plus 1 space for each staff or visiting doctor, plus 1 space for each 3 employees, including nurses, plus adequate data for the parking of emergency vehicles
- E. Medical Or Dental Clinics Or Offices: 6 spaces per doctor plus 1 space for each 2 employees

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| F. | Convalescent Or Nursing Homes: | 1 space for each 6 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 2 employees, including nurses |
| G. | Community Center, Theater, Auditorium, Church Sanctuary: | 1 parking space for each 4 permanent seats, based on maximum seating capacity, or each 50 square feet of floor area in rooms without permanent seating but intended to be used for assembly purposes |
| H. | Convention Hall, Lodge, Club, Library, Museum, Place Of Amusement Or Recreation: | 1 parking space for each 50 square feet of floor area used for assembly or recreation in the building |
| I. | Office Building: | 1 parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service |
| J. | Commercial Establishments Not Otherwise Classified: | 1 parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public |
| K. | Industrial Establishments: | 1 off-street parking space for each 500 square feet of gross floor area or 1 off-street parking space for each 2 employees, whichever is greater, and 1 loading or unloading berth for each 25,000 square feet, or fraction thereof, of gross floor area. |

(Ord. 94-05, 12-6-1994)

12-234 : PAVED SURFACE REQUIRED:

All parking spaces shall be paved with a sealed-surface permanent pavement and maintained in a manner that no dust will result from continued use. (Ord. 94-05, 12-6-1994)

12-235 : OFF-STREET PARKING LOTS LOCATED WITH OR ADJACENT TO A RESIDENTIAL DISTRICT:

A. Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the residential district shall be enclosed with a screening wall or fence as specified under section 12-236 of this article;
2. No parking shall be permitted within a front yard when the parking lot is located in a residential district;
3. Driveways used for ingress and egress shall be confined to and shall not exceed twenty five feet (25') in width, exclusive of curb returns;
4. All of the lot used for parking and driveway purposes shall be paved with a sealed-surface pavement and maintained in such a manner that no dust will be produced by continued use;
5. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses; and
6. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only nonintermittent white lighting of signs is permitted. (Ord. 94-05, 12-6-1994)

12-236: SCREENING WALL OR FENCE SPECIFICATIONS:

A. When the provisions of this chapter require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

1. Shall be constructed, designed, and arranged to provide visual separation of uses, irrespective of vegetation;
2. Shall not be less than five feet (5') nor more than eight feet (8') in height; and
3. Shall be constructed with all braces and supports on the interior. (Ord. 94-05, 12-6-1994)

12-237: MAINTENANCE OF WALLS OR FENCES:

The screening wall or fence shall be maintained by the owner of the zoning lot containing the use requiring the construction of the screening. Failure to maintain after notice by the zoning administrator shall constitute an offense hereunder. (Ord. 94-05, 12-6-1994)

12-238 : SEWER SERVICE:

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewer system, unless and until the County Public Health Officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, the public health officer may require such percolation tests as he deems necessary. Such tests are to be made at the expense of the property owner. (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

ARTICLE E. NONCONFORMITIES

12-240: INTENT:

Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter of future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter. (Ord. 94-05, 12-6-1994)

12-241 : NONCONFORMING LOTS OF RECORD:

In any district in which a lot exists of record at the effective date of adoption or amendment of this chapter which does not conform in size or area to the provisions of this ordinance, buildings for the uses permitted in such district may be erected on such lot, notwithstanding limitations imposed by other provisions of this chapter provided that such lot is in separate ownership and not of continuous frontage with other lots in the same ownership. (Ord. 94-05, 12-6-1994)

12-242: NONCONFORMING STRUCTURES:

A. Where a lawful structure exists at the effective date of adoption or amendment hereof that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity;
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter; and
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 94-05, 12-6-1994)

12-243: NONCONFORMING USES OF STRUCTURES:

A. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located; and
5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 94-05, 12-6-1994)

12-244: NONCONFORMING USES OF LAND:

A. Where, at the effective date of adoption or amendment of this chapter, lawful uses of land exist that are no longer permissible under the terms of this chapter as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter;
2. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter; and
3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located. (Ord. 94-05, 12-6-1994)

12-245: CHANGES IN NONCONFORMITY:

A nonconforming use of a structure, or a structure and land in combination, shall not be changed unless changed to a use permitted in the district in which located except that the board of adjustment may permit a change to a more restricted nonconforming use and such change shall be construed as an abandonment of the former permitted nonconforming use. (Ord. 94-05, 12-6-1994)

ARTICLE F. A-G, GENERAL AGRICULTURAL DISTRICT

12-250: GENERAL DESCRIPTION:

- A. The A-G, General Agricultural District, is established for several purposes:
1. To provide for the continued use of land for predominantly agricultural purposes;
 2. To preserve undeveloped areas until they can feasibly be developed to urban standards and with adequate public safeguards of health, safety, etc.; and
 3. To restrict development in areas subject to severe inundation until such time as it can be shown that these areas are no longer subject to flooding. (Ord. 94-05, 12-6-1994)

12-251 : USES PERMITTED:

- A. Within the A-G, General Agricultural District, the following uses are permitted:
1. "Agriculture", as defined in this chapter.
 2. Single-family dwellings.
 3. Churches and temples.
 4. Elementary schools and high schools.
 5. Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses.
 6. Parks and forest preserves not operated for profit.
 7. Temporary buildings and uses for construction purposes only and not for dwelling purposes, nor for a period that exceeds the completion of construction.
 8. Accessory buildings or uses incidental to the foregoing principal uses.
 9. Municipal or community recreation centers.
 10. Police or fire stations.
 11. Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries or museums.
 12. Public or not-for-profit auditoriums, stadiums, arenas, armories or sanitariums.
 13. Public or private hospitals or sanitariums.
 14. Public or private schools or colleges.
 15. Public utility and services uses including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations and other similar facilities. (Ord. 94-05, 12-6-1994)

12-252 : AREA AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
5 acres	330'	10%	35'	50'	30'	50'

- A. All lot improvements within the A-G district shall meet the following requirements:
1. All lots shall have not less than five (5) acres of land, and not more than one principal building shall be placed on any one lot;
 2. Each lot shall have a frontage of not less than three hundred thirty feet (330');
 3. Not more than ten percent (10%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
 4. No improvement or structure shall exceed thirty five feet (35') in height above the mean elevation of the lot;
 5. All structures shall have not less than a fifty foot (50') front yard setback;
 6. All principal structures shall have not less than a thirty foot (30') side yard setback. Accessory buildings may have side yards of not less than ten feet (10'); and
 7. All principal structures shall have not less than a fifty foot (50') rear yard setback. Accessory buildings may have a rear yard of not less than ten feet (10'). (Ord. 94-05, 12-6-1994)

12-253 : SIGNS AND BILLBOARDS:

- A. No signs, posters, bulletin boards, or other similar displays are permitted in the A-G district except as follows:
1. One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring an announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen feet (15') in height, and illumination, if any, shall be by constant light;
 2. One identification sign may be erected on each street frontage of a single-family subdivision or permitted nonresidential use. The sign shall not exceed twelve (12) square feet in surface nor fifteen feet (15') in height, and illumination, if any, shall be by constant light; and
 3. A real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of the parcel. The sign shall not exceed eighty (80)

square feet in surface area nor fifteen feet (15') in height, and illumination, if any, shall be by constant light. (Ord. 94-05, 12-6-1994)

ARTICLE G. R-S, SINGLE-FAMILY RESIDENTIAL DISTRICT

12-255 : GENERAL DESCRIPTION:

The R-S, Single-Family Residential District is established as a district in which the use of land is for single-family dwellings except as noted. It is the purpose and intent of this district to promote the development of and the continued use of the land for single-family dwellings and to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This district further encourages only those uses which, because of character or size, would not create additional requirements and costs for public services in excess of requirements and costs for single-family dwellings. (Ord. 94-05, 12-6-1994)

12-256 : USES PERMITTED:

- A. Within the R-S, Single-Family Residential District, the following uses are permitted:
1. Single-family detached dwellings and duplexes, subject to the requirements of section 12-258 of this article.
 2. Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools.
 3. Public park or playground.
 4. Agricultural uses of the garden type that are not intended for commercial purposes. (Ord. 94-05, 12-6-1994)

12-257 : USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS:

A. The following uses may be permitted by the board of adjustment after a public hearing provided they meet the requirements noted for each use in addition to applicable area regulations:

1. Churches with a minimum lot size of one acre and arterial street frontage as shown on the thoroughfare plan.
2. Library, provided it has arterial street frontage as shown on the thoroughfare plan.

3. Home occupation, provided that it is in keeping with the meaning of "Home Occupation" as defined in this chapter.
4. Plant nursery, provided that no building or structure is maintained in connection therewith and no retailing of any material is carried on upon the premises.
5. Golf course, private or public, or country club, provided that the chief activity is for recreational purposes, and any commercial activity is accessory or incidental thereto.
6. Junior high or senior high schools, provided that they have arterial street frontage as shown on the thoroughfare plan.
7. Accessory buildings which are not a part of a main building may include one private garage.
8. Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed.
9. Parking lots, provided they are within two hundred feet (200') of a commercial or industrial district. (Ord. 94-05, 12-6-1994)

12-258 : AREA AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
7,200 sq. ft.	60'	30%	35'	25'	5' interior lots 20' street side of corner lots	20% depth of lot

- A. All lots and improvements within the R-S district shall meet the following requirements:
1. All lots shall have not less than seven thousand two hundred (7,200) square feet of lot area, and not more than one principal building shall be placed on any one lot, except that not less than twelve thousand (12,000) square feet shall be required for uses other than single-family residences;
 2. Each lot shall have a frontage of not less than sixty feet (60'). The frontage of any wedge-shaped lot which meets the requirements of minimum lot size may be a minimum of forty feet (40'); however, the front building line on the lot shall be a minimum of sixty (60) linear feet measured at an equal distance parallel to and from the front lot line;

3. Not more than thirty percent (30%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
4. No improvement or structure shall exceed thirty five feet (35') in height above the mean elevation of the lot;
5. All structures shall have not less than a twenty five foot (25') front yard setback;
6. For a single-family dwelling of one story, the minimum width of the side yard shall be five feet (5') for interior lot lines and ten feet (10') for the side yard abutting the side street on a corner lot. For buildings of more than one story, the minimum width of the side yard on interior lot lines shall be not less than ten feet (10'). For a principal building other than a single-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no case less than fifteen feet (15'); and
7. A rear yard of twenty percent (20%) of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building, provided, however, that no accessory building shall be located closer than ten feet (10') to the rear lot line. (Ord. 94-05, 12-6-1994)

12-259: SIGNS AND BILLBOARDS:

A. No signs, billboards, posters, bulletin boards or other similar displays are permitted in the R-S district except as follows:

1. A temporary bulletin board or sign not exceeding twelve (12) square feet in area, pertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises is leased, hired or sold;
2. One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen feet (15') in height, and illumination, if any, shall be by constant light;
3. Official public notices may be erected on affected property; and (Ord. 94-05, 12-6-1994)
4. One nonilluminated nameplate not exceeding two (2) square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premises. (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

ARTICLE H. R-G, GENERAL RESIDENTIAL DISTRICT

12-260: GENERAL DESCRIPTION:

This residential district is intended to provide for both low and high population density. It is established as a district in which the principal uses of the land are for multi-family dwellings and similar high-density residential development. The intent is to encourage the development and continued use of land for multi-family dwellings and to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of multi-family dwellings in this district. It is further intended to discourage any use which would generate traffic or create congestion on the neighborhood streets other than the normal traffic which serves the multi-family dwellings or similar residential uses in this district and discourage any use which, because of its character or size, would create additional requirements and costs for public services which would be in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses. (Ord. 94-05, 12-6-1994)

12-261: USES PERMITTED:

- A. Within the R-G, General Residential District, the following uses are permitted:
1. Any use permitted in section 12-256 of this chapter for the R-S, Single-Family Residential District.
 2. Duplex.
 3. Multi-family dwelling.
 4. Rooming or boarding house. (Ord. 94-05, 12-6-1994)

12-262: USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS:

- A. The following uses may be permitted by the board of adjustment after public hearing provided they meet the requirements noted for each use in addition to applicable area regulations:
1. Convalescent home, rest home, nursing home and hospitals, public or private, provided they have frontage on an arterial street as shown on the thoroughfare plan.
 2. Mobile home parks, in compliance with section 12-265 of this article.

3. Community services, cultural and utility facilities, provided they are located on a lot of not less than one acre and have frontage of an arterial street as shown on the thoroughfare plan.
4. Childcare centers or day nurseries, provided they are located on a lot not less than ten thousand (10,000) square feet in area and have principal access on an arterial street as shown on the thoroughfare plan.
5. Any uses permitted subject to additional requirements in section 12-257 of this chapter for the R-S, Single-Family Residential District.
6. Accessory buildings and uses customarily incidental to the above uses when located on the same lot. (Ord. 94-05, 12-6-1994)

12-263 : AREA AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
6,000 sq. ft.	50'	30%	35'	25'	5'	20%
7,000 sq. ft.	60'	35%	35'	25'	5'	20%
10,000 sq. ft.	100'	50%	35'	25'	5'	20%
+2,000 each unit over 2				15' minimum	15' minimum	

A. All lots and improvements within the R-G district shall meet the following requirements: (Ord. 94-05, 12-6-1994)

1. All lots have an area of not less than six thousand (6,000) square feet for a single-family dwelling, ten thousand (10,000) square feet for a two-family dwelling, or ten thousand (10,000) square feet plus two thousand (2,000) square feet for each dwelling over two (2) for multi-family dwellings. For uses other than dwelling purposes, the lot area shall not be less than ten thousand (10,000) square feet except as otherwise specified; (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

2. Each lot shall have a frontage of not less than fifty feet (50') for single-family dwelling, sixty feet (60') for two-family dwelling, and one hundred feet (100') for multi-family dwelling and all other uses;
3. Not more than fifty percent (50%) of the lot area shall be covered with improvements, except that a duplex shall not exceed thirty five percent (35%) coverage and single-family improvement thirty percent (30%). Paved areas are not considered improvements within the meaning of this provision;
4. No improvement or structure shall exceed thirty five feet (35') in height above the mean elevation of the lot;
5. A minimum front yard setback of twenty five feet (25') shall be provided on all single-family and duplex dwellings. One foot (1') of setback for each one foot (1') of height shall be provided for all uses other than single-family and duplex, but not less than a fifteen foot (15') front yard shall be provided;
6. 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 feet (15'). One foot (1') of setback for each one foot (1') of height for all uses other than single-family and duplex shall be provided; and
7. A rear yard of twenty percent (20%) of the depth of the lot shall be provided in the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten feet (10') to the rear lot line. (Ord. 94-05, 12-6-1994)

12-264 : SIGNS AND BILLBOARDS:

The control of signs and billboards in the R-G district is the same as that set forth in section 12-259 of this chapter for the R-S district except that such uses as may be permitted, subject to additional requirements, may erect one nonilluminated nameplate not exceeding twenty four (24) square feet in area, identifying the name and use of the premises. (Ord. 94-05, 12-6-1994)

12-265 : MOBILE HOME PARK:

A. Upon compliance with the provisions as set forth herein, a mobile home park will be allowed within the R-G district:

1. The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein;
2. The proposed site shall be a minimum of two and one-half (2 1/2) acres in size and shall contain no more than fifteen (15) mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred feet (200') on a street designated as an arterial on the thoroughfare plan. All ingress by automobile shall be on such streets. The proposed site shall be a minimum of two hundred feet (200') in depth;
3. The mobile home park shall accommodate primarily permanent occupants, with no more than forty percent (40%) of the mobile home stands devoted to solely transient purposes. These solely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents;
4. Front yards of not less than twenty feet (20') and side and rear yards of not less than ten feet (10') shall be provided on mobile home park sites;
5. The proposed mobile home park shall be screened or buffered on all sides with a screening wall or fence in accordance with section 12-236 of this chapter;
6. The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional, off-street parking space for each four (4) mobile home stands; and
7. The proposed site shall provide a connection for each mobile home stand to all public utilities.

B. Notwithstanding the provisions of subsection A of this section, a mobile home shall be allowed within the R-G district, upon compliance with the following provisions: (Ord. 94-05, 12-6-1994)

1. The proposed site shall be a minimum of two thousand five hundred (2,500) square feet for each mobile home; (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)
2. The mobile home so parked on such a site shall have an enclosed foundation and comply with all regulations as to sanitary and health regulations;
3. Front yards of not less than twenty feet (20') and side and rear yards of not less than ten feet (10') for each mobile home site;

4. The site shall be screened or buffered on all sides with a screening wall or fence in accordance with section 12-236 of this chapter;
5. The proposed site shall provide one off-street parking space for each mobile home stand;
6. The proposed site shall provide a connection for each mobile home stand to all public utilities; and
7. Any individual, partnership, corporation or association desiring to locate a mobile home under this section shall, prior to locating the mobile home on the site, present to the zoning administration a statement signed by all of the property owners within a three hundred foot (300') radius of the proposed site, wherein the owners consent to the location of the mobile home on the proposed site, which site shall be described in the statement. (Ord. 94-05, 12-6-1994)

ARTICLE I. C-C, CONVENIENCE COMMERCIAL DISTRICT

12-268 : GENERAL, DESCRIPTION:

This commercial district is intended for a unified grouping in one or more buildings of retail shops and stores and personal services that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening. (Ord. 94-05, 12-6-1994)

12-269 : USES PERMITTED:

- A. Within the C-C, Convenience Commercial District, the following uses are permitted:
 1. Artists' supplies and hobby shop.
 2. Baker shop.
 3. Barber and beauty shops.
 4. Bookstore.
 5. Clothing or wearing apparel shops.
 6. Drugstore.
 7. Dairy products store.

8. Delicatessen.
9. Financial institutions.
10. Florist shop.
11. Gift shop.
12. Grocery store.
13. Hardware store.
14. Jewelry shop.
15. Laundry and dry cleaning pick-up stations.
16. Liquor store.
17. Medical facility.
18. Office, professional or general.
19. Pharmacy.
20. Restaurant (not drive-in).
21. Self-service laundry.
22. Shoe repair shop.
23. Sporting goods store.
24. Tailor shop.
25. Theater.
26. Toy store.
27. Variety store.

B. Any of the uses permitted in section 12-262 of this chapter subject to additional requirements as provided.

C. Accessory buildings and uses customarily incidental to the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

D. Any other commercial use deemed by the board of adjustment to be of a similar nature to those listed above. (Ord. 94-05, 12-6-1994)

12-270 : AREA REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
12,000 sq. ft.	100'	40%	35'	50'	2/1' of height adjacent to residential district	10%

- A. All lots and improvements within the C-C district shall meet the following requirements:
 1. The parcel of land on which a convenience commercial center is located shall not be less than twelve thousand (12,000) square feet;
 2. Each lot shall have a frontage of not less than one hundred feet (100');
 3. Not more than forty percent (40%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
 4. No improvement or structure shall exceed thirty five feet (35') in height above the mean elevation of the lot; and
 5. It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, adjacent residential areas. In no case shall the design of the shopping center provide less than the following standards:
 - a. All buildings shall be set back from the street right-of-way lines not less than fifty feet (50');
 - b. On the side of a lot adjoining a residential district, there shall be a side yard setback of two feet (2') for each one foot (1') of height; and
 - c. All buildings shall be set back from the rear lot line less than ten feet (10'). (Ord. 94-05, 12-6-1994)

12-271 : BUSINESS SIGNS:

- A. Business signs, poster boards, bulletin boards, or other similar displays in the C-C district shall conform to the following requirements:

1. In the C-C district, one business sign not exceeding thirty two (32) square feet in surface area and identifying the business or activity conducted on the premises may be erected on each street frontage of the parcel. In the case of a shopping center containing a group of businesses and/or activities on one lot, one accessory building sign may be erected on the lot identifying the shopping center. Such accessory sign shall not exceed fifty (50) square feet in area. Ground signs shall not exceed the height of the building in which the principal use is located within fifty feet (50') of a residential district if visible from such district. Illumination, if any, shall be by constant light;
2. A real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed sixteen feet (16') in surface area nor fifteen feet (15') in height, and illumination, if any, shall be by constant light;
3. All signs in the C-C district shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the town and they shall not overhang at a height of less than nine feet (9') and shall not have a maximum projection greater than seventy two inches (72"). (Ord. 94-05, 12-6-1994)

ARTICLE J. C-A/R, AUTOMOTIVE COMMERCIAL AND COMMERCIAL RECREATION DISTRICT

12-275 : GENERAL DESCRIPTION:

This commercial district is established as a district in which the principal use of land is for establishment offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community but are not and should not necessarily be located in the central business district or the convenience commercial district. (Ord. 94-05, 12-6-1994)

12-276 : USES PERMITTED:

- A. Within the C-AIR, Automotive Commercial and Commercial Recreation District, the following uses are permitted:
1. Any use permitted in the C-C, Convenience Commercial District.
 2. Amusement enterprises.

3. New and used automobile sales and services, new and used machinery sales and services, and public garages.
4. Ambulance service offices or garages.
5. Automobile service stations.
6. Billboards as permitted in section 12-278 of this article.
7. Boat sales.
8. Bowling alleys.
9. Bus terminals.
10. Dance halls.
11. Drive-in theaters or restaurants.
12. Electric transmission stations.
13. Food and fuel stores.
14. Funeral parlors.
15. Garden stores.
16. Golf course, miniature or practice range.
17. Heating and plumbing sales and service.
18. Hospital for small animals.
19. Ice plants. (Ord. 94-05, 12-6-1994)
20. Key shops.
21. Laundries.
22. Motels.
23. Music, radio and television shop and repairs.
24. Nightclubs.
25. Novelty shops.
26. Pawnshops.

- 27. Pet shops.
- 28. Printing plants.
- 29. Public uses.
- 30. Recreation center, private.
- 31. Rollerskating rinks.
- 32. Sign painting shops.
- 33. Taverns.
- 34. Travel trailer park and sales.
- 35. Wholesale distribution center. (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

B. Any other store or shop for retail trade or for providing personal, professional or business service other than those provided for in section 12-281 of this chapter.

C. Buildings, structures and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments. (Ord. 94-05, 12-6-1994)

12-277 : AREA AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
12,000 sq. ft.	100'	30%	35'	50'	2/1' of height adjacent to residential district	20'

A. All lot improvements within the C-A/R district shall meet the following requirements:

- 1. The parcel of land on which any commercial use is located shall not be less than twelve thousand (12,000) square feet;
- 2. Each lot shall have a frontage of not less than one hundred feet (100');

3. Not more than thirty percent (30%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
4. No improvement or structure shall exceed thirty five feet (35') in height above the mean elevation of the lot; and
5. It is intended that the commercial uses and parking areas within a C-A/R district be designed to protect, insofar as possible, adjacent residential areas. In no case shall the development have less than the following standards:
 - a. All buildings shall be set back from all street right-of-way lines not less than fifty feet (50');
 - b. On the side of a lot adjoining a residential district there shall be a side yard setback of two feet (2') for each one foot (1') of height; and
 - c. All buildings shall be set back from the rear lot line not less than twenty feet (20'). (Ord. 94-05, 12-6-1994)

12-278: BUSINESS SIGNS:

- A. Business signs, poster boards, bulletin boards or other similar displays in the C-A/R district shall conform to the following requirements:
 1. In the C-A/R district, business signs not exceeding in the aggregate one square foot of display surface area per one lineal foot of street frontage may be erected on each street frontage of the parcel. Ground signs and billboards shall not exceed thirty feet (30') in height. No sign or billboard shall be located within fifty feet (50') of a residential district if visible from such district. Illumination, if any, shall be by constant light;
 2. A real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed fifty (50) square feet in surface area nor fifteen feet (15') in height, and illumination, if any, shall be by constant light; and
 3. All signs in the C-A/R district shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the town and they shall not overhang at a height of less than nine feet (9') and shall not have a maximum projection greater than seventy two inches (72"). (Ord. 94-05, 12-6-1994)

ARTICLE K. C-G, GENERAL COMMERCIAL DISTRICT

12-280 : GENERAL DESCRIPTION:

This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises. It will not normally be applied in the case of new commercial areas. (Ord. 94-05, 12-6-1994)

12-281 : USES PERMITTED:

- A. Within the C-G, General Commercial District, the following uses are permitted:
 - 1. Any use permitted in a C-C, Convenience Commercial District, or C-A/R, Automotive Commercial and Commercial Recreation District.
 - 2. Any other retail, personal service, business service or professional use not already mentioned, including:
 - a. Bakery.
 - b. Department store.
 - c. Frozen food locker.
 - d. Furniture repair and upholstery.
 - e. Research laboratories.
 - f. Wholesale, except for outdoor storage. (Ord. 94-05, 12-6-1994)

12-282 : AREA AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
None	None	None	None	None	None	None

There are no area or height regulations in the C-G district. (Ord. 94-05, 12-6-1994)

12-283 : SIGNS AND BILLBOARDS:

All signs and billboards in the C-G district shall conform to the requirements in section 12-278 of this chapter. (Ord. 94-05, 12-6-1994)

ARTICLE L. I-L, LIGHT INDUSTRIAL DISTRICT

12-285 : GENERAL DESCRIPTION:

The purpose of the I-L, Light Industrial District, is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit nonindustrial uses. Because of the traffic generated and other potentially objectionable influences created in this district, a buffer or setback area between this district and any other zoning district except I-H is required. (Ord. 94-05, 12-6-1994)

12-286 : STANDARDS:

A. Any use constructed, established, altered or enlarged in the I-L, Light Industrial District, after the effective date of this chapter shall be so operated as to comply with the following standards:

1. No building shall be used for residential purposes, except that a watchman may reside on the premises;
2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use;
3. No noise, either continuous or intermittent, from any operation conducted on the premises, other than that emanating from vehicular traffic, shall be detectable at any boundary line of the I-L district;
4. No toxic matter, noxious matter, smoke, gas or odorous or articulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located;
5. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located;
6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district;
7. The manufacture of flammable materials which produce explosive vapors or gases is prohibited;

8. No outside storage of equipment and/or material, except equipment in daily use, is permitted in such a location where it can be viewed from any public street; and
9. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines. (Ord. 94-05, 12-6-1994)

12-287: USES PERMITTED:

A. Within the I-L, Light Industrial District, the following uses are permitted:

1. Building materials sales.
2. Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.
3. Compounding, processing and blending of chemical products, but not including any materials which decompose by detonation.
4. General and administrative offices.
5. Machine shops and metal products manufacture and tool and die shops, provided they do not include any of the following equipment: automatic screw machines, drop forges or riveting machines.
6. Mail-order houses.
7. Manufacturing and assembling (or any combination of such processes) of products from wood, cork, glass, leather, fur, plastic, felt and other textiles, but not including as a principal operation the processing of any raw materials.
8. Manufacturing and assembling of electrical and electronic products and equipment.
9. Printing and binding plants.
10. Research laboratories.
11. Warehouse and storage facilities.
12. Water filtration plants, pumping stations, reservoirs and lift stations.
13. Any other manufacturing process or establishment except those permitted in section 12-292 of this chapter.

14. Accessory uses incidental to and on the same zoning lot as a principal use. (Ord. 94-05, 12-6-1994)

12-288 : AREA AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
None	None	40%	None	50'	50'	50'
					Minimum of 2' of setback for each 1' of height when adjacent to residential district	

- A. All lot improvements within the I-L district shall meet the following requirements:
1. There are no area requirements in an I-L district;
 2. There are no lot frontage requirements in an I-L district;
 3. Not more than forty percent (40%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
 4. There are no height requirements in an I-L district;
 5. No structure shall be erected, commenced or maintained which has a front yard of less than fifty feet (50');
 6. When adjacent to a residential district, a side yard of fifty feet (50') or two feet (2') for each one foot (1') of height, whichever is greater, shall be provided; and
 7. When adjacent to a residential district, a rear yard of fifty feet (50') or two feet (2') for each one foot (1') of height, whichever is greater, shall be provided. (Ord. 94-05, 12-6-1994)

12-289 : SIGNS AND BILLBOARDS:

All signs and billboards in the I-L district shall conform to the requirements in section 12-278 of this chapter. (Ord. 94-05, 12-6-1994)

ARTICLE M. I-H, HEAVY INDUSTRIAL DISTRICT

12-290: GENERAL DESCRIPTION:

The purpose of the I-H, Heavy Industrial District, is to provide a location for industries which may by their nature create nuisances. The intent is to preserve this land especially for such industry in locations with access to arterial streets as designated on the thoroughfare plan, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this district, a buffer or setback strip between this district and other zoning districts except I-L is required. (Ord. 94-05, 12-6-1994)

12-291: STANDARDS:

A. Any use constructed, established, altered or enlarged in the I-H, Heavy Industrial District, after the effective date of this chapter shall be so operated as to comply with the following standards. No use already established on the effective date of this chapter shall be so altered or modified as to conflict with, or further conflict with, the applicable standards hereinafter for the I-H district:

1. No building shall be used for residential purposes, except that a watchman may reside on the premises;
2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use;
3. No storage, manufacture or assembly of goods shall be conducted out of a building unless the nearest point of the activity is more than one hundred feet (100') from the boundary of any zoning district;
4. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district;
5. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing and testing of goods, water, and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odors, glare, heat, fire or explosive hazards; and
6. No activities involving storage, utilization or manufacture of materials or products which decompose by detonation are permitted. (Ord. 94-05, 12-6-1994)

12-292 : USES PERMITTED:

A. Within the I-H, Heavy Industrial District, any use permitted in the I-L district also applies. The following uses are permitted:

1. Blacksmiths, tinsmiths, and sheet metal shops.
2. Bottling works.
3. Canning or preserving factories.
4. Cold storage plants.
5. Ice cream production and distribution.
6. Laundry and dry-cleaning plants.
7. Machinery rental, sales and service.
8. Machine shops.
9. Manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing or testing of any of the following materials, goods or merchandise:
 - a. Apparel.
 - b. Beverages (nonalcoholic), processing and bottling.
 - c. Building materials specialties.
 - d. Clothing.
 - e. Compounding and packaging of chemicals.
 - f. Cosmetics and toiletries.
 - g. Dairy products.
 - h. Drugs and pharmaceutical products.
 - i. Electrical and acoustical products and components.
 - j. Food products (except fish, sauerkraut, vinegar and yeast).
 - k. Furniture.
 - l. Glass products.

- m. Ice, dry and natural.
- n. Jewelry.
- o. Medical laboratory supplies, equipment and specialties.
- p. Metal products and utensils.
- q. Musical instruments.
- r. Optical goods.
- s. Paper products, including boxes and containers.
- t. Radios, phonographs, recorders and television sets and parts.
- u. Textiles.
- v. Toys and children's vehicles.
- w. Trailer and carts.
- x. Wood products, including wooden boxes and containers.
- y. Milk bottling and distribution.
- z. Monumental stone cutting.
- aa. Motor freight terminals.
- bb. Pattern shops. cc. Printing plants.
- dd. Soldering and welding shops.
- ee. Sign painting.
- ff. Railroad yards and switching areas, including lodging and sleeping facilities for transient railroad labor.
- gg. Spray painting and mixing.
- hh. Bulk fuel sales and storage.
- ii. Automobile wrecking and junkyards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight feet (8') in height.
- jj. Processing of meat and vegetable products, including the slaughter of animals. (Ord. 94-05, 12-6-1994)

12-293 : AREA REGULATIONS:

- A. There are no requirements for minimum lot area or frontage in the I-H district.
- B. Front, rear and side yard requirements in the I-H district are the same as those set forth in section 12-288 of this chapter for the I-L district.
- C. Buildings shall not cover more than fifty percent (50%) of the site on which the use is located. (Ord. 94-05, 12-6-1994)

12-294 : SIGNS AND BILLBOARDS:

All signs and billboards in the I-H district shall conform to the requirements in section 12-278 of this chapter. (Ord. 94-05, 12-6-1994)

ARTICLE N. ENFORCEMENT AND AMENDMENT

12-295 : DUTY OF ZONING ADMINISTRATOR:

It is the duty of the zoning administrator to enforce this chapter. If the zoning administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person(s) responsible for such violation(s), indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions. (Ord. 94-05, 12-6-1994)

12-296 : ZONING CLEARANCE PERMIT REQUIRED:

- A. The zoning clearance permit is a permit issued by the zoning administrator which states that a particular development meets all of the requirements of the zoning ordinance. It is not a building permit and does not authorize construction. It certifies that the land and/or structure is in conformance with the terms of this zoning ordinance.
- B. No building or other structure shall be erected, constructed, enlarged, altered or repaired in such a manner as to prolong the life of the building, nor shall the use of any land or building or other structure be changed without a zoning clearance permit being issued authorizing such construction, alteration, repair or use changes as being in compliance with the provisions of this

chapter. No building permit shall be issued for any construction not conforming to a valid zoning clearance permit.

C. No change shall be made in the use of any land or building or structure after the passage of this chapter until a zoning clearance permit has been obtained, certifying that all the provisions of this chapter have been complied with.

D. An application for a zoning clearance permit shall be made to the zoning administrator by the owner or proposed occupant of the building or land to be occupied or used, and the application shall state the location and legal description of the property and set out in detail the character and nature of the use to be conducted thereon. Within three (3) days, the zoning administrator shall grant or deny the zoning clearance permit in accordance with the terms of this chapter.

E. All applications for zoning clearance permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations. (Ord. 94-05, 12-6-1994)

F. Zoning clearance permits shall not be issued until a fee as set by the town board of trustees has been paid. (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

12-297: AMENDMENT PROCEDURES:

A. The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the town board a report and recommendation on the proposed change. (Ord. 94-05, 12-6-1994)

B. An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. An application for amendment shall be accompanied by the payment of a fee as set by the town board of trustees. Costs of notice and posting shall be billed to the applicant. (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

C. Upon receipt of an application, the planning commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing. Fifteen (15) days' notice of the public hearing shall be given by the planning commission by publication in a newspaper. Additional notice shall be given by the posting of a sign on the property.

D. The planning commission shall take the following actions:

1. After notice and public hearing, the planning commission shall vote to:
 - a. Recommend to the town board that the application be approved as submitted, or as amended, or be approved subject to modification; or
 - b. Recommend to the town board that the application be denied;
2. An application recommended for approval, or approval subject to modification, shall be transmitted to the town with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action; and (Ord. 94-05, 12-6-1994)
3. An application recommended for denial shall not be considered further and a portion of the fee, as set by the town board of trustees, required in this section shall be retained by the town and any remainder shall be refunded. Application for amendment shall be refunded to the applicant unless the applicant, within fifteen (15) days from the date of the planning commission action, files a written request with the town board for a hearing. A fee as set by the town board of trustees shall accompany the request for a hearing before the town if the refund hereinabove has been granted to the applicant in appeal. Upon notice of such request and receipt of fee, the planning commission shall forthwith transmit the application and its report and recommendation to the town board. (Ord. 94-05, 12-6-1994; amd. Ord. 95-01, 4-4-1995)

E. The town board shall hold a hearing on each application regularly transmitted, or which has been transmitted pursuant to an appeal as provided for in this section. The town board shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the town planning commission for further study.

F. If a written protest against any amendment, change or repeal of this chapter or any part thereof is presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of lots immediately abutting the territory included in such proposed change or separated therefrom only by an alley or street, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the town board. (Ord. 94-05, 12-6-1994)

12-298: VIOLATIONS AND PENALTIES:

A violation of this chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the

provisions of this ordinance shall be fined as provided in section 1-108 of this code, including costs for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 94-05, 12-6-1994)

CHAPTER 3 SUBDIVISION REGULATIONS

SECTION:

12-301: Subdivision Regulations Adopted

12-301: SUBDIVISION REGULATIONS ADOPTED:

Ordinance 133, adopted May 3, 1983, containing the town's land development and subdivision regulations and any amendments thereto, is hereby adopted and incorporated herein by reference. Any violation of the town's subdivision regulations is punishable as provided in section 1-108 of this code. A copy of Ordinance 133 and any amendments are on file in the town clerk's office. (1986 Code)

CHAPTER 4 FLOOD PLAIN REGULATIONS

SECTION:

Article A. Statutory Authorization, Findings Of Fact, Purpose And Methods

- 12-401: Statutory Authorization
- 12-402: Findings Of Fact
- 12-403: Statement Of Purpose
- 12-404: Methods Of Reducing Flood Losses

Article B. Definitions

- 12-410: Definitions

Article C. General Provisions

- 12-420: Lands To Which Chapter Applies
- 12-421: Basis For Establishing The Areas Of Special Flood Hazard
- 12-422: Establishment Of Development Permit
- 12-423: Compliance
- 12-424: Abrogation And Greater Restrictions
- 12-425: Interpretation
- 12-426: Warning And Disclaimer Of Liability

Article D. Administration

- 12-430: Designation Of The Flood Plain Administrator
- 12-431: Duties And Responsibilities Of The Flood Plain Administrator
- 12-432: Permit Procedures
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Article E. Provisions For Flood Hazard Reduction

- 12-440: General Standards
- 12-441: Specific Standards
- 12-442: Standards For Subdivision Proposals
- 12-443: Standards For Areas Of Shallow Flooding (AO/AH Zones)
- 12-444: Floodways
- 12-445: Penalties For Noncompliance

Article F. Service Area Restriction

- 12-450: U.S. EPA Waiver Required

ARTICLE A. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

12-401: STATUTORY AUTHORIZATION:

The legislature of the state of Oklahoma has in title 82 of the Oklahoma Statutes, sections 1601 through 1619, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the board of trustees of Calumet, Oklahoma, does ordain as follows: (Ord. 2000-02, 8-1-2000)

12-402: FINDINGS OF FACT:

A. The flood hazard areas of Calumet 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 flood plains 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. 90-1, 3-13-1990)

12-403: STATEMENT OF PURPOSE:

A. It is the purpose of this chapter to promote the public health, safety and general welfare 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 flood plains;

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;
7. Ensure that potential buyers are notified that property is in a flood area; and (Ord. 90-1, 3-13-1990)
8. Allow procurement of insurance through the National Flood Insurance Program. (Ord. 2000-02, 8-1-2000)

12-404: METHODS OF REDUCING FLOOD LOSSES:

- A. 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 serve such uses, be protected against flood damage at the time of initial construction;
 3. Control the alteration of natural flood plains, 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;
 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. 90-1, 3-13-1990)

ARTICLE B. DEFINITIONS

12-410: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meanings they have in common usage and to give this chapter its most reasonable application:

ALLUVIAL FAN FLOODING:	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.
APEX:	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.
AREA OF SHALLOW FLOODING:	A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') 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.
AREA OF SPECIAL FLOOD HAZARD:	The land in the flood plain 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 (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
BASE FLOOD:	The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
BASEMENT:	Any area of the building having its floor subgrade (below ground level) on all sides.
CRITICAL FEATURE:	An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT:

Any manmade 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.

ELEVATED BUILDING:

A nonbasement 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 zone V1-30, 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 piers), 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 fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of zone V1-30, 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 National Flood Insurance Program regulations.

EXISTING CONSTRUCTION:

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:

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 before the effective date of the flood plain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:

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).

FLOOD INSURANCE RATE MAP (FIRM):

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.

FLOOD INSURANCE STUDY:

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.

FLOOD OR FLOODING:

A general and temporary condition of partial or complete inundation or normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PLAIN MANAGEMENT:

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 flood plain management regulations.

FLOOD PLAIN MANAGEMENT REGULATIONS:

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain 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.

FLOOD PLAIN OR FLOOD-PRONE AREA:

Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).

FLOOD PROTECTION SYSTEM:

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.

FLOODPROOFING:

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.

FLOODWAY (REGULATORY FLOODWAY):

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.

FUNCTIONALLY DEPENDENT USE:

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 shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE:

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE:

Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of 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.

LEVEE:	A manmade 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.
LEVEE SYSTEM:	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.
LOWEST FLOOR:	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of 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 nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.
MANUFACTURED HOME:	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".
MANUFACTURED HOME PARK OR SUBDIVISION:	A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
MEAN SEA LEVEL:	For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION:

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 flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISIONS:

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 flood plain management regulations adopted by a community.

RECREATIONAL VEHICLE:

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.

START OF CONSTRUCTION:

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 and/or walkways; nor does it include excavation for 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.

STRUCTURE:

A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE:

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.

SUBSTANTIAL IMPROVEMENT:

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 "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 project 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 an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

VARIANCE:

A grant of relief to a person from the requirement 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 section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION:

The failure of a structure or other development to be fully compliant with the community's flood plain 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 (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION:

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. 90-1, 3-13-1990)

ARTICLE C. GENERAL PROVISIONS

: LANDS TO WHICH CHAPTER APPLIES:

This chapter shall apply to all areas of special flood hazard with the jurisdiction of the town of Calumet. (Ord. 90-1, 3-13-1990)

: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Calumet, Oklahoma", dated January 19, 2000, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. (Ord. 2000-02, 8-1-2000)

: ESTABLISHMENT OF DEVELOPMENT PERMIT:

A development permit shall be required to ensure conformance with the provisions of this chapter. (Ord. 90-1, 3-13-1990)

: 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. 90-1, 3-13-1990)

: ABROGATION AND GREATER RESTRICTIONS:

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 90-1, 3-13-1990)

: INTERPRETATION:

In the interpretation and application of this chapter, all provisions shall be: a) considered as minimum requirements; b) liberally construed in favor of the governing body; and c) deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 90-1, 3-13-1990)

: WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 90-1, 3-13-1990)

ARTICLE D. ADMINISTRATION

12-430: DESIGNATION OF THE FLOOD PLAIN ADMINISTRATOR:

The town clerk is hereby appointed the flood plain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to flood plain management. (Ord. 90-1, 3-13-1990)

12-431: DUTIES AND RESPONSIBILITIES OF THE FLOOD PLAIN ADMINISTRATOR:

A. Duties and responsibilities of the flood plain 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. Review, approve or deny 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 USC 1334) from 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 flood plain administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the state coordinating agency which is 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 section 12-421 of this chapter, the flood plain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of article E of this chapter.
9. When a regulatory floodway has not been designated, the flood plain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 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 (1') at any point within the community.
10. Under the provisions of 44 CFR chapter 1, sections 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot (1'), provided that the community first applies for a conditional FIRM revision through FEMA. (Ord. 90-1, 3-13-1990)

12-432: PERMIT PROCEDURES:

A. Application for a development permit shall be presented to the flood plain administrator on forms furnished by him/her 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:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 12-441A2 of this chapter;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
5. Maintain a record of all such information in accordance with subsection 12-431A1 of this article.

B. Approval or denial of a development permit by the flood plain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. 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;
7. 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;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.
(Ord. 90-1, 3-13-1990)

12-433: VARIANCE PROCEDURES:

- A. The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of this chapter.
- B. The appeal 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 flood plain administrator in the enforcement or administration of this chapter.
- C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- D. The flood plain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. 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.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the relevant factors in subsection 12-432B of this article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (section 12-403 of this chapter).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. 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 an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon: a) showing a good and sufficient cause; b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and c) 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.

3. 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.

K. 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: 1) the criteria outlines in subsections A through I of this section are met, and 2) 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. (Ord. 90-1, 3-13-1990)

ARTICLE E. PROVISIONS FOR FLOOD HAZARD REDUCTION¹

: GENERAL STANDARDS:

A. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All 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 and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

¹ See also section 5-115 of this code.

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 waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 90-1, 3-13-1990)

: SPECIFIC STANDARDS:

A. In all areas of special flood hazards where base flood elevation data has been provided as set forth in: 1) section 12-421 of this chapter, 2) subsection 12-431A8 of this chapter, or 3) subsection 12-442C of this article, the following provisions are required: (Ord. 90-1, 3-13-1990)

1. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to two feet (2') above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the flood plain administrator that the standard of this subsection as proposed in subsection 12-432A1 of this chapter 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 two feet (2') 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 and/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 flood plain administrator. (Ord. 2000-2, 8-1-2000)
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 flood waters. 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 (1') 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 flood waters.

4. **Manufactured Homes:**

- a. Require that 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 purposes 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 A1-30, 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 of 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 to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection A4 be elevated so that either: (Ord. 90-1, 3-13-1990)

- (1) The lowest floor of the manufactured home is two feet (2') above the base flood elevation, or (Ord. 2000-02, 8-1-2000)
 - (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 inches (36") 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 subsection 12-432A of this chapter, and the elevation and anchoring requirements for "manufactured homes" in subsection A4 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. (Ord. 90-1, 3-13-1990)

: STANDARDS FOR SUBDIVISION PROPOSALS:

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 12-402, 12-403, and 12-404 of this chapter.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of sections 12-422 and 12-432 of this chapter and the provisions of this article.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which are greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to section 12-421 or subsection 12-431A8 of this chapter.
- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. 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. (Ord. 90-1, 3-13-1990)

: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES):

A. Located within the areas of special flood hazard established in section 12-421 of this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (3') 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: (Ord. 90-1, 3-13-1990)

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least two feet (2') above the depth number specified in feet on the community's FIRM.
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 two feet (2') above the depth number specified in feet on the community's FIRM, 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 of effects of buoyancy. (Ord. 2000-02, 8-1-2000)
3. A registered professional engineer or architect shall submit a certification to the flood plain administrator that the standards of this section, as proposed in subsection 12-432A1 of this chapter, are satisfied.
4. Require within zone AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures. (Ord. 90-1, 3-13-1990)

: FLOODWAYS:

A. Floodways located within areas of special flood hazard established in section 12-421 of this chapter 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 unless certification by a registered

professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If subsection A1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article. (Ord. 90-1, 3-13-1990)

: PENALTIES FOR NONCOMPLIANCE:

No structure or land shall hereafter be constructed, located, extended, converted, or altered, without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined no less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) per day or imprisoned for not more than one year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the town of Calumet from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 2000-02, 8-1-2000)

ARTICLE F. SERVICE AREA RESTRICTION

12-450: U.S. EPA WAIVER REQUIRED:

Irrespective of any other provisions to the contrary herein, from and after the effective date hereof, there shall be no new development permitted within the 100-year flood plain (as defined on the latest publication of the National Flood Insurance Program's "Flood Insurance Rate Map" for the town of Calumet) which would generate wastewater to be transported to the wastewater treatment facilities of the town of Calumet.

An owner/developer of property situated in the said flood plain may make request, in writing, to the town of Calumet for a "Waiver of Service Area Restriction" only in cases where the said owner/developer can sufficiently show that the natural environment in the 100-year flood plain would be preserved if the waiver was granted. Said written request for a "Waiver of Service Area Restriction" must be submitted to the flood plain administrator of the town of Calumet, who upon review thereof will judge whether the requested waiver is conformant to the intent of this chapter. If it be found that said waiver would not be in keeping with the intent of this chapter, the request for a "Waiver of Service Area Restriction" shall be denied. Should the findings of the flood plain administrator be that the requested waiver would not violate the intent of this chapter,

nor have detrimental effect upon the natural functions and values of the affected flood plain, then such a request would be presented to the governing body of the town of Calumet for their consideration and possible approval. Only after governing body approval, the town of Calumet would then submit a request to the U.S. Environmental Protection Agency's regional administrator for review and possible approval. It is specifically the intent of this chapter that the said regional administrator be the final authority in all such requests for a "Waiver of Service Area Restriction". (Ord. 90-1, 3-13-1990)

PART 13 PUBLIC SAFETY

Subject	Chapter
Fire Prevention Code	1
Police Department.....	2
Civil Defense	3
Fire Department	4

CHAPTER 1 FIRE PREVENTION CODE

SECTION:

- 13-101: Adoption Of Fire Prevention Code
- 13-102: Enforcement
- 13-103: Definition
- 13-104: Limits For Storage Of Flammable Liquids, Bulk Storage Of Liquefied Petroleum Gases, Explosives And Blasting Agents
- 13-105: Modifications
- 13-106: Appeals
- 13-107: Penalty

13-101 : ADOPTION OF FIRE PREVENTION CODE:

There is hereby adopted by the town board of trustees for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, abbreviated edition, recommended by the National Fire Protection Association, being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Not less than one copy of the code has been filed in the office of the clerk of the town and the same is hereby adopted and incorporated as fully as if set out at length herein. The provisions of the Fire Prevention Code shall be controlling within the limits of the town. (1986 Code)

13-102 : ENFORCEMENT:

The code hereby adopted shall be enforced by the chief of the fire department. (1986 Code)

13-103 : DEFINITION:

Wherever the word "municipality" is used in the Fire Prevention Code hereby adopted it shall be held to mean the town. (1986 Code)

13-104 : LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS:

The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited, are hereby established as the fire limits provided in this code. (1986 Code)

13-105 : MODIFICATIONS:

The chief of the fire department shall have power to modify any of the provisions of the code hereby adopted in his own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and for applications requesting change, a signed copy shall be furnished the applicant. (1986 Code)

13-106 : APPEALS:

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town board of trustees within thirty (30) days from the date of the decision appealed. (1986 Code)

13-107 : PENALTY:

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-108 of this code. (1986 Code)

CHAPTER 2 POLICE DEPARTMENT¹

SECTION:

- 13-201: Police Department Created; Chief
- 13-202: Duties
- 13-203: Police Officers

13-201: POLICE DEPARTMENT CREATED; CHIEF:

There shall be a police department, the head of which is the chief of police, or police chief, appointed by the town board of trustees and removable by the board. The chief of police is an officer of the town, and has supervision and control of the police department. All police officers are officers of the town. (1986 Code)

13-202: DUTIES:

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the town; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the town jail. (1986 Code)

13-203: POLICE OFFICERS:

Police officers shall be appointed, supervised and terminated by the chief of police. The board of trustees shall set the salaries for police officers and shall have the right to disapprove any action of the police chief by majority vote of the trustees. Police officers, including full-time police officers and reserve police officers, shall perform such duties as shall be required of them

¹ 11 OS § 34-101 et seq.

by the chief of police, town ordinances, federal, state and county regulations, and any other actions required in the maintenance of good order and public peace. (1986 Code; amd. Ord. 91-04, 8-20-1991)

CHAPTER 3 CIVIL DEFENSE¹

SECTION:

- 13-301: Purpose Of Civil Defense Organization
- 13-302: Department Established
- 13-303: Duties Of Director
- 13-304: Powers Of Director In Emergencies
- 13-305: Compensation Of Members

13-301 : PURPOSE OF CIVIL DEFENSE ORGANIZATION:

A civil defense organization is created for the town to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the town. 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. (1986 Code)

13-302 : DEPARTMENT ESTABLISHED:

A. 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 appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice chairman and secretary. It shall hold such meetings as are directed by the mayor and its function shall be to act in an advisory capacity as needed or requested by the mayor or the director of civil defense. (1986 Code)

¹63 OS § 683.11.

13-303 : DUTIES OF DIRECTOR:

The director of civil defense shall be the executive head of the department of the civil defense and shall be responsible for carrying out the civil defense program of the town. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It 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 record thereof to govern the functions of the civil defense organization. (1986 Code)

13-304 : 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 town.
- 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. (1986 Code)

13-305 : COMPENSATION OF MEMBERS:

All members of the civil defense organization created in this chapter shall serve without compensation. The town shall not be liable for any personal or bodily injury received by any member of such organization while acting in the line of duty. (1986 Code)

CHAPTER 4 FIRE DEPARTMENT¹

SECTION:

- 13-401: Fire Department Created, Chief
- 13-402: Volunteer Department; Number Of Firefighters
- 13-403: Fire Chief
 - : Assistant Chief
 - : Company Officers
 - : The Secretary-Treasurer
 - : New Members
 - : Bylaws
 - : Duties
 - : Rules And Regulations
 - : Answering Calls Outside Limits

: FIRE DEPARTMENT CREATED, CHIEF:

There is a fire department, the head of which is the chief of the fire department or fire chief, appointed by the town board of trustees, and removable by the trustees. The chief of the fire department is an officer of the town and has supervision and control of the fire department. (1986 Code)

: VOLUNTEER DEPARTMENT; NUMBER OF FIRE FIGHTERS:

A. The fire department of the town is a volunteer fire department which has not less than six (6) or more than twenty (20) volunteer firefighters.

¹ 11 OS § 29-201 et seq.

B. 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. (1986 Code)

: FIRE CHIEF:

A. The chief is at the head of the department, subject to the laws of the state, ordinances of this town, and the rules and regulations herein adopted. The chief shall be held responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have the following duties:

1. To inspect or cause to be inspected by members of the department, the fire hydrants, cisterns, and other sources of water supply at least twice each year to determine their readiness and availability for firefighting;
2. To 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;
3. To make every effort to attend all fires and direct the officers and members in the performance of their duties;
4. To see that the citizens are kept informed on fire hazards in the community and on the activities of the department; and
5. To 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. (1986 Code)

: ASSISTANT CHIEF:

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The town board of trustees, by motion or resolution, may name the assistant chief or assistance chiefs and may also in the same manner name a captain or captains serving under the assistant chief and to serve, in the absence of the chief and the assistant chief, as commander of the department with the full powers and responsibilities of the chief. (1986 Code; amd. Ord. 92-05, 11-3-1992)

: COMPANY OFFICERS:

A. The company officers shall be selected upon their ability to meet the following requirements:

1. Their knowledge of firefighting;
2. Their leadership ability; and
3. Their knowledge of firefighting equipment. (1986 Code)

: THE SECRETARY-TREASURER:

A. 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 by the members. (1986 Code)

: NEW MEMBERS:

A. All new members shall be on probation for one year after their appointment.

B. New volunteer members upon completion of their probation period must be approved by the majority of the fire department. (1986 Code)

: BYLAWS:

A. The bylaws of the department shall include the following:

1. All volunteer firefighters are required, when notified, to respond to alarms of fire and other emergencies;
2. They are 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 town 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; and
7. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
 - a. Conduct unbecoming a firefighter;
 - b. Any act of insubordination;
 - c. Neglect of duty;
 - d. Any violation of rules and regulations governing the fire department; or
 - e. Conviction of a felony. (1986 Code)

: DUTIES:

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. (1986 Code)

: RULES AND REGULATIONS:

- A. The town board of trustees, by motion or resolution, may adopt rules and regulations governing the fire department. All firefighters shall be of legal age, in good health, and either:
 1. Residents of the town;
 2. Live within one and one-half (1 1/2) miles of the town limits and have access to the local fire telephone in his or her home; or
 3. Maintain full-time employment within the town limits. (1986 Code; amd. Ord. 92-01, 1-7-1992)

: ANSWERING CALLS OUTSIDE LIMITS¹:

The fire department in accordance with any regulations the town board of trustees may prescribe may respond to calls outside the town limits. The town board may also set fees for responding to calls outside the town limits to compensate the fire department for responding to such calls or performing other official work outside the town limits. In answering calls outside the limits or performing fire prevention, rescue, resuscitation, first aid, inspection or any other official work outside the town limits, the department shall be considered an agent of the state and acting in a governmental capacity. The town shall not be liable for any act of commission, omission or negligence in answering, returning from or performing such work outside the limits. (Ord. 94-01, 2-1-1994)

¹ 11 OS §§ 29-106-29-109.

PART 14 STREETS AND PUBLIC WORKS

Subject	Chapter
Use And Obstruction Of Streets	1

CHAPTER 1 USE AND OBSTRUCTION OF STREETS

SECTION:

- 14-101 : Trees And Shrubbery To Be Trimmed
- 14-102 : Unlawful To Injure Trees And Shrubbery
- 14-103 : Unlawful To Obstruct Sidewalks, Parkways, Streets And Alleys With Merchandise
- 14-104 : Unlawful To Obstruct Unduly Sidewalks And Streets
- 14-105 : Unlawful To Deposit Trash Upon Streets Or Sidewalks
- 14-106 : Unlawful To Play On Streets
- 14-107 : Vehicles Not To Be Washed On Street
- 14-108 : Water, Mud From Vehicle Not To Drain Into Street
- 14-109 : Water From Filling Stations And Other Businesses
- 14-110 : Owner Or Occupant Not To Permit Sidewalk Or Sidewalk Area To Become A Hazard
- 14-111 : Street Not To Be Obstructed So As To Interfere With Drainage
- 14:112: Penalty

14-101: TREES AND SHRUBBERY TO BE TRIMMED:

A. The owner of any premises abutting on any street of this town shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet (10') above the roadway of a street or alley, nor lower than eight feet (8') above the sidewalk.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in subsection A of this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the town. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense. (1986 Code)

14-102: UNLAWFUL TO INJURE TREES AND SHRUBBERY:

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery. (1986 Code)

14-103: UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS AND ALLEYS WITH MERCHANDISE:

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the town any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade. (1986 Code)

14-104: UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS:

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon. (1986 Code)

14-105: UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS:

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the town any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind. (1986 Code)

14-106: UNLAWFUL TO PLAY ON STREETS:

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance. (1986 Code)

14-107: VEHICLES NOT TO BE WASHED ON STREET:

The washing of an automobile or other vehicle in any street of the town is hereby prohibited. (1986 Code)

14-108: WATER, MUD FROM VEHICLE NOT TO DRAIN INTO STREET:

No automobile or other vehicle shall be washed at any place within the town 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 town. (1986 Code)

14-109: 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. (1986 Code)

14-110: 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. (1986 Code)

14-111: 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. (1986 Code)

14-112: 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 section 1-108 of this code. (1986 Code)

PART 15 TRAFFIC AND VEHICLES

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Operation Of Vehicles Generally, Parking And Speeding	2
General Provisions.....	2A
Speeding Regulations.....	2B
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CHAPTER 1 GENERAL PROVISIONS AND ADMINISTRATION:

SECTION:

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- 15-102: Application Of Regulations
- 15-103: Vehicle Equipment Generally, Brake Restrictions
- 15-104: Size, Weight Of Vehicles; Vehicles More Than Ten Thousand Pounds
- 15-105: Securing Loads
- 15-106: Inspection Of Vehicles By Officers
- 15-107: Opening And Closing Vehicle Doors
- 15-108: Boarding Or Alighting From Vehicles
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- 15-110: Authorizing Or Permitting Violations Prohibited
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- 15-125: Eluding Police Officer Prohibited
- 15-126: Adoption Of State Traffic Code
- 15-127: Insurance Or Certificate Required

15-101: DEFINITIONS¹:

For the purposes of this part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part.

ALLEY:	A public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley.
BICYCLE:	Every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty inches (20") in diameter.
COMMERCIAL VEHICLE:	Every vehicle designed, maintained, or used primarily for the transportation of property.
CURB LOADING ZONE:	A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
DRIVER:	Every person who drives or is in actual physical control of a vehicle.
EMERGENCY VEHICLES:	Vehicles of fire departments, police vehicles and ambulances.
INTERSECTION:	The area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict.
LANED ROADWAY:	A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.
MOTOR VEHICLE:	Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

¹47 OS § 1-101 et seq

MOTORCYCLE:	Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.
OFFICIAL TIME STANDARD:	Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this town.
OFFICIAL TRAFFIC-CONTROL DEVICES:	All signs, signals, markings and devices not inconsistent with this code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.
PARK OR PARKING:	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.
PEDESTRIAN:	Any person afoot.
POLICE OFFICER:	Any officer of the town police department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations.
PRIVATE ROAD OR ROADWAY:	Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
RAILROAD:	A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.
RAILROAD TRAIN:	A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.
RIGHT OF WAY:	The privilege of the immediate use of the roadway.

ROADWAY:	That portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
SIDEWALK:	That portion of a street between the curb lines, or the lateral lines, of a roadway, and the adjacent property lines intended for use of pedestrians.
STAND OR STANDING:	The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
STOP:	When required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
STREET OR HIGHWAY:	The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
THROUGH STREET:	Every street or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right of way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part.
TRAFFIC:	Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel.

TRAFFIC-CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed.

VEHICLE: Every device in, upon or by which any person or property or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (1986 Code)

15-102: APPLICATION OF REGULATIONS:

A. The provisions of this part shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, every other public way either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate, including, but not limited to:

1. Those dedicated to or acquired by the public for public use;
2. Those upon land owned by the town;
3. Those upon land owned by any other governmental unit, but the regulation of the use of which has been given to the town;
4. Those upon private property, the regulation of the use of which has been given to the town. (1986 Code)

15-103: VEHICLE EQUIPMENT GENERALLY, BRAKE RESTRICTIONS¹:

A. Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

1. Operate a vehicle upon a street of the town which is not equipped as required by law;
2. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or
3. Operate a vehicle which has equipment prohibited by law upon a street in the town. (1986 Code)

¹47 OS § 12-101 et seq.

B. It is unlawful and an offense within the town limits for any person, firm or corporation to use vehicle or trailer brakes which create an excessive or unusual noise such as is created by the use of "Jake" brakes. (Ord. 88-03, 7-5-1998)

15-104: SIZE, WEIGHT OF VEHICLES; VEHICLES MORE THAN TEN THOUSAND POUNDS¹:

A. No person shall drive on or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority.

B. Vehicles weighing in excess of ten thousand (10,000) pounds and trucks, tractors and trailers or any other vehicle in excess of two (2) axles are hereby prohibited from traveling or parking upon the streets within the town except:

1. On streets designated for truck traffic;
2. The vehicle is to be used to perform work within the area of the public way and no other reasonable access exists;
3. The vehicle is to be used to deliver or pick up goods, materials or merchandise, and no other reasonable access exists;
4. Moving trucks in the actual process of moving personal property into or out of a residence; or
5. Tractors moving mobile homes into a properly designated mobile home space, or removing a mobile home; 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 vehicle in excess of ten thousand (10,000) pounds or any vehicle in excess of two (2) axles to remain in any residential or other area overnight, except on streets designated specifically for truck traffic.

C. Truck traffic shall be permitted on the following streets within the corporate limits of the town and shall be permitted to be parked thereon for no more than twenty four (24) hours and then only in a manner that will not create a public nuisance or safety hazard:

1. U.S. Highway 270;
2. Farm to Market Road north from U.S. Highway 270 (North Calumet Road).

¹47 OS § 14-101 et seq.

D. Nothing herein shall prevent the operation of farm equipment on municipal streets either to or from a resident's home or to and from any grain elevator located within the municipal limits when no other reasonable access exists. Further, nothing herein shall prevent the operation of any vehicle by or on behalf of the town of Calumet on municipal streets for the purpose of conducting official town business. (Ord. 2000-03, 12-5-2000)

15-105: SECURING LOADS:

A. No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or salt may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any street or alley any vehicle with any load unless the load, and any covering thereon, is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the streets or alleys.

C. This section shall not apply to trucks loaded only with livestock, poultry or agricultural products except baled agricultural products but any such truck shall be constructed or loaded as to prevent the livestock or poultry from escaping therefrom. (1986 Code)

15-106: INSPECTION OF VEHICLES BY OFFICERS:

Police officers have authority to inspect and test any vehicle upon the streets of the town at any time to determine whether it is safe, whether it is properly equipped, and whether its equipment is in proper adjustment or repair. (1986 Code)

15-107: OPENING AND CLOSING VEHICLE DOORS¹:

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. (1986 Code)

15-108: BOARDING OR ALIGHTING FROM VEHICLES:

No person shall board or alight from any vehicle while such vehicle is in motion. (1986 Code)

15-109: UNLAWFUL RIDING:

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (1986 Code)

15-110: AUTHORIZING OR PERMITTING VIOLATIONS PROHIBITED:

No person shall authorize or knowingly permit a vehicle owned by him, registered in his name or under his control to be driven, parked or stopped in violation of any provision of this part. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this part. (1986 Code)

¹47 OS § 11-105.

15-111: APPLICATION TO ANIMAL-DRAWN VEHICLES¹:

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle except those provisions of this part which by their very nature can have no application. (1986 Code)

15-112: WORKING ON STREETS; EXCEPTIONS:

A. Town employees or contractors, while repairing or improving the streets of the town, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the board of trustees, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising such authority, the employees, personnel or contractors shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of subsection A 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 the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance, and repair, or to persons entering therein for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic-control devices to warn and guide the public; and every person using the street shall obey all signs, signals, markings, flagmen, or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. (1986 Code)

¹47 OS § 11-104.

15-113: AUTHORIZED EMERGENCY VEHICLES¹:

The provisions of this part shall not apply to a driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1986 Code)

15-114: APPROACH OF AUTHORIZED EMERGENCY VEHICLES²:

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. (1986 Code)

15-115: FOLLOWING FIRE APPARATUS PROHIBITED³:

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1986 Code)

¹47 OS § 11-106.

²47 OS § 11-405.

³47 OS § 11-1108(a).

15-116: CROSSING FIRE HOSE^{1,2}:

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (1986 Code)

15-117: DUTY OF POLICE:

The police department shall have the power to enforce the street traffic regulations of this town and all of the state vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic there or in the immediate vicinity. (1986 Code)

15-118: ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT³:

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of three hundred dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.

¹47 OS 1971, § 11-1109.

²See also section 10-215 of this code.

³47 OS § 10-101 et seq.

C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided in section 1-108 of this code. (1986 Code)

15-119: ISSUANCE OF CITATION TAGS:

A. The chief of police is hereby authorized and directed to supply police officers with citation tags in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this part.

B. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.

C. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.

D. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

E. The town board of trustees may require that the police officers use citation tags furnished by the finance department and that such tags are serially numbered, and may regulate the use and handling of the citation tags. (1986 Code)

15-120: FAILURE TO OBEY CITATION:

It is unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued. (1986 Code)

15-121: FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE:

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been

affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section. (1986 Code)

15-122: ILLEGAL CANCELLATION OF TRAFFIC CITATIONS:

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter. (1986 Code)

15-123: DISPOSITION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS, AND COMPLAINTS:

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or any traffic law of this town shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the municipal court.

B. Upon the filing of the original citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including forfeiture of bail or by payment of a fine.

C. The chief of police shall maintain a record of all warrants issued by the municipal court which are delivered to the police department for service, and of the final disposition of the warrants.

D. No member of the police department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this chapter. (1986 Code)

15-124: COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY:

A. The municipal court clerk shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on

highways the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his 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. (1986 Code)

15-125: ELUDING POLICE OFFICER PROHIBITED:

No person operating a motor vehicle who has received a visual or audible signal directing the operator to bring his vehicle to a stop shall wilfully increase his speed or extinguish his lights or in any other manner attempt to or actually elude such law enforcement officer. A visual or audible signal for the purpose of this section means a red light and a siren from a law enforcement officer driving a motor vehicle with insignia showing the same to be an official police, sheriff, or highway patrol car. (1986 Code)

15-126: ADOPTION OF STATE TRAFFIC CODE¹:

The provisions of the State Motor Vehicle Code, section 1-101 et seq., of title 47 of the Oklahoma Statutes, and the Rules of the Road, section 10-101 et seq., of title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein. (1986 Code)

15-127: INSURANCE OR CERTIFICATE REQUIRED:

A. The owner of a motor vehicle registered in this state and operating the vehicle within the town's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

¹47 OS §§ 10-101 et seq., 1-101 et seq.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the compulsory insurance law according to records of the department of public safety which reflect a deposit, bond, self-insurance, or fleet policy;
3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;
4. Any licensed taxicab; and
5. Any vehicle owned by a licensed motor vehicle dealer.

C. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

COMPULSORY INSURANCE LAW:

The law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in article VI, chapter 7, and section 7-606 of title 47 of the Oklahoma Statutes.

OPERATOR'S POLICY:

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.

OWNER'S POLICY:

An owner's policy of liability insurance which:

1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
2. Shall insure the person named therein and insure any other person, except as provided in subsection 3 of this definition, 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;

3. May provide for exclusions from coverage in accordance with existing laws; and

4. Shall be issued by an authorized carrier providing coverage in accordance with section 7-204 of title 47 of the Oklahoma Statutes.

SECURITY:

1. A policy or bond meeting the requirements of section 7-204 of title 47 of the Oklahoma Statutes;

2. A deposit of cash or securities having the equivalency of limits required under section 7-204 of title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

3. Self-insurance, pursuant to the provisions of section 7-503 of title 47 of the Oklahoma Statutes, having the equivalency of limits required under section 7-204 of title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond.

SECURITY VERIFICATION FORM:

A form, approved by the state board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the town's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the department of public safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in section 1-108 of this code.

F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

H. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court. (1986 Code)

CHAPTER 2 OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING

SECTION:

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ARTICLE A. GENERAL PROVISIONS

15-201 : OPERATION OF VEHICLES GENERALLY¹:

Every person operating a vehicle in the town shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the town and state, having due regard for other vehicles, rights of pedestrians, and property of others. (1986 Code)

15-202 : DRIVER'S LICENSE REQUIRED²:

It is unlawful for any person who does not have a driver's license as required by state law for operation of a vehicle upon the state highways, to operate a motor vehicle within the town, or to operate a motor vehicle within the town in violation of any restriction applied to the driver's license. (1986 Code)

¹47 OS § 11-101 et seq.

²47 OS § 6-101 et seq.

15-203 : VEHICLE LICENSE REQUIRED:

No person shall drive, propel, move, or park on the streets of this town any motor vehicle, trailer, or semitrailer unless the motor vehicle, trailer, or semitrailer is licensed as required by state law and the license is conspicuously displayed thereon. (1986 Code)

15-204 : UNLICENSED VEHICLES:

It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the town. (1986 Code)

15-205 : DISPLAY OF INSPECTION STICKER:

No motor vehicle shall be operated on the streets of this town which does not have displayed thereon an official inspection sticker as required by sections 851 through 861 of title 47 of the Oklahoma Statutes, as amended. (1986 Code)

15-206 : STARTING A PARKED VEHICLE:

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made in safety. (1986 Code)

15-207 : DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS¹:

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or
2. When the right half of a roadway is closed to traffic while under construction or repair.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway,

¹47 OS § 11-301.

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. (1986 Code)

15-208 : RIGHT OF WAY GENERALLY:

The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street, provided that the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right of way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. (1986 Code)

15-209 : VEHICLE TURNING LEFT¹:

The driver of a vehicle within an intersection intending to turn left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this part, may make such left turn, and the drivers of all other vehicles approaching the intersection from such opposite direction shall yield the right of way to the vehicle making the left turn. (1986 Code)

15-210 : RECKLESS DRIVING²:

It is unlawful for any person to drive recklessly in the town. Reckless driving shall include any person who drives a motor vehicle in wilful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed. (1986 Code)

15-211 : DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS OR WHILE IMPAIRED³:

¹47 OS § 11-402.

²47 OS § 11-901.

³47 OS § 11-902.

A. It is unlawful for any person who is under the influence of, or whose ability is impaired by, intoxicating liquor, nonintoxicating beverage or drugs, to drive, operate, or be in actual physical control of any motor vehicle within this town.

B. It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this subsection. (1986 Code)

15-212: DRIVING ON SIDEWALK:

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. (1986 Code)

15-213: LIMITATIONS ON BACKING:

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1986 Code)

15-214: CORNER CUTTING:

No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself or herself of the services offered on the premises served by the service drive or parking facility. No person shall drive a vehicle through any service drive or across any parking facility for the purpose of shortening their travel distance, avoiding a traffic-control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in opposite direction on the street from which it entered the drive. (1986 Code)

15-215: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING¹:

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to

¹47 OS § 11-704.

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. (1986 Code)

15-216: SELF-PROPELLED OR MOTOR DRIVEN AND OPERATED VEHICLES; GOLF CARTS; ALL-TERRAIN VEHICLES; OPERATION ON TOWN STREETS:

A. Golf carts and similar vehicles, such as side by side, four (4) wheel all-terrain vehicles such as a John Deere “Gator”, Polaris “Ranger” and Yamaha “Rhino”, and small vehicles, commonly known as light and/or mini-trucks may be operated on the streets and alleys of the town of Calumet subject to the following restrictions and conditions:

1. Operation is allowed during daylight hours only;
2. Operation must be only upon town authorized streets; operation shall not occur on any state or federal highway, unless making a perpendicular crossing of the state or federal highway within the boundaries of the town of Calumet; operator of the vehicle must be a licensed driver; and operator of the vehicle must have proof of insurance;
3. Vehicle must be inspected and authorized and approved by a representative of the town of Calumet, Oklahoma, authorized by the town to make such inspections and give such approvals;
4. All state, county and local laws, regulations and ordinances shall govern the operation of the vehicles within the limits of the town of Calumet; and each vehicle to be operated on town streets shall be subject to a twenty-five-dollar (25.00) inspection/user fee; and
5. A slow-moving vehicle safety emblem must be affixed to the rear portion of the vehicle.

B. It shall remain illegal to operate all-terrain vehicles such as minibikes, four (4) wheelers, go-carts, power lawn mowers and similar vehicles, except as specifically provided for herein, on the streets or alleys of the town of Calumet. (Ord. 2008-01, 10-7-2008)

ARTICLE B. SPEEDING REGULATIONS

15-220: GENERAL RULE FOR SPEED REGULATIONS:

A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

B. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. (1986 Code)

15-221: GENERAL MAXIMUM SPEED LIMIT:

No vehicle, unless otherwise specifically authorized by this chapter, shall be driven at a speed greater than twenty five (25) miles per hour upon any street within this town. The board of trustees may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive, a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof. (1986 Code)

ARTICLE C. PARKING REGULATIONS

15-230: OBSTRUCTING TRAFFIC OR DRIVEWAYS:

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block the driveway entrance to any abutting property. (1986 Code)

15-231 : PARK WITHIN INDICATED SPACE:

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. (1986 Code)

15-232 : PROXIMITY TO CURB, PARALLEL PARKING:

Every vehicle stopped or parked upon a roadway shall be so stopped or parked in the direction of lawful traffic movement with the curbside wheels of the vehicle parallel to and within eighteen inches (18") of the curb or roadway edge. (1986 Code)

15-233 : ANGLE PARKING, DESIGNATION¹:

The board of trustees may determine upon what streets angle parking is permitted and shall direct the marking or signing of the streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. "Angle parking", for the purpose of this part, shall mean parking at the curb at approximately a forty five degree (45°) angle between the right side of the vehicle and the curb. (1986 Code)

15-234 : OBEDIENCE TO ANGLE PARKING RULES:

- A. On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings with the front of the vehicle directed toward the curb or edge of the roadway.
- B. No person shall park or stand a vehicle in angle parking spaces designated by markings upon the pavement unless the vehicle is positioned within the confines of an individually marked space. The vehicle shall not be of such length, or positioned in a manner, as to protrude into the street a distance which would cause or require passing traffic to change lanes or drive on the left side of the street. (1986 Code)

15-235 : PARKING PROHIBITIONS IN SPECIFIC AREAS²:

¹47 OS § 11-1004 (c).

²47 OS § 11-1003.

A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street except as authorized otherwise in this section;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - f. On any railroad tracks; or
 - g. At any place where official signs prohibit stopping or parking;or
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within ten feet (10') of a fire hydrant;
 - c. Within ten feet (10') of a crosswalk at an intersection; except in marked parking spaces;
 - d. Within thirty feet (30') upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
 - e. Within twenty feet (20') of the driveway entrance to any fire station; or
 - f. At any place where official signs prohibit standing.

B. Any business, garage or filling station duly licensed by the state and/or town may reserve such portions along the curb in front of their establishments as is necessary to be used by them or their customers in the conduct of their business. Those desiring to avail themselves of the benefits of this subsection shall provide markers on the curb designating the space so reserved at their own expense. (1986 Code)

15-236 : PARKING PROHIBITIONS ON CERTAIN STREETS, MORE THAN TWENTY FOUR HOURS:

- A. When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle at any time upon any of the designated streets, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.
- B. No vehicle shall be, parked, stored, stood or otherwise left on any street in the town for a period of time longer than twenty four (24) hours. (1986 Code)

15-237 : DESIGNATION OF LOADING ZONES:

The board of trustees may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. (1986 Code)

15-238 : STANDING IN LOADING ZONE:

- A. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.
- B. No person shall stop, stand, or park a vehicle for any purpose, or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- C. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone. (1986 Code)

15-239 : PROHIBITION AGAINST SELLING MERCHANDISE FROM PARKED VEHICLES:

It is unlawful for any person to park any vehicle upon a street in the town and offer merchandise for sale therefrom. In addition to the penalty provided in this part, the sale of merchandise from parked vehicles on streets in the town is declared to be dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance. (1986 Code)

15-240 : 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. (1986 Code)

15-241 : HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY¹:

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of section 15-112 of title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in section 15-112 of title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in section 1-108 of this code. (1986 Code)

¹47 OS § 15-112.

ARTICLE D. TURNING AND SIGNALS

15-250: REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS¹:

A. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right Turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; or

2. Left Turns On Two-Way Roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (1986 Code)

15-251: TURNS AND U-TURNS²:

A. The board of trustees may determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (1986 Code)

¹47 OS § 11-601.

²47 OS § 15-102(a).

15-252 : TURNING, STOPPING SIGNALS REQUIRED¹:

- A. No person shall turn a vehicle to the right or left except upon giving a signal of intention, as provided in this section, in the event any other traffic maybe affected by such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal. (1986 Code)

¹47 OS § 11-604.

CHAPTER 3 TRAFFIC SIGNALS AND DEVICES

SECTION:

- 15-301: Obedience To Devices
- 15-302: Necessity Of Signs
- 15-303: Interference With Devices, Signs Or Signals
- 15-304: Presumption Of Legality
- 15-305: Ratification Of Existing Devices
- 15-306: Traffic-Control Signal Legend
- 15-307: Flashing Signals
- 15-308: Driving Within Traffic Lanes
- 15-309: One-Way Streets, Alleys Designation
- 15-310: Designation Of Through Streets
- 15-311: Signs At Through Streets
- 15-312: Procedures At Stop Signs
- 15-313: Procedure At Yield Signs

15-301: OBEDIENCE TO DEVICES¹:

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this part unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this part. (1986 Code)

15-302: NECESSITY OF SIGNS²:

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official

¹47 OS § 11-201

²47 OS § 11-201(b).

device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (1986 Code)

15-303: INTERFERENCE WITH DEVICES, SIGNS OR SIGNALS¹:

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. (1986 Code)

15-304: PRESUMPTION OF LEGALITY:

- A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. (1986 Code)

15-305: RATIFICATION OF EXISTING DEVICES:

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this part and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law. (1986 Code)

15-306: TRAFFIC-CONTROL SIGNAL LEGEND:

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word,

¹47 OS § 11-207.

legend. These lights shall indicate appropriate action and apply to drivers of vehicles and pedestrians as provided by applicable state law. (1986 Code)

15-307: FLASHING SIGNALS¹:

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, or if none, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or
2. Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. (1986 Code)

15-308: DRIVING WITHIN TRAFFIC LANES²:

A. Where traffic lanes have been marked, it shall be unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

B. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time

¹47 OS § 11-204.

²47 OS § 11-309.

allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; and

3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign. (1986 Code)

15-309: ONE-WAY STREETS, ALLEYS DESIGNATION¹:

A. Whenever any ordinance or resolution of this town designates any one-way street or alley the appropriate town personnel shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Upon those streets and parts of streets and in those alleys designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. (1986 Code)

15-310: DESIGNATION OF THROUGH STREETS²:

The board of trustees, by motion or resolution, may designate any street or part of a street a through street. (1986 Code)

15-311: SIGNS AT THROUGH STREETS:

Whenever a through street is designated by the board of trustees, the appropriate town personnel shall be directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals. (1986 Code)

¹47 OS §§ 11-308, 15-102(a).

²47 OS 1971, § 15-108.

15-312: PROCEDURES AT STOP SIGNS¹:

A. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

B. After having stopped at a stop sign, the driver of a vehicle shall yield the right of way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle so proceeding. (1986 Code)

15-313: PROCEDURE AT YIELD SIGNS²:

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. The driver approaching a yield sign shall yield the right of way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way. (1986 Code)

¹47 OS §§ 11-403(b), 11-703(d).

²47 OS §§ 11-403(c), 11-703(c).

CHAPTER 4 BICYCLES

SECTION:

- 15-401: Regulations Applicable Generally
- 15-402: Traffic Laws And Regulations Apply
- 15-403: Obedience To Traffic-Control Devices
- 15-404: Riding On Bicycles
- 15-405: Use Right Side Of Roadway
- 15-406: Riding Abreast
- 15-407: Speed
- 15-408: Riding On Sidewalks
- 15-409: Lights And Reflectors

: REGULATIONS APPLICABLE GENERALLY¹:

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. The provisions of this chapter are applicable to bicycles operated upon any street or highway or upon any path set aside for the exclusive use of bicycles. (1986 Code)

: TRAFFIC LAWS AND REGULATIONS APPLY²:

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of law and ordinances which by their nature can have no application. (1986 Code)

¹47 OS § 11-1201.

²47 OS § 11-1202.

: OBEDIENCE TO TRAFFIC-CONTROL DEVICES:

Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians. (1986 Code)

: RIDING ON BICYCLES¹:

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (1986 Code)

: USE RIGHT SIDE OF ROADWAY:

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. (1986 Code)

: RIDING ABREAST:

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. (1986 Code)

: SPEED:

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1986 Code)

: RIDING ON SIDEWALKS:

Bicycles may not be ridden upon any sidewalk within the town. (1986 Code)

: LIGHTS AND REFLECTORS²:

Every bicycle, when in use at nighttime, shall be equipped with a lamp on the frame which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the state department of public

¹47 OS § 11-1203.

²47 OS § 11-1207(a).

safety, which shall be visible, from all distances from three hundred feet (300') to five hundred feet (500') to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector. (1986 Code)

CHAPTER 5 IMPOUNDMENT OF VEHICLES¹

SECTION:

- 15-501: Purpose And Effect Of Impoundment Provisions
- 15-502: Place Of Impoundment
- 15-503: Duration Of Impoundment
- 15-504: Police Granted Authority To Impound Vehicles
- 15-505: Disabled Vehicles
- 15-506: Vehicles On Bridge
- 15-507: Arrest And Detention Of Driver Of Vehicle
- 15-508: Vehicle Constitutes Traffic Hazard
- 15-509: Illegal Trespass By Vehicle
- 15-510: Vehicles Parked Overtime
- 15-511: Vehicles Blocking Fire Exits Or Hydrants
- 15-512: Vehicles Parked In Intersection
- 15-513: Stolen Vehicles; Recovery By Police
- 15-514: Vehicles With Outstanding Traffic Citations
- 15-515: Inventory Of Impounded Vehicles

¹47 OS §§ 955, 954A.

: 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. (1986 Code)

: 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 town board of trustees, and to no other place. (1986 Code)

: 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. (1986 Code)

: 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. (1986 Code)

: DISABLED VEHICLES:

A. 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. (1986 Code)

: 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. (1986 Code)

: 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. (1986 Code)

: 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. (1986 Code)

: ILLEGAL TRESPASS BY VEHICLE:

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police

department shall cause the vehicle to be impounded from the property and placed in storage. (1986 Code)

: 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 twenty four (24) hours, shall be impounded. (1986 Code)

: 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. (1986 Code)

: 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. (1986 Code)

: 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. (1986 Code)

: 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. (1986 Code)

: INVENTORY OF IMPOUNDED VEHICLES:

Any vehicle impounded for any reason shall be inventoried by two (2) or more persons for the protection of the owner and his property, the protection of town law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle. (1986 Code)

CHAPTER 6 PENALTIES

SECTION:

15-601: Penalty For Violations

15-601: PENALTY FOR VIOLATIONS:

Any violations of the provisions of this part shall be punishable by fine or imprisonment as provided in section 1-108 of this code. (1986 Code)

PART 16 TRANSPORTATION

Subject	Chapter
Railroads	1

CHAPTER 1 RAILROADS

SECTION:

- 16-101: Railroads To Improve Streets And Alleys
- 16-102: Sidewalks To Be Constructed By Railroads
- 16-103: Climbing On Trains
- 16-104: Speed Limit For Trains

16-101 : RAILROADS TO IMPROVE STREETS AND ALLEYS:

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two feet (2') on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the board of trustees by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the board of trustees by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two feet (2') on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the board of trustees by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred feet (100'), measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the town is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times. (1986 Code)

16-102 : SIDEWALKS TO BE CONSTRUCTED BY RAILROADS:

Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by

pedestrians. The company shall keep such sidewalks in a good state of repair at all times. (1986 Code)

16-103 : CLIMBING ON TRAINS:

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the town, unless such person is acting in line of duty, or to board any train or railroad car, including a passenger, freight, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in line of duty. (1986 Code)

16-104 : SPEED LIMIT FOR TRAINS:

It is unlawful to drive, pull, move or operate a locomotive, train or other rolling stock of a railroad at a speed of more than forty five (45) miles per hour within the corporate limits of the town. (1986 Code)

PART 17 UTILITIES

Subject	Chapter
General Provisions	1
Water Service	2
Sewer Services	3
General Provisions.....	3A
User Charges.....	3B
Refuse Collection And Disposal.....	4

CHAPTER 1 GENERAL PROVISIONS

SECTION:

- 17-101: Application For Utility Service
- 17-102: Separate Service
- 17-103: Bills, When Payable, Delinquency, Disconnection Of Service
- 17-104: Rights Reserved To Interrupt Service
- 17-105: Damaging Equipment
- 17-106: Interference With Mains, Fire Hydrants
- 17-107: Tampering With Meters Unlawful
- 17-108: Procedure For Governing Board To Set Utility Rates And Charges
- 17-109: Utility Fees And Billings In General

17-101: APPLICATION FOR UTILITY SERVICE:

Every person, firm or corporation desiring to have his premises connected with any of the town's utilities, water, sewer, or trash collection, shall make application and sign a contract therefor upon a printed form to be furnished for that purpose, and shall pay the regular fees and deposits for installation of the service. (1986 Code)

17-102: SEPARATE SERVICE:

Every separate premises supplied must have its own separate service connection with the mains or lines, and the premises so supplied shall not be allowed to supply water or sewer to any other premises. (1986 Code)

17-103: BILLS, WHEN PAYABLE, DELINQUENCY, DISCONNECTION OF SERVICE:

A. Upon failure of any customer to pay any part of a utility bill for any utility services by the due date on the bill, the following actions and penalties may result:

1. A ten percent (10%) penalty of all amount owing on a utility bill is added to any utility bill which is not paid by the due date of the bill; and
2. If the bill remains unpaid as of ten (10) days after the due date on the bill then the following actions may result:
 - a. The authorized agents of the town may disconnect or discontinue any or all utility services to the customer after providing written notice to the customer of the intent of the town to disconnect or discontinue any or all of the utility services;
 - b. The authorized agents of the town, upon direction of the town board of trustees, may discontinue to furnish water to any customer refusing or neglecting to pay all or any part of a utility bill submitted after providing written notice to the customer of the intent of the town to disconnect the water service.

If any utility service is discontinued or disconnected pursuant to this section, the town, or its agents, shall not reconnect or reestablish the service until the full amount of any outstanding utility service bill is paid, plus the penalty provided in this section, plus any applicable charges or expenses in reconnecting or reestablishing the service.

B. If town personnel goes to the premises to shut off the service and the occupant pays the town personnel prior to his shutting off the service, there shall be added to the bill a sum for the trip made by the town personnel to shut off such services. All bills, penalties and fees collected as hereinabove specified shall be paid over to the town clerk. Nothing herein shall be construed as preventing the town from instituting suit for the recovery of any delinquent accounts.

C. The town clerk may not accept payment of a water bill without payment of the sewer service charge, nor shall the clerk accept payment of a sewer bill without payment of the water bill. The failure to pay any utility bill in accordance with subsections A and B of this section shall be grounds for discontinuing any or all of the utility services furnished to the customer whose bill is delinquent. (1986 Code)

17-104: RIGHTS RESERVED TO INTERRUPT SERVICE:

The town reserves the right to shut off the supply of water without notice, for repairs, extensions, nonpayment of rates, or for any other reason, and no liability shall attach therefrom. (1986 Code)

17-105: DAMAGING EQUIPMENT:

It is unlawful and an offense for any person to destroy or injure any water pipe, hydrant, faucet, pole, or other sewer or water equipment erected or placed by or belonging to the town. (1986 Code)

17-106: INTERFERENCE WITH MAINS, FIRE HYDRANTS:

It is unlawful and an offense for any person to disturb, interfere with, open, operate, close, turn on, turn off, attach any pipe or hose to, or connect anything with any fire hydrant, or stop any valve or stopcock belonging to the town. However, this section shall not apply to any member of the fire department when in the lawful discharge of his duties as such or to any person endeavoring to prevent or put out any fire in any lawful manner. (1986 Code)

17-107: TAMPERING WITH METERS UNLAWFUL:

The tampering with water meters or meter boxes of the town, or the placing of any bypass connection on or around the meters, or the use of any other device tending to interfere with the proper registration of same is unlawful. (1986 Code)

17-108: PROCEDURE FOR GOVERNING BOARD TO SET UTILITY RATES AND CHARGES:

The board of trustees of the town shall establish future rates, charges, deposits, and fees for utility services by ordinance, motion or resolution, as the case may be. A copy of the current rates and charges shall be available in the town clerk's office. (1986 Code)

17-109: UTILITY FEES AND BILLINGS IN GENERAL:

All fees and charges in connection with any customer's use of the town's sanitary sewer system, the town's water facility system, or the operation of the town's collection and disposal of refuse and garbage are billed in accordance with applicable rates set as provided in section 17-108 of this chapter. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. (1986 Code)

CHAPTER 2 WATER SERVICE

SECTION:

- 17-201: Application To Make Connection To Water Mains
- 17-202: Connections To Be Made In Accordance With Ordinance And Law
- 17-203: Water Deposit Required
- 17-204: Contract For Water Service
- 17-205: Estimate Of Bill
- 17-206: Water Shortages, Declaration Of Emergency
- 17-207: Restriction On Water Use In Emergency
- 17-208: Proclamation And Notice Of Emergency
- 17-209: Grievances With Water Restrictions
- 17-210: Penalties

17-201: APPLICATION TO MAKE CONNECTION TO WATER MAINS:

Any person desiring to make a connection to a water main of the town is required to file a written application with the town clerk to make the connection. (1986 Code)

17-202: CONNECTIONS TO BE MADE IN ACCORDANCE WITH ORDINANCE AND LAW:

Any person, firm or corporation who connects to the water mains of the town in violation of this chapter or other ordinances of the town or the laws of the state will be denied further water service until such ordinances and laws are complied with. (1986 Code)

17-203: WATER DEPOSIT REQUIRED:

Any person who desires to use water shall put up with the town clerk as a meter deposit the amount which is established. The board of trustees may establish classifications of

customers, such as residences, mobile homes, and various types of businesses, for different deposit requirements.

In the event a person has already established service and wishes to establish an additional service address, the town clerk shall be allowed to waive the deposit requirement on the subsequent service address, provided the person has paid as agreed for the prior six (6) month term. (Ord. 95-02, 10-3-1995)

17-204: CONTRACT FOR WATER SERVICE:

A. The application for water service shall contain a contract on the part of the person making the application:

1. To pay for the water consumed at the rate prescribed by ordinance at the time the water is consumed;
2. To recognize the right of the town to change the rate by ordinance at any time;
3. To recognize the right of the town temporarily to discontinue water service at any time 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 in effect at the time of making the contract and which may be passed and go into effect thereafter;
5. Stating that the town shall not be responsible for any damage by water or other cause resulting from defective plumbing or appliances, and that the fact that an agent of the town has inspected plumbing or 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 town 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 town nor relieve the consumer from performing the obligations of his contract; and
7. Providing that the water deposit, or so much thereof as may be necessary, may be retained by the town and applied by the town on any unpaid water bill of the consumer; and providing further that unless the water deposit is claimed by the consumer within six (6) months after the consumer ceases to use the water or within six (6) months after the water is turned off for any cause by the town, then

the consumer forfeits all right, title or interest in and to the water deposit. (1986 Code)

17-205: 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 water 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 water superintendent 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 data at his command. (1986 Code)

17-206: 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 town's water system.
- B. An emergency exists whenever the mayor reasonably determines that the town'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. (1986 Code)

17-207: 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 town 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 board by resolution

approved by a majority of all its members votes to terminate the emergency and proclamation upon a different date. (1986 Code)

17-208: PROCLAMATION AND NOTICE OF EMERGENCY:

A. The proclamation required by the preceding section shall be published in a newspaper of general circulation in the town 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 town. 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 of this section within twenty four (24) hours of the first notice. (1986 Code)

17-209: 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 town board of trustees or to any emergency session called to discuss the water emergency. The board of trustees 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 board of trustees 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 board of trustees all water users shall be bound by the proclamation. (1986 Code)

17-210: 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 shall be guilty of a misdemeanor. Any violation of the provisions of the mayor's proclamation or action of the board shall be punishable by a fine or imprisonment as provided in section 1-108 of this code. (1986 Code)

CHAPTER 3 SEWER SERVICES

SECTION:

Article A. General Provisions

- 17-301: Conformance To Rules And Regulations
- 17-302: Definitions
- 17-303: Persons To Comply With Rules And Regulations
- 17-304: Charge To Be Made For Permit
- 17-305: Compliance With Ordinances And Laws
- 17-306: Sewer Service Charge Levied
- 17-307: Procedures; Required Connection To Sewer
- 17-308: Restrictions On Acceptance Of Wastewater From Prime Farmland
- 17-309: Prohibited Discharges
- 17-310: Penalty

Article B. User Charges

- 17-321: User Charges
- 17-322: Determination Of The Basic User Charge
- 17-323: Determination Of The Excessive Strength Surcharge
- 17-324: Review And Revision
- 17-325: Toxic Pollutants Charges
- 17-326: Notification
- 17-327: Charges For Extraneous Flows
- 17-328: Records
- 17-329: Billing

ARTICLE A. GENERAL PROVISIONS

17-301 : CONFORMANCE TO RULES AND REGULATIONS:

All connections to the sewers of the town shall conform to the rules and regulations prescribed by the town. (1986 Code)

17-302 : DEFINITIONS:

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed in this section:

SANITARY SEWAGE OR SEWAGE:

The liquid waste which may or may not contain solids, originating in the sanitary conveniences for personnel of a dwelling, business building, factory or institution.

SANITARY SEWER OR SEWER:

Means and includes all sanitary sewer trunk lines, main lines, submain lines, lateral lines and sewage treatment plants, and all sewer lines connected to the town's sewer lines or treatment plants whether owned by the town or not.

USER (Of The Sewer System):

The person, firm or corporation having a contract for water service at a particular location, if the location has a sanitary sewer connection with the town's system, or in case there is no water contract on file then the person, firm or corporation which is charged with water bills for the location, or which pays the same, or in case a private water supply is used, then the proprietor of the location having the sewer connection. (1986 Code)

17-303 : PERSONS TO COMPLY WITH RULES AND REGULATIONS:

No person, firm or corporation shall hereafter make any connection on any public sewer or any connection on any private sewer which in turn is connected with a public sewer, without complying with the rules and regulations herein set out. No person, firm or corporation shall connect more than one building to a single lateral leading to the public sewer system of the town. (1986 Code)

17-304: CHARGE TO BE MADE FOR PERMIT:

A charge prescribed by section 17-306 of this chapter for each connection made on the sanitary sewer system of the town regardless of whether the connection is made on what has heretofore been designated as a public sewer or a private sewer, is hereby levied for the right of the person, firm or corporation to make the connection to the sanitary sewer system of the town. It is hereby declared to be the duty of the town clerk to make this collection for issuing a permit to the applicant. (1986 Code)

17-305: COMPLIANCE WITH ORDINANCES AND LAWS:

Any person who connects to the sewers of the town in violation of this chapter or any other ordinance of the town or of the laws of the state will be denied further sewer service until such ordinances and laws are complied with. It is the duty of the plumbing inspector or other person designated by the town board of trustees to disconnect any sewers which have not been connected in compliance with the ordinances and laws. (1986 Code)

17-306: SEWER SERVICE CHARGE LEVIED:

For the purpose of providing funds for the maintenance of the sanitary sewerage system of the town and for other purposes, there is hereby fixed and established charges for the use of the sanitary sewer system to be levied against each respective user thereof with the town in such amounts and according to such classifications of users as the board by resolution or motion may determine. A copy of the current charges in effect shall be kept on file in the town clerk's office. (1986 Code)

17-307: PROCEDURES; REQUIRED CONNECTION TO SEWER:

A. Each occupied residence and each occupied business or commercial building in the town shall connect to the town's sanitary sewer system within sixty (60) days after August 28, 1990; provided, however, that such service shall be brought within at least one hundred fifty feet (150') of the residence or business property line.

B. During the construction of any sewer line by the town, the property abutting such line may be connected with the line at no cost to the owner of the property. After the completion of the construction of the sanitary sewer line by the town, a charge will be made for each connection.

C. At such time as a public sanitary sewer line becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer system in compliance with this section, and any septic tank, cesspool and any similar private sewage disposal facility shall be abandoned and filled with suitable materials. No septic tank or cesspool shall be permitted to discharge into the public sanitary sewer system.

D. When sanitary sewer facilities become available, the failure to connect any dwelling, public building, commercial or industrial building with such facilities within thirty (30) days, shall result in the disconnection of any such building from the town's water lines by the town water department and the owner of any such building shall become subject to a fine of the same amount per month as such building would be charged if it were connected to the sewer system. The fine shall continue each month, until such connection is made. A charge shall be made for reconnection of water service to any such building.

E. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer line or appurtenance thereof and before commencement of the construction of any dwelling, public building, commercial or industrial building shall obtain a written permit signed by the clerk of the town. The application for such permit shall be made on a form furnished by the town and the connection shall be inspected by a person designated by the board of trustees of the town.

F. All costs and expenses incident to the installation and connection of any building with the public sanitary sewer system shall be borne by the owner. The owner of any such building shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation or connection of such building with the public sanitary sewer system.

G. All connections of any building sewer to the town sewer shall conform to the town building code and any other applicable rules of the town. All new sanitary sewers shall be designed and constructed in accordance with requirements of the State Department of Health. (1986 Code; amd. Ord. 90-05, 8-28-1990)

17-308 : RESTRICTIONS ON ACCEPTANCE OF WASTEWATER FROM PRIME FARMLAND:

A. For a period of twenty (20) years after the date of issuance (January 30, 1990) of the finding of no significant impact related to the construction of wastewater treatment facility improvements for the town, no wastewater will be accepted for treatment in the town wastewater treatment facility if the wastewater has originated from any building, structure or other facility located on land presently classified by the United States Department of Agriculture as prime farmland. This restriction does not apply to buildings, structures or other facilities which were in existence prior to January 30, 1990.

B. If at some time during this twenty (20) year period, the town wastewater system service area is completely, one hundred percent (100%) developed, the community may provide documentation to the regional administrator of the Environmental Protection Agency supporting the town's need to provide service in the prime farmland area and request a waiver of this restriction by that agency. (1986 Code; amd. Ord. 90-02, 5-15-1990)

17-309: PROHIBITED DISCHARGES:

A. No person may discharge into the public sewers any waste which by itself or by interaction with other wastes may:

1. Injure or interfere with the wastewater treatment process or cause damage to sewer lines, wastewater treatment facilities or other wastewater system equipment;
2. Constitute a hazard to humans or animals;
3. Cause a violation of facility effluent discharge limits or of water quality standards in the system's receiving waters; or
4. Preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal.

B. All discharges are prohibited except those that meet the criteria for domestic wastewater, as follows:

1. The BOD concentration shall not exceed two hundred fifty milligrams per liter (250 mg/l); or
2. The suspended solids concentration shall not exceed two hundred fifty milligrams per liter (250 mg/l).

C. All industrial discharges are prohibited. At the present time there are no industrial users in the town. If an industrial user should desire to locate in the town and make use of the sewerage system, an industrial user system will be initiated in accordance with EPA and state regulations at that time to compensate for the industrial use of the system.

D. Any new connections of storm water inflow sources into the sanitary sewer portions of the sewer system are prohibited. (Ord. 92-01, 4-7-1992)

17-310: PENALTY:

- A. A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction may be punished as provided by section 1-108 of this code for each act and for each day of violation.
- B. The town will also pursue all other criminal and civil remedies to which it is legally entitled against any person who continues prohibited discharges.
- C. The town reserves the right to terminate service to any customer for failure to pay bills when due or for the discharge of prohibited wastes into the sewer system. (Ord. 92-01, 4-7-1992)

ARTICLE B. USER CHARGES

17-321: USER CHARGES:

All users of the town wastewater treatment system shall be charged a minimum of nine dollars twenty five cents (\$9.25) per month, plus a charge of one dollar fifty cents (\$1.50) per thousand (1,000) gallons of metered water consumption, based on each user's average consumption during the months of December, January, February and March, and be recalculated and implemented beginning with the April billing cycle each year. In the case of sewer system users not served by a water meter, the utility superintendent shall estimate the average water consumption of the user based on a comparison of the nonmetered user with a metered user having similar characteristics. For example, a nonmetered family of four (4) would be compared to a metered family of four (4) to estimate the average household water consumption. (Ord. 92-02, 4-7-1992)

17-322: DETERMINATION OF THE BASIC USER CHARGE:

Since the concentrations of BOD, suspended solids, and other pollutants discharged into the sewer system are approximately the same for all domestic users, each individual user shall be charged on the basis of the volume contributed to the system by that user in accordance with the following formula:

$$C_u = C_b + (C_t/V_t)(V_u)$$

Symbols and definitions;

C_u = The individual user's monthly charge.

C_b = The individual user's share of the monthly wastewater system costs not related to operation, maintenance and replacement (OM&R). An example

of such cost would be retirement of the bonded indebtedness incurred by the town to build the system.

- C_t = The total monthly OM&R costs.
- V_t = The total monthly volume contributed by all users (may include extraneous flows).
- V_u = The monthly volume contributed by the individual user. (Ord. 92-02, 4-7-1992)

17-323: DETERMINATION OF THE EXCESSIVE STRENGTH SURCHARGE:

When the BOD contributed by any user exceeds two hundred fifty milligrams per liter (250 mg/l) (the maximum limit for normal domestic sewage), or the suspended solids contributed by any user exceed two hundred fifty milligrams per liter (250 mg/l), or when other pollutant concentrations contributed by any user exceed the concentration of those pollutants expected in normal domestic sewage, an excessive strength surcharge shall be added to the basic charge. This surcharge shall be calculated using the following formula:

$$C_s = [B_c(B) + S_c(S) + P_c(P)]V_u$$

Where:

- C_s = The surcharge for excessive wastewater strength.
- B_c = The O&M cost for treating a unit of BOD.
- B = The amount of BOD contributed by a user minus the maximum BOD limit.
- S_c = The O&M cost for treatment of a unit of suspended solids (SS).
- S = The amount of SS contributed by a user minus the maximum SS limit.
- P_c = The O&M cost for treatment of a unit of any pollutant.
- P = The amount of any pollutant contributed by a user minus the amount expected in normal domestic wastewater.
- V_u = The monthly volume contributed by an individual user.

(Ord. 92-02, 4-7-1992)

17-324: REVIEW AND REVISION:

A. The user charge article shall be reviewed every year to determine the actual wastewater contributions of individual users or classes of users, the total OM&R costs of the treatment works, and the user charge schedule based on these values. The charge for individual users or classes of users shall be revised as necessary to accomplish the following:

1. Maintain a proportionate distribution of OM&R costs among system users;
2. Generate sufficient revenue to properly operate and maintain the treatment works;
3. Apply any excess revenues collected from a class of users to the OM&R costs attributable to that class for the next year, and adjust the rates accordingly; and
4. Any revenues from the system shall be used to offset OM&R costs. The town shall proportionately reduce all user charges to account for any such revenues. (Ord. 92-02, 4-7-1992)

17-325: TOXIC POLLUTANTS CHARGES:

If an individual user discharges any toxic pollutant which causes an increase in the cost of treating the effluent or the sludge from the treatment works, that individual user shall pay for such increased costs. (Ord. 92-02, 4-7-1992)

17-326: NOTIFICATION:

Each user shall be notified at least annually, in conjunction with a regular bill, of the basic sewer use rate and the portion of the user charges which are attributable to wastewater treatment services. These charges shall be broken down to show the operation and maintenance costs attributable to that individual user. (Ord. 92-02, 4-7-1992)

17-327: CHARGES FOR EXTRANEEOUS FLOWS:

The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration and inflow) shall be evenly distributed among all users on the same basis used for operation and maintenance charges. (Ord. 92-02, 4-7-1992)

17-328: RECORDS:

A financial management system shall be established and maintained by the town to document compliance with federal regulations pertaining to the user charge article. This system will account for all revenues generated by the wastewater treatment system and for all OM&R expenditures. (Ord. 92-02, 4-7-1992)

17-329: BILLING:

Users will be billed on a monthly basis with payment due ten (10) days after the date of billing. Users with water meters will be billed on the same notice used for water charges with the wastewater system user charge shown as a separate entry. Users of the wastewater system that do not have water meters will be billed each month at the rate established by the utility superintendent using an individual notice for wastewater services. Users with accounts delinquent for fifteen (15) days will be notified in writing by the utility superintendent that water or sewer services will be terminated unless the account is paid in full. The utility superintendent will utilize the town's law enforcement officials to assist as required in the enforcement of this user charge system. (Ord. 92-02, 4-7-1992)

CHAPTER 4 REFUSE COLLECTION AND DISPOSAL

SECTION:

- 17-401: Definitions
- 17-402: Accumulations Of Garbage And Refuse
- 17-403: Collection Of Garbage And Rubbish
- 17-404: Contract And Disposal
- 17-405: Disposal
- 17-406: Inspections
- 17-407: Fees
- 17-408: Duty To Request Garbage Service
- 17-409: Charges To Be On Water Bill
- 17-410: Penalty

17-401: DEFINITIONS:

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- GARBAGE:** All putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowls from any premises within the town limits.
- PERSON:** Any institution, public or private corporation, individual, partnership, or other entity.
- PREMISES:** Land, buildings or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored.

REFUSE:	All solid wastes, including garbage and rubbish.
RUBBISH:	Tin cans, bottles, papers, tree limbs (which shall be cut into lengths not exceeding 3 1/2 feet), leaves, etc., from any premises within the town limits.
RUBBLE:	Brushwood, cardboard boxes and other bulky earthen, wooden, or metal refuse-like materials, longer, larger and/or heavier than refuse.
TOWN HEALTH OFFICER:	That person so designated to act by the town board of trustees, at a compensation also set by the town board of trustees, if any. (1986 Code)

17-402: ACCUMULATIONS OF GARBAGE AND REFUSE:

A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible, rodentproof and flyproof, with a tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the garbage and rubbish that may accumulate between collections; provided, that each container shall have a capacity of not more than thirty two (32) gallons, except where approved type bulk storage containers are in use and provided further, that all containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.

B. All containers shall be kept in a convenient location for collection, as designated by the town board of trustees, whereby collectors can obtain same without going into buildings, garages, locked gates or fenced yards with dogs. All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times.

C. All ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber which cannot be conveniently placed in the containers required by this chapter shall be gathered together and baled, tied or sacked in compact bundles, weighing no more than fifty (50) pounds, and placed in a location easily accessible to the collector.

D. There shall be no open burning on the premises, unless the operations are carried out in an approved type incinerator, or approval is obtained from the town health officer. (1986 Code)

: COLLECTION OF GARBAGE AND RUBBISH:

A. The town or its authorized representative, shall collect from all areas of the town not less than once weekly all garbage and rubbish; provided, that it shall be the duty of any person in possession or control of any premises to place the containers required by this chapter in a location easily accessible to the collector as directed by the town health officer.

B. The places having rubble and excessive accumulations of garbage and rubbish may be excluded from the service, and such accumulations shall then be removed and disposed of at the expense of the owner or person having charge; provided, that the owner, person having such accumulations in charge, or collection agent shall secure permission from the town health officer for removal and disposal of same.

C. Carcasses of animals such as cows, horses and mules, shall be removed and disposed of at the expense of the owner or person having same in charge and by the method directed by the town health officer.

D. Heavy accumulations such as brush, broken concrete, ashes, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same under the direction of the town health officer.

E. Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animals or fowl pens, and waste oils from garages or filling stations or materials considered hazardous or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the town health officer.

F. The placing of garbage or rubbish or any refuse material in any street or alley within the town limits or the disposal of such refuse at any place within the town limits, except at such place as may be directed by the town health officer, is prohibited.

G. The meddling with refuse containers or in any way pilfering, scattering contents, or junking in any alley or street within the town limits is prohibited. (1986 Code)

: CONTRACT AND DISPOSAL:

A. The town shall have authority to enter into contractual obligation with those who wish to engage in the business of refuse collection or refuse disposal for compensation in the town. The town shall be limited to contracting for such service to contract only with persons having proper

equipment, meeting State Department of Health requirements, and sufficient personnel to collect and dispose of refuse in accordance with the provisions of this ordinance; and provided further that the method of disposal contracted for must be in accordance with the requirements of this chapter.

B. Every person desiring to engage in the collection and disposal of refuse shall have the right to make written application to the town and shall make written application setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection or disposal of such refuse, the place of disposal and the method of disposal to be practiced. Upon approval of application all bids will be considered six (6) months prior to the expiration of the then existing contract, if any.

C. Any person whose application has been denied may request and shall be granted, a hearing before the town board of trustees.

D. It is unlawful for any person who does not do so under a contract with the town to engage in the business of refuse collection or refuse disposal for compensation in the town. (1986 Code)

: DISPOSAL:

The disposal of garbage and rubbish shall be by an approved method of incineration (not open burning) or by landfill and daily cover. (1986 Code)

: INSPECTIONS:

It is the duty of the town health officer, and he is hereby directed, to make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with. (1986 Code)

: FEES:

There is imposed upon each residential and commercial customer a user fee to be set by the board of trustees. The fee shall be in addition to any periodic charges for solid waste services. The user fee shall be included in the billing cycle, stated separately from any other periodic charges. The fee shall be collected insofar as practicable at the same time as and in the same manner as the periodic charges for solid waste service or other utility services in accordance with the regular billing practice of the town. (Ord. 96-01, 1-9-1996)

: DUTY TO REQUEST GARBAGE SERVICE:

To assist in maintaining the general sanitation of the town it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the town garbage department at the beginning of such occupancy and request, accept and use the garbage pickup and collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the town from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fees or charges therefor to be paid. (1986 Code)

: CHARGES TO BE ON WATER BILL:

All bills for sanitary (refuse) service charges shall be included on water bills, carrying the same due dates, grace periods and penalties as water bills. (1986 Code)

: PENALTY:

Any person violating any of the provisions of this chapter shall be fined as provided in section 1-108 of this code. (1986 Code)

APPENDICES

Subject	Appendix
Reserved.....	1
Electric Franchise.....	2
Gas Franchise.....	3
Cable Television Franchise.....	4

APPENDIX 1 (Reserved)

APPENDIX 2 ELECTRIC FRANCHISE

<u>Ord. No., Date</u>	<u>Description</u>
Ord. 89-03, 1-17-1989	Grants to the Oklahoma Gas and Electric Company an electric franchise for 25 years for a 3 percent fee. A copy of the ordinance is on file in the town clerk's office.

APPENDIX 3 GAS FRANCHISE

<u>Ord. No., Date</u>	<u>Description</u>
Ord. 88-02, 5-17-1988	Grants a 25 year franchise to Fort Cobb Irrigation Fuel Authority for a 3 percent fee.
Ord. 92-02, 3-3-1992	Repeals Ord. 88-02.
Ord. 93-02, 10-5-1993	Grants revocable permit to businesses furnishing gas within the town and not operating under a valid franchise.

APPENDIX 4 CABLE TELEVISION FRANCHISE

<u>Ord. No., Date</u>	<u>Description</u>
Ord. 88-01, 5-17-1988	Grants to JBM Communications, Inc., a cable television franchise for 20 years for a 2 percent fee. A copy of the ordinance is on file in the office of the town clerk.
Res., 4-4-1989	Assignment of franchise from JBM Communications to Mission Cable for a 5 percent fee. A copy of the resolution is on file in the office of the town clerk.

ORDINANCE DISPOSITION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Disposition</u>
117		Adoption of code.	
119	1-7-1974	Retail liquor package stores location.	
120	3-4-1975	Town water system rules and regulations.	
121	10-7-1975	Possession of spray paint, etc., with intent to deface public or private property.	
122	10-7-1975	Persons under 18 years of age not to be in public areas after certain times.	
124	3-6-1979	Deannexation and designation of certain areas and tracts.	
126	9-4-1979	Increasing excise tax.	
127	4-7-1981	Permits, powers, issuance of oil and gas wells.	
128	4-6-1982	Officers elected.	
129	4-6-1982	Animals; impoundment and destruction.	
130	9-7-1982	Reclassification of zoning ordinance.	
131	8-1982	Uses; dimensions; limitations; requirements of zoning ordinance established.	
001 (Petition)	11-2-1982	Annexing land to town.	
132	1-12-1983	Cable system rules and regulations.	Special
133	5-3-1983	Penalties for violation of subdivision and platting regulations established.	
134	6-7-1983	Emergency charges in water and sewer taps.	
135	10-4-1983	Security verification.	

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Disposition</u>
136	10-4-1983	Skirting for mobile homes defined.	
137	5-8-1984	Regular meetings of board of trustees established.	
	4-2-1985	Resolution by the town accepting a grant of land for use as a park.	
138	5-22-1984	Prohibiting the burning of garbage, rubbish, and animal carcasses within the town limits.	
139	4-2-1985	Authorizing the town clerk to appoint a deputy subject to confirmation by the town board of trustees; providing duties and compensation for that position.	
140	4-2-1985	Amending town treasurer duties, deputy.	
141	5-28-1986	Increasing sales tax.	
	3-17-1987	Bail bond nonappearance.	6-124
	3-17-1987	Amending definition of animal shelter and officer.	4-101
	3-17-1987	Rabies vaccination for cats.	4-110
	3-1987	Registration of cats.	4-106
	3-17-1987	Rabies tag to be shown.	4-106
	3-17-1987	License for cats.	4-108
88-01	5-17-1988	Cable television franchise to JBM Communications.	
88-02	5-17-1988	25 year natural gas franchise to Ft. Cobb Irrigation Fuel Authority.	
88-03	7-5-1988	Unlawful to use "Jake" brakes.	
88-04	7-19-1988	Prohibiting vehicles in excess of 2 axles.	15-104

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Disposition</u>
88-05	8-16-1988	Exempting certain farm vehicles from 2 axle prohibition	15-104
88-06	10-18-1988	5 percent tax for 911 emergency telephone service.	
88-07	1-10-1989	Changing meeting dates for town board.	2-103
89-01	1-10-1989	Opting out of town meeting act.	
89-02	1-10-1989	Compensation for town treasurer.	
89-03	1-17-1989	Granting 25 year right to OG&E to produce electricity, etc.	
89-04	2-7-1989	Removing tax to cover cost of 911 emergency telephone service.	
89-05	10-3-1989	Excise tax.	
89-06	10-3-1989	Changing definition of minors and hours of curfew.	10-413A, B
89-07	11-7-1989	Extending nonpermissible drilling sites for oil and gas.	5-705
89-08	12-19-1989	Changing meeting dates for town board.	2-103
90-1	3-13-1990	Flood damage prevention ordinance.	Part 12, Ch. 4
90-02	5-15-1990	Wastewater treatment facility not to accept wastewater from "prime farmland".	
90-03	8-7-1990	Dilapidated buildings, regulations.	
90-04 (CPWA)	8-28-1990	Authorizing CPWA to secure loan from FHA.	
90-05 (CPWA)	8-28-1990	Requiring connection to sanitary sewer.	
91-01	6-4-1991	Residency requirements for municipal judge.	

July 2001

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Disposition</u>
91-02	6-4-1991	Closing alleyways.	
91-03	7-2-1991	Repealing sec. 12-201; zoning ordinances and amendments.	
91-04	8-20-1991	Changing procedure for hiring, administering and terminating police officers.	
91-05	8-26-1991	CPWA issuance and delivery of note to water resources board.	
92-01	1-7-1992	Setting rules and regulations for the fire department	
92-02	3-3-1992	Repealing ord. 88-02 which granted Fort Cobb, Oklahoma irrigation fuel authority a natural gas franchise.	
92-01 (CPWA)	4-7-1992	Regulating use of public sewers.	
92-02 (CPWA)	4-7-1992	User charge system for treatment of domestic wastewater.	
92-03	6-18-1992	CPWA issuance, sale and delivery of note to FHA.	
92-04	7-7-1992	Setting salary and additional duties for town clerk.	
92-05	11-3-1992	Providing for additional ranks and officers in fire department.	
93-01	4-6-1993	Competitive bidding.	7-107
93-02	10-5-1993	Permit for furnishing gas.	App. 3
93-03	12-7-1993	Meetings of town board.	2-103
94-01	2-1-1994	Fire calls outside town limits.	13-411
94-02	12-6-1994	Public works authority promissory note.	Special
94-03	8-2-1994	Park commission.	Part 11, Ch. 1

July 2001

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Disposition</u>
94-04	8-2-1994	Building code.	Part 5, Ch. 1
94-04A	12-6-1994	Building permit.	5-115D
94-05	12-6-1994	Zoning regulations.	Part 12, Ch. 1, Art. B; Part 12, Ch. 2
95-01	4-4-1995	Zoning regulations.	12-215, 12-226, 12-234, 12-238, 12-259, 12-263, 12-265, 12-276, 12-296, 12-297
95-02	10-3-1995	Water service deposit.	17-203
96-01	1-9-1996	Solid waste disposal fees.	17-407
96-02	12-3-1996	Tobacco products.	10-422
97-01	6-3-1997	General penalty.	1-108
98-01	4-7-1998	Meetings of the town board.	2-103
99-01	1-5-1999	Salary of the town clerk.	2-307B
2000-01	3-7-2000	Board of trustees.	2-102
2000-02	8-1-2000	Amends flood damage prevention ordinance 90-1.	12-401, 12-403, 12-421, 12-441, 12-443, 12-445
2000-03	12-5-2000	Amends size, weight of vehicles; vehicles more than 10,000 pounds.	15-104
2000-04	11-7-2000	Amends general penalty; court fines and costs; and penalty assessments.	1-108A, 6-131, 6-132
2001-01	1-11-2001	Amends sales tax.	7-207B,C; 7-208
2001-02	5-1-2001	Amends excise tax increase.	7-503
2002-01	11-5-2002	Elections conducted by the county election board.	2-106

September 2005

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Disposition</u>
2003-01	1-7-2003	Salary of the town clerk.	2-307B
2004-01	3-2-2004	Amending the hours of sale for nonintoxicating beverages.	3-202
2004-02	3-2-2004	Granting a cable franchise.	App. 4
2004-03	4-6-2004	Amending definitions for children's curfew.	10-413A
2004-04	8-3-2004	Amending the purchase amount that is exempt from competitive bidding.	7-107A1
2005-01	2-7-2005	Salary of the town treasurer.	2-307C

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