

# SAPULPA CITY CODE

Containing all of the ordinances of the  
City of Sapulpa, Oklahoma  
of a general and permanent nature passed prior to  
January 30, 2011, and still in effect on that date.

ORDAINED AND PUBLISHED  
BY AUTHORITY OF THE  
CITY COUNCIL

City of Sapulpa  
P.O. Box 1130  
Sapulpa, Oklahoma 74067  
(918) 224-3040

Compiled and codified by:  
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(918) 224-3040

**City Officials**

**City of Sapulpa**

June 1, 2011

**City Council:**

Mayor: Mr. Doug Haught

Vice Mayor: Mr. Reg Green

**Councilors:**

Mr. John Anderson

Mr. Marty Cummins

Mr. Carlos Hernandez

Mr. Alan Jones

Ms. Theresa Jones

Mr. Lou Martin, Jr.

Mr. Charles Stephens

Mr. Bill Rollings

**City Manager:**

Mr. Tom M. DeArman

**City Clerk:**

Ms. Shirley Burzio

**City Attorney:**

Mr. David R. Widdoes

## FOREWORD

This codification provides a complete revision and codification of all ordinances of a general and permanent nature of the City of Sapulpa. All obsolete, illegal or superseded ordinances have been repealed as a part of the codification. All amended ordinances are brought up to date. The code also includes certain new ordinances that were prepared to fill in gaps not covered by existing ordinances.

The code includes several features that will facilitate its use. The various chapters and articles of the code follow one another in a natural, logical order. The table of contents with a complete outline of this order will often provide sufficient reference points for the reader. In addition, the reader may consult the alphabetical index at the end of the volume. At the beginning of each part and chapter there is a section-by-section analysis of the articles and sections within the chapter and part.

Non-textual provisions such as severability clauses, repeals, and enacting clauses are omitted from the text but are covered in Part One of the code that applies to the entire code. In most instances, references to "this ordinance" in the text of an ordinance have been changed to "this chapter" or "article" as deemed appropriate. Various editorial notes, state law references, and amendment notes have been included throughout the code to clarify its provisions.

The citations included at the end of sections apply to the original source and approval date of ordinances. Sections of the code which do not have a citation represent new ordinances that have been added to fill in gaps or to replace ordinances which have become outdated.

The new code is published in loose leaf form so that all new ordinances may be printed for inclusion therein on a regular basis. A copy of this code has also been placed on the hard-drive of the City of Sapulpa computer network so that the same is available for public viewing and periodic updating.

I gratefully acknowledge the cooperation and assistance rendered by the city officials, especially my legal assistant, Cassandra L. Inman, in the preparation of this code.

David R. Widdoes  
City Attorney  
Sapulpa, Oklahoma

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADOPTING AND ENACTING A CODE OF ORDINANCES OF THE CITY OF SAPULPA, OKLAHOMA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREAFTER 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 DECLARING AN EMERGENCY:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAPULPA, OKLAHOMA:

SECTION 1            TITLE.

A code and revision of the ordinances of the City of Sapulpa, Oklahoma is hereby adopted as the "Sapulpa City Code" 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 city which shall supersede all other general and permanent ordinances enacted by the city council prior to January 30, 2011, 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 city in effect on or before January 30, 2011, 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 city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city; nor shall the repeal affect the administrative regulations or resolutions of the city council 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 city council 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 city; 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 city; nor shall the repeal affect any ordinance providing for local improvements and assessing charges therefor; nor shall the repeal affect any ordinance extending the limits of the city or providing for zoning of property within the city; nor shall the repeal affect any ordinance declaring an emergency within the city; 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 ordinance establishing rates, fees or charges, except those specifically re-established in this code, until the city council re-establishes such rates, fees or charges by ordinance, motion or resolution. The continuance in effect of temporary 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 city council, as provided hereinafter.

#### SECTION 7                    SUPPLEMENTS TO CODE.

By contract or by city personnel, a change, or supplement, to the city code adopted by this ordinance shall be prepared and printed whenever authorized or directed by the city council. A change to the code shall include all substantive permanent and general parts of ordinances passed by the city council 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 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, shall be deposited in the office of the city clerk. The city clerk, if possible, shall 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 city clerk is hereby authorized and directed to sell copies of the Sapulpa City Code to the public at a price determined from time to time by motion or resolution of the city council.

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 city clerk. This copy of the code shall be available for all persons desiring to examine it; it shall be considered by the city clerk as may be required.

SECTION 10                    PREPARATION OF CODE.

The Sapulpa City Code hereby adopted was prepared by the City Attorney of Sapulpa, Oklahoma, and consists of Seventeen (17) Parts and an Appendix, all of which have been examined, considered and approved by the city council of the City of Sapulpa and adopted by 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, it is immediately necessary for the preservation of the peace, health and safety of the city and the inhabitants thereof, that the provisions of this 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.

Passed and approved this by the City Council of the City of Sapulpa, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_ 2011, with the emergency clause separately voted upon.

\_\_\_\_\_  
Mayor

ATTEST: (Seal)

APPROVED:

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Shirley Burzio, City Clerk

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David R. Widdoes, City Attorney

RESOLUTION NO. \_\_\_\_

A RESOLUTION DIRECTING FILING AND NOTIFICATION OF THE PUBLICATION OF THE SAPULPA CITY CODE.

WHEREAS, the City Council of the City of Sapulpa, Oklahoma has directed its City Attorney to prepare the Sapulpa City Code containing all ordinances adopted by the city to January 30, 2011; and

WHEREAS, the city is required to publish its code of compiled penal ordinances and to deposit a copy of the code with the county law library pursuant to Sections 14-109 and 14-110 of Title 11 of the Oklahoma Statutes; and

WHEREAS, the city is required to adopt a resolution notifying the public of the publication of its code pursuant to Section 14-110 of Title 11 of the Oklahoma Statutes and to file a copy of the resolution in the office of the county clerk; and

WHEREAS, the city is required, pursuant to Sections 14-107 (A) and 14-108 of Title 11 of the Oklahoma Statutes, to make legal publication by publishing the titles and a condensed gist or summary thereof of the code;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAPULPA:

The public is hereby notified of the publication of the Sapulpa City Code and that copies of the code are available for review in the office of the city clerk; and

That the code consists of (17) seventeen titles, listed hereinafter:

1. General Provisions;
2. Administration and Government;
3. Alcoholic Beverages;
4. Animals;
5. Building Regulations and Codes;
6. Court;
7. Finance and Taxation;
8. Health and Sanitation;
9. Licensing and Business Regulations;

10. Offenses and Crimes;
11. Parks, Recreation and Cultural Affairs;
12. Planning, Zoning and Development;
13. Public Safety;
14. Streets and Public Works;
15. Traffic and Vehicles;
16. Transportation; and
17. Utilities.
18. Appendices.

That the city clerk shall cause to be filed one copy of this resolution with the office of the County Clerk of Creek and the County Clerk of Tulsa County; and

That the city clerk shall cause one copy of this resolution and one copy of the code to be filed with the Law Library of Creek County and the Law Library of Tulsa County; and

That the clerk shall keep at least one copy of the Sapulpa City Code in the office of the city clerk for public use, inspection and examination.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011, by the City Council of the City of Sapulpa, Oklahoma.

\_\_\_\_\_  
Mayor

ATTEST: (Seal)

\_\_\_\_\_  
Shirley Burzio, City Clerk



General Provisions

PART 1

GENERAL PROVISIONS

CHAPTER 1

USE AND CONSTRUCTION OF THE CODE

Section 1-101	How code designated and cited.
Section 1-102	Rules of construction.
Section 1-103	Headings of sections; citations.
Section 1-104	Effect of repeal of ordinances.
Section 1-105	Severability of parts of code.
Section 1-106	Amendment to code; effect of new ordinances; amendatory language.
Section 1-107	Altering code.
Section 1-108	General penalty.
Section 1-109	Fines recoverable by civil action.
Section 1-110	Ordinances in effect in outlying territory of city.

CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201	Map of city designated as official map.
Section 1-202	Ward number and boundaries.

General Provisions

CHAPTER 1

USE AND CONSTRUCTION OF THE CODE

Section 1-101	How code designated and cited.
Section 1-102	Rules of construction.
Section 1-103	Headings of sections; citations.
Section 1-104	Effect of repeal of ordinances.
Section 1-105	Severability of parts of code.
Section 1-106	Amendment to code; effect of new ordinances; amendatory language.
Section 1-107	Altering code.
Section 1-108	General penalty.
Section 1-109	Fines recoverable by civil action.
Section 1-110	Ordinances in effect in outlying territory of city.

SECTION 1-101    HOW CODE DESIGNATED AND CITED.

The provisions embraced in the following chapters and sections shall constitute and be designated the "Sapulpa City Code," and may be so cited.

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

SECTION 1-102    RULES OF CONSTRUCTION.

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

1. "Business manager" - See "City manager";
2. "Citizen" shall be construed to mean a resident of the City of Sapulpa unless the context plainly requires a broader meaning;
3. "City" or "city" shall be construed as if the words "of Sapulpa, Oklahoma," followed them;
4. "City Council" or "Council" or "Councilors" means the Board of Councilors of the City of Sapulpa;

## General Provisions

5. "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;

6. "County" or "this county" means the County of Creek, Oklahoma;

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

8. "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;

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

10. "Manager" or "city manager" means the city manager of the city;

11. "Mayor" means the mayor of the city, the person serving as mayor pursuant to the city charter, state law and the state constitution;

12. "Month" means a calendar month;

13. "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;

14. "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;

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

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

## General Provisions

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

18. "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;

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

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

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

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

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

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

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

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

27. "Year" means a calendar year.

(Prior Code, Secs. 1-2, in part)

### SECTION 1-103 HEADINGS OF SECTIONS; CITATIONS.

The headings 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 headings, or citations, are amended or re-enacted.

General Provisions

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES.

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

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

SECTION 1-105 SEVERABILITY OF PARTS OF CODE.

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

SECTION 1-106 AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.

A. All ordinances passed subsequent to this city code 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 city 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 City Council of the City of Sapulpa, Oklahoma, that Section \_\_\_\_\_ of the Sapulpa City Code is hereby amended to read as follows:" (Set out new provisions in full.)

C. When the city council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the councilors desire 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 City Council of the City of Sapulpa, Oklahoma, that the provisions of this ordinance shall become and be made a part of the Sapulpa City Code, and the sections of this ordinance may be re-numbered to accomplish this intention."

## General Provisions

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

State Law Reference: 11 O.S. Sections 14-103 et seq.

### SECTION 1-107 ALTERING CODE.

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

### SECTION 1-108 GENERAL PENALTY.

A. Except as otherwise provided by state law or this code, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the city 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) and court costs as set by the city. 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. Provided further that the city attorney is authorized to make application in the prosecution of any offense for an increased or enhanced penalty upon filing of a separate information or complaint in which case said offense shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or thirty days in jail, or both, plus court costs as set by the city.

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.

State Law Reference: 11 O.S. Section 14-111.

### SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION.

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

## General Provisions

### SECTION 1-110    ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF CITY.

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

General Provisions

CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201                      Map of city designated as official map.  
Section 1-202                      Ward number and boundaries.

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

The map of the city showing its territorial limits is hereby designated as the official map of the city, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the city, including all annexations made to the city through and including the date of July 1, 2010.

SECTION 1-202      WARD NUMBER AND BOUNDARIES.

The city shall be divided into five (5) wards as follows:

1.      Ward 1 shall consist of that area and portion of the City of Sapulpa within the following boundaries:

Beginning at a point being the intersection of Teel Road centerline and the southeast corner Section 2 Township 17 North Range 11 East, thence north following the east section line of Section 2 Township 17 North Range 11 East to the ½ section line of said section, thence east to the intersection of the Burlington Northern Railroad then northerly following the railroad to the centerline of Taft Avenue also 121<sup>st</sup> Street. Thence east along Taft Avenue/121<sup>st</sup> Street centerline to the centerline of Boyd Place, thence north along Boyd Place centerline to the centerline of Edgewood Lane, then west along Edgewood Lane centerline to the centerline of Boyd Street, then north along the Boyd Street centerline to the centerline of Dewey Avenue, thence west following Dewey Avenue centerline to the centerline of Mission Street, thence south along the Mission Street centerline to the centerline of Dewey Avenue, thence west along the Dewey Avenue centerline to the centerline of Park Street, then south along the Park Street centerline to the centerline of Bryan Avenue, thence west along the Bryan Avenue centerline to the centerline of Oklahoma Street, then south along the Oklahoma Street centerline to the centerline of Taft Avenue/121<sup>st</sup> Street, then east along Taft Avenue/121<sup>st</sup> Street centerline to the centerline of Main Street, then south along the Main Street centerline to the centerline of Mike Avenue, then west along Mike Avenue centerline to the centerline of Hickory Street, then south along Hickory Street centerline to the centerline of Teel Road, then east along Teel Road centerline to the intersection of the southeast corner of Section 2 Township 17 North Range 11 East, said point also being the point of beginning.

## General Provisions

2. Ward 2 shall consist of that area and portion of the City of Sapulpa within the following boundaries:

Beginning at a point, being the northwest corner of Section 14 Township 18 North Range 11 East and also the intersection of the Sapulpa Corporate limit and 81<sup>st</sup> Street. Then east following the corporate limit boundary to the northeast corner of Section 14 Township 18 North Range 11 East, then south along the corporate limit boundary and the east section line of Section 14 Township 18 North Range 11 East to the intersection of the west right-of-way boundary of the Burlington Northern Railroad. Thence southwest following the railroad right-of-way and the corporate limit boundary to the centerline of 91<sup>st</sup> Street, thence west along the 91<sup>st</sup> Street centerline and corporate limit boundary for approximately 880 feet thence southerly along the corporate limit boundary for approximately 4,620 feet, then northwesterly approximately 1,320 feet to a point thence southerly following the corporate limit boundary to the centerline of Speer Avenue, thence in an easterly direction continuing to follow the corporate limit boundary to the centerline of Division Street thence south following the corporate limit boundary and Division Street centerline to the centerline of Pfendler thence east along Pfendler centerline and corporate limit boundary to the centerline of Mission/SH 66, thence south along Mission/SH 66 to the centerline of Dewey Avenue, then west along Dewey Avenue centerline to the centerline of Park Street then south along Park Street centerline to the centerline of Bryan Avenue then west along Bryan Avenue centerline to the centerline of Oklahoma Avenue then south along Oklahoma Avenue centerline to the centerline of Taft Avenue/121<sup>st</sup> Street, thence west along Taft Avenue/121<sup>st</sup> Street centerline to the intersection of Rock Creek, then northwesterly along Rock Creek to the intersection of the corporate limit boundary and the west section line of Section 34 Township 18 North Range 11 East, thence north following the corporate limit boundary along the section line to the intersection of I44 south right-of-way, thence northeasterly following the corporate limit boundary to the east section line of Section 27 Township 18 North Range 11 East, thence north along the east section lines of Section 27 and 22 of Township 18 North Range 11 East following the corporate limit boundary to the ½ section line of Section 22 Township 18 North Range 11 East, then continuing to follow the corporate limit boundary west 2,640 feet to the intersection of the Sapulpa fenceline, then north following the corporate limit boundary 1,320 feet, east 1,320 feet and north 1,320 feet to the north section line of Section 22 Township 18 North Range 11 East. Thence east and north following the corporate limit boundary to the northwest corner of Section 14 Township 18 North Range 11 East, also being the point of beginning and including all fence lines and parcels south of 61<sup>st</sup> Street south and north of I-44 and SH 33 from a point where 61<sup>st</sup> Street south and the Burlington Northern Railroad cross to a point 2,640 feet west of 193<sup>rd</sup> West Avenue and SH 33 within the corporate limits of the City of Sapulpa, less out parcels.

## General Provisions

3. Ward 3 shall consist of that area and portion of the City of Sapulpa within the following boundaries:

Beginning at a point being the southwest corner of Section 10 Township 17 North Range 11 East and also being the intersection of 141<sup>st</sup> Street south and the Sapulpa corporate limit boundary (129<sup>th</sup> West Avenue). Thence north following the corporate limit boundary to the intersection of the southwest corner of Section 34 Township 18 North Range 11 East, thence westerly following corporate limit boundary to the intersection of SH 66 right-of-way then continuing to follow SH 66 right-of-way and corporate limit boundary in a westerly direction to the intersection of the east boundary of the Sapulpa fence line, then south along the Sapulpa fence line boundary to the ½ section line of Section 6 Township 17 North Range 11 East, then in a west, north and southwest direction following the Sapulpa fence line south boundary to the intersection of 201<sup>st</sup> West Avenue, thence in a northeast direction following the north boundary of the fence line to the intersection of 177<sup>th</sup> West Avenue centerline, then north along the west boundary of the fence line to the intersection of the south right-of-way of I44 then east and south to the intersection of SH 66 north right-of-way thence in an easterly direction following SH 66 right-of-way to the intersection of the west section line of Section 34 Township 18 North Range 11 East. Then south following said section line to the intersection of Rock Creek, then southeast along Rock Creek to the intersection of Taft/121<sup>st</sup> Street centerline. Thence east along the Taft/121<sup>st</sup> Street centerline to the centerline of Main Street, then south along Main Street centerline to the centerline of Mike, then west on Mike centerline to the centerline of Hickory, then south on Hickory centerline to the centerline of Teel, then east on the Teel Street centerline to the centerline of 97<sup>th</sup> West Avenue, then south on 97<sup>th</sup> West Avenue centerline to the projected centerline of Lone Star/141<sup>st</sup> Street. Thence west on the projected centerline of Lone Star to the centerline of Water Street, then continuing west on Lone Star centerline to the centerline of Hickory Street thence south along Hickory Street centerline for approximately 1,320 feet then west 1,320 feet then north 1,320 feet to the Long Star centerline then west to the southwest corner of Section 10 Township 17 North Range 11 East also being the point of beginning and including all the fence lines and parcels south of the Creek Turnpike and SH 66 and between 33<sup>rd</sup> West Avenue and 177<sup>th</sup> West Avenue within the corporate limit boundary of the City of Sapulpa.

4. Ward 4 shall consist of that area and portion of the City of Sapulpa within the following boundaries:

Beginning at a point being the centerline of Cobb Avenue/SH 66 in Section 25 Township 18 North Range 11 East, thence east along the centerline of Cobb Avenue to the centerline of Moccasin Street, then north along the centerline of Moccasin Street to the centerline of Skyline Circle then east along the centerline of Skyline Circle to the centerline of Polecat Creek, then east and south along the centerline of Polecat Creek to the intersection of the south boundary of the fence line. Thence west and south along the corporate limit boundary to the ½ section line of Section 1 Township 17 North Range 11

## General Provisions

East, then west following the corporate limit boundary and ½ section line to the intersection of the Burlington Northern Railroad, then northwest along the railroad to the centerline of Taft/121<sup>st</sup> Street, thence east along Taft/121<sup>st</sup> Street centerline to the centerline of Boyd Place thence north along Boyd Place centerline to the centerline of Edgewood Lane, then west along Edgewood Lane centerline to the centerline of Boyd Street, then north along the Boyd Street centerline to the centerline of Dewey Avenue, thence west along Dewey Avenue centerline to the centerline of Mission Street/SH 66, then north along Mission Street/SH 66 centerline and the corporate limit boundary to the centerline of Cobb Avenue, said point also being the point of beginning.

5. Ward 5 shall consist of that area and portion of the City of Sapulpa within the following boundaries:

Beginning at a point being the southeast corner of Section 32 Township 18 North Range 12 East, also the centerlines of 49<sup>th</sup> West Avenue and 121<sup>st</sup> Street south, thence north following the 49<sup>th</sup> West Avenue centerline and corporate limit boundary to the centerline of 96<sup>th</sup> Street south, then west along 96<sup>th</sup> Street south centerline and corporate limit boundary for 1 mile, then north still following the corporate limit boundary ½ mile, thence west 1 mile to the centerline of Brenner/81<sup>st</sup> West Avenue, then north ½ mile to Hilton Road, then east following Hilton Road ½ mile then north and east following the corporate limit boundary to the centerline of Hickory Hill Road, thence following the corporate limit boundary northerly to the north section line of Section 17 Township 18 North Range 12 East also being 81<sup>st</sup> Street south, thence west along 81<sup>st</sup> Street south centerline and corporate limit boundary to the intersection of Tulsa Sapulpa Union railroad, thence northeast following the railroad right-of-way and corporate limit boundary to 71<sup>st</sup> Street south. Thence east following the corporate limit boundary to ½ section line of Section 4 Township 18 North Range 12 East, thence north and west along the corporate limit boundary to the west section line of Section 4 Township 18 North Range 12 East. Thence north and east following corporate limit boundary in a counter clockwise direction to the intersection of the west section line of Section 4 Township 18 North Range 12 East. Thence north following corporate limit boundary along the west section line to the intersection of the west right-of-way of the Tulsa Sapulpa Union railroad then in a northerly direction following the corporate limit boundary to the centerline of 51<sup>st</sup> Street south. Thence west and southwesterly following the corporate limit boundary approximately 5,500 feet to a point, thence south to the intersection of 61<sup>st</sup> Street. Thence continuing to follow the corporate limits in a southwest direction to the intersection of the north boundary of the fence line at 91<sup>st</sup> Street south. Thence west to the intersection on the east right-of-way boundary of the Burlington Northern Railroad, then south and east along the south boundary of the fence line at 91<sup>st</sup> street south to the intersection of the corporate limit boundary. Thence southwest following the corporate limit to the centerline of Cobb Avenue, thence east along Cobb Avenue centerline to the centerline of Moccasin Street, then north along the centerline of Moccasin Street to the centerline of Skyline Circle, then east along Skyline Circle centerline to the centerline of Polecat Creek, then east and south

## General Provisions

along the centerline of Polecat Creek to the centerline of Taft/121<sup>st</sup> Street south then east along the Taft/121<sup>st</sup> Street centerline to the centerline of 49<sup>th</sup> West Avenue also the southeast corner of Section 32 Township 18 North Range 12 East, said point also being the point of beginning. And also including all of the fence line and parcels south of 61<sup>st</sup> Street and north of the Creek Turnpike between the Burlington Northern railroad and 33<sup>rd</sup> West Avenue within the corporate limits of the City of Sapulpa, less out parcels.”

(Prior Code, Sec. 1-9; Ord. No. 1857, 2/6/84; Ord. No. 1973, 9/5/87; Ord. No. 2104-A, 4/5/93; Ord. No. 2472 10/10/05)

State Law Reference: Review of wards after each federal census, 11 O.S. Section 20-101; changing wards, 11 O.S. Sections 20-102 to 20-105.



Administration and Government

PART 2

ADMINISTRATION AND GOVERNMENT

CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101 City Council-Manager form of government.

CHAPTER 2

CITY COUNCIL

Section 2-201 Composition of the Council, mayor, terms.  
Section 2-202 Time of regular meetings of the Council.  
Section 2-203 Meetings of the City Council.  
Section 2-204 Agenda, order of business.  
Section 2-205 Rules of procedure.

CHAPTER 3

CITY MANAGER

Section 2-301 City manager appointment.  
Section 2-302 Duties.

CHAPTER 4

CITY CLERK AND TREASURER

Section 2-401 City clerk.  
Section 2-402 Duties.  
Section 2-403 City treasurer, duties.

CHAPTER 5

OTHER DEPARTMENTS AND PERSONNEL

Section 2-501 City attorney.  
Section 2-502 City-county health department; director.  
Section 2-503 Officers and employees; number and classes;  
compensation.

Administration and Government

Section 2-504 Certain personnel to be bonded.  
Section 2-505 Oath.

CHAPTER 6

CITY RECORDS

Section 2-601 Appointment of official custodians.  
Section 2-602 Designation of additional record custodians.  
Section 2-603 Duties of custodians.  
Section 2-604 Requests to be directed to custodians.  
Section 2-605 Procedures regarding both inspection and copying of open public records.  
Section 2-606 Procedures regarding inspection of open public records.  
Section 2-607 Procedures regarding copies of open public records.  
Section 2-608 No fee for inspection.  
Section 2-609 Copying fee.  
Section 2-610 Fee for mechanical reproduction.  
Section 2-611 Search fee.  
Section 2-612 Repayment of fees.

CHAPTER 7

SOCIAL SECURITY

Section 2-701 Declaration of policy to come under coverage.  
Section 2-702 Execution of agreement with state agency.  
Section 2-703 Withholdings.  
Section 2-704 Contributions.  
Section 2-705 Records and reports.  
Section 2-706 Exclusions.

CHAPTER 8

RETIREMENT AND PENSIONS

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

Section 2-801 Fire pension and retirement system.

Administration and Government

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

Section 2-810	Employee retirement system created.
Section 2-811	Administration.
Section 2-812	Fund.
Section 2-813	Appropriations.
Section 2-814	Execution.
Section 2-815	Conflicting laws.

ARTICLE C

POLICE PENSION SYSTEM

Section 2-820	Police pension board created.
Section 2-821	State police pension and retirement provisions adopted.

CHAPTER 9

COMMUNITY RELATIONS COMMISSION

Section 2-901	Definitions.
Section 2-902	Discrimination in employment.
Section 2-903	Exceptions to discriminatory employment services.
Section 2-904	Discrimination in housing.
Section 2-905	Exceptions to discriminatory housing practices.
Section 2-906	Discrimination in public accommodations.
Section 2-907	Qualifications and make-up of commission.
Section 2-908	Duties of community relations commission.
Section 2-909	Community relations commission: procedure and powers.
Section 2-910	Penalties.

Administration and Government

CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101 City Council form of government.

SECTION 2-101 CITY COUNCIL FORM OF GOVERNMENT.

The city is governed by a City Council which appoints a city manager, city attorney, city treasurer and judge. The powers of the city are vested in the City Council.

State Law Reference: City charter, Sections 13-101 et seq. of Title II of the Oklahoma Statutes.

CHAPTER 2

CITY COUNCIL

Section 2-201 Composition of the Council, mayor, terms.  
Section 2-202 Time of regular meetings of the Council.  
Section 2-203 Meetings of the City Council.  
Section 2-204 Agenda, order of business.  
Section 2-205 Rules of procedure.

SECTION 2-201 COMPOSITION OF THE CITY COUNCIL, MAYOR, TERMS.

The city council shall consist of two (2) councilors from each ward of the city. One of the councilors shall be elected mayor and one shall be elected vice mayor by a majority of the council. The councilors shall be elected as provided in the charter for four-year terms.

Charter Reference: Article II of the charter covers the city council. Article V covers elections. Elections are nonpartisan and conducted by the county election board.

SECTION 2-202 TIME OF REGULAR MEETINGS OF THE COUNCIL.

The city council shall hold a regular meeting on the first and third Mondays of every month at 7:00 P.M. If a meeting day falls on a legal holiday, as designated by the council, then the meeting shall be held at a time determined by a majority vote of the council. Such meetings may be adjourned from time to time by a majority vote of the councilors present at such meeting. (Prior Code, Sec. 2-3)

SECTION 2-203 MEETINGS OF THE COUNCIL.

A. Every meeting of the city council shall be held in the city hall council meeting room and at such other places designated by the city council, unless, in case of an emergency, the mayor or the councilors calling a special meeting designate another place in the city for the holding of the special meeting. The mayor or any three (3) councilors may call a special meeting by filing with the city clerk a call therefor, stating the purpose of such meeting. A copy of such call shall be mailed by the city clerk to each member at least two (2) days prior to the special meeting, and each councilor shall also be personally notified whenever possible. The city clerk shall keep in his office a record of the calling of all special meetings and the notice thereof given. Special meetings of the city council may be held at any time when a quorum of members are present, and the state open meeting law is complied with. Only matters set forth in the purpose of the call of a special meeting shall be considered at such special meeting. Any adjourned meeting may be held at any other place designated by the city council.

B. The mayor shall preside at all meetings of the city council except during his absence the vice mayor shall preside. In the absence of both the mayor and vice mayor, a mayor pro-tem may be elected by a vote of the majority of the membership of the city council and shall preside at such meeting. (Prior Code, Sec. 2-4, 2-5)

State Law Reference: Open meeting act requirements, 25 O.S. Sections 301 et seq.; Absence from meetings, grounds for vacancy, 11 O.S. Section 8-108.

SECTION 2-204 AGENDA, ORDER OF BUSINESS.

A. All matters to come before the city council shall be placed upon a written agenda which shall be prepared by the city manager not less than three (3) days prior to the meeting date. This section shall not apply to special meetings and matters involving an emergency.

B. The order of business for a meeting shall be as provided on the agenda. (Prior Code, Secs. 2-6, 2-7)

SECTION 2-205 RULES OF PROCEDURE.

The city council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the city council may prescribe.

Administration and Government

CHAPTER 3

CITY MANAGER

Section 2-301 City manager appointment.  
Section 2-302 Duties.

SECTION 2-301 CITY MANAGER APPOINTMENT.

The city council shall appoint a city manager, who shall also be known as the city manager, for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office.

Charter Reference: See Charter on City Manager.

SECTION 2-302 DUTIES.

The city manager shall be the chief administrative officer and head of the administrative branch of the city government and shall have such duties as are prescribed by the charter and law, and as assigned by the city council.

Charter Reference: See Charter, Sec. 5, on city manager powers.

Administration and Government

CHAPTER 4

CITY CLERK AND TREASURER

Section 2-401	City clerk.
Section 2-402	Duties.
Section 2-403	City treasurer, duties.

SECTION 2-401            CITY CLERK.

The city clerk is an officer of the city appointed by the city manager.

Charter Reference: City clerk office, Charter.

State Law Reference: 11 O.S. Section 10-117.

SECTION 2-402            DUTIES.

The city clerk shall collect or receive revenue and other money for the city and shall deposit the same daily as required by law. The clerk shall attend all city council meetings and shall keep the journal of the proceedings of the city council. He shall enroll in a book kept for the purpose, all ordinances and resolutions passed by the council. He shall keep the seal of the city and attest the signature of the mayor. He shall perform such other duties as may be required by law or ordinance for the city clerk, including providing a certification as to the existence of any special assessments by the city against any parcel of real estate upon receipt of the fee therefor as specified by the Master Fee Schedule.

SECTION 2-403            CITY TREASURER, DUTIES.

A.     The city treasurer is an officer of the city appointed by the city council.

B.     The treasurer shall have the responsibility for the receipt, safekeeping, investment and daily deposit of all funds coming into his hands in such depositories as the council may designate; and shall disburse such funds in the manner provided by applicable law, ordinance and the charter. He shall have such other powers, duties, and functions as may be prescribed by applicable law, by ordinance and the charter, including but not limited to, the promulgation of rules and procedures for the receipt, handling and deposit by City officers and employees of city monies into the city treasury. He shall also provide training, technical assistance and other support to other city departments in performing financial functions.

Administration and Government

CHAPTER 5

OTHER DEPARTMENTS AND PERSONNEL

Section 2-501	City attorney.
Section 2-502	City-county health department; director.
Section 2-503	Officers and employees; number and classes; compensation.
Section 2-504	Certain personnel to be bonded.
Section 2-505	Oath.

SECTION 2-501                      CITY ATTORNEY.

The city attorney is an officer of the city appointed by the city council. He shall be licensed to practice law in this state. The city attorney is the chief legal adviser of the council and all other officers, departments, and agencies of the city government in matters relating to their official powers and duties. He represents the city in proceedings in the courts, and performs all services incident to his position which may be required by law or ordinance. He shall attend regular meetings of the council and prepare ordinances for the council. He may receive a regular salary as set by the city council and, in addition thereto, receive reasonable fees for representing the city in lawsuits or controversies to which the city is a party, whether tried, settled or otherwise. He may provide other special services as requested by the council or manager. When duly authorized by the council or manager, he shall receive a reasonable fee for such special services.

SECTION 2-502                      CITY-COUNTY HEALTH DEPARTMENT; DIRECTOR.

If so designated by the city manager, the cooperative health department of the county and its director shall have the powers of a city health department and city health officer respectively for the city. References to health department and health officer or director of the health department in this code and in other ordinances of the city mean the cooperative health department and its director, unless the context clearly indicates another meaning.

SECTION 2-503                      OFFICERS AND EMPLOYEES; NUMBER AND CLASSES;  
COMPENSATION.

The city council, by motion, resolution, or ordinance, may regulate the number of classes of officers and positions of employment in the various departments, offices, and agencies of the city government, and may determine or regulate the compensation to be paid to officers and employees.

Administration and Government

SECTION 2-504

CERTAIN PERSONNEL TO BE BONDED.

A. Before entering upon their official duties, the following personnel of the city government shall provide bonds for the faithful performance of their official duties, payable to the city, with a surety company authorized to operate within the state, in such amounts as set or approved by the council:

1. City manager;
2. City clerk;
3. City treasurer.

B. The city council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.

C. The city shall pay the premiums on the bonds.

State Law Reference: Officers designated by ordinance to give bond, city pay premium, 11 O.S. Section 8- 105.

SECTION 2-505

OATH.

Every officer of the city as required by law, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution and charter.

## Administration and Government

### CITY RECORDS

Section 2-601	Appointment of official custodians.
Section 2-602	Designation of additional record custodians.
Section 2-603	Duties of custodians.
Section 2-604	Requests to be directed to custodians.
Section 2-605	Procedures regarding both inspection and copying of open public records.
Section 2-606	Procedures regarding inspection of open public records.
Section 2-607	Procedures regarding copies of open public records.
Section 2-608	No fee for inspection.
Section 2-609	Copying fee.
Section 2-610	Fee for mechanical reproduction.
Section 2-611	Search fee.
Section 2-612	Prepayment of fees.

#### SECTION 2-601

#### APPOINTMENT OF OFFICIAL CUSTODIANS.

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

1. City clerk. All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this chapter;
2. Chief of police. All public records not on file in the office of the city clerk and kept and maintained in the city police department;
3. Fire chief. All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
4. City attorney. All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office;
5. Court clerk. All public records not on file in the office of the city clerk and kept and maintained in the municipal court; and
6. City librarian. All public records not on file in the office of the city clerk and kept and maintained in the city library.

Administration and Government

SECTION 2-602

DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

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

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

SECTION 2-603

DUTIES OF CUSTODIANS.

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

SECTION 2-604

REQUESTS TO BE DIRECTED TO CUSTODIANS.

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

B. Whenever any city official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of, a public record which record the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

SECTION 2-605

PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

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

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and

## Administration and Government

assistance in a timely and efficient manner to persons who request access to open public records;

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

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

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

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

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

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

8. The record custodian or city clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-612 of this code;

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

10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;

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

Administration and Government

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

SECTION 2-606

PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

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

1. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records;
2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;
3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and
4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the city manager.

SECTION 2-607

PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

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

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;
2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian;
3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such record; and

## Administration and Government

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

### SECTION 2-608

### NO FEE FOR INSPECTION.

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

### SECTION 2-609

### COPYING FEE.

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

### SECTION 2-610

### FEE FOR MECHANICAL REPRODUCTION.

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

### SECTION 2-611

### SEARCH FEE.

A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the city of producing the record, including the cost of labor, materials and equipment.

### SECTION 2-612

### PREPAYMENT OF FEES.

A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.



Administration and Government

applicable state or federal laws or regulations. (Prior Code, Sec. 2-1)

SECTION 2-705

RECORDS AND REPORTS.

The city shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations. (Prior Code, Sec. 2-1)

SECTION 2-706

EXCLUSIONS.

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

1. Any authority to make any agreement with respect to any position, employee or official covered or authorized to be covered as of the initial effective date of this chapter by any other ordinance creating any retirement system for any employee or official of the city; or
2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations. (Prior Code, Sec. 2-1)

Administration and Government

CHAPTER 8

RETIREMENT AND PENSIONS

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

Section 2-801 Fire pension and retirement system.

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

Section 2-810 Employee retirement system created.  
Section 2-811 Administration.  
Section 2-812 Fund.  
Section 2-813 Appropriations.  
Section 2-814 Execution.  
Section 2-815 Conflicting laws.

ARTICLE C

POLICE PENSION SYSTEM

Section 2-820 Police pension board created.  
Section 2-821 State police pension and retirement provisions adopted.

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

SECTION 2-801 FIRE PENSION AND RETIREMENT SYSTEM.

There is hereby created a local firefighter's pension and retirement board composed of the mayor, the clerk and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions and the fund shall operate as prescribed by Sections 49-103 et seq. of Title 11 of the Oklahoma Statutes. The system shall operate in accordance with applicable state law.

State Law Reference: Firefighter's retirement and pension law, joining state system, 11 O.S. Sections 49-101 et seq.

Administration and Government

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

SECTION 2-810            EMPLOYEE RETIREMENT SYSTEM CREATED.

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promote public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of July 2, 1980, the funded pension plan designated "Employee Retirement System of Sapulpa, Oklahoma" (hereinafter called "system").

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

SECTION 2-811            ADMINISTRATION.

For the purpose of administration of the system there is hereby established a board of trustees of the employee retirement system consisting of five (5) members, one of which shall be the city treasurer, one of which shall be the city clerk, and three (3) of which shall be other participating employees of the city. The three (3) employee members shall be elected by the employees of the city who participate in the retirement system. The employee members shall serve for three-year staggered terms. (Prior Code, Chapter 22A)

SECTION 2-812            FUND.

A fund is hereby provided for the exclusive use and benefit of the person entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the city treasurer, who shall be the treasurer of the system. The city treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the retirement fund, as duly authorized and directed by the board of trustees. The fund shall be non-fiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. The fund and system shall be evaluated each year for actuarial soundness by a qualified actuarial firm. (Prior Code, Chapter 22A)

SECTION 2-813            APPROPRIATIONS.

The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In

## Administration and Government

addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions, to maintain its amended retirement system and the fund on a sound actuarial basis in accordance with the respective actuarial valuation. (Prior Code, Chapter 22A)

### SECTION 2-814            EXECUTION.

A.                    The mayor and city clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the original system instrument, and all amendments thereto, and to do all other acts and things necessary, advisable and proper to put the system and amendments and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Section 401(a) and 501(a) of the Internal Revenue Code of the United States.

B.                    This city council is hereby authorized and directed to proceed immediately on behalf of the city to negotiate a contract with other incorporated cities and towns of the state to pool and combine the fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment. The council shall manifest approval of such contract and the execution thereof by the mayor and city clerk by a formal resolution. (Prior Code, Chapter 22A)

### SECTION 2-815            CONFLICTING LAWS.

Any ordinance inconsistent with the terms and provisions of this chapter is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this chapter shall be cumulative of other ordinances regulating and governing subject matter covered by this chapter. (Prior Code, Chapter 22A)

## ARTICLE C

### POLICE PENSION SYSTEM

### SECTION 2-820            POLICE PENSION BOARD CREATED.

A.                    There is hereby created a police pension board which shall have the operation and management of the police pension and retirement system of the city. The city clerk, in addition to the duties required of him, together with two (2) members of the police department, is hereby created and constituted a police pension board of the pension and requirement system of the police department.

## Administration and Government

B. Within thirty (30) days after the initial passage of this section, the members participating in the police pension and retirement system shall elect by ballot two (2) members of the police department, one of which shall serve for the term of two (2) years, and one for the term of four (4) years upon the police pension board.

C. If a vacancy, or vacancies, should occur in the office of trustee, or trustees, of the board so elected, the vacancy shall be filled by the election of a member, or members, in the same manner as above provided.

D. Each officer or member in the police pension board so elected shall, before he enters upon the duties of his office, take and subscribe an oath of office to faithfully perform the duties of his office and to account for all moneys and property in his hands.

### SECTION 2-821

### STATE POLICE RETIREMENT PROVISIONS ADOPTED.

The city council 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 city with a retirement program. The city agrees to make contributions to the system in such amounts as are required by law. (Prior Code, Secs. 1-57 to 1-79 as amended)

State Law Reference: Police pension and retirement system, 11 O.S. Sections 50-101 et seq.; Option to establish local board, 11 O.S. Section 50-106.1; Joining state system, 11 O.S. Section 50-106.3; Contributions to be paid by municipality and police members, 11 O.S. Sections 50-109 and 50-110.

Administration and Government

CHAPTER 9

COMMUNITY RELATIONS COMMISSION

Section 2-901	Definitions.
Section 2-902	Discrimination in employment.
Section 2-903	Exceptions to discriminatory employment services.
Section 2-904	Discrimination in housing.
Section 2-905	Exceptions to discriminatory housing practices.
Section 2-906	Discrimination in public accommodations.
Section 2-907	Qualifications and make-up of commission.
Section 2-908	Duties of community relations commission.
Section 2-909	Community relations commission: procedure and powers.
Section 2-910	Penalties.

SECTION 2-901

DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall, except as otherwise expressly provided, have the meanings respectively ascribed to them by this section:

1. "Age" means that period of time when a worker is at least forty (40) years old and less than seventy (70) years old;
2. "Commission" means the Sapulpa Human Rights Commission;
3. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;
4. "Employer" means any person who employs five (5) or more employees, exclusive of the parents, spouse, or children of such person, including the City of Sapulpa, its departments, boards, commissions and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, or sectarian organization which is not supported in whole or part by any governmental appropriations;
5. "Employment" excludes the employment of individuals in domestic service;
6. "Employment agency" means any person regularly undertaking with or without compensation, to procure opportunities for employment or

## Administration and Government

to procure, recruit, refer or place employees;

7. "Handicapped person" means a person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such an impairment, or is regarded as having such an impairment;

8. "Housing accommodations" mean:

- a. A building, structure, or portion thereof which is used or occupied or is intended, arranged or designated to be used or occupied, as a home, residence or sleeping place by a person, by a family, or by a group of persons living together; or
- b. A parcel of real property or lot available for the construction of a housing accommodation;

9. "Labor organizations" mean any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment;

10. "Lending institutions" mean any bank, insurance company, savings and loan association or any other person regularly engaged in the business of lending money or guaranteeing loans;

11. "Owner" means the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent, employee or any other person having the right of ownership or possession or the authority to sell, rent, or lease any housing accommodation, or any person having equitable or security interest in any housing accommodation, including the city and its departments, boards, commissions, and authorities;

12. "Person" means any individual, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, unincorporated organization, or other legal or commercial entity, including the City of Sapulpa;

13. "Public accommodation" means any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public;

14. "Real estate broker" means any person, who for a fee or other

## Administration and Government

valuable consideration manages, sells, purchases, exchanges, or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange, or rental of, the real property of another, or holds himself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, and includes real estate salesmen or agents or any other person employed by a real estate broker to perform or to assist in the performance of his business;

15. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(Prior Code, Sec. 2-91; Ord. No. 1901, 5/6/85)

### SECTION 2-902

### DISCRIMINATION IN EMPLOYMENT.

A. Except as otherwise provided in this chapter, it shall be unlawful for any employer, employment agency or labor organization, because of a person's race, color, religion, national origin, sex, age, or handicap to:

1. Refuse to hire any person or otherwise discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions, or privileges, directly or indirectly related to employment;
2. Establish, announce or follow a policy of denying or limiting through a quota system or otherwise, the employment or membership opportunities of any person or group of persons;
3. Deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program;

## Administration and Government

4. Publish or circulate, or cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination;

5. Fail or refuse to properly classify or refer to employment or otherwise to discriminate against any person; or

6. Discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge, or any other terms, conditions or privileges directly or indirectly related to employment;

B. Nor shall any person:

1. Discriminate against any person because he has opposed any practice forbidden in this chapter or because he has made a complaint or testified or assisted in any manner in an investigation or proceeding brought under this chapter;

2. Aid, incite, compel, coerce, or otherwise participate in the commission of any unlawful employment practice under this chapter, or otherwise obstruct or prevent any person from enforcing or complying with the provisions of this chapter or any rule, regulation or order lawfully promulgated by the commission;

3. Substantially confine or limit the recruitment or hiring of employees to any employment agency, employment service, labor organization, training school, training center or any other employee referring source which services persons who are predominantly of the same race, color, religion, national origin, sex, or handicap, except where such information as to a handicap is related to a bona fide occupational qualification reasonably necessary to the performance of the prospective employment or membership;

4. Require of any applicant for employment or membership, any information concerning his race, color, religion, sex, age, national origin, or handicap (except as allowed by state law); or

5. Nor shall any person sexually harass any other person, as defined in Section 2-901.

C. The above mentioned practices are not unlawful discriminatory practices when based upon applicable national security regulations established by the United States. (Prior Code, Sec. 2-92; Ord. No. 1901, 5/6/85)

SECTION 2-903

EXCEPTIONS TO DISCRIMINATORY EMPLOYMENT SERVICES.

## Administration and Government

The provisions of paragraph 6 of Subsection A of Section 2-902, of this code shall not apply to those situations wherein:

1. A school, college, university or other educational institution hires and employs a person of a particular religion, when:
  - a. That particular institution is wholly or substantially owned, supported, controlled or managed by a particular religious corporation, association, or society; or
  - b. The curriculum of that particular institution is directed to the propagation of a particular religion;
2. Differing standards of compensation, terms, conditions, privileges or responsibilities exist in a bona fide seniority or merit system, when:
  - a. The earnings are measured by quantity or quality of production;
  - b. The employees work in different locations; or
  - c. Such differences are not the result of an intention to discriminate because of race, color, religion, sex, age, national origin, or handicap, or otherwise results in such discrimination;
3. Differing standards of compensation, terms, conditions, privileges or responsibilities exist between male and female employees, when such differences are required or permitted by:
  - a. The laws of the State of Oklahoma;
  - b. The provisions of the Federal Civil Rights Act of 1964, as amended; or
  - c. The provisions of Section 6 (d) of the Federal Fair Labor Standards Act of 1938, as amended;
4. The adoption and implementation of a plan eliminates or reduces any percentage imbalance respecting a particular race, color, religion, sex, age, national origin or handicap when that plan has been filed with and approved by the regulations of the Sapulpa Community Relations Committee;

## Administration and Government

5. The hiring, employment classification, reference, or admittance for training, or retraining an individual occurs on the basis of his sex, age or handicap, when such is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business enterprise; or

6. A professionally developed and validated ability test is given and the results acted upon when the test, its administration or action upon the results is not designed, intended, used to discriminate, or results in discrimination because of race, color, religion, sex, age, national origin or handicap. (Prior Code, Sec. 2-93; Ord. No. 1901, 5/6/85)

### SECTION 2-904

### DISCRIMINATION IN HOUSING.

It shall be unlawful for any person, real estate broker, or lending institution to directly or indirectly engage in the following acts because of a person's race, color, religion, sex, age, national origin, or handicap:

1. To print, publish, circulate, issue or display any communication, notice, advertisement, or signs relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation which indicates any preference, limitation, specification, or discrimination;

2. Misrepresent that any housing accommodation is not available for inspection, sale, lease, sublease, rental assignment or other transfer;

3. To induce the sale, rental, or listing for sale or rental of a housing accommodation by representing that a change has occurred, will or may occur with respect to the racial, religious, or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located;

4. Include in the terms, conditions or privileges of any lease, sublease, rental assignment or other transfer of any housing accommodations, such clause, condition or restriction that discriminates against another person in the use or occupancy of such housing accommodation;

5. Discriminate against, segregate or assign quotas in connection with a sale, lease, sublease, rental assignment or other transfer of title, leasehold, or other interest in any housing accommodation;

6. After the making a bona fide offer:

a. Refuse to negotiate for the sale, lease, sublease, rental assignment or other transfer of a title, leasehold, or other interest in any housing accommodation;

## Administration and Government

- b. Refuse to sell, lease, sublease, rent, assign, or otherwise transfer a title, leasehold or other interest in any housing accommodation; or
- c. Deny or otherwise withhold any housing accommodation;

7. To utilize any form or application of financial assistance, (for the purchase lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation) or make any record or inquiry in connection with such application, which indicates or makes any limitation, specification, or discrimination; or

8. To discriminate in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any application for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation after the making of a bona fide offer, or in the extension of services in connection therewith.

(Prior Code, Sec. 2-94; Ord. No. 1901, 5/6/85)

### SECTION 2-905

### EXCEPTIONS TO DISCRIMINATORY HOUSING PRACTICES.

The provisions of Section 2-904 of this chapter shall not apply to those situations wherein:

1. A religious or sectarian institution or organization, or a charitable or education organization (which is operated, supervised or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:

- a. Limits admission to, or gives preference to persons of the same religion or sect, or to members of such private or fraternal organization; or
- b. Makes such selection as is calculated by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained;

2. An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are based upon other than religion, sex, age, race, color, national origin, or handicap;

## Administration and Government

3. An owner rents a portion of a dwelling containing accommodations for not more than four (4) families, and one of those accommodations is the residence of the owner;
4. An owner sells or rents a single-family house, provided that:
  - a. The private individual owner does not own more than two (2) such single-family houses at any one time;
  - b. The private individual owner resided in that house as the most recent resident prior to that sale, if the private individual owner did not so reside or was not the most recent resident, the exemption granted by this subsection shall apply to one such sale or rental within any twenty-four (24) month period;
  - c. Such bona fide owner does not own any interest in, nor is there owned or reserved in his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than two (2) such single-family houses at any one time;
  - d. Such sale or rental was:
    - (1) Without the use of the sales or rental facilities or services or any real estate broker, agent, employee, any other person in the business of selling or renting dwellings; and
    - (2) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of item of Section 2-908 of this chapter;
  - e. Nothing contained herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and such other professional assistance as is necessary to perfect or transfer the title.

(Prior Code, Sec. 2-95; Ord. No. 1901, 5/6/85)

### SECTION 2-906

### DISCRIMINATION IN PUBLIC ACCOMMODATIONS.

It shall be unlawful for any owner, proprietor, or

## Administration and Government

superintendent of any public accommodation to engage in the following acts because of another person's race, color, religion, sex, age, national origin, or handicap:

1. To refuse, withhold from or deny to any person any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort, or amusement; or

2. To publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld, or that the patronage of such persons is unwelcome, objectionable, or not acceptable, desired or solicited. (Prior Code, Sec. 2-96; Ord. No. 1901, 5/6/85)

### SECTION 2-907

### QUALIFICATIONS AND MAKE-UP OF COMMISSION.

A. The Sapulpa Community Relations Commission shall consist of nine (9) members to be appointed by the mayor and approved by the council, for terms of two (2) years; provided, however that for the first appointment under the provisions of this chapter, four (4) members shall be appointed for a period of two (2) years and five (5) members shall be appointed for a period of one year. All appointment thereafter shall be for a term of two (2) years. Five (5) of the members of the above board shall be from the protected classes of race, color, national origin, sex, religion, age or handicapped. All members must be residents of the city and live within its city limits. All members will serve in a voluntary capacity without compensation. All members must be diligent in attending meetings of the commission and failure to attend three (3) consecutive meetings of the commission without cause shall be grounds for removal from the commission.

B. At any time that a vacancy exists because of resignation, removal or expiration of a term, the mayor shall appoint a new member to either fill the unexpired term for a new term, subject to approval of the council.

C. There is hereby established a clerk of the community relations commission. The clerk shall be a member of the city administrative staff designated by the city manager. The city shall send out public notices and perform any other necessary clerical function which the commission shall hereinafter prescribe. (Prior Code, Sec. 2-97; Ord. No. 1901, 5/6/85)

### SECTION 2-908

### DUTIES OF COMMUNITY RELATIONS COMMISSION.

The following are the duties of the community relations commission:

1. To receive, investigate, and seek the satisfactory adjustment

## Administration and Government

of complaints which charge discriminatory practices as set forth herein;

2. To study and investigate by means of public hearing or otherwise any condition having an adverse effect on intergroup relations in the city and study the problems of prejudice and intolerance, bigotry and discrimination as they effect the public safety and general welfare of the city;

3. To institute and conduct educational and other programs to promote the equal rights and opportunities of all persons regardless of their age, race, color, religion, sex, or national origin, and to promote understanding among persons, groups of different ages, races, colors, religions, sex, or national origins. In performance of this duty the commission may cooperate with interested citizens, private agencies, and agencies of the federal, state and local government; and

4. To hold hearings, make findings of fact, adopt such rules and policies as may be necessary within the limits of this chapter, and otherwise carry out the purposes and provisions of this chapter. (Prior Code, Sec. 2-98; Ord. No. 1901, 5/6/85)

### SECTION 2-909

### COMMUNITY RELATIONS COMMISSION: PROCEDURE AND POWERS.

A. Any person aggrieved by discriminatory practices prohibited by this chapter, may file with the clerk of the community relations commission a complaint in writing, administered 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 commission. Complaints filed under this section shall be filed within sixty (60) days after the alleged violation, and failure to file within the time shall be considered a waiver of the application of this chapter. The commission may issue a complaint on its own initiative at any time it has knowledge that a person has violated any of the provisions of this chapter.

B. The commission shall investigate each complaint filed, 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 commission shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the commission takes no action within ninety (90) days of the filing of the complaint, it shall be considered dismissed.

C. If conference of conciliation does not result in compliance with this chapter, the commission shall give respondent and claimant written notice stating

## Administration and Government

when the hearing on the complaint alleging discrimination is to be held. Written notice should be given at least ten (10) days prior to the hearing.

D. At the hearing provided for in Subsection C above, 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 counsel. The commission, 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 or recorded at the request of either party, or at the direction of the commission. If the commission 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 city attorney for appropriate action. No prosecution shall be brought under this chapter except upon such certification. If the commission, upon hearings, 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 commission shall establish rules and regulations to govern, expedite, and effectuate the foregoing procedure, and shall maintain the files provided for herein.

E. A quorum for the purposes of hearing complaints as prescribed in Subsection C above, shall be six (6) members; further, it shall require a vote of no less than five (5) councilors to certify a complaint for prosecution.

F. All notices required under 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 current business or residence address of such person. (Prior Code, Sec. 2-99; Ord. No. 1901, 5/6/85)

### SECTION 2-910

### PENALTIES.

Commission of any of the acts or omissions herein prohibited as unlawful shall be punishable as a misdemeanor as provide by Section 1-108 of this code.



Alcoholic Beverages

PART 3

ALCOHOLIC BEVERAGES

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101	Definitions.
Section 3-102	Amount of tax.
Section 3-103	Application for license, conditions.
Section 3-104	Application for certificate of zoning, code compliance.
Section 3-105	Compliance with state and city law.
Section 3-106	Sale to minors prohibited, minors prohibited from premises.
Section 3-107	Transportation of intoxicating beverages in vehicles; exception.
Section 3-108	General prohibitions.
Section 3-109	Consumption of intoxicating alcoholic beverage in public places.
Section 3-110	Misrepresentation of age.
Section 3-111	Employment of persons under age of twenty-one (21) prohibited.
Section 3-112	Persons under age twenty-one (21) in possession of intoxicating beverages in public prohibited.
Section 3-113	Location of retail package store and mixed beverage establishments, exceptions.
Section 3-114	Hours of operation.
Section 3-115	Package store premises to be separated from premises where other business conducted.
Section 3-116	Sale or delivery prohibited on certain days.

CHAPTER 2

LOW-POINT BEER

Section 3-201	Definitions.
Section 3-202	State licenses.
Section 3-203	Retail dealer's license required; license fees.
Section 3-204	Application for license.
Section 3-205	Minors on premises prohibited, exceptions.
Section 3-206	Sale of low-point beer to minor prohibited.

## Alcoholic Beverages

Section 3-207	Employment of persons under eighteen (18) years; exceptions.
Section 3-208	Sale of low-point beer prohibited during certain hours; exceptions.
Section 3-209	Transportation of low-point beer in moving vehicle.
Section 3-210	Minors in possession of low-point beer prohibited while in public.
Section 3-211	Consumption of low-point beer in public places; penalty; exception.
Section 3-212	Misrepresentation of age by false or altered documentation.
Section 3-213	Inspections.
Section 3-214	Location of retail dealers.

## CHAPTER 3

### SOCIAL HOST PROHIBITION

Section 3-301	Definitions.
Section 3-302	Consumption of Alcohol or Low-Point Beer by Minor in Public Place, Place Open to Public, or Place Not Open to Public, Prohibited.
Section 3-303	Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages or Low-Point Beer Prohibited.
Section 3-304	Penalty.

## Alcoholic Beverages

### CHAPTER 1

#### ALCOHOLIC BEVERAGES

Section 3-101	Definitions.
Section 3-102	Amount of tax.
Section 3-103	Application for license, conditions.
Section 3-104	Application for certificate of zoning, code compliance.
Section 3-105	Compliance with state and city law.
Section 3-106	Sale to minors prohibited, minors prohibited from premises.
Section 3-107	Transportation of intoxicating beverages in vehicles; exception.
Section 3-108	General prohibitions.
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Section 3-112	Persons under age twenty-one (21) in possession of intoxicating beverages in public prohibited.
Section 3-113	Location of retail package store and mixed beverage establishments, exceptions.
Section 3-114	Hours of operation.
Section 3-115	Package store premises to be separated from premises where other business conducted.
Section 3-116	Sale or delivery prohibited on certain days.

#### SECTION 3-101

#### DEFINITIONS.

A. Definition of terms used in this chapter shall be in conformity with those provided in Section 506 of Title 37 of the Oklahoma Statutes.

B. As used herein:

1. "ABLE Commission" means the Alcoholic Beverage Laws Enforcement Commission of the state; and

2. "Alcoholic beverage" means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings, but does not include low-point beer as that term is defined in Sec. 3-201 of this chapter.

## Alcoholic Beverages

### SECTION 3-102

### AMOUNT OF TAX.

A. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and pursuant to the provisions of Section 554.1 of Title 37 of the Oklahoma Statutes in the amount as set by the Master Fee Schedule.

B. The occupation tax for those service organizations which are exempt under Section 501 (c) (19) of the Internal Revenue Code for bottle club licenses shall be Five Hundred Dollars (\$500.00). The occupation tax for a brewer and a class "B" wholesaler shall be reduced by seventy-five percent (75%) if the brewer of class "B" wholesaler is also the holder of a license from the state to manufacture or wholesale any nonintoxicating malt beverages as provided in Section 518 of Title 37 of the Oklahoma Statutes.

C. The occupation tax levied herein shall be paid in advance annually, on or before April 1, to the city clerk, who shall issue a receipt therefor. The tax shall be prorated on a monthly basis for the year in which an occupation begins operations.

D. Upon payment of the occupation tax, the city clerk shall issue a receipt, signed by the city clerk, to the state licensee paying such occupational tax. The city clerk shall also record the name of the licensee and the address where the licensee engages in his occupation. Such record shall be duly filed and kept in the permanent files of the city for at least five (5) years.

E. Any state licensee shall post his tax receipt in a conspicuous place on the premises wherein he carries on his occupation.

F. The occupation tax shall cover only the person paying the tax and no other of a successor thereof, and shall not be refundable.

G. The city clerk shall make and transmit to the ABLE commission an annual report showing the number and class of licenses subject to the tax and the amount of money received therefrom.

H. All sums due from any person by reason of occupation taxes imposed by this chapter and all penalties accruing from such person by reason of failure to pay such tax shall be recoverable at the suit of the city, brought against such person in any court of competent jurisdiction. In any suit, in addition to the tax and penalties, the plaintiff shall recover interest, at the rate of ten percent (10%) per annum, upon all sums due by way of tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including reasonable attorney's fees, all to be determined by the court. Prosecution for an offense against the city, arising out of the failure to pay a tax levied by

## Alcoholic Beverages

this chapter, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner to the collection of the tax and penalties, if any are due, as herein provided.

State Law Reference: Cities may levy occupation tax not to exceed state fee, 37 O.S. Sec. 554.1; state license fee amounts, 37 O.S. Sec. 518.

### SECTION 3-103                      APPLICATION FOR LICENSE, CONDITIONS.

A. Every person desiring to obtain a license as provided for herein shall make application to the city clerk on forms to be provided setting forth the location of the business, the names of all persons interested in the business, together with their addresses; if a corporation, the application shall include the names of the president and managing officer.

B. No licensee shall be issued a license without satisfactory showing that the applicant has:

1. Satisfied the conditions of this chapter;
2. Obtained all applicable state and county permits or licenses; and
3. Paid the tax as required herein.

C. No license shall be issued or valid unless the licensee meets the requirements of the city's zoning ordinances and regulations.

### SECTION 3-104                      APPLICATION FOR CERTIFICATE OF ZONING AND CODE COMPLIANCE.

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

1. Filing a written application on forms prescribed by that office; and
2. Paying a verification and certification fee in the amount as set by the city council at the time of filing.

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

## Alcoholic Beverages

C. 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.

D. 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.

E. The city council shall act on such applications within twenty (20) days of receipt thereof. The above certificates of compliance shall be signed by the mayor and clerk.

### SECTION 3-105                      COMPLIANCE WITH STATE AND CITY LAW.

No person shall own, operate or maintain a retail package store or mixed beverage establishment, or produce, manufacture, distribute, rectify, bottle or sell any beer, spirits, wine or other alcoholic beverage, without first obtaining valid licenses issued by the state and the city.

### SECTION 3-106                      SALE TO MINOR PROHIBITED, MINORS PROHIBITED FROM PREMISES.

A. No person shall sell, deliver, furnish or give any alcoholic beverage to any person under the age of twenty-one (21) years, except that this sentence shall not apply to a parent or guardian as regards his child or children.

B. No licensee shall permit any person under twenty-one (21) years of age to enter, remain within or be about the premises of a retail package store or mixed beverage establishment.

C. No person under twenty-one (21) years of age shall enter, remain within or be about the premises of a retail package store or mixed beverage establishment.

### SECTION 3-107                      TRANSPORTATION OF INTOXICATING BEVERAGES IN VEHICLES; EXCEPTION.

A. No person shall knowingly transport alcoholic beverages in any vehicle upon any public highway, street or alley unless in the original container which is unopened, the seal unbroken and the original cap in place.

B. Subsection A of this section shall not apply if the opened container is in the rear trunk or compartment or the spare tire compartment in a vehicle commonly known as

## Alcoholic Beverages

a station wagon or panel truck, or in any outside compartment which is inaccessible to the driver or any passenger while the vehicle is in motion.

State Law Reference: Similar provisions, 37 O.S. Sec. 537.

### SECTION 3-108

### GENERAL PROHIBITIONS.

#### A. No person shall:

1. Purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE Commission;
2. Except as otherwise permitted in this chapter, drink any alcoholic beverage in public except on the premises of a licensee who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place; or
3. Open a container of intoxicating beverages or consume alcoholic beverages on the premises of a retail package store; or
4. Possess more than one quart of any alcoholic beverage unless the state tax has been paid thereon, except as may be otherwise provided by law.

#### B. No licensee shall:

1. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition; or
2. Advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of alcoholic beverages including:
  - a. Deliver more than two (2) drinks to one person at one time;
  - b. Sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
  - c. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
  - d. Sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that

## Alcoholic Beverages

day, except at private functions not open to the public;

- e. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or
- f. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

### C. No licensee shall:

1. Allow any person on the premises where nonintoxicating or alcoholic beverages are sold or dispensed for consumption on the premises of the licensee where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic area, buttocks or genitalia;

2. Permit any person to perform acts of, or acts which simulate sexual acts;

3. Permit any person to use artificial devices or inanimate objects to depict any lewd activities; or

4. Permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this section.

D. No licensee shall permit any drink solicitation, or request from a patron to purchase any nonintoxicating or intoxicating alcoholic beverage for consumption on the premises of the licensee, as that term is defined in this chapter.

State Law Reference: Similar provisions, 37 O.S. Sec. 537.

### SECTION 3-109

### CONSUMPTION OF INTOXICATING ALCOHOLIC BEVERAGE IN PUBLIC PLACES.

No person within the city shall drink intoxicating liquor in any public place, unless authorized by the Alcoholic Control Beverage Act, nor shall any person be intoxicated in a public place within the city.

## Alcoholic Beverages

### SECTION 3-110                    MISREPRESENTATION OF AGE.

No person shall misrepresent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him alcoholic beverages.

Cross Reference: Misrepresentation of age by false documents generally, Sec. 10-508; nonintoxicating beverages, see Sec. 3-212 of this code.

### SECTION 3-111                    EMPLOYMENT OF PERSONS UNDER AGE OF TWENTY-ONE (21) PROHIBITED.

No licensee shall employ, assist or aid in causing the employment of any person under the age of twenty-one (21) years in the selling, manufacture, distribution or other handling of alcoholic beverages. However, a mixed beverage, caterer, or special event licensee may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas.

### SECTION 3-112                    PERSONS UNDER AGE TWENTY-ONE (21) IN POSSESSION OF INTOXICATING BEVERAGES IN PUBLIC PROHIBITED.

No person under age twenty-one (21) years of age shall be in possession of any alcoholic beverage while such person is upon any public street, road, highway or in any public place.

### SECTION 3-113                    LOCATION OF RETAIL PACKAGE STORE AND MIXED BEVERAGE ESTABLISHMENTS, EXCEPTIONS.

A. No person shall own, operate, maintain or have any interest in any retail package store which is located at a place in this city which is forbidden as a location for such store by state laws or city ordinances.

B. The location of retail package store or mixed beverage establishment is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church or school shall be established within three hundred (300) feet of any licensed premises after such premises had been licensed, this shall not be a bar to renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force and effect. The distance shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such

## Alcoholic Beverages

package store or mixed beverage establishment along the street right-of-way line providing the nearest direct route usually travelled by pedestrians between such points. A retail package store or mixed beverage establishment shall not be located on any city block where a church or school is located.

State Law Reference: Similar provisions, 37 O.S. Sec. 518.2; Location as zoning classification, 37 O.S. Sec. 528.2.

### SECTION 3-114                      HOURS OF OPERATION.

A. No package store licensee shall sell or keep a package store premises open for the purpose of selling any alcoholic beverages at any hour than between the hours of 10:00 A.M. and 9:00 P.M., Monday through Saturday.

B. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a bottle club or mixed beverage establishment between the hours of 2:00 A.M. and 10:00 A.M. No licensee shall permit any person, who has in his possession an open container, having as its contents an intoxicating alcoholic beverage, to remain in bottle club or mixed beverage establishment between the hours of 2:15 A.M. to 10:00 A.M. No person, having in his possession an open container, having as its contents an intoxicating alcoholic beverage, shall remain in bottle club or mixed beverage establishment between the hours of 2:15 A.M. to 10:00 A.M. For the purpose of this section, an open container shall mean any receptacle containing nonintoxicating or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

### SECTION 3-115                      PACKAGE STORE PREMISES TO BE SEPARATED FROM PREMISES WHERE OTHER BUSINESS CONDUCTED.

No person shall maintain, operate, or assist in any manner in the maintenance or operation of a package store upon premises which are not separated from adjoining premises, on which any other goods, wares or merchandise are sold or services are rendered, by non-transparent walls, broken only, if at all, by a passage to which the public is not admitted. No person shall take any alcoholic beverage through such passageway for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage.

State Law Reference: Similar provisions, 37 O.S. Sec. 534.

Alcoholic Beverages

SECTION 3-116

SALE OR DELIVERY PROHIBITED ON CERTAIN DAYS.

A. No licensee shall engage in retail sale of alcoholic beverages on such days and times as prohibited by the state law.

B. No wholesale dealer in alcoholic beverages shall sell or deliver to any package store and no package store shall sell any amount of spirits or wines on Saturday or Sunday of any week or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day, or at any time while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county or city.

## Alcoholic Beverages

### CHAPTER 2

#### LOW-POINT BEER

Section 3-201	Definitions.
Section 3-202	State licenses.
Section 3-203	Retail dealer's license required; license fees.
Section 3-204	Application for license.
Section 3-205	Minors on premises prohibited, exceptions.
Section 3-206	Sale of low-point beer to minor prohibited.
Section 3-207	Employment of persons under eighteen (18) years; exceptions.
Section 3-208	Sale of low-point beer prohibited during certain hours; exceptions.
Section 3-209	Transportation of low-point beer in moving vehicle.
Section 3-210	Minors in possession of low-point beer prohibited while in public.
Section 3-211	Consumption of low-point beer in public places; penalty; exception.
Section 3-212	Misrepresentation of age by false or altered documentation.
Section 3-213	Inspections.
Section 3-214	Location of retail dealers.

#### SECTION 3-201

#### DEFINITIONS.

As used herein:

1. "Low-point beer" means all beverages containing more than one-half of one (0.5) percent alcohol by volume, and not more than three and two-tenths (3.2) percent alcohol by weight;
2. "Minor" means a person who, in accordance with state law, has not yet attained the age at which the consumption of low-point beer is permitted; and
3. "Retail dealer" means and includes any and all persons who sell, distribute or dispense any low-point beer at retail to the public for consumption or use, whether consumed on the premises or not.

State Law Reference: Manufacture and sale of low-point beer, 37 O.S. Secs. 163.1, et seq.

## Alcoholic Beverages

### SECTION 3-202                    STATE LICENSES.

No person shall engage in the business of selling, offering for sale or distributing any low-point beer, at retail, for consumption or use, without first having obtained a state license to do so, and in cases where such beverages are consumed on the premises, a license as provided by the statutes of the state.

### SECTION 3-203                    RETAIL DEALER'S LICENSE REQUIRED; LICENSE FEES.

A. No person shall sell, distribute or dispense any low-point beer at retail to the public without first having obtained a license to do so from the city, and making payment in advance to the city clerk in the amount as provided herein.

B. The annual fee shall be set by the Master Fee Schedule for a license under this chapter for retail dealers selling low-point beer for consumption on or off the premises, and retail dealers selling low-point beer in original packages and not for consumption on the premises. The license shall expire annually on January 1.

C. No license issued hereunder is transferable or refundable.

D. Licenses required by this chapter shall be issued by the city clerk upon payment of the required fee and compliance by the applicant with all applicable ordinances of the city, and upon a satisfactory showing that the applicant has obtained such state and county permits as are required by law.

### SECTION 3-204                    APPLICATION FOR LICENSE.

An applicant for a retail dealer's license or renewal of such license shall deposit the required fee with the city clerk as set forth in the Master Fee Schedule and submit an application on the form provided containing the information required by the city.

### SECTION 3-205                    MINORS ON PREMISES PROHIBITED, EXCEPTIONS.

A. It is unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of the license holder, to permit any minor to be admitted to or remain in a separate or enclosed bar area of the licensed premises which has as its main purpose the selling or serving of low-point beer for consumption on the premises, unless the minor's parent or legal guardian is present. The provisions of this section shall not prohibit minors from being admitted to an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the

## Alcoholic Beverages

main purpose, as long as minors are not sold or served the beverages; however, the incidental service of food in the bar area shall not except a licensee, agent, servant, or employee from the provisions of this section.

B. If the premises of a holder of a license to sell low-point beer contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer for consumption on the premises, no minor shall enter, attempt to enter, or remain in the area. The provisions of this subsection shall not prohibit minors from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the main purpose, if the minors are not sold or served or do not consume low-point beer anywhere on the premises; however, the incidental service of food in the bar area shall not exempt minors from the provisions of this subsection.

C. A showing by competent testimony that a minor was found upon premises of a retail dealer shall be prima facie evidence of a violation of Subsection B of this section.

State Law Reference: Similar provisions, 37 O.S. Secs. 241, 243, 246.

### SECTION 3-206

### SALE OF LOW-POINT BEER TO MINOR PROHIBITED.

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

State Law Reference: Similar provisions, 37 O.S. Sec. 241.

### SECTION 3-207

### EMPLOYMENT OF PERSONS UNDER EIGHTEEN (18) YEARS, EXCEPTIONS.

A. It is unlawful for any person under eighteen (18) years of age to be employed or permitted to work, in any capacity whatsoever, in a place where low-point beer is sold or dispensed for consumption on the premises.

B. It is unlawful for any minor to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of low-point beer. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell low-point beer for consumption on the premises

## Alcoholic Beverages

from the provisions of this subsection.

C. A parent as regards the employment of his own child or children is excepted from the provisions of this section, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.

D. The provisions of Subsection A of this section shall not apply to any business or establishment where sales of the beverages do not exceed twenty-five percent (25%) of the gross sales of the business or establishment.

State Law Reference: 37 O.S. Secs. 241, 243, 246.

### SECTION 3-208                      SALE OF LOW-POINT BEER PROHIBITED DURING CERTAIN HOURS; EXCEPTION.

A. No retail dealer licensed to sell low-point beer shall sell such beverages for consumption on the premises on Sundays between the hours of 2:00 A.M. and 12:00 noon on Sunday or between the hours of 2:00 A.M. and 7:00 A.M. on any other day.

B. No retail dealer of any business selling low-point beer, as that term is defined in this chapter, for consumption on the premises, nor any operator, agent, or employee of the retail dealer, shall permit any person, who has in his possession an open container having as its contents a low-point beer, to remain in the premises between 2:15 A.M. and 12:00 noon on Sunday, or between the hours of 2:15 A.M. and 7:00 A.M. Mondays through Saturdays. No person, having in his possession an open container having as its contents a low-point beer, shall remain in the premises between the hours of 2:01 A.M. to 7:00 A.M. Mondays through Saturdays, or between 2:01 A.M. and 12:00 noon on Sundays. For the purpose of this section, an open container shall mean any receptacle containing low-point beer or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

C. No retail dealer licensed to sell low-point beer shall sell such beverages for consumption off the premises on any day between 2:00 A.M. and 6:00 A.M.

State Law Reference: City powers to regulate hours, Sunday hours, 37 O.S. Sec. 213.

### SECTION 3-209                      TRANSPORTATION OF LOW-POINT BEER IN MOVING VEHICLE.

No person shall knowingly transport in any moving vehicle upon a public highway, street or alley within the city any low-point beer except in the original container which shall

## Alcoholic Beverages

have not been opened and from which the original cap or seal shall have not been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

State Law Reference: Similar provisions, 37 O.S. Sec. 537.

### SECTION 3-210                    MINORS IN POSSESSION OF LOW-POINT BEER PROHIBITED WHILE IN PUBLIC.

No minor shall be in possession of any low-point beer or beer while such person is upon any public street, building or place.

### SECTION 3-211                    CONSUMPTION OF LOW-POINT BEER IN PUBLIC PLACES; PENALTY; EXCEPTION.

A. No minor shall consume or possess with intent to consume low-point beer in any public place.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this code.

C. The provisions of this section shall not apply when such persons are under the direct supervision of their parent or guardian; but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense beer as provided for in Section 163.11 and Title 37 of the Oklahoma Statutes.

State Law Reference: Similar provisions, 37 O.S. Sec. 246.

### SECTION 3-212                    MISREPRESENTATION OF AGE BY FALSE OR ALTERED DOCUMENTATION.

No person shall represent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him low-point beer.

Cross Reference: Misrepresenting age by false documents generally, Sec. 10-508 of this code; intoxicating beverages, Sec. 3-109 of this code.

## Alcoholic Beverages

### SECTION 3-213                    INSPECTIONS.

City officers may make inspections of all places of business where low-point beer are sold, distributed, or dispensed at retail, for the purpose of enforcing the laws and for ascertaining whether the operators thereof are complying with the requirements of the law relating to the handling of low-point beer.

### SECTION 3-214                    LOCATION OF RETAIL DEALERS.

No person shall own, operate, maintain or have any interest in any retail dealer which is located at a place in this city which is forbidden as a location for such store by state laws or city ordinances.

State Law Reference: Similar provisions, 37 O.S. Sec. 518.2; Location as zoning classification, 37 O.S. Sec. 528.2.

Alcoholic Beverages

CHAPTER 3

SOCIAL HOST PROHIBITION

Section 3-301	Definitions.
Section 3-302	Consumption of Alcohol or Low-Point Beer by Minor in Public Place, Place Open to Public, or Place Not Open to Public, Prohibited.
Section 3-303	Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages or Low-Point Beer Prohibited.
Section 3-304	Penalty.

SECTION 3-301    DEFINITIONS

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

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

"Legal Guardian" means

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

"Minor" means any person less than twenty-one years of age.

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

"Premises" means any residence or other private property, place, or premises, including any commercial or business premises.

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

## Alcoholic Beverages

responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Section.

SECTION 3-302      CONSUMPTION OF ALCOHOL OR LOW-POINT BEER BY MINOR IN PUBLIC PLACE, PLACE OPEN TO PUBLIC, OR PLACE NOT OPEN TO PUBLIC PROHIBITED.

Except as permitted by state law, it is unlawful for any minor to: (1) consume at any public place or any place open to the public any alcoholic beverage or low-point beer; or (2) consume at any place not open to the public any alcoholic beverage or low-point beer, unless in connection with the consumption of the alcoholic beverage or low-point beer that minor is being supervised by his or her parent or legal guardian.

SECTION 3-303      HOSTING, PERMITTING, OR ALLOWING A PARTY, GATHERING, OR EVENT WHERE MINORS CONSUMING ALCOHOLIC BEVERAGES OR LOW-POINT BEER PROHIBITED.

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

(B) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage and/or low-point beer, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage and/or low-point beer, or reasonably should have known that a minor consumed an alcoholic beverage and/or low-point beer had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage or low-point beer by a minor as set forth in subsection (A) of this Section.

(C) This Section shall not apply to conduct involving the use of alcoholic beverages or low-point beer that occurs exclusively between a minor and his or her parent or legal guardian.

## Alcoholic Beverages

(D) Nothing in this Section shall be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol or low-point beer to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol and/or low-point beer will be held responsible in the same manner as a non-family gathering.

(E) Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol and/or low-point beer. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol and/or low-point beer will be held responsible in the same manner as a non-religious gathering.

### SECTION 3-304

### PENALTY.

Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon conviction thereof shall be punished as provided in Section 1-108, with fine of not more than Five Hundred Dollars (\$500.00), plus all court costs and statutory penalties. Violations of this Section may be prosecuted by the City of Sapulpa criminally, civilly, or through both processes. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by statute, ordinance, or law. This Section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Section, nor shall they limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Section."



PART 4

ANIMAL REGULATIONS

Section 4-101	Definitions.
Section 4-102	Offenses.
Section 4-103	Registration & Rabies Inoculation
Section 4-104	Veterinarian Records & Reports: Reporting Animal Bites: Animal under Quarantine: Rabies Suspected.
Section 4-105	License Fees.
Section 4-106	Proclamation of Rabies.
Section 4-107	Rabies Suspect.
Section 4-108	Vicious Animal
Section 4-109	Animal a Nuisance.
Section 4-110	Notice of Impoundment: Reclaiming: Disposal of Animals: Fees
Section 4-111	Commercial Animal Establishments.
Section 4-112	Issuance of Citations: Collection of Fines.
Section 4-113	Police Dogs: Dogs Trained to Guide the Blind and Hearing Impaired: Support Service Dogs for People with Disabilities.
Section 4-114	Outside Agencies.
Section 4-115	Records: Funds.
Section 4-116	Unlawful Removal.
Section 4-117	Entering Property.
Section 4-118	Hobbyist Exemption Permit.
Section 4-119	Dangerous Dogs
Section 4-120	Vicious Dogs

SECTION 4-101    DEFINITIONS.

For the purpose of this chapter, each word and phrase shall have the following meaning:

“Animal” shall mean any living creature, except human beings, and include (without limiting the generality) mammals, birds, reptiles, fish, amphibians and invertebrates, except in Section 4-104 of this chapter the word “animal” shall mean only mammals when referring specifically to the control of rabies and rabies-suspected animals.

“Large animal” shall mean and include horses, mules, ponies, cattle, sheep, ostriches, lamas, goats, and any other animal over 25 pounds except dogs and/or cats.

## Animal Regulations

“Animal wild by nature” shall mean and include any animal, except reptiles which, because of dangerous physical features, or great size, or vicious nature presents a clear and proven danger to human beings, and shall include:

- A. The following members of the Class Aves: Order Falconiformes (hawks, eagles, falcons and vultures) which are not kept pursuant to federal or state permit, and Order Ratite (ostriches, rheas, sasswarles and emus) or birds native to the continental United States and Alaska and all birds covered under the Lacey Act and Migratory Bird Act.
- B. The following members of the Class Mammalia Order Carnivora, Family Felidae (ocelots, margays, tigers, lions, panthers, jaguars, leopards and cougars, bobcat, lynx, cheetah, serval), except commonly accepted domesticated cats; the Family Canidae (wolves, foxes, dingoes, coyotes and jackals), except domesticated dogs; Family Ursidae (gears); Order Chiroptera (bats); Order Edentata (sloths, anteaters and armadillos); Order Marsupialia (kangaroos and common opossums); Order Proboscidea (elephants); Order Primate (monkeys, chimpanzees and gorillas); Order Rodentia (beaver, muskrat and porcupines); Order Artiodactyla (antelope, deer, bison and camels); and Order Perissodactyla (horse-like animals); and any hybrid or cross-breed of any of the above-listed animals.
- C. Any species of animal which is venomous to human beings, whether the venom is transmitted by bite, touch or other means, except for venomous aquarium specimens. Venomous aquarium specimens which cannot survive outside the confines of an aquarium and which cannot survive in the lakes, ponds, rivers or streams of northeastern Oklahoma shall not be permitted.
- D. Any species of animal when kept, maintained or harbored in such numbers or in such manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.
- E. Except as expressly provided in this title, the term “animal wild by nature” shall not include non-poisonous aquatic or amphibious animals, gerbils, hedgehogs, hamsters, guinea pigs, mice, rabbits, birds except for those listed in this section, domestic rats, chinchillas, domestic honey bees, and ferrets.

“At heel” shall mean when a dog is obedient to and under the immediate control and supervision of its owner or its owner’s agent.

“At large” shall mean when:

## Animal Regulations

- A. An animal is not confined on the premises of its owner; or
- B. A dog is not under leash, at heel, or under the control of the person having possession of the dog; or
- C. A cat not in the physical control of its owner.

“Cat” shall mean and include any domestic cat.

“Chief of Police” shall mean the duly appointed, qualified or acting Chief of Police of Sapulpa or the Chief’s authorized representative.

“Commercial Animal Establishment (Type A)” shall mean any stable or boarding facility, grooming or bathing facility, veterinarian clinic or boarding facility, carriage horse or pony service, or sentry or guard dog service.

“Commercial Animal Establishment (Type B)” shall mean any business keeping animals in stock for retail or wholesale trade which shall include but not be limited to, wholesale distributors, pet store, stockyards, slaughter houses and hatcheries.

“Confined on the premises” shall mean that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls or fences, or by rope, chain, leash or other device of such strength and size as to prevent such animal from leaving the premise and not permit it to stray onto the property of one other than the owner.

“Dangerous dog” shall mean any dog which: (1) exhibits a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other domestic animals; (2) chases, confronts or approaches a person on a street, sidewalk, other public property or another person’s private property in a fashion such as would put an average person in fear of attack; (3) snaps, bites or manifests a disposition to snap or bite when not unduly provoked or otherwise acts in a manner that causes or should cause a reasonable person to know that it is potentially dangerous; (4) is a Staffordshire terrier breed of dog, American pit bull terrier breed of dog, or American Staffordshire terrier breed of dog; or (5) has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, or American Staffordshire terrier. A dog shall be deemed to exhibit a propensity, tendency or disposition to attack if it is restrained by a leash, fence or other means, and it is clear from the dog's excited actions that only the presence of the leash, fence or other means of restraint is preventing the dog from making an immediate attack. [Ord. 2562]

## Animal Regulations

“Director” shall mean the superintendent of the Sapulpa Animal Control Department of the City or the superintendent’s authorized representative.

“Clerk” shall mean the duly appointed city clerk of the City of Sapulpa or the clerk’s authorized representative.

“Domestic animal” shall mean dogs and cats, as well as horses, donkeys, mules, burros, cattle, sheep, goats, rabbits and fowl.

“Fowl” shall mean any bird which has been domesticated and is commonly raised for food or egg production, including but not limited to chickens, ducks, geese, turkey, peafowl, pheasant, partridge, quail and grouse.

“He, Him, His, It, Its” shall mean and include the masculine, feminine and neuter gender.

“Hive” shall mean a manmade home for bees which includes one or more boxes containing removable frames for rearing young bees, a queen excluder, one or more boxes with removable frames for honey storage, an inner cover and a top cover, all of which are set on a hive stand.

“Hobbyist” shall mean any person so registered with the City Clerk as having met the requirements for the hobbyist exemption in Section 118 of this title

“Mammal” shall mean any animal which habitually commits any or a combination of the following acts:

- A. Scratches or digs into any flower bed, garden, tilled soil, vines, shrubbery or small plants and in so doing injures the same;
- B. Overturns any garbage can or other vessel for waste products or scatters the contents of the same;
- C. Chases any person or domestic animal, or kills any domestic animal;
- D. Barks, howls, brays or makes any other loud or offensive noise common to its species or peculiar to itself, so as to disturb the inhabitants of the community;
- E. Is at large.

## Animal Regulations

“Owner” shall mean any person, firm or corporation having the care or maintenance of, keeping or harboring, or in possession and control of or custody of any dog, cat, animal or domestic animal.

“Pigeon or dove” shall mean any bird in the family Columbidae, and shall include any exotic dove (ringneck, white, diamond, fruit, cape, laceneck, etc.) and any fancy pigeon, racing pigeon, or common pigeon.

“Poultry” shall mean any bird of the species Gallus gallus or Meleagris gallipavo (domestic turkey), generally, any type of chicken.

“Rabies-suspected animal” shall mean any animal which has bitten a human being or which has been bitten by any animal suspected of having rabies.

“Releasing agency” shall mean any municipal shelter, humane society organization, or any other agency or group that has an ongoing adoption program and/or rescues animals for placement, whether to the public or private.

“Rescuer” shall mean an individual or organization who regularly harbors dogs or cats which have no readily identifiable owner. An individual rescuer shall be named as such on a roster of recognized rescuers furnished by a local animal welfare organization to the Director of Finance.

“Under leash” shall mean and include the condition of a dog being securely held, restrained and confined by its owner, member of family or agent by means of a strap, chain, rope, cord or other device not exceeding sixteen (16) feet in length, and in such manner as to prevent the dog from attacking any person.

“Vicious animal” shall mean any animal which, without provocation, has;

- A. Killed or inflicted serious bodily injury upon any person, requiring hospitalization, medical facility, or rehabilitative treatment; or
- B. Bitten two (2) or more human beings during one or more encounters; or
- C. Bitten one (1) human being two (2) or more times during two (2) or more encounters; or
- D. Evidenced a propensity, tendency or disposition to:
  1. Attack without provocation; or

## Animal Regulations

2. Cause injury to, or otherwise endanger the safety of human beings or domestic animals.

“Vicious dog” shall mean any dog which: (1) attacks a human being engaged in lawful activity resulting in serious injury; (2) while off the property of the owner and without provocation, kills or seriously injures another domesticated animal; (3) on two (2) or more occasions within a twelve (12) month period, attacks or bites without provocation a person engaged in lawful activity; or (4) is trained for dog fighting or is owned or kept for the purpose of dog fighting. [Ord. 2562]

### SECTION 4-102 OFFENSES.

It shall be an offense under the terms of this chapter for any owner within the corporate limits of the city to:

- A. Own, keep, possess, harbor or allow to remain on premises under his control any dog or cat over four (4) months old, unless such dog or cat has a current license and a current vaccination against rabies as required herein;
- B. Fail to prevent any dog or cat owned, possessed, kept or harbored by him from running or being at large as defined in this chapter, whether such dog or cat is licensed or unlicensed; provided, however that it shall be permissible for a dog to be led off the premises of its owner when under leash or obediently at heel; and provided further, that it shall be permissible for a police dog not to be under leash or obediently at heel while being utilized as a police dog in the performance of police duty and when accompanied by a police officer.
- C. Deposit any live dog, cat or other domestic animal along any private or public roadway or in any other private or public place with the intention of abandoning the domestic animal;
- D. Harbor, keep or have possession of any vicious animal;
- E. Harbor, keep or have possession of any animal which is a nuisance;
- F. Fail or refuse to deliver to the Chief of Police, Director or their designated agents upon demand any unlicensed dog or cat, vicious animal, animal which is a nuisance, rabies-suspected animal, dog or cat found at large, or any animal the keeping or harboring of which is declared to be an offense.

## Animal Regulations

- G. Remove or fail to affix or attach to collars or harnesses worn by dogs or cats a current license tag as provided in this chapter, unless the dog or cat is permanently and uniquely identified with a microchip implant or tattoo.
- H. Keep, possess, own, harbor or exhibit any animal wild by nature except as an exhibition complying with all aspects of federal laws and regulations and Oklahoma laws and regulations applicable to exhibition of animals wild by nature;
- I. Fail or refuse to keep every female dog or cat "in heat" confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that another dog or cat cannot come into contact with it except for controlled breeding purposes;
- J. Interfere or hinder the Chief of Police or animal control officer from performing his duties as set forth herein;
- K. Release, other than by owner, any animal from its confinement at any exhibition or sporting event; or release any animal from their home, housing or yard;
- L. Allow an animal to defecate (without the owner, keeper or harbor removing the excreta deposited) on public or private property other than that of the owner;
- M. Own or harbor any animal or fowl primarily or in part of the purpose of fighting, or any animal or fowl trained for such; or any person to place or attempt to place an animal or fowl in an enclosure or in any other place for the purpose of fighting or combat; or any person to promote, stage, hold, manage, conduct, be umpire, judge or spectator at any game, exhibition, contest or flight in which an animal or fowl is used for the purpose of fighting, injuring, killing, maiming or destroying any other animal or fowl;
- N. Harbor, keep or possess in any one household more than a combined total of five (5) dogs and cats over the age of four (4) months; provided that no more than three (3) of such animals shall be dogs over the age of four (4) months. It is specifically provided a household may keep or possess more dogs and/or cats than permitted by this paragraph so long as:
  - 1. Immediately prior to June 30, 2000, the household legally possessed more than the number of dogs and/or cats permitted by this paragraph; and

## Animal Regulations

2. Those dogs and/or cats were licensed according to the provisions of this chapter; and
3. The dogs and/or cats kept or possessed are the same such animals that were kept or possessed pursuant to (1) and (2) of this paragraph; or the household or an individual in the household has secured a hobbyists exemption as provided in this chapter;
4. Harbor, keep or possess domestic honeybees otherwise permitted by this chapter unless the bees are maintained as follows:
  - a. No more than four (4) hives shall be maintained for each one-quarter acre or less of lot size on any lot; and
  - b. No hive shall be maintained within twenty (20) feet of any lot line of the lot on which said hive is located; and
  - c. Between each hive and the neighboring lot in the direction of the hive entrance the hive owner shall maintain a hedge or a screening fence of at least six (6) feet in height, to be located within twenty (20) feet of such lot line, and to extend the entire length of such lot line; and
  - d. A supply of clean water must be furnished within twenty (20) feet of each hive at all times between March 1 and October 31 of each year; and
  - e. Hive owners shall inspect each hive not less than four (4) times between March 1 and October 31 of each year. A written record including the date of each such inspection shall be maintained by the owner and shall be made available to the Chief of Police upon request.
  - f. Any commercial use of the property on which bees are maintained shall be conducted in accordance with Title 42.
- O. Violate any of the provisions of Section 4-111 herein.
- P. Harbor, keep or possess a dog or cat over the age of six (6) months other than a dog owned and used by the Police Department of the City as a police dog, which has not been spayed or neutered, unless the owner has secured a hobbyist exemption permit as required in this chapter or unless the dog or cat was licensed as required by this chapter prior to June 30, 2000, and has

## Animal Regulations

continuously maintained such license. In the event an owner of a dog or cat over the age of six (6) months is unable to produce a current license or license tag for his dog or cat as required by this chapter, a rebuttable presumption is created that the dog or cat has not been spayed or neutered.

- Q. Harbor, keep, or possess any animal which, while not confined on the premises of its owner, does bite, chase, or attack any person or animal without provocation. Provided, this section shall not apply to any police dog while being utilized in the performance of police duties and accompanied by a police officer.
- R. It further shall be an offense under the terms of this chapter for a releasing agency within the corporate limits of the City to release for adoption an animal that has not been surgically spayed or neutered, unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered.
- S. Harbor, keep or possess any large animal except under the following conditions:
1. Such large animals are confined on the premises of the owner in an enclosure of not less than one acre in area for each animal kept therein;
  2. The enclosure of large animals is not less than one hundred fifty (150) feet from any living quarters or residence used for human occupancy;
  3. The barn or shelter in which such animals are kept is not less than two hundred (200) feet from any living quarters or residence used for human occupation; and
  4. The enclosure and/or barn or shelter is at all time kept clean and in a sanitary condition.
- T. Harbor, keep or possess any fowl except under the following conditions:
1. Fowl, not to exceed six adults and fourteen young under the age of eight weeks, may be confined on the premises of an owner in nonagricultural zoned areas in a separate building located no closer than 100 feet to any adjoining residence, provided that the floors of such building are maintained in a sanitary condition by routine cleaning and proper disposal of droppings and the outside openings of such building are screened to prevent flies and other vermin;

## Animal Regulations

2. Fowl may be confined on the premises of an owner of agricultural zoned property in separate buildings or pens located no closer than 100 feet to any adjoining residence or property line provided that the floors of such building are maintained in a sanitary condition by routine cleaning and proper disposal of drippings and the outside openings of such buildings or pens are screened to prevent flies and other vermin.
- U. Harbor, keep or possess any swine.
  - V. It shall be unlawful for any person to willfully or maliciously overdrive, overload, torture, torment, destroy or kill or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink or shelter; or cause, procure or permit any such animal to be so overdriven, overloaded, tortured, tormented, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty. [Ord 2521]
  - W. It shall be unlawful for any person to unjustifiably administer any poison or noxious drug or substance to any animal, or unjustifiably expose any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another. [Ord. 2521]
  - X. Harbor, keep or possess any dangerous dog except in compliance with the provisions of Section 4-119 of this Code. [Ord. 2562]
  - Y. Harbor, keep or possess any vicious dog. [Ord. 2562]

### SECTION 4-103 REGISTRATION AND RABIES INOCULATION.

- A. It shall be the duty of every resident owning or having in his charge or possession within the corporate limits of the City any dog or cat four (4) months or more of age to cause such dog or cat to be registered with the city clerk and pay the license fees herein required; provided, however, that the requirements for a license fee for registration shall not apply to any dog or cat which may follow or be led by any nonresident or traveler through the City while the dog or cat is with its owner or keeper.

## Animal Regulations

- B. It shall be the further duty of every person owning or having in his charge or possession within the corporate limits of the City any dog or cat four (4) months or more of age to cause such dog or cat, within thirty (30) days after the dog or cat reaches the age of four (4) months to be inoculated as set forth below:
1. Inoculation must be by a person licensed to practice veterinary medicine in the state of Oklahoma or other states:
  2. Inoculation must be with a prophylactic vaccine approved by the United States Department of Agriculture to prevent rabies. Rabies vaccine currently licensed by the United States Department of Agriculture will be recognized in the City as follows:
    - a. Three year immunity. Modified live virus Flurry strain rabies vaccine or killed strain vaccine, as licensed by the United States Department of Agriculture (USDA), will be recognized for three (3) years in dogs, provided that the dog is at least one (1) year of age at the time of the vaccination; if dogs under (1) year of age are vaccinated with this type of vaccine, immunity will be recognized for a period of one (1) year.
    - b. One year immunity. All other rabies vaccines currently licensed by the United States Department of Agriculture are recognized for a one (1) year period.
  3. Cats must be inoculated with vaccines specifically for cats. Ferrets must be inoculated with vaccines specifically for ferrets. The vaccines must be recognized by the United States Department of Agriculture.
  4. Thirty (30) days shall be permitted for an owner to secure re-vaccination of his dog, cat or ferret after the duration of immunity has lapsed.
  5. Every veterinarian, after vaccinating a dog or cat for rabies, shall complete in triplicate a computer-generated certificate or a legible certificate. Two (2) copies shall be retained by the veterinarian, one (1) as a permanent record and (1) as an expiration notice, and the third copy shall be retained by the animal owner to be shown to the Chief of Police or Director, upon request, and to be used to secure the license tag. Such certificate shall include the following information:
    - a. Owner's full name, address, zip code, home telephone number, daytime and/or emergency contact telephone number;

## Animal Regulations

- b. Breed, date of birth, sex and color or marking of the dog or cat;
- c. Type of vaccine and duration of immunity;
- d. Signature of the veterinarian administering the vaccine;
- e. Name of the animal, if applicable; and
- f. Permanent ID information, if any; and
- g. Whether the animal is spayed, neutered or unaltered.

### SECTION 4-104 VETERINARIAN RECORDS & REPORTS; REPORTING ANIMAL BITES; ANIMAL UNDER QUARANTINE: RABIES SUSPECTED.

- A. It shall be the duty of every veterinarian practicing in the city to keep a record of every dog or cat vaccinated, which record shall be made available to the Chief of Police, city clerk, or their designated agents at any reasonable time and upon proper demand.
- B. It shall be the duty of every physician or other medical practitioner to report to the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such information as is pertinent to rabies control. It shall be the duty of any person having the knowledge of an animal bite to notify the Chief of Police of the incident and to provide such information upon request of the city clerk as is pertinent to rabies control.
- C. It shall be the duty of every veterinarian having an animal quarantined for a biting incident to submit a written report to the Chief of Police, in the event the animal shows positive signs of rabies, dies or is disposed of for any reason. The veterinarian shall report to the Chief of Police on the tenth day of observation as to the condition of any animal quarantined for biting incident.
- D. It shall be the duty of every veterinarian to report immediately to the Chief of Police his diagnosis of any animal observed by his as a rabies suspect.
- E. The Chief of Police shall notify the Director of all animal bites.

## Animal Regulations

### SECTION 4-105    LICENSE FEES.

The annual license fees for each dog or cat shall be as provided in the Master Fee Schedule. No fee will be required for the registration of a dog that is used as a guide for the blind, used as a guide for the auditory impaired, used as a support service dog for persons with disabilities, or actively involved in law enforcement activities.

Except in cases in which three-year immunization has been performed, licenses for one-year rabies vaccinations shall expire and must be renewed on the last day of the twelfth month from when the rabies vaccination was administered as specified in this chapter. In cases of a three-year immunity, the license shall expire and must be renewed on the last day of the thirty-sixth (36<sup>th</sup>) month as specified in this chapter. No dog or cat may be licensed without a current valid rabies immunization certificate and, unless the owner has secured a hobbyist exemption permit as required in this chapter, proof of sterilization.

Individuals may remit to the administering veterinarian licensing fees required by this title at the time the dog or cat is vaccinated for rabies; or individuals may obtain a license directly from and pay the required fee directly to the city clerk upon demonstration that the animal has been properly vaccinated against rabies and, unless the owner has secured a hobbyist exemption permit as required in this chapter, has been spayed or neutered. There shall be no prorating for partial years.

Veterinarians who voluntarily collect the licensing fee at the time of administering the rabies vaccine shall be required to remit to the city clerk on a monthly basis all fees collected, along with a copy of the registration certificate furnished by the city clerk for the animals licensed. Veterinarians shall be permitted to keep twenty-five (25%) of the licensing fees collected as a handling fee. No special reporting requirements of those clients choosing to license directly with the city clerk shall be placed upon the veterinarians.

Animals permanently identified by means of tattoo or microchip implant may be licensed for a three (3) year period in conjunction with a three (3) year vaccination for a price of one (1) annual fee, provided that the tattoo number or the microchip code is recorded on the rabies certificate completed by the veterinarian at the time of vaccination.

Upon registration, there shall be delivered to the owner metallic tags, stamped with the license number and the year in which issued. Such tags shall at all time be attached to the collar or harness worn by the dog or cat for which the certificate was issued. If such tag is lost or destroyed, the owner shall apply in writing or in person for a new tag by presentation of the applicable registration ticket, accompanied by a fee as provided by the Master Fee Schedule.

## Animal Regulations

### SECTION 4-106    PROCLAMATION OF RABIES.

If at any time the Chief of Police or Director shall find that there is an epidemic of rabies among the dogs within the city, or any part thereof, then he shall certify that fact to the Mayor and specifically recommend a period, fixing the dates thereof, during which period all dogs in the City shall be confined on a premises of their owners or under leash as herein defined. Upon the receipt by the Mayor of written recommendation from the Director certifying the existence of any epidemic of rabies; the Mayor shall issue his proclamation, based upon recommendation of the Director, proclaiming the existence of an epidemic of rabies and fixing the dates and duration of the epidemic, which proclamation shall be published one (1) time in a newspaper of general circulation and printed and published in the City.

During the time of the epidemic, all dogs and cats within the City shall be confined on the premises of the owners or kept under leash as herein defined. The existence of an unusual number of rabid dogs and cats in the City shall be deemed an epidemic of rabies under this chapter, and the finding as to an epidemic of rabies by the Director shall be prima facie evidence of that fact.

### SECTION 4-107    RABIES SUSPECT.

Any rabies-suspected animal shall be securely and separately confined for observation for a period of ten (10) days. The confinement and observation shall be at the Sapulpa Animal Shelter or, at the discretion of the owner, the animal may be confined in a veterinary hospital at the owner's expense. Boarding kennels shall not be considered proper confinement facilities. The owner must immediately surrender the rabies-suspect animal to the Chief of Police or his designee. In the event the owner wishes to have the animal held for observation at a veterinary hospital, the animal will be transported to the veterinary hospital of the owner's choice (provided the hospital is within the city limits of the City) by a representative of the city Animal Shelter. Any person failing to surrender a rabies-suspect animal, or any person removing the rabies-suspect animal from the city limits, is guilty of an offense. If, upon examination by a veterinarian, the animal has no signs of rabies at the end of the impoundment period, it may be released to the owner or, in case of a stray, it shall be disposed of in accordance with applicable law. In either event, the veterinarian shall make a written report of the disposition of the animal to the Chief of Police and the Director. At the end of the ten (10) day observation period, the Chief of Police shall notify any person bitten by a rabies-suspect animal whether such animal exhibited symptoms or indications of rabies; such notice shall be in the same manner as provided for service of notice under Section 4-109 of this chapter.

Dogs owned and used by the Police Department that bit a person during the course of duty, shall be under the supervision of a licensed veterinarian. The type and amount of supervision is left to the professional opinion of the supervising veterinarian who assumes responsibility for the biting animal.

## Animal Regulations

The veterinarian must regularly examine the biting animal and immediately report any changes in condition of the animal to the City-County Health Department.

The dog must be under the control of an authorized agent of the Police Department or the veterinarian at all times during the observation period.

The owner of any non-immunized domestic animal other than a dog or cat which has been exposed to a rabid animal shall immediately report with such domestic animal to the Director for instruction concerning the disposition of that animal.

Any effectively immunized domestic animal which is exposed to a rabid animal shall be immediately re-immunized and restrained by leashing and/or confined on the premises of its owner or in a veterinary hospital for a period of forty-five (45) days.

### SECTION 4-108    VICIOUS ANIMAL.

It shall be the duty of the Chief of Police and/or Director to investigate any proper claim that an animal is vicious within the meaning of this chapter. Should the investigating official determine that a vicious animal poses an immediate threat to the public health or safety, he shall immediately seize and impound the animal, or otherwise seek an order from the court that the animal be impounded. The Chief of Police shall also refer the matter to the City Attorney for approval of a verified complaint requesting a finding by the court that the impounded animal is vicious and aid in the proceedings instituted in the Municipal Criminal Court against any person for harboring a vicious animal.

If the court shall fail to find, upon a preponderance of the evidence presented in an evidentiary hearing, that the animal seized and impounded is a vicious animal, then the court shall order the Chief of Police to return the animal to its owner. If such animal is found by the court to be a vicious animal, the court shall order the Chief of Police to euthanize the animal.

At the option of the owner, but subject to the approval of the Chief of Police, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the vicious animal action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by the Chief of Police or the court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the City be liable for costs or fees charged by the private facility. Further, the city may assess to the owner the cost of transporting the animal to the privately operated impoundment facility.

## Animal Regulations

### SECTION 4-109 ANIMAL A NUISANCE.

It shall be the duty of the Chief of Police and/or Director to investigate any proper claim that an animal is a nuisance within the meaning of this chapter. Should the investigating official determine that a nuisance exists and it is necessary to abate the nuisance or should the official have reason to believe a threat to public health or safety exists, he shall refer the matter to the City Attorney for approval of a verified complaint and an order from the court that the animal be impounded. Following the filing of such verified complaint and an evidentiary hearing, if the court finds upon a preponderance of the evidence that a nuisance existed, the court may order the animal euthanized as in the case of a vicious animal. In lieu of order to have the animal euthanized, the court shall, at the request of the owner, require that the owner abate and prevent such nuisance and give a good and sufficient bond within three (3) days, in an amount not greater than the sum of Five Hundred Dollars (\$500.00), satisfactory for a period not exceeding one (1) year. In this event, the court may order the return of such animal to the owner. However, during the pendency of such bond, upon a finding of the court that the nuisance has recurred, the court shall order the animal be impounded, euthanized and the owner's bond forfeited. If the court shall find that no nuisance existed, the court shall order the animal be surrendered to the owner.

At the option of the owner, but subject to the approval of the Chief of Police, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the nuisance action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by the Chief of Police or the court. All fees for such impoundment will be the responsibility of the owner. In no event will the City be liable for costs or fees charged by the private facility. Further, the City may assess to the owner the cost of transporting the animal to the privately operated impoundment facility.

Nothing in this section shall be construed to permit the release from impoundment of any animal not properly licensed and vaccinated, or a threat to public health or safety.

### SECTION 4-110 NOTICE OF IMPOUNDMENT: RECLAIMING: DISPOSAL OF ANIMALS: AND FEES.

- A. When the owner of the animal is known, they shall be notified of the impoundment. Notice shall be attempted by telephone within a forty-eight (48) hour period from the initiation of the impoundment. Without regard to the success in giving notice by telephone, a certified letter is to be mailed to the owner's or keeper's address within the same forty-eight (48) hour period. Licensing records, including the owner's name, address, telephone number and daytime telephone number or an emergency telephone number shall be readily accessible to the official responsible for such notifications.

## Animal Regulations

- B. An animal may be reclaimed within the following times: Within five (5) days from the initial impoundment, if the animal is licensed and the owner is readily identifiable or three (3) days from notice of impoundment, whichever is longer. If the owner is not known, the animal shall be held for three (3) days before it becomes the property of the City and is disposed of as provided herein.
- C. Requirements for Reclaiming Animals. An animal may be reclaimed by meeting the following requirements:
1. If an animal is not licensed and this chapter requires licensing, after the payment of the licensing fees and penalties as set forth herein and satisfying all other requirements of this section.
  2. If the animal is licensed, or if a license is not required by this chapter, by paying the impoundment fees and satisfying all other requirements as set forth herein; and
  3. If the animal is not spayed or neutered and this chapter requires spaying or neutering, after signing an agreement to spay or neuter the animal within sixty (60) days or forfeit a Fifty Dollar (\$50.00) deposit, payable at the time of reclaiming; and
  4. If the animal must be vaccinated for rabies before release, the person reclaiming the animal shall pay all fees for the vaccination.
- D. Fees.

No animal shall be released without the payment of the fees and charges provided by the Master Fee Schedule and without satisfactory proof of ownership. The payment of these fees and charges shall not constitute a defense to any prosecution that may be instituted for the violations of the terms of this title.

Provided, however, no fees shall be charged for any licensed animal surrendered to the owner on acquittal or dismissal of charges of keeping, possessing, owning or harboring such animal as a nuisance or as a vicious animal.

Provided, further, no person shall be entitled to reclaim any animal found to be a nuisance, rabid, rabies-suspected, or vicious, except as provided herein.

E. Animals Not Reclaimed Within Time Limits. Animals not reclaimed within the time limits set forth in this section shall, at the option of the Chief of Police, be euthanized or disposed of in one of the following manners.

## Animal Regulations

1. **Animals Reclaimed by Owners.** Animals may be reclaimed by the owner upon payment of all fees and charges established by this section.
2. **Adoption of Dogs and Cats.** Dogs and cats may be released for adoption, provided that the adopting party pays required fees and charges as set forth by the Master Fee Schedule, and further provided that:
  - a. There shall be established at the City Animal Shelter an on-site facility for the purpose of spaying and neutering all animals adopted through the Shelter which have not previously been surgically spayed or neutered; this facility will be staffed by a licensed veterinarian and be under the Chief of Police; if the City of Sapulpa staff does not include a licensed veterinarian and if the Chief of Police determines it is not reasonable to staff the facility through donate service, a bid process shall be used to select veterinary professionals to perform the on-site sterilizations of the adopted animals;
  - b. If the licensed veterinarian described in subparagraph 109.E.2.a or, in the absence of such veterinarian, Chief of Police determines that the animal cannot be sterilized at the time of adoption, the adopting party shall sign an agreement to have the animal sterilized pursuant to the Dog and Cat Sterilization Act, Okla. Stat. tit. 4 § 499, et seq., or as the same may be amended, and shall deposit with the Chief of Police, Fifty Dollars (\$50.00) to ensure that the animal will be sterilized.
3. **Fees and Charges.** Before an animal may be adopted, fees and charges as required by the Master Fee Schedule must be paid.

The Chief of Police, subject to City Council approval, shall establish policies and implement administration procedures for either the refund of adoption fees or an exchange for adopted animals which are returned.

F. **Animals Wild by Nature.** All animals wild by nature and not authorized by Subsection 101 herein shall be euthanized or donated to a zoo or a museum, except that, at the discretion of the Chief of Police, certain animals wild by nature which are native to Oklahoma and which in their natural habits do not present a danger to human beings or to property may be released to their natural habitats.

G. **Public Sale.** At the option of the Chief of Police, animals, other than dogs, cats, puppies, kittens and animals wild by nature, may be sold at a public sale pursuant to procedures set forth in this section, or donated to a zoo or museum.

## Animal Regulations

H. Release to Veterinarian. The Chief of Police may, at his discretion, release animals to a licensed veterinarian if the animal is in need of veterinary care. The veterinarian must agree in writing to accept responsibility for the animal and give the animal proper veterinary care in lieu of paying fees to receive the animal. If the animal is a dog or cat, the veterinarian must sterilize the animal before releasing the animal to any subsequent owner.

I. Release to Animal Welfare Organizations. The Chief of Police may, at his discretion, release animals to a nonprofit animal welfare organization incorporated as such in the State of Oklahoma. If an animal so released is a dog or cat, an authorized representative of the organization must agree in writing to have the animal sterilized before releasing it to a subsequent owner.

J. Release for Experiments or Research. No animal shall be released for experimental or research purposes.

K. Procedures for Public Sale of Animals. If an animal is to be sold at public sale, the Chief of Police shall give ten (10) days notice of the time and place of such sale by causing notices to be posted in at least three (3) public places in the City; by publishing in a copy of such notice upon the owner, if known; and by providing such other notice as the Manager may direct. The notices shall be substantially in the following form:

The following animals (describing them), having been taken up and impounded in the Animal Shelter of the City of Sapulpa for violations of the provisions of the ordinances of the City of Sapulpa, will unless reclaimed within ten (10) days from this date, be sold for cash to the highest bidder at public auction at the Animal Shelter at o'clock, .m. on the day of , A.D. (giving hour and date of sale). Dated this day of , A.D..

Chief of Police  
City of Sapulpa, Oklahoma

The owner may reclaim any animal prior to the sale by payment of all fees and charges set forth in Master Fee Schedule.

L. Fees for Treatment of Sick Animals. In addition to all other fees, the owner of a sick or injured animal impounded by the Chief of Police shall reimburse the City of Sapulpa or a veterinarian for any fees incurred in treating the animal.

## Animal Regulations

M. Destruction of Animals. The Chief of Police may euthanize any animal if it has been surrendered to the Shelter or if the animal is so sick or injured that its cure is considered by the Chief of Police to be impracticable or if death is imminent, and in either of such event, such destruction may be done immediately without notice or any waiting period. Anyone surrendering an animal shall provide proof of his or her identity before the animal will be accepted.

### SECTION 4-111 COMMERCIAL ANIMAL ESTABLISHMENTS.

A. Each commercial animal establishment, of any type, shall keep and maintain its animals and all pens, cages, tanks or other holding facilities in which animals are kept, in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury and minimize illness to such animals. All holding areas shall be disinfected periodically to reduce disease pathogens.

B. All animals housed in any commercial animal establishment shall have a wholesome, adequate diet and portable water consistent with the requirements and habits of the animal's species, type, size, age and condition and available shelter with adequate ventilation and protection from the elements. Such animal showing evidence of disease or injury shall be immediately isolated and shall receive treatment by a licensed veterinarian or euthanized by same. Euthanasia of any domestic animal shall be performed by a licensed veterinarian. The reason and the procedure used for such euthanasia shall be documented. Upon receipt of a signed report or complaint alleging animal abuse or other conditions not in compliance with this section at any commercial animal establishment, an investigation shall be made by Animal Control. Its findings shall be documented and appropriate action taken.

C. Commercial Animal Establishments (Type B). No registration papers for animals no on the premises may be kept on the premises, except those when attached to a contract of sale. Vaccination and other medical care of such animals shall be current and the purchaser shall receive complete health records. The establishment shall provide written documentation of each animal's origin, including the breeder's name and the state where the animal was born, to the purchaser at the time of sale. All operators of a Type B commercial animal establishment shall apply to the city clerk for a permit to operate such establishment in the City. No Type B commercial animal establishment shall sell animals in the City without the permit. The clerk shall perform a background check encompassing the past ten (10) years, to ascertain if the applicant has been convicted of animal abuse or cruelty charges in that time. Conviction of animal abuse or cruelty shall be grounds for denial or revocation of a commercial animal establishment permit. The application processing fee and annual permit fee shall be as provided by the Master Fee Schedule.

## Animal Regulations

### SECTION 4-112    ISSUANCE OF CITATIONS; COLLECTION OF FINES.

A.     Municipal Court Clerk to Assist. The Municipal Court Clerk of the City is hereby authorized to work in conjunction with the Chief of Police and to assist the Municipal Criminal Court in the clerical work involved in the expedient disposition of violations.

B.     Penalties Established by Judge. The judge of the Municipal Court shall designate the penalties to be paid for the violations of this chapter which may be satisfied by payment at the Office of the Municipal Clerk, provided that penalties are within the limits herein established for such violations.

C.     Citations. There shall be authorized by the Municipal Judge and provided by the Municipal Court Clerk suitable serially numbered forms for the notification of violators to appear and answer charges for violating this title, which forms shall be issued and received by the Clerk of the Municipal Court or by duly authorized persons acting for him.

Upon the commission of any violation of this title, the Chief of Police or his designee shall take the violator's name, address, and place of employment and issue to the violator in writing a notice on the form authorized by the Municipal Judge and provided by the Clerk of Municipal Criminal Court, commanding the violator to answer the charge against him within ten (10) days at the place specified in the notice. The notice shall contain a description of the animal found in violation and shall specify the fine for the violation in accordance with the order issued by the Judge of the Municipal Criminal Court. The issuance of the citation may be in addition to or in lieu of impoundment of the offending animal.

D.     Failure to Answer. Failure to give the required information or answer the notice provided for in this section shall authorize the Chief of Police to immediately place the violator under arrest and in custody. Whenever the Chief of Police deems it necessary, he may follow the procedure set out herein.

### SECTION 4-113    POLICE DOGS AND DOGS TRAINED TO GUIDE THE BLIND AND HEARING IMPAIRED AND SUPPORT SERVICE DOGS FOR PEOPLE WITH DISABILITIES.

If the dog is vaccinated as herein provided, it shall be lawful for any dog trained to guide any blind or hearing impaired person, or for any support service dog for people with disabilities, or for any police dog owned and used by the Police Department of the City as a police dog to be admitted to any public place or vehicle when actually accompanying a blind or hearing impaired person or person with a disability, or when utilized as a police dog, when the blind, hearing impaired or disabled person, or the officer accompanying the dog, might have the lawful right to entry.

## Animal Regulations

### SECTION 4-114    OUTSIDE AGENCIES.

- A.    The Chief of Police is authorized to impound and dispose of any animal when requested to do so by another law enforcement agency.
- B.    The fees to be paid by the outside agency for this service are set forth in the Master Fee Schedule.

### SECTION 4-115    RECORDS; FUNDS.

It shall be the duty of the Chief of Police to maintain records at the Animal Shelter containing the description and date of the seizure of all animals taken under the provisions of this title, the place where impounded, the name of the owner if known, and if unknown, the date of the notice given, and all subsequent proceedings relating to the sale of the animal and the amount realized. All fees collected by the Chief of Police and the proceeds of all sales shall be paid to the City Clerk. Any amount in excess of the fees due shall be held subject to the claim of the person entitled to them who may apply in writing to the City Clerk within six (6) months. If such excess is unclaimed after six (6) months, it shall be paid into the General Fund.

### SECTION 4-116    UNLAWFUL REMOVAL.

Every person who shall take out or attempt to take out of the Animal Shelter or any Animal Shelter property, any animals located therein without paying the fees prescribed by this chapter shall be deemed guilty of an offense.

### SECTION 4-117    ENTERING PROPERTY.

The Chief of Police may impound animals which are deemed to be at large within the meaning of this chapter and which are found off the immediate premises of their owners. In multi family residential complexes, if the property manager or agent grants access, large animals may be removed from common areas generally made accessible to occupants and their guests. This includes but is not limited to playgrounds, parking lots and walkways.

### SECTION 4-118    HOBBYIST EXEMPTION PERMIT.

A.    Hobby Exemption Permit. The City Clerk shall maintain a register of qualified hobbyist exemption permit holders. Application shall be submitted in writing to the City Clerk, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for the denial. An initial permit fee and renewal fee shall be charged as specified by the Master Fee Schedule.

## Animal Regulations

A holder of a hobbyist exemption permit will be permitted to own and keep, at a single family dwelling, a number of dogs and cats that would otherwise constitute an offense under paragraph 4-102 of this chapter; provided, however, that a permit holder other than an owner of hunting dogs shall allow outside the residence at any one time no more than the number of cats and dogs permitted by paragraph 4-102. A holder of a hobbyist exemption permit shall not be required to comply with paragraph 4-102 of this chapter; provided, however, that an individual rescuer must comply with paragraph 4-102 as to those dogs and cats owned by the rescuer on a permanent basis.

B Permit Qualifications. Any individual or organization, not a commercial breeder, that

1. Is actively involved in any nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for a hobbyist exemption; or
2. Participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, participates in hunting activities, and has held and continues to hold a current, valid State of Oklahoma hunting license for a period of at least one (1) year prior to making application for a hobbyist exemption; or
  - a. Qualifies as a rescuer according to the provisions of this chapter; and
  - b. Has not been convicted in the past ten (10) years of any offense related to: illegal commercial breeding, brokering, dog fighting, a nuisance offense under this chapter, a cruelty offense under this chapter, a neglect offense under this chapter, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of this chapter prohibiting at large dogs and cats shall qualify for a hobbyist exemption permit.

C. Application Documents. An applicant for a hobbyist exemption permit shall submit to the City Clerk one of the following:

1. Certificates of completion of a least two training classes, dated within the twelve (12) months immediately preceding the date of application; or
2. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; or

## Animal Regulations

3. A certificate of title(s) from a national registry for a dog or cat owned by the applicant; or
4. For a rescuer organization, proof that the organization is approved by the Chief of Police pursuant to the requirements of this chapter. The organization shall submit a list of individual households that are authorized to serve as rescuers under the organization's permit; or
5. For an owner of hunting dogs, proof that the owner hold or is exempt from holding a current and valid State of Oklahoma hunting license.

Any activity involving the fighting or physical contact between animals or any activity otherwise illegal or dangerous to animals shall not be considered an organized sport or hobby for purposes of this section.

D. **Renewal.** A permit holder must reapply for the exemption permit every year. To make application, the permit holder must furnish to the City Clerk one or more of the items listed above; provided, however, that such cats and dogs are harbored for no longer than ninety (90) days each while the rescuer attempts to locate the animal's home or a new home. If the rescuer must harbor an animal for longer than ninety (90) days due to its medical condition, the rescuer shall so notify the City Clerk.

E. **Records.** If applicable, the permit holder shall keep accurate records in accordance with the requirements of his associated national registry on each dog or cat owned, and on each dog or cat where ownership has been transferred. These records shall be open to the registry with which the hobbyist is affiliated.

F. **Requirements of a Rescuer.** A rescuer may harbor dogs and cats in accordance with this chapter; provided, however, that such cats and dogs are harbored for no longer than ninety (90) days each while the rescuer attempts to locate the animal's home or a new home. If a rescuer must harbor an animal for longer than ninety (90) days due to its medical condition, the rescuer shall so notify the City Clerk.

G. **Revocation.** A permit holder shall have his hobbyist exemption permit or the right to serve as a rescuer under an organization's permit revoked if he has been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance under this chapter; cruelty under this chapter; neglect under this chapter; violation of the Oklahoma Wildlife Conservation code or regulation; or two (2) or more violations of this chapter prohibiting at large dogs and cats.

## Animal Regulations

### SECTION 4-119

### DANGEROUS DOGS.

#### A. Permit and Certificate of Registration Required.

1. It is unlawful for a person to own, harbor or possess a dangerous dog without a permit and certificate of registration being issued to the owner of the dog by the City Clerk according to this chapter. This permit and certification requirement shall not apply to dogs used by law enforcement officials for police work.

2. The owner of a dangerous dog for which a permit and certificate of registration is required shall, prior to bringing or allowing the dog to be within City limits, apply to the City Clerk, or his or her designee, for a permit and registration certificate for each dangerous dog owned by him or her. The Clerk or designated representative shall issue a permit and certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of compliance with Section 4-119 to the Chief of Police, or his designee.

3. All unregistered dangerous dogs within the City are deemed illegal animals. The person harboring or keeping an unregistered dangerous dog shall either register the dog with the City Clerk or have the animal removed from the city; and if any unregistered dangerous dog is found again unregistered in the city, the dog shall be destroyed. This section shall not apply to a dog which, upon initial notice, the owner agrees to properly register and confine the dog, or to a dog for which a hearing has been requested under this chapter to determine if it is a dangerous dog under the Code.

4. In addition to all other fees authorized to be assessed, the animal control department may assess, and the owner or custodian of the dog must pay, the sum of twenty-five dollars (\$25.00) for issuance of the permit allowing possession of a dangerous dog in the city. The permit shall be for a one (1) year period and may be renewed for additional one-year periods upon payment of the twenty-five dollar (\$25.00) fee and compliance with other requirements of this section.

#### B. Confinement of Dangerous Dogs.

1. All dangerous dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. No dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such structure of its own volition.

2. All pens, kennels, or other structures designed or used to confine dangerous dogs must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six (6) feet in height and at least six (6) feet taller than any internal structure within the enclosed structure. If the pen or structure has no bottom secured to the sides,

## Animal Regulations

the ground beneath the gate shall be secured by imbedded posts and the sides must be embedded into the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog, unless such pen has a concrete bottom, in which case the sides need only be embedded two (2) inches deep into the concrete.

3. All such pens or structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. Any stationary pen or enclosure shall be required to be of a size at least two (2) square feet per pound of the dog so confined. Square feet per pound should be judged by the type of dog at average full grown weight.

4. No person shall permit or allow a dangerous dog to go unconfined (outside its house, pen, kennel or structure) unless such dog is securely muzzled and restrained by a chain or leash no longer than six (6) feet in length. The muzzle shall not cause injury to the dog or interfere with its vision or respiration, but shall be made in a manner sufficient to prevent the dog from biting any human or other animal. No person shall permit or allow a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel, pen or other structure unless both the dog and leash are under the actual physical control of a person eighteen (18) years of age or older. Dangerous dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

5. The owner or person in control of a dangerous dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the dog.

C. Confiscation of Dangerous Dogs. Any dangerous dog shall be immediately confiscated by the animal control department if the dog is not validly registered as required by Section 4-119, or the dog is not confined or maintained in a proper enclosure required by Section 4-119, or the dog is outside of the dwelling of the owner or outside the proper enclosure and not muzzled and under physical restraint of a responsible person as required by Section 4-119. Any dangerous dog confiscated pursuant to this section and not reclaimed by its owner within 5 days from the date of confiscation shall be deemed abandoned and, at the discretion of the Chief of Police, or his designee, humanely destroyed. Any dangerous dog which is found more than twice in any calendar year not to be confined as required by this chapter shall be, at the discretion of the Chief of Police, or his designee, permanently removed from the city or humanely destroyed.

D. Animal Control Declaration of Dangerous Dog. If the department of animal control has cause to believe a dog is dangerous, the department may find and declare such a dog to be a dangerous dog and the animal shall be immediately released and surrendered by the owner or custodian thereof to the animal control department until a permit for the animal is obtained or an appeal filed by the owner as provided for herein. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a

## Animal Regulations

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. The owner shall have five (5) days from delivery of the notice that a dog is deemed dangerous to comply with the provisions of this chapter by removing the dog from the city limits, taking the prescribed measures to obtain a permit for the dog to remain in the City, or to dispute the finding by filing a written appeal with the office of the municipal court clerk within 5 days of the declaration notice, which action shall be heard on the Court's next available docket. Upon conclusion of a hearing, the Judge is authorized to enter a finding on the matter and if finding that the dog is a dangerous dog, may order: (i) the payment of court costs and fines in the maximum amount allowed by law; (ii) the installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented; (iii) the owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dangerous dog; (iv) the removal of the dog from the city limits; or (v) the confiscation and/or destruction of the dog. Should the owner of the dog fail within the five (5) day period to file an appeal and/or not contact the animal control department to obtain the required permit or permanently remove the animal from the City, then the dog shall be deemed abandoned and may be humanely destroyed by the animal control department. No permit shall be issued for a dangerous dog until all requirements of Section 4-119 shall have been met.

E. Judicial Declaration of Dangerous Dog. An officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "dangerous" dog by filing a complaint with municipal court clerk. Upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a dangerous dog, may order: (i) the payment of court costs and fines in the maximum amount allowed by law; (ii) the installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented; (iii) the owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dangerous dog; (iv) the removal of the dog from the city limits; or (v) the confiscation and/or destruction of the dog.

### SECTION 4-120

### VICIOUS DOGS.

A. Prohibited. All vicious dogs within the City are deemed illegal animals. No person shall keep any vicious dog anywhere in the city. No landlord or landlord's agent shall knowingly permit any tenant to move in a vicious dog into any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall knowingly permit any person to keep any vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent learning of any vicious dog in any building or premises owned or controlled by such landlord or agent shall notify the

## Animal Regulations

person having such dog to remove the dog from the city immediately. The provisions of this Section shall not apply to dogs used by law enforcement officials for police work.

B. Confiscation. Any vicious dog found in the city shall be immediately confiscated and humanely destroyed as provided herein.

C. Animal Control Declaration of Vicious Dog. If the department of animal control has cause to believe a dog is vicious, the department may find and declare such a dog to be a vicious dog and the animal shall be immediately released and surrendered by the owner or custodian thereof to the animal control department until an appeal is filed by the owner as provided for herein. Dogs shall not be declared vicious 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. The owner shall have five (5) days from delivery of the notice that a dog is deemed vicious to comply with the provisions of this chapter by removing the dog from the city limits, or taking the prescribed measures to appeal the determination that the dog is vicious. Should the owner of the dog not contact the animal control department within the five (5) day period and permanently remove the animal from the City, then the dog shall be humanely destroyed by the animal control department. To dispute the declaration that a dog is vicious, an owner shall file a written appeal with the office of the municipal court clerk within 5 days of the notice, which action shall be heard on the Court's next available docket. Upon conclusion of a hearing, the Judge is authorized to enter a finding on the appeal and if finding that the dog is a vicious dog, may order: (i) the removal of the dog from the city limits; and/or (ii) the confiscation and/or destruction of the dog.

D. Judicial Declaration of Vicious Dog. An officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "vicious" dog by filing a complaint with municipal court clerk. Upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a vicious dog, may order: (i) the removal of the dog from the city limits; and/or (ii) the confiscation and/or destruction of the dog. [Ord 2562]



## PART 5

### BUILDING REGULATIONS AND CODES

#### CHAPTER 1

##### BUILDING CODE AND REGULATIONS

Section 5-101	Building code adopted.
Section 5-102	Additions and changes to building code.
Section 5-103	Penalty.
Section 5-104	Fire limits defined.
Section 5-105	Footings and Foundations.
Section 5-106	Personal generators to produce electricity. prohibited except during emergencies.
Section 5-107	Elevator/escalator requirements and inspections.

#### CHAPTER 2

##### PLUMBING REGULATIONS

Section 5-201	Plumbing code adopted.
Section 5-202	Additions and changes to plumbing code.
Section 5-203	Plumbers' license.
Section 5-204	Penalty.

#### CHAPTER 3

##### ELECTRICAL CODE

Section 5-301	National Electrical Code adopted.
Section 5-302	Additions and changes to Electrical Code.
Section 5-303	Electricians' license.
Section 5-304	Penalty.

#### CHAPTER 4

##### GAS PIPING CODE

Section 5-401	Fuel gas code adopted.
Section 5-402	Additions and changes to fuel gas code.
Section 5-403	License.
Section 5-404	Penalty.

Building Regulations and Codes

CHAPTER 5

LIQUEFIED PETROLEUM GAS

Section 5-501 Persons must comply with code.  
Section 5-502 Penalty.

CHAPTER 6

MOVING BUILDINGS

Section 5-601 Permit required.

CHAPTER 7

MECHANICAL CODE

Section 5-701 Adoption of mechanical code.  
Section 5-702 Additions, insertions and changes.  
Section 5-703 Mechanical license.  
Section 5-704 Penalty.

CHAPTER 8

SWIMMING POOLS

Section 5-801 Definition.  
Section 5-802 Permits, fee.  
Section 5-803 Barriers required.  
Section 5-804 Safety, sanitation and conservation.  
Section 5-805 Penalty.

CHAPTER 9

FAIR HOUSING

Section 5-901 Policy.  
Section 5-902 Definitions.  
Section 5-903 Unlawful practice.  
Section 5-904 Discrimination in the sale or rental of housing.  
Section 5-905 Discrimination in the financing or housing.  
Section 5-906 Discrimination in the provision of brokerage services.  
Section 5-907 Exemption.  
Section 5-908 Administration.

## Building Regulations and Codes

Section 5-909	Education and conciliation.
Section 5-910	Enforcement.
Section 5-911	Investigation; subpoenas; giving of evidence.
Section 5-912	Enforcement by private persons.
Section 5-913	Interference, coercion, or intimidation.
Section 5-914	Prevention of intimidation in fair housing cases.

## CHAPTER 10

### JOINT CODE BOARD OF APPEALS

Section 5-1001	Creation of board, scope.
Section 5-1002	Board members, term.
Section 5-1003	Composition, qualification.
Section 5-1004	Quorum, procedure.
Section 5-1005	Votes, conflict of interest.
Section 5-1006	Appeal procedures.

## CHAPTER 11

### OIL AND GAS WELLS

Section 5-1101	Drilling prohibited, exceptions.
Section 5-1102	Amendments.
Section 5-1103	Penalty.

## CHAPTER 12

### MANUFACTURED HOMES

Section 5-1201	Definitions and Terms.
Section 5-1202	Use Conditions.
Section 5-1203	RMH Zoning District—General Description.
Section 5-1204	Uses Permitted in RMH District.
Section 5-1205	Special Exceptions.
Section 5-1206	Area Requirements.
Section 5-1207	Intensity of Use.
Section 5-1208	Coverage.
Section 5-1209	Height.

Building Regulations and Codes

CHAPTER 13

PENALTY

Section 5-1301 Penalty.  
Section 5-1302 Relief in the courts.

CHAPTER 14

BURGLARY ALARM SYSTEMS

Section 5-1401 Purpose.  
Section 5-1402 Definitions.  
Section 5-1403 Gender.  
Section 5-1404 Burglary Alarm User Permits Required.  
Section 5-1405 Operating a Burglary Alarm System Without a User's Permit.  
Section 5- 1406 Alarm Response Fees.  
Section 5- 1407 Payment of Alarm Response Fees / Suspension of User's Permit for Non-payment.  
Section 5- 1408 Operating a Burglary Alarm System under a Suspended User's Permit.  
Section 5- 1409 Appeals.  
Section 5- 1410 Exclusions.

## Building Regulations and Codes

### CHAPTER 1

#### BUILDING CODE AND REGULATIONS

Section 5-101	Building codes adopted.
Section 5-102	Additions and changes to building code.
Section 5-103	Penalty.
Section 5-104	Fire limits defined.

#### SECTION 5-101 BUILDING CODES ADOPTED.

The "International Building Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Building Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of all property, buildings and structures therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Building Code fully applicable in the City.

The "International Residential Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Residential Building Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of all property, buildings and structures therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Residential Building Code fully applicable in the City.

The applicable permit and inspection fees provided for or required by the Building Code and/or Residential Building Code are set forth in the Master Fee Schedule.

#### SECTION 5-102 ADDITIONS OR CHANGES TO BUILDING CODES

The International Building Code shall be and hereby is amended to include any later or subsequent edition to the 2009 edition of the International Building Code provided for in Section 5-101, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and (ii) the receipt and approval of said edition by the City Building Inspector. The Residential Building Code shall be and hereby is amended to include any later or subsequent edition to the

## Building Regulations and Codes

2009 edition of the International Residential Code provided for in Section 5-101, said amendment, incorporation and codification occurring automatically upon (i) publication of such later edition by the International Code Council and (ii) receipt and approval of said edition by the City Building Inspector.

The applicable permit and inspection fees provided for or required by the city building codes are set forth in the Master Fee Schedule.

State Law Reference: Adoption of building codes, authorized codes, 11 O.S. Section 14-107; 74 O.S. Section 324.8. [Ord. 2494]

### SECTION 5-103 PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure without applying for a permit and/or 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, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

### SECTION 5-104 FIRE LIMITS DEFINED.

The fire limits of the city are hereby fixed and established in three (3) separate districts numbered one (1), two (2) and three (3) respectively as follows:

1. Fire limits District No. 1. Beginning at the intersection of Poplar Street with the right-of-way of the St. Louis and San Francisco Railway, thence along such right-of-way in an easterly and southerly direction to the intersection thereof with Lee Avenue, thence west along Lee Avenue to the intersection thereof with Elm Street, thence south along Elm Street to Thompson Avenue, thence west along Thompson Avenue to Poplar Street, thence north along Poplar Street to the point of beginning; and, a strip of land three hundred eighty (380) feet in width with its center line along the center of Dewey Avenue and extending from the west right-of-way line of the St. Louis and San Francisco Railway on the west to the east line of Mission Street on the east; and, a strip of land three hundred sixty (360) feet in width, with its center line along the center of Mission Street, beginning at the north boundary line of the city on the north and extending to the south line of Dewey Avenue on the south, and in addition thereto the east thirty (30) feet of Lot 9, Block 1, Woodlawn Addition to the City of Sapulpa; and, a strip of land described as beginning at a point on the north line of Thompson Avenue

## Building Regulations and Codes

at the center of the alley in Block 67, Original Townsite of the City of Sapulpa, thence running south along the center of the alley and the extensions thereof through Blocks 71 and 92 of the Original Townsite of the City of Sapulpa to the north line of Block 95, Original Townsite of the City of Sapulpa, thence west along such north line to the east line of Poplar Street, thence south along such east line to the southwest corner of such Block 95, thence east along the south line of such Block 95 to the southwest corner of Lot 5 of such Block 95, thence south along the center of the alley and extension thereof, through Blocks 108 and 111, Original Townsite of the City of Sapulpa, to the intersection with an extension of the south line of Lot 14, Block 12, Frank and Root Addition, thence east along such line to the center line of the alley in Block 13, thence north along the center line of such alley to an extension of the south line of Lot 8, Block 112, Original Townsite of the City of Sapulpa, thence east to the southeast corner of such Lot 8, thence north along the east line of Lots 8, 5, 4 and 1 to the northeast corner of Lot 1, Block 112, Original Townsite of the City of Sapulpa, thence west along the north line of such Block 112 to the center line of the alley, and thence north along a continuation thereof on the center line of the alley through Blocks 107, 96, 91 and 72 to the south line of Block 66, all in the Original Townsite of the City of Sapulpa, thence west along the south line of such Block 66 and a continuation thereof along the south line of Block 67 in the Original Townsite of the City of Sapulpa to the point of beginning; and Lot 1, Block 12, Lot 6, Block 11, Original Townsite of the City of Sapulpa; all of Block 41, Lots 27 to 32, inclusive, Block 40, Block 21, the west half of Block 9, the east half of Block 20, and all of Block 10, North Heights Addition; and the west half of Blocks 23, 18, 15 and 10, Lots 2 and 3, Block 7, the west half of Block 2, the east half of Blocks 22, 19, 14, 11, 6 and 3 in Frisco Place Addition; and a strip of land four hundred forty (440) feet in width from one hundred eighty (180) feet west to two hundred sixty (260) feet east of the center of 9th Street and parallel thereto, extending from Hill Avenue northward to the north line of Block 2, Crestview Addition; and Lots 1 and 2, Block 45, Lots 5 and 6, Block 43, Lot 1, Block 44, Lots 6 to 11, inclusive, Block 19, Lots 9 and 10, Block 18, Original Townsite of the City of Sapulpa; and Lots 1, 2, 11 and 12, Block 10, Lots 1, 2, 11 and 12, Block 9, all in Business Men's Addition; and Lots 1 to 7, inclusive, Block 1, in Arthox Addition;

2. Fire limits District No. 2. A strip of land three hundred thirty (330) feet in width, with its center line along the center of Mission Street, extending from the south line of Dewey Avenue and the center of the alley of Block 9, Woodlawn Addition, to the north lines of Lot 11, Block 3, and lot 14, Block 2, of the Oak Park Addition; and a strip of land three hundred (300) feet in width, from one hundred thirty (130) feet north of the center of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue,

## Building Regulations and Codes

extending from the east line of Water Street to the east right-of-way of the St. Louis and San Francisco Railway; and a strip of land one thousand thirty (1,030) feet in width, from one hundred thirty (130) feet north of the center of Taft Avenue to nine hundred (900) feet south of the center of Taft Avenue, extending from the east right-of-way of the St. Louis and San Francisco Railway to the line and extension thereof of the center of the alley of Block 15, Bartlett Addition; and a strip of land, five hundred ten (510) feet in width from one hundred thirty (130) feet north of the center of Taft Avenue to three hundred eighty (380) feet south of the center of Taft Avenue, extending from the line and extension thereof of the center of the alley of Block 15, Bartlett Addition, to the center of Mission Street; and a strip of land, three hundred (300) feet in width from one hundred thirty (130) feet north of the center of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue, extending from the center of Mission Street to the east line and extension thereof of Watchorn Street; and a strip of land, two hundred twenty (220) feet in width from the north line of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue, extending from the east line and extension thereof of Watchorn Street to the east line and extension thereof of Luker Lane; and a strip of land, three hundred (300) feet in width from one hundred thirty (130) feet north of the center of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue, extending from the east line and extension thereof of Luker Lane to the east line and extension thereof of Lot 2, Edgewood Acres, 1st Addition; and, a strip of land, one hundred seventy (170) feet in width, its north line being along the center of Taft Avenue, extending from the east line and extension thereof of Lot 2, Edgewood Acres, First Addition, to the east line of Brenner Road; and Lots 4, 5, 6, 7, 8 and 9, Block 13, Bartlett Addition; and Lots 1 through 10, inclusive, Block 2, Oak Park Addition; and

3. Fire limits, District No. 3. A strip of land one hundred thirty (130) feet in width, its south line being the center of Taft Avenue, extending from the west line of Block 10, West Highland Addition, to the center of South Muskogee Street; and a strip of land two hundred sixty (260) feet in width, with its center line along the center of Taft Avenue, extending from the center of South Muskogee Street to the center of Diane Street and the extension thereof; and a strip of land five hundred fifty (550) feet in width, its north line being one hundred thirty (130) feet north of the center of Taft Avenue and parallel thereto, extending from the center of Diane Street and an extension thereof, to the east line of Water Street and an extension thereof; and a strip of land four hundred forty (440) feet in width, with its center line along the center of Main Street, extending from the extension of the north line of Hastain Avenue, to eight hundred thirty nine (839) feet south of the center of Taft Avenue; and a strip of land two hundred twenty (220) feet in width, with its

## Building Regulations and Codes

west line along the center of Main Street, extending from eight hundred thirty nine (839) feet south of the center of Taft Avenue to the center of Mill Avenue; and a strip of land four hundred forty (440) feet in width, with its center line along the center of Main Street, extending from the center of Mill Avenue to the north line of Wells Boulevard; and a strip of land which has its east line two hundred twenty (220) feet east of the center of Main Street, its west line being the east line of Hickory Street, its north line being the north line of Wells Boulevard and its south line being the north line of the Crowley Height Addition and the extension thereof; and Block 32, Southern Heights Addition; and an area of land enclosed beginning one hundred eighty (180) feet west of the center of Main Street at a point of beginning on an extension of the north line of Crowley Height Addition; thence eastward along such extension to intersect a line parallel to and two hundred eight (208) feet east of the center of Main Street; thence south along such line to the north line of Murphy Avenue; thence east along such north line to the east line of Water Street; thence south along such east line to the north line of Lots 15 and 16, Laura Lee Addition; thence east to the east line of such Addition; thence south along the east line of such Addition to the center of Teel Road; thence west along the center of Teel Road to an extension of the east line of Park Street; thence south along such extension to intersect a line parallel to and two hundred fifteen (215) feet south of the center of Teel Road; thence west along such line to the east line of Hickory Street; thence north along such east line, to intersect a line parallel to and one hundred eighty (180) feet north of the center of Teel Road; thence east along such line, to the west line of the Warehouse Market Addition; thence north along such west line, to the northwest corner of the Warehouse Market Addition; thence east along the north line of such Addition to intersect a line parallel to and one hundred eighty (180) feet west of the center of Main Street; thence north along such line to the point of beginning; all being in the city.

- B. All commercial buildings erected inside the city limits will comply with the restrictions placed upon buildings built in the fire limits heretofore set forth. (Ord. No. 1090, Section 1; Ord. No. 1608, Section 2.)

### SECTION 5-105     FOOTINGS AND FOUNDATIONS

All footings and foundations for structures 400 square feet and larger shall meet or exceed the design and constructions guidelines in this portion of the Sapulpa Building Code. These design and construction guidelines are graphically represented in Figures 5-105-1 below.

- A. Footings and foundations shall be built on undisturbed soil or compacted fill

Building Regulations and Codes

material. Compacted fill material shall be placed in accordance with the currently adopted International Building Code of the City of Sapulpa;

B. The top surface of footings shall be level. The bottom surface is permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10% slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal.

C. The minimum depth and width of all footings and foundations for structures 400 square feet and larger shall meet or exceed that standards in Table 5-105.1.

D. Footings shall be of Concrete type and shall meet or exceed that standards set forth in Table 5-105.1.

E. When a structure is being built on "fill dirt," piers may be installed as an option as long as the pier is approved by the Building Inspector and meets or exceeds the footing depth and width requirements for 1, 2 and 3 story structures set forth in Table 5-105.1.

F. Any footing placed on piers shall have piers to a depth equal to Table 5-105.1 for the corresponding application. Footings should be pierced at every corner, change of direction, and at intervals not exceeding 10 feet when wall spans are in excess of 10 feet.

G. Concrete slab floors shall have horizontal bracing consisting of #4 Rebar and 2 foot centers minimum. The horizontal bracing shall be attached to the vertical bracing rising out of the footing.

H. Post tension systems may be substituted for the horizontal rebar bracing when designed by a licensed engineer and the design approved by the Building Inspector.

I. Vertical bracing must have sufficient length to be bent to a horizontal plane and extend at least 6 inches in the horizontal direction.

<b>Table 5-105.1</b>						
Number of Floors Supported by Footing & Foundation	Thickness of Foundation Wall	Width of Footing (inches)	Thickness of Footing (inches)	Depth of Footing Below Undisturbed Ground Surface	Rebar Requirements (horizontal)	Rebar Vertical Requirements (up-rights for ground)

**Building Regulations and Codes**

1	6	16	18	16	4#4's	#4's at 2'
2 and 1 story if piered	8	16	18	16	4#5's	#4's at 2'
3	10	18	24	18	6#5's	#4's at 2'

[Ord. 2396]

**SECTION 5-106      PERSONAL GENERATORS TO PRODUCE ELECTRICITY  
PROHIBITED EXCEPT DURING EMERGENCIES**

No person, firm or entity owning, leasing or in custody or control of any building or structure located within the city limits, which building or structure has access to available electrical service through the a regulated electric utility provider, shall operate a gasoline/propane generator to produce electricity for the electrical needs of such building or structure, excepting in times of emergency when public electricity is not available to such building or structure and then only during such time of emergency. A person who violates this provision or fails to comply herewith shall be guilty of an offense and, upon conviction, shall be punished as provided in Section 1-108 of the Code.

[Ord. 2509]

**SECTION 5-107      ELEVATOR/ESCALATOR REQUIREMENTS AND INSPECTIONS**

A. The following safety standards covers new, existing elevators, escalators and their hoistways. The current American Society of Mechanical Engineers safety code ASME A 17.1 for new elevators and escalators and ASME A 17.3 for existing elevators and escalators is hereby adopted in its entirety and incorporated by reference herein as if fully set forth. Existing installations, at a minimum, shall meet the requirements of this code. If an existing installation does not meet the requirements of this code, it shall be upgraded no later than six months after the effective date of this Code, except that the requirement of knox box provided for herein must be in place within thirty days of the passage of this Code. If an existing installation was required to meet more stringent requirements, it shall continue to meet those requirements.

B. Alterations, if made, shall conform to the requirements of Part XII of ASME A 17.1. The alterations in Part XII may be more stringent than the requirements of this code. The more stringent of the two shall be adhered to. Where a requirements, because of practical difficulty, cannot be complied with literally or where it's literal application would cause undue hardship, the enforcing authority may, upon proper application, grant exceptions, but only when it is clearly evident that reasonable safety is assured. The enforcing authority may also grant exceptions or permit alternate methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

## Building Regulations and Codes

C. Every establishment with new and existing installation shall provide a knox box key box with an elevator drop key for Sapulpa Fire Department use only. The knox box shall be located no further than ten (10) feet from the elevator door at ground level. The Sapulpa Fire Department, Office of the Fire Marshal or his designee, being the authority having jurisdiction, will make periodic inspections during the calendar year. At any time the authority having jurisdiction, finds an unsafe condition, or the knox box with key is not provided, the authority will have the right to immediately close the installation for the safety and welfare of the public.

D. All installations shall be tested annually by a certified inspection company. These results shall be forwarded to the Office of the Fire Marshal at the Sapulpa Fire Department no later than December 31<sup>st</sup> of each calendar year.

[Ord. 2374; Ord. 2375]

Building Regulations and Codes

CHAPTER 2

PLUMBING REGULATIONS

Section 5-201	Plumbing code adopted.
Section 5-202	Additions, insertions and changes to plumbing code.
Section 5-203	Plumbers' license.
Section 5-204	Penalty.

SECTION 5-201     PLUMBING CODE ADOPTED.

The "International Plumbing Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Plumbing Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Plumbing Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Plumbing Code are set forth in the Master Fee Schedule. [Ord. 2494]

SECTION 5-202                     ADDITIONS OR CHANGES TO PLUMBING CODE

The Plumbing Code shall be and hereby is amended to include any later or subsequent edition to the 2009 edition of the International Plumbing Code provided for in Section 5-201, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and (ii) the receipt and approval of said edition by the City Building Inspector.

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

SECTION 5-203     PLUMBERS' LICENSE.

A. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber, or a plumber's apprentice unless he is possesses a current and valid license as such from the state.

B. Bond and insurance requirements of plumbing contractors shall meet the requirements established by state law.

## Building Regulations and Codes

C. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber or a plumber's apprentice unless he has first registered as such with the city and paid the annual fee set forth in the Master Fee Schedule. Such registrations shall expire annually on June 30.

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

### SECTION 5-204    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 without applying for a permit and/or 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, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

Building Regulations and Codes

CHAPTER 3

ELECTRICAL CODE

Section 5-301	National Electrical Code adopted.
Section 5-302	Additions, Insertions and Changes to Electrical Code.
Section 5-303	Electricians' license.
Section 5-304	Penalty.

SECTION 5-301 NATIONAL ELECTRICAL CODE ADOPTED.

The "NFPA 70 National Electrical Code" 2008 edition, including all Appendix Chapters, as published by the National Fire Protection Association, is hereby adopted as the Electrical Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical installations and systems as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Electrical Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Electrical Code are set forth in the Master Fee Schedule. [Ord. 2494]

SECTION 5-302 ADDITIONS OR CHANGES TO ELECTRICAL CODE.

The Electrical Code shall be and hereby is amended to include any later or subsequent edition to the 2008 edition of the National Electrical Code provided for in Section 5-301, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the National Electric Code and (ii) the receipt and approval of said edition by the City Building Inspector.

SECTION 5-303 ELECTRICIANS' LICENSE.

A. No person shall practice or engage in the business, trade or occupation of an electrical contractor, journeyman electrician or electrician's apprentice unless he holds a current license obtained from the state.

B. Bond and insurance requirements of electrical contractors shall meet the requirements established by state law.

C. No person shall practice or engage in the business, trade or occupation of an electrical contractor, a journeyman electrician or an electrician's apprentice unless he has first registered as such with the city and paid the annual fee set by the Master Fee Schedule. Such registrations shall expire annually on June 30.

## Building Regulations and Codes

State Law Reference: 59 O.S. Sections 1680 to 1696.

### SECTION 5-304    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 without applying for a permit and/or 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, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

Building Regulations and Codes

CHAPTER 4

GAS PIPING CODE

Section 5-401	Code adopted.
Section 5-402	Additions or Changes to Fuel Gas Code.
Section 5-403	License.
Section 5-404	Penalty.

SECTION 5-401    FUEL GAS CODE ADOPTED.

The "International Fuel Gas Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Fuel Gas Code of the City for regulating and governing fuel gas systems and gas-fired appliances as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Fuel Gas Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Fuel Gas Code are set forth in the Master Fee Schedule.

SECTION 5-402    ADDITIONS OR CHANGES TO FUEL GAS CODE.

The Fuel Gas Code shall be and hereby is amended to include any later or subsequent edition to the 2009 edition of the International Fuel Gas Code provided for in Section 5-401, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and (ii) the receipt and approval of said edition by the City Building Inspector.

SECTION 5-403    LICENSE.

A.     It is unlawful for any person to engage in the business of installing gas piping or gas appliances without first obtaining any license required by the state.

B.     Bond and insurance shall be provided by the licensee in such amounts as required by the state.

SECTION 5-404    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 without applying for a permit and/or in violation of a detailed statement or plan submitted and approved thereunder

## Building Regulations and Codes

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, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

Building Regulations and Codes

CHAPTER 5

LIQUEFIED PETROLEUM GAS

Section 5-501                      Persons must comply with code.  
Section 5-502                      Penalty.

SECTION 5-501      PERSONS MUST COMPLY WITH CODE.

The National Fire Protection Association Pamphlet No. 58 entitled Storage and Handling of Liquefied Petroleum Gases, or latest edition thereof, also adopted by the Oklahoma Liquefied Petroleum Gas Board, is adopted and incorporated herein by reference and shall have full force and effect within this city.

State Law Reference: See 52 O.S. Sections 420.1 et seq.

SECTION 5-502      PENALTY.

Any person, firm, or corporation who shall violate this ordinance, or any section or part of section thereof, is guilty of an offense, and upon conviction thereof shall be punished by a fine as provided in Section 1-108 of this code.

Building Regulations and Codes

CHAPTER 6

MOVING BUILDINGS INTO CITY LIMITS

Section 5-601 Permit required.

SECTION 5-601 PERMIT REQUIRED.

A. The moving of residential structures from one location to another within the city or from a location outside the city to a location within the city is prohibited except as provided by this section. It is unlawful for any person to so move any house or building in, along, across or over any street or alley in the city limits without first having obtained prior approval.

B. An application for such approval shall be made upon forms provided by the building inspector and shall contain the following information: (i) type and kind of building to be moved; (ii) its present location and proposed new location; (iii) the extreme dimension of the loaded length, height and width of the building; (iv) the appropriate time such buildings will be upon the streets of the city and the contemplated route that will be taken from the present to the proposed location that will be taken from the present to the proposed location; and (v) the present value of such building. The application to move such building shall be submitted to the fire and police departments of the city and any utility providers and their approval of the request shall be obtained prior to issuance of any permit for such movement.

C. A permit to move such building or structure shall not be issued until (i) such building or structure has been inspected by the city building inspector and found to be in such condition that the same complies with all pertinent city building codes and zoning requirements at its proposed location and may be moved with safety and in accordance with this section, and satisfy any other criteria adopted as policy by the Urban Development Department of the city, (ii) the applicant deposits with the building inspector of a policy of insurance bond, or similar surety covering public liability for personal injuries, property damage, or death in the minimum amount of \$500,000 per occurrence; and property damage to any person by reason of the moving of such building or structure and reimburse the city for any and all damages to its streets and public ways occasioned by such moving in an amount of \$50,000.

D. The provisions of this section shall not apply to storage sheds moved onto a location which are not used for human occupancy. Every applicant, before being granted approval under this section, shall pay all building and inspection fees and permit fee as required and set forth in the Master Fee Schedule to the city clerk.

[Ord 2395-A]

Building Regulations and Codes

CHAPTER 7

MECHANICAL CODE

Section 5-701	Adoption of mechanical code.
Section 5-702	Additions, insertions and changes.
Section 5-703	Mechanical license.
Section 5-704	Penalty.

SECTION 5-701     MECHANICAL CODE ADOPTED.

The "International Mechanical Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Mechanical Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Mechanical Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Mechanical Code are set forth in the Master Fee Schedule.

[Ord. 2494]

SECTION 5-702     ADDITIONS OR CHANGES TO MECHANICAL CODE

The Mechanical Code shall be and hereby is amended to include any later or subsequent edition to the 2009 edition of the International Mechanical Code provided for in Section 5-701, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and (ii) the receipt and approval of said edition by the City Building Inspector.

SECTION 5-703     MECHANICAL LICENSE.

- A. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman, or a mechanical apprentice unless he has a current and valid license issued by the state.
- B. Bond and insurance requirements of mechanical contractors shall meet the requirements established by state law.
- C. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman or a mechanic's apprentice unless he has first registered as such with the city and paid the annual fee set by the Master

## Building Regulations and Codes

Fee Schedule. Such registrations shall expire annually on June 30.

State Law Reference: State mechanical licenses required, cities may require registration, 59 O.S. Sections 1850.1 et seq.

### SECTION 5-704    PENALTY.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

Building Regulations and Codes

CHAPTER 8

SWIMMING POOLS

Section 5-801	Definition.
Section 5-802	Permits, fee.
Section 5-803	Barriers required.
Section 5-804	Safety, sanitation and conservation.
Section 5-805	Penalty.

SECTION 5-801    DEFINITION.

For the purpose of this chapter, "swimming pool" means any and every pool of water, any part of which is more than twenty-four (24) inches in depth constructed on either public or private property.

SECTION 5-802    PERMITS, FEE.

No person shall erect, construct or install a swimming pool in the city on public or private property without first making written application and obtaining a permit therefor from the building inspector and paying the applicable permit fee set by the Master Fee Schedule.

SECTION 5-803    BARRIERS REQUIRED.

Before the city authorizes the issuance of a permit, the applicant shall submit to the building inspector plans and specifications for suitable effective barriers for preventing children and other unauthorized persons from entering the swimming pool area, including but not limited to any fence, wall, structure not less than forty-eight (48) inches in height. No person shall construct, install, erect, locate or maintain any swimming pool in the city unless the swimming pool is in an area completely enclosed or protected by a suitable effective barrier.

SECTION 5-804    SAFETY, SANITATION AND CONSERVATION.

Any person owning and operating a swimming pool shall not violate any ordinary rules of safety, sanitation or conservation of the state or city concerning the maintenance and operation of a swimming pool.

SECTION 5-805    PENALTY.

Violations of this chapter are punishable as provided in Section 1-108 of this code.

Building Regulations and Codes

CHAPTER 9

FAIR HOUSING

Section 5-901	Policy.
Section 5-902	Definitions.
Section 5-903	Unlawful practice.
Section 5-904	Discrimination in the sale or rental of housing.
Section 5-905	Discrimination in the financing or housing.
Section 5-906	Discrimination in the provision of brokerage services.
Section 5-907	Exemption.
Section 5-908	Administration.
Section 5-909	Education and conciliation.
Section 5-910	Enforcement.
Section 5-911	Investigation; subpoenas; giving of evidence.
Section 5-912	Enforcement by private persons.
Section 5-913	Interference, coercion, or intimidation.
Section 5-914	Prevention of intimidation in fair housing cases.

SECTION 5-901    POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city. (Prior Code, Chapter 9AA, as amended)

SECTION 5-902    DEFINITIONS.

As used herein:

1. "Discriminatory housing practice" means an act that is unlawful under Section 5-904 through Section 5-906;
2. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended or occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;
3. "Family" includes a single individual;

## Building Regulations and Codes

4. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries; and
5. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-903 UNLAWFUL PRACTICE.

Subject to the provisions of paragraph 2 of this section and Section 5-907, the prohibitions against discrimination in the sale or rental of housing set forth in Section 5-903 shall apply to:

1. All dwellings except as exempted by paragraph 2 of this section;
2. Nothing in Section 5-904 shall apply to:
  - a. Any single-family house sold or rented by an owner provided: that such private individual owner does not own more than three (3) such single-family houses at any one time:
  - b. that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period:
  - c. that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time:
  - d. that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented:
3. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

## Building Regulations and Codes

- a. Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of paragraph 3 of Section 5-904 of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow, agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
  - b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;
4. For the purposes of paragraph 2, a person shall be deemed to be in the business of selling or renting dwellings if:
- a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;
  - b. He has, within the preceding twelve (12) months, participated as an agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein;
  - c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Prior Code, Chapter 9AA, as amended)

### SECTION 5-904    DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by Section 5-903 and except as exempted by paragraph 2 of Section 5-903 and Section 5-907, it shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, national origin, handicap, or familial status;
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, national original, handicap, or familial status;

## Building Regulations and Codes

3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, or national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination;
4. To represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available; or
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, or national origin, handicap, or familial status.

(Prior Code, Chapter 9AA, as amended)

### SECTION 5-905     DISCRIMINATION IN THE FINANCING OR HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or their financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in paragraph 2 of Section 5-903. (Prior Code, Chapter 9AA, as amended)

Building Regulations and Codes

SECTION 5-906     DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access,, membership, or participation, on account of race, sex, color, religion, national origin, handicap, or familial status.

SECTION 5-907     EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of he same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, handicap or familial status. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

SECTION 5-908     ADMINISTRATION.

- A.     The authority and responsibility for administering this chapter shall be in the city manager.
- B.     The city council shall serve as the fair housing board for the city.

SECTION 5-909     EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the city manager shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Prior Code, Chapter 9AA, as amended)

## Building Regulations and Codes

### SECTION 5-910 ENFORCEMENT.

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the city manager. Complaints shall be in writing and shall contain such information and be in such form as the manager requires. Upon receipt of such a complaint, the manager shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under Subsection C, the manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the manager decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the city who shall make public any information in violation of this provision shall be (upon conviction) punished as provided in Section 1-108 of this code.

- B. A complaint under Subsection A shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at anytime. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- C. If within thirty (30) days after a complaint is filed with the city manager, the manager has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The manager will assist in this filing.
- D. If the city manager has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent names in the complaint to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or

## Building Regulations and Codes

order such affirmative action as may be appropriate.

- E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the city manager shall immediately terminate all efforts to obtain voluntary compliance. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-911 INVESTIGATION; SUBPOENAS; GIVING OF EVIDENCE.

- A. In conducting an investigation the city manager shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: provided however, that the manager first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The manager may issue subpoena to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The city manager may administer oaths.
- B. Upon written application to the manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the manager to the same extent and subject to the same limitations as subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- C. Witnesses summoned by subpoena of the manager shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

## Building Regulations and Codes

- D. Within five (5) days after services of a subpoena upon any person, such person may petition the manager to revoke or modify the subpoena. The manager shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the manager or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.
- F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the manager shall be punished as provided in Section 1-108 of this code. Any person who, with intent thereby to mislead the manager, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the manager pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be punished as provided in Section 1-108 of this code.
- G. The city attorney shall conduct all litigation in which the manager participates as a party or as amicus pursuant to this chapter. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-912 ENFORCEMENT BY PRIVATE PERSONS.

- A. The rights granted by Sections 5-903 through 5-906 and may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: provided however, that the court shall continue such civil case brought pursuant to this section or Subsection D of Section 5-910 from time to time before bringing it to trial if the court believes that the conciliation efforts of the manager are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the manager and which practice forms the basis for the action in court: and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this

## Building Regulations and Codes

chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and punitive damages as provided by law, together with court costs and reasonable attorneys fees in the case of a prevailing plaintiff. Provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-913 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 5-903 through 5-906. This section may be enforced by appropriate civil action. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-914 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. Any person because of his race, color, religion, national origin, handicap or familial status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;
2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - a. Participating, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in paragraph 1 of this section;

## Building Regulations and Codes

- b. Affording another person or class of persons opportunity or protection so to participate; or

3. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of age, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in paragraph 1 of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be punished as provided in Section 1-108 of this code.

(Prior Code, Chapter 9AA, as amended)

Building Regulations and Codes

CHAPTER 10

JOINT CODE BOARD OF APPEALS

Section 5-1001	Creation of board, scope.
Section 5-1002	Board members, term.
Section 5-1003	Composition, qualification.
Section 5-1004	Quorum, procedure.
Section 5-1005	Votes, conflict of interest.
Section 5-1006	Appeal procedures.

SECTION 5-1001 CREATION OF BOARD, SCOPE.

A joint code board of appeals (board) is hereby created to hear and determine all appeals of building, electrical, fire, mechanical and plumbing code violations or decisions made by the respective code official for the city. (Ord. No. 2068, 10/7/91)

SECTION 5-1002 BOARD MEMBERS, TERM.

The joint code board of appeals shall consist of seven (7) members appointed by the mayor, and approved by the council, as follows:

1. Two (2) for five (5) years;
2. Two (2) for four (4) years,
3. One for three (3) years;
4. One for two (2) years, and
5. One for one year.

Thereafter, each member shall serve for five (5) years or until a successor has been appointed, but in no event shall a member serve more than two (2) consecutive terms. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. A board member may be removed by the appointing commission for failure to attend three (3) consecutive regular or special meetings, or failure to attend two-thirds (2/3) of the regular or special meetings held during any six-month period, or for failure to maintain their prerequisite qualifications. All members shall serve without pay. (Ord. No. 2068, 10/7/91)

## Building Regulations and Codes

### SECTION 5-1003 COMPOSITION, QUALIFICATIONS.

- A. The board shall be composed of three (3) lay persons and one person from each of the respective fields of practice as follows:
  - 1. Building;
  - 2. Electrical;
  - 3. Mechanical; and
  - 4. Plumbing.
- B. The lay people shall be employed in or reside in the city limits and be, in the judgment of the mayor, qualified and experienced in matters relating to code enforcement.
- C. The building representative shall have five (5) years code experience, shall be active as an architect or professional engineer and shall keep, occupy or be employed by a company doing business in the respective professional trade, shall be knowledgeable of fire safety design and procedure and all other building codes.
- D. The electrical representative shall have five (5) years code experience, shall be active as a registered electrical contractor or registered journeyman electrician and shall keep, occupy or be employed by a company doing business in the electrical trade.
- E. The mechanical representative shall have five (5) years code experience, shall be active as a registered mechanical contractor or registered mechanical journeyman and shall keep, occupy or be employed by a company doing business in the mechanical trade.
- F. The plumbing representative shall have five (5) years code experience, shall be active as a registered plumbing contractor or registered journeyman plumber and shall keep, occupy or be employed by a company doing business in the plumbing trade. (Ord. No. 2068, 10/7/91)

### SECTION 5-1004 QUORUM, PROCEDURE.

In order to conduct official business, a quorum consisting of five (5) members must be present. Meetings shall be held at the call of the chair and at such other times as the board may determine. The chair, or in the absence of the chair, the vice-chair, or acting chair may

## Building Regulations and Codes

administer oaths and compel attendance of witnesses. All meetings, deliberations, and voting of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each individual member, or if absent or failing to vote, indicating such fact. Records of board examinations and other official actions are public records which shall be kept and immediately filed in the office of the joint code board of appeals located within city hall. (Ord. No. 2068, 10/7/91)

### SECTION 5-1005 VOTES, CONFLICT OF INTEREST.

All decisions made by the board will be by majority vote of the members present. A board member shall refrain from voting on any question involving a project on which the member, or the member's firm, has been involved. In such situations, the member shall not be counted as a member present for purposes of determining the majority vote.

### SECTION 5-1006 APPEAL PROCEDURES.

A. An appeal to the board may be taken by any person aggrieved where it is alleged there is an error in any order, requirement, decision or determination of the city's code official in the enforcement of the respective code.

B. An appeal shall be taken within ten (10) days from the determination complained of by filing with the secretary of the board and with the office of the city's code official, who made the determination complained of, a notice of appeal, specifying in detail the grounds thereof and the specific code provision in question. The city's code official, upon receipt of notice, shall transmit to the secretary of the board and the city clerk certified copies of all the papers constituting the record of the matter. Upon receipt of the record, the secretary shall cause an investigation to be made upon the appeal and shall set the matter for public hearing.

C. The board shall hold the public hearing within thirty (30) days after the timely filing of the notice of appeal. The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, in accordance with the code and ordinances currently in force. To the extent of the question on appeal before the board, the board shall have all the powers of the officer from whom the appeal is taken.

D. The board shall make its decision within thirty (30) days after the final hearing, and the decision shall be in writing and filed of record in the office of the city clerk. The concurring vote of five (5) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the city's code official.

E. Upon filing of an appeal, the appellant may request a restraining order be granted by the board or by the court of proper jurisdiction on due and sufficient cause shown. Within the joint code board of appeals, the chair, and in the absence of the chair the vice-

## Building Regulations and Codes

chair, shall have authority to grant a temporary restraining order based upon sufficient cause shown.

F. An appeal from any action, ruling, decision, judgment, or order of the board may be taken by any person or persons aggrieved or officer, department, board, or bureau of the city to the district court, by filing with the city clerk and with the secretary of the board within ten (10) days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the city clerk shall transmit to the court clerk of the county the original or certified copies of all the papers constituting the record in the case, together with the order, decision, or ruling of the board. The case shall be heard and tried de novo in the District Court of Creek County, Oklahoma. An appeal shall lie from the action of the district court as in all other civil actions. (Ord. No. 2068, 10/7/91)

Building Regulations and Codes

CHAPTER 11

OIL AND GAS WELLS

Section 5-1101	Drilling prohibited, exceptions.
Section 5-1102	Amendments.
Section 5-1103	Penalty.

SECTION 5-1101 DRILLING PROHIBITED; EXCEPTIONS.

Drilling for oil or gas is prohibited in the city except under the following conditions:

1. Where the owner or owners of all lots in any one block in the city consent to the drilling of a well for oil or gas, one well may be drilled on such block, provided the same is located near the center of the block and at least one hundred twenty-five (125) feet from any residence, dwelling, house or building on any other lands within the city and outside of the block on which such well is to be located; provided, further, that in the event that the person desiring to drill such well secures the consent of the owners of as much as seventy-five percent (75%) of any such block, in writing, to drill such well, and the owners of the remaining twenty-five percent (25%) thereof are either nonresidents or refuse to consent thereto, such well may be drilled notwithstanding the nonconsent of such twenty-five percent (25%) of such owners, but such owners shall be entitled to participate in the one-eighth (1/8) royalty of any oil or gas produced, saved and sold from any such well;

2. The term "block" as used in this section is defined to mean a tract of land which has for its exterior boundary lines public streets, the corporate limits of the city, railway rights-of-way or unplatted tracts of land; provided, that in unplatted tracts the term "block" shall mean one continuous tract of not less than five (5) acres in area; no alley or street of less than twenty-five (25) feet in width shall be considered a boundary line of any such block;

3. Before any person shall commence operations for the drilling of a well for oil or gas in the city, there must be filed with the city clerk an application showing the name of the operator, the description and ownership of the block on which the well is to be drilled and showing the exact location of the hole;

4. Upon the filing of such application, the city council of the city shall then fix the amount of the bond necessary to be filed, which must be filed with the city clerk; the amount of such bond as fixed by the city council shall be based upon the value of the real estate and improvements immediately surrounding the well to be drilled. Such bond shall be executed by some bonding or indemnity company authorized to do business in the state, running in the name of the city, and conditioned that the party drilling and operating such well will discharge any liability imposed by law on account of injury to property either private or public, or bodily injury including death, received or suffered by any person, persons, firm or corporation and

## Building Regulations and Codes

resulting from the drilling, operating or maintenance of such well; such bond shall be for a period of not less than one year and a new bond shall be furnished at the expiration of any existing one if the operation of such well covered thereby is continued; and

5. Upon filing of such application and the approval of such bond, the city council shall by resolution permit the drilling of such well.

(Ord. No. 356, Sec. 1; Ord. No. 690, Sec. 1.)

### SECTION 5-1102 AMENDMENTS.

This chapter shall be amended from time to time when, in the discretion of the city council, the circumstances necessitate any such amendment. In the event oil or gas is found and produced, the production of the same shall be subject to such rules and regulations which may be deemed proper by the city council to be hereafter prescribed. (Ord. No. 690, Sec. 3.)

### SECTION 5-1103 PENALTY.

Any person violating any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code, and each day that any provision of this chapter is violated shall constitute a separate offense. (Ord. No. 356, Sec. 2; Ord. No. 690, Sec. 4.)

Building Regulations and Codes

CHAPTER 12

MANUFACTURED HOMES

Section 5-1201	Definitions and Terms.
Section 5-1202	Use Conditions.
Section 5-1203	Rmh Zoning District--general Description.
Section 5-1204	Uses Permitted in Rmh District.
Section 5-1205	Special Exceptions.
Section 5-1206	Area Requirements.
Section 5-1207	Intensity of Use.
Section 5-1208	Coverage.
Section 5-1209	Height.

SECTION 5-1201                      DEFINITIONS AND TERMS.

'Residential Manufactured home subdivision' means an exclusive family residential housing subdivision for manufactured homes and modular housing units in which the home or housing unit owner owns the property upon which the home is situated;

'Residential manufactured home' means transportable, factory built, detached single-family residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standard of 1995.

SECTION 5-1202                      USE CONDITIONS.

All units in a Residential Manufactured Home Subdivision shall meet with no variance the following use conditions:

- A. All residential manufactured housing subdivisions shall be platted according to the adopted subdivision regulations meeting all requirements therein with no variances from the SMAPC or council. A building permit is required prior to installation or construction on any lot. Application for a building permit requires a site plan, footing and foundation plan and show a front and side view of the manufactured house as it will appear after installation, demonstrating architectural compliance with this chapter. No RMH-S shall be located next to RS-1 and RS-2 zoned property.
- B. The unit must bear a seal certifying compliance with the Federal Manufactured Construction and Safety Standards as revised on April 1, 1995. In addition, the structure must comply with the wind safety standard provisions for Wind Zone 1, as set forth in said standards.

## Building Regulations and Codes

- C. The unit is dual or triple sectional with a minimum front width of 24 feet and a minimum floor area of 1,200 square feet.
- D. Every manufactured home must have a site plan, and footing plan. Footing and foundation/stemwall installation shall be inspected by the building inspector prior to installation of a manufactured home to insure conformance with the regulations of this chapter. The unit must be attached to a continuous concrete or concrete block foundation that complies with the Building Code. The foundation must be an excavated and back filled foundation, enclosed at the perimeter with the finished floor being a maximum of 24 inches above the exterior grade of the lot. Due to differences in construction between manufactured and modular homes the method of attachment to the foundation will differ, Manufactured housing, shall use method described in Attachment "A", Modular housing may use methods described by Attachment "A" or "B". If the dwelling is multi-leveled, the lowest finished floor above exterior shall meet this requirement. The manufactured unit shall have a brick or rock wainscot to the bottom of the windows. No metal will be allowed. Transport axles and towing tongue must be removed
- E. The roof must be a gable or hip type construction with at least Class C fire resistant shingle roofing material. No dwelling shall have a roof covered with continuous rolled metal. The roof slope must have a minimum vertical rise of 3 inches for every 12 inches of horizontal run with a minimum eave projection and roof overhang of 12 inches, which may include guttering.
- F. Front and rear porches and site-built steps must be constructed with exterior materials matching the structure. All units must have an attached 2 car garage. The exterior covering material used on the garage shall be the same as exterior covering material used on a substantial portion of the dwelling and compatible with the surrounding neighborhood. The same roofing material shall be used on the garage and the dwelling.
- G. The exterior finish must be comparable to and compatible with site-built houses on the block face. No bare metal siding or roofing is allowed.
- H. No residential manufactured home can be sited adjacent to any structure designated as a historic landmark or within a locally designated historic district.

## Building Regulations and Codes

- I. Items A thru H of this section as listed above may not be waived, modified, or otherwise altered by the board of adjustment or city council except by amendment of this section.

### SECTION 5-1203      RMH ZONING DISTRICT--GENERAL DESCRIPTION.

The purpose of this district is to provide a grouping of home sites within the setting of a residential subdivision for manufactured and modular housing. This district provides for individual lots which allow the manufactured home owner to own the property on which the home is situated. A minimum subdivision size is established to assure that a desirable residential environment is created, and to provide separation from neighboring conventional housing areas. Residential manufactured homes can provide a major source of acceptable housing for persons of moderate income at a time when the cost of conventional housing is increasing.

The "RMH" zone will allow the maximum amount of freedom possible in the design of the homes in the area, and will provide for related recreational, commercial and other service facilities for the planned residential developments. The requirements established in this district are intended to afford adequate design planning and utilization of the land, provide for open and pedestrian space, to encourage site and development plans which will maximize compatibility between manufactured home developments and developments on adjoining land, and to protect and enhance the manufactured home site and its environs. Occupied manufactured or mobile homes are not permitted within the city except in districts zoned for such use.

### SECTION 5-1204      USES PERMITTED IN RMH DISTRICT.

Property in the residential manufactured home subdivision district shall be used exclusively for the following purposes:

- A. Single-family detached dwellings, modular homes, and residential-design manufactured homes;
- B. Public facilities such as parks, playgrounds, community centers, churches, schools, libraries, and noncommercial facilities such as golf courses, shuffleboard courts, swimming pools and tennis courts; and
- C. Accessory buildings and uses customary and incidental to any of the above uses when located on the same lot.

Building Regulations and Codes

SECTION 5-1205

SPECIAL EXCEPTIONS.

Since the manufactured home subdivision district is an exclusive district, only municipal uses, public buildings and public utilities which hold the right of eminent domain may be permitted by the Board of Adjustment as special exceptions.

SECTION 5-1206

AREA REQUIREMENTS.

In order to ensure adequate light, air, fire safety, convenience and amenities for the residents in the manufactured home subdivision development, the following area requirements shall apply:

- A. The manufactured home subdivision district shall not be allowed on tracts of land less than five (5) contiguous acres;
- B. Front yard setback: All manufactured homes shall be set back from the front property line a minimum of twenty-five (25) feet. When a lot has double frontage, the front yard set back shall be provided on both streets;
- C. Side yard setback: All manufactured homes shall be set back from the side yard property line a minimum distance of ten (10) feet. Unattached buildings of accessory use shall be set back from the side yard property line and other buildings a minimum distance of five (5) feet. On any corner lot, dwellings, manufactured homes and accessory buildings shall be set back from the side property line a distance of fifteen (15) feet when a lot is back to back with another corner lot, and a distance of twenty (20) feet in all other instances;
- D. Rear yard setback: All manufactured homes shall be set back from the rear yard property line a minimum distance of twenty (20) feet. Unattached buildings of accessory use may be located in the rear yard, but shall be set back at least five (5) feet from alley line or rear property line and clear of utility easements.

SECTION 5-1207

INTENSITY OF USE.

- A. For each individual manufactured home site, there shall be a minimum lot area of not less than 9,000 thousand (9,000) square feet. Each lot will have a minimum of 80 feet of front lot width.
- B. Individual manufactured home site lots on cul-de-sacs and exterior curve radiuses shall abut on a street for a distance of not less than forty (40) feet.
- C. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of these regulations,

## Building Regulations and Codes

that lot may be used for any of the uses, except churches, permitted by these regulations.

- D. For churches and main accessory buildings, other than dwellings and buildings accessory to the dwelling, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Chapter 10 et seq. of this code.
- E. There shall be no more than one dwelling unit and one use per lot in the "RMH" Manufactured Home Subdivision District.

### SECTION 5-1208

#### COVERAGE.

- A. Maximum density in any manufactured home subdivision development shall not exceed four point eight (4.8) units per gross acre for all single-family dwellings. For purposes of these regulations, gross acreage is to be computed as all usable land area within the exterior boundaries of the property, including streets, common open space, lands occupied by recreational facilities, community buildings, manufactured homes and utility easements. No manufactured housing shall be allowed in a designated floodplain.
- B. Manufactured home dwelling units and their accessory uses shall not occupy more than thirty percent (30%) of the total usable lot area on interior lots, and thirty-five percent (35%) of the lot area on corner.

### SECTION 5-1209

#### HEIGHT.

No building shall exceed two (2) stories or thirty-five (35) feet in height. In no instance shall the height be increased on the manufactured or modular home nor shall the manufactured or modular home be structurally altered, modified, enlarged or added to in any way which will increase the height of the dwelling or structurally alter the roof of the dwellings; however, accessory use structures may be modified, enlarged, altered or added to upon review. It shall be permissible to enhance the outward appearance of the manufactured home dwelling so long as its structural integrity is not compromised.

Building Regulations and Codes

CHAPTER 13

PENALTY

Section 5-1301            Penalty.  
Section 5-1302            Relief in the courts.

SECTION 5-1301        PENALTY.

Any person who engages in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without first having a valid license, permit, certificate or 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 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 in this part, shall be guilty of an offense, punishable as provided in Section 1-108 of this code. Each day upon which a violation continues shall be deemed a separate offense.

SECTION 5-1302        RELIEF IN THE COURTS.

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

Building Regulations and Codes

CHAPTER 14

BURGLARY ALARM SYSTEMS

Section 5-1401	Purpose
Section 5-1402	Definitions
Section 5-1403	Gender
Section 5-1404	Burglary Alarm User Permits Required
Section 5-1405	Operating a Burglary Alarm System Without a User's Permit
Section 5- 1406	Alarm Response Fees
Section 5- 1407	Payment of Alarm Response Fees / Suspension of User's Permit for Non-payment
Section 5- 1408	Operating a Burglary Alarm System under a Suspended User's Permit
Section 5- 1409	Appeals
Section 5- 1410	Exclusions

SECTION 5-1401      PURPOSE.

The purpose of this chapter is to encourage burglary alarm users to assume increased responsibility for maintaining the mechanical reliability and the proper use of burglary alarm systems, to prevent unnecessary police emergency response to false alarms and thereby to protect the emergency response capability of the City.

SECTION 5-1402      DEFINITIONS.

A.      Terms which are not defined in this chapter shall have their ordinarily accepted meanings or such as the context may imply.

B.      When not inconsistent with the context, words used in the present tense include the future tense, words in plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory.

C.      For the purpose of this chapter, each of the following words and phrases shall have the meanings given herein.

1.      "Alarm response" shall mean an actual police response to the location of a burglary alarm system resulting from the activation of any burglary alarm signal except those signals specifically excluded by Subsection 1410.A.
2.      "Burglary Alarm System" shall mean any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an entry or attempted entry into the area protected by the system.

## Building Regulations and Codes

3. "Burglary Alarm User" shall mean and include the person or persons owning or leasing a burglary alarm system.
4. "Chief of Police" shall mean the duly appointed, qualified or acting Chief of Police of the City of Sapulpa or his authorized representative.
5. "Chief Administrative Officer" shall mean the duly appointed, qualified or acting City Manager of the City of Sapulpa or his authorized representative.
6. "Director of Finance" shall mean the duly appointed, qualified or acting Director of the finance Department of the City of Sapulpa or his authorized representative.
7. "Person" shall mean every natural person, firm, partnership, association or corporation.

### SECTION 5-1403      GENDER.

Words used in the masculine gender comprehend as well the feminine gender and neuter.

### SECTION 5-1404      BURGLARY ALARM USER PERMITS REQUIRED.

A. Every burglary alarm user shall obtain a burglary alarm user's permit for each burglary alarm system from the Director of Finance before the system becomes operative. Only one permit shall be required for any burglary alarm system, provided that all burglary alarm users shall be listed on a single permit. The permit shall be issued in the names of the burglary alarm users and shall be issued to the specific address/location of the burglary alarm system. The permit shall not be transferable to any other burglary address/location. Applications for a burglary alarm user's permit shall be filed with the Director of Finance and accompanied by a permit fee necessary to defray the cost of issuing the permit and overseeing the number of alarm responses made to the burglary alarm system. Each permit shall bear the signature of the Director of Finance and shall be valid for a five (5) year period immediately following issuance of the permit.

B. The permit fee established for issuing a burglary alarm user's permit and necessary for regulation of alarm responses shall be twenty dollars (\$20.00), or as reflected by the Master Fee Schedule to the Code, whichever is greater. The permit fee after expiration of the burglary alarm user's permit shall be twenty dollars (\$20.00), or as reflected by the Master Fee Schedule to the Code, whichever is greater. Any permit fee paid pursuant to any previous enactment of this section shall satisfy any requirement of a permit fee,

## Building Regulations and Codes

provided that the user's permit is in good standing and has not expired. Any burglary alarm user's permit renewed before expiration shall be renewed at no charge to the burglary alarm user provided that user's permit is in good standing with the City and all alarm response fees have been paid.

C. The Director of Finance shall not issue a burglary alarm user's permit to any person indebted to the City of Sapulpa for any past alarm response fees.

### SECTION 5-1405      OPERATING A BURGLARY ALARM SYSTEM WITHOUT A USER'S PERMIT.

It shall be an offense for any burglary alarm user to operate, use, or maintain a burglary alarm system without a burglary alarm user's permit issued by the Director of finance. Any person convicted of a violation of this section shall be punished as provided by Section 1-108 of the Code; provided, however, that any person charged with violation of this section shall have two (2) working days to present proof to the court that a burglary alarm user's permit has been obtained, in which case said charge shall be dismissed upon payment of court costs. Each day such violation is committed or permitted to continue shall constitute a separate offence.

### SECTION 5- 1406      ALARM RESPONSE FEES.

A. Every burglary alarm user shall be charged alarm response fees after the third alarm response occurring within one (1) year of the date of the first alarm response to the user's burglary alarm system. The alarm response fees shall be charged by the Director of Finance as follows:

1. Fourth through fifth alarm responses - FIFTY DOLLARS (\$50.00) each;
2. Sixth and any additional alarm responses - ONE HUNDRED FIFTY DOLLARS (\$150.00) each.

For the purpose of this section, each burglary alarm user shall begin at zero alarm responses one (1) year from the date of the user's first alarm response for that one (1) year period.

B. The Director of Finance shall mail a Notification of Alarm Response Fee Charge to the burglary alarm user. The Notification shall be sent by first class, U.S. Mail, to the mailing address that appears on the permit application. The Notification shall clearly state the amount of the alarm response fee due the City and shall notify the user of the consequences of the failure to pay the alarm response fee. The Director of Finance shall also inform the user of its right to appeal the validity of the alarm response fee, as provided in Section 1409.

## Building Regulations and Codes

C. The Director of Finance shall not collect any alarm response fees for any alarm response caused by:

1. Natural catastrophe, including tornadoes, floods, earthquakes or similarly sudden, violent conditions;
2. Telephone line outage; or
3. The testing of a local/audible burglary alarm system by a licensed alarm business agent or employee who is present at the area protected by the system and who is servicing, repairing or installing the alarm system.

D. The Director or Finance shall not collect any alarm response fees in any case where the burglary alarm user can demonstrate that the activation of the burglary alarm signal was caused by the act of a person or persons engaged in the commission of a felony as defined by the laws of the state of Oklahoma.

E. An alarm user may present evidence that successive alarm activations were caused by a common cause, which could not have been reasonably corrected before subsequent activations occurred, in which case, the activations shall be counted as a single activation. This provision shall only apply to commonly caused activations occurring within a sixty (60) hour period, commencing with the first commonly caused activation, provided that the responsible alarm user has documented, to the Director of Finance, the action taken to rectify the cause and there are no additional activations of the alarm system from the documented cause within thirty (30) days from the documented cause.

F. In any case where the Director of Finance has determined that the provisions of Subsections 1406.C or 1406.D apply, in addition to not collecting the alarm response fee, the Director of Finance shall expunge the alarm response from the burglary alarm user's record with the City.

### SECTION 5- 1407      PAYMENT OF ALARM RESPONSE FEES - SUSPENSION OF USER'S PERMIT FOR NON-PAYMENT.

A. Every burglary alarm user shall pay its alarm response fees within sixty (60) days of the day the Notification of Alarm Response Fee was mailed by the Director of Finance. A burglary alarm user's failure to pay the alarm response fees within sixty (60) days shall be grounds for the suspension of the user's permit by the Director of finance pursuant to Subsection B of this section.

B. If a burglary alarm user fails to make full payment within the sixty (60) day period, and there is no appeal pending on the validity of the alarm response fee, the Director of Finance shall serve upon the user a Notice of Suspension of Permit either by personal service

## Building Regulations and Codes

or by certified mail. The Notice of Suspension shall inform the burglary alarm user of its right to appeal the validity of the suspension, as provided in Section 1409. The suspension of the burglary alarm user's permit shall commence ten (10) days after service of the Notice of Suspension unless an appeal has been made pursuant to Section 1409. The Notice of Suspension shall inform the user that its burglary alarm user's permit shall be suspended ten (10) days after service of the Notice unless an appeal has been made pursuant to Section 1409.

C. An Application for Reinstatement of a Suspended Burglary Alarm User's permit and a reinstatement fee of One Hundred Dollars (\$100.00) shall be filed with the Director of Finance before reinstatement of a suspended user's permit. The Director of Finance shall reinstate a suspended burglary alarm user's permit upon the following:

1. The filing of a completed Application for Reinstatement of a Suspended Burglary Alarm User's Permit;
2. The payment of a reinstatement fee of One Hundred Dollars (\$100.00); and
3. The payment of all due and past due alarm response fees by the user seeking reinstatement of its permit.

### SECTION 5- 1408      OPERATING A BURGLARY ALARM SYSTEM UNDER A SUSPENDED USER'S PERMIT.

It shall be an offense for any burglary alarm user to operate, use or maintain a burglary alarm system when its burglary alarm system user's permit has been suspended by the Director of Finance. Any person convicted of a violation of this section shall be punished as provided by Section 1-108 of the Code. Each day such violation is committed or permitted to continue shall constitute a separate offense.

### SECTION 5- 1409      APPEALS.

A. A burglary alarm user who wants to appeal the validity of an alarm response fee may appeal for a hearing. The appeal must be in writing and must be filed with the Director of Finance within fifteen (15) days of the date of the Notification of Alarm Response Fee notice to the user. Failure to appeal the alarm response fee within the required time period shall result in a determination that the alarm response fee was valid.

B. A burglary alarm user who wants a hearing before the suspension of its user's permit for non-payment of alarm response fees may appeal for a hearing. The appeal must be in writing and must be filed with the Director of Finance within ten (10) days of service of the Notice of Suspension upon the user. Failure to appeal the suspension within the required time period shall result in the suspension of the permit.

## Building Regulations and Codes

C. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Director of Finance, either by personal service or certified mail, at least ten (10) days prior to the date set for the hearing, which date shall not be more than twenty (20) nor less than ten (10) days after the filing of the request for hearing.

D. All hearings shall be conducted before the Chief Administrative Officer. All hearings shall be conducted in an informal manner; provided, however, the Director of Finance and the burglary alarm subject to the right of cross examination. The City shall have the burden of proof by a preponderance of the evidence at all hearings.

E. For appeals contesting the validity of an alarm response fee, the Chief Administrative Officer shall issue written findings expunging or sustaining the entry of an alarm response on a user's record as appropriate. If the alarm response fee is sustained after appeal, the Director of Finance shall mail a Notice of Alarm Response Fee After Denial of Appeal to the burglary alarm user. The Notice shall be sent by first class, United States Mail, to the mailing address that appears on the permit application. The Notice shall clearly state the amount of the Alarm Response Fee due the city and shall notify the user of the consequences of the failure to pay the alarm response fees.

F. For appeals contesting the validity of the suspension of a user's permit, the Chief Administrative Officer shall issue written findings. If the chief Administrative Officer determines that the user's permit shall be suspended, the Director of Finance shall serve upon the user, either by personal service or by certified mail, a Notice of Suspension of Permit After Denial of Appeal. The suspension of the burglary alarm user's permit shall be effective ten (10) days from the date of service of the Notice upon the user.

G. The Chief Administrative Officer may appoint another person to hear appeals and to render judgment.

H. A burglary alarm user may appeal any adverse decision of the Chief Administrative Officer to the city Council by filing a written request for a hearing with the City Clerk within ten (10) days of the service upon the user of any adverse decision rendered by the chief Administrative Officer. Appeals to the Council shall, when timely filed, be docketed on the Council's next available agenda and notice of the date and time of hearing shall be given to all parties concerned. At such hearing, the Council shall receive any evidence it deems appropriate and, shall either affirm, reverse or modify the Chief Administrative Officer's decision.

## Building Regulations and Codes

### SECTION 5- 1410      EXCLUSIONS.

A.      No provision within this chapter shall be construed as to apply to panic buttons, manually activated buttons or robbery alarm systems which elicit an immediate police response to their activation.

B.      No provision within this chapter shall be construed as to apply to any building, structure or facility owned, controlled or occupied by the United States of America, the state of Oklahoma or any governmental subdivision of the state of Oklahoma.



PART 6  
COURT  
CHAPTER 1  
MUNICIPAL COURT

Section 6-101	Organization of municipal court.
Section 6-102	Definitions.
Section 6-103	Jurisdiction of court.
Section 6-104	Judge; qualifications.
Section 6-105	Term of judge.
Section 6-106	Alternate judge.
Section 6-107	Acting judge.
Section 6-108	Appointment of judge and alternate judge.
Section 6-109	Salary and payments to judges.
Section 6-110	Removal of judge.
Section 6-111	Vacancy in office of judge.
Section 6-112	Disqualification of judge.
Section 6-113	Chief of police.
Section 6-114	Clerk of the court; duties.
Section 6-115	Prosecuting attorney; duties; conflict of interest.
Section 6-116	Bond of court clerk.
Section 6-117	Rules of court.
Section 6-118	Enforcement of rules.
Section 6-119	Written complaints to prosecute ordinance violations.
Section 6-120	Traffic ordinance violations; procedures for issuing citation; custody, arrest.
Section 6-121	Traffic bail bond procedures.
Section 6-122	Creation of traffic violations bureau.
Section 6-123	Summons for arrest.
Section 6-124	Form of arrest warrant.
Section 6-125	Procedures for bail or bond.
Section 6-126	Bond forfeiture, district court.
Section 6-127	Arraignment and pleadings by defendant.
Section 6-128	Trials and judgments.
Section 6-129	Witness fees.
Section 6-130	Suspension of sentence.
Section 6-131	Fines and costs.
Section 6-132	Failure to appear, court costs, penalty.
Section 6-133	Penalty assessments.

Court

CHAPTER 2

MUNICIPAL JUVENILE COURT

Section 6-201	Establishment of a Municipal Juvenile Court; Designation and Operation of the Municipal Juvenile Court.
Section 6-202	Jurisdiction Generally.
Section 6-203	Purpose.
Section 6-204	Definitions.
Section 6-205	Original Jurisdiction of Municipal Court in Certain Juvenile Cases.
Section 6-206	Curfew for Minors.
Section 6-207	Allowing or Encouraging a Minor to Commit Offenses; Penalty.
Section 6-208	Parental Responsibility; Failure to Control; Penalty.
Section 6-209	Commission of a Crime in the Presence of Minors; Penalty.
Section 6-210	Permitting Crimes or Disorderliness on Premises; Penalty.
Section 6-211	Truancy; Penalty.
Section 6-212	Furnishing Tobacco Products to Minors; Minors in Possession of Tobacco Products; Penalty.

## Court

### CHAPTER 1

#### MUNICIPAL COURT

Section 6-101	Organization of municipal court.
Section 6-102	Definitions.
Section 6-103	Jurisdiction of court.
Section 6-104	Judge; qualifications.
Section 6-105	Term of judge.
Section 6-106	Alternate judge.
Section 6-107	Acting judge.
Section 6-108	Appointment of judge and alternate judge.
Section 6-109	Salary and payments to judges.
Section 6-110	Removal of judge.
Section 6-111	Vacancy in office of judge.
Section 6-112	Disqualification of judge.
Section 6-113	Chief of police.
Section 6-114	Clerk of the court; duties.
Section 6-115	Prosecuting attorney; duties; conflict of interest.
Section 6-116	Bond of court clerk.
Section 6-117	Rules of court.
Section 6-118	Enforcement of rules.
Section 6-119	Written complaints to prosecute ordinance violations.
Section 6-120	Traffic ordinance violations; procedures for issuing citation; custody, arrest.
Section 6-121	Traffic bail bond procedures.
Section 6-122	Creation of traffic violations bureau.
Section 6-123	Summons for arrest.
Section 6-124	Form of arrest warrant.
Section 6-125	Procedures for bail or bond.
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Section 6-127	Arraignment and pleadings by defendant.
Section 6-128	Trials and judgments.
Section 6-129	Witness fees.
Section 6-130	Suspension of sentence.
Section 6-131	Fines and costs.
Section 6-132	Failure to appear, court costs, penalty.
Section 6-133	Penalty assessments.

## Court

### SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT.

This chapter shall govern the organization and operation of the municipal criminal court of the City of Sapulpa as put into operation by resolution duly passed on February 3, 1969, 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 city, the provisions of this chapter shall control. (Prior Code, Sec. 2-13)

State Law Reference: Municipal courts not of record, organization, rules and procedures, 11 O.S. Sections 27-101 to 27-131.

### SECTION 6-102 DEFINITIONS.

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

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

(Prior Code, Sec. 2-14)

### SECTION 6-103 JURISDICTION OF COURT.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this city is charged, including any such prosecutions transferred to the court in accordance with applicable law. (Prior code, Sec. 2-15)

## Court

### SECTION 6-104 JUDGE; QUALIFICATIONS.

There shall be one judge of the court. The judge shall be licensed to practice law in the state. He 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. If no attorney licensed to practice law in the state resides or offices in the county who is willing to accept the appointment as judge, the mayor, with the consent of the city council, may appoint a suitable and proper person as judge. (Prior Code, Sec. 2-17)

### SECTION 6-105 TERM OF JUDGE.

The official term of the judge shall be two (2) years, ending on April 30 of each even numbered year. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified. (Prior Code, Sec. 2-18, as amended)

### SECTION 6-106 ALTERNATE JUDGE.

There may be appointed, for each judge of the court, an alternate judge possessed of the same qualifications as the judge. He shall sit as acting judge of the court in any case if the judge is absent from the court, unable to act as judge, or disqualified from acting as judge in the case. (Prior Code, Sec.2-19)

### SECTION 6-107 ACTING JUDGE.

If at any time there is no 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 shall be available. (Prior Code, Sec. 2-19)

### SECTION 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE.

Judges shall be appointed by the mayor with the consent of the city council. The city council may make any rules or regulations deemed proper in connection the procedure for the appoint of such judge. (Prior Code, Sec. 12-8, as amended)

Charter Reference: Article 5, Sec. 2.

Court

SECTION 6-109 SALARY AND PAYMENTS TO JUDGES.

The judge of the municipal court shall receive a monthly salary of Three Thousand Three Hundred Eighty-Eight and Thirty-three Hundreths dollars (\$3,388.33) to be paid in the same manner as the salaries of other officials of the city.

The acting judge shall be paid a sum of one hundred dollars (\$100.00) for each day devoted to the performance of his duties in the municipal courtroom and seventy-five dollars (\$75.00) per day for all arraignments conducted other than in the municipal courtroom; except, that the total payments to him for any one month shall not exceed the sum of the monthly salary established for the municipal judge. If the acting judge shall sit for an entire month, he shall receive only the amount established as the salary of the municipal judge. (Prior Code, Sec. 2-20) [Ord 2474]

SECTION 6-110 REMOVAL OF JUDGE.

Judges shall be subject to removal from office by the city council as provided in the city charter, or for the causes prescribed by the constitution and laws of this state for the removal of public officers. (Prior Code, Sec. 2-21, as amended)

SECTION 6-111 VACANCY IN OFFICE OF JUDGE.

A vacancy in the office of judge shall be filled as provided by the charter or laws of the state. (Prior Code, Sec. 2-22, as amended)

SECTION 6-112 DISQUALIFICATION OF JUDGE.

In prosecutions before the court no change of venue shall be allowed; but the judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate or acting judge appointed as provided in this chapter. (Prior Code, Sec. 2-23)

SECTION 6-113 CHIEF OF POLICE.

All writs or processes of the court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal officer of the court. (Prior Code, Sec. 2-24)

SECTION 6-114 CLERK OF THE COURT; DUTIES.

The city clerk, or a deputy designated by the clerk, shall be ex officio clerk of the court. The court clerk shall:

## Court

1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;
2. Administer oaths required in proceedings before the court;
3. Enter all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct;
5. Receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court; and
6. Pay to the treasurer of this municipality all money so received by the clerk, except such special deposits or fees as shall be received to be disbursed by the clerk 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.
7. Upon verification that a named defendant was in fact a validly licensed driver at the time and place of issuance of a citation for the offense of No Driver's License in Possession, administratively dismiss prosecution of said charge upon payment of all applicable costs and excuse the named defendant from any further appearance in connection with the prosecution of said charge. [Ord. 2431]
8. Upon verification that a named defendant was in fact insured by presentation of a valid Security Verification Form that was in effect at the time and place of issuance of a citation for the offense of No Security Verification Form / No Insurance, administratively dismiss prosecution of said charge upon payment of all applicable costs and excuse the named defendant from any further appearance in connection with the prosecution of said charge. [Ord. 2431]

### SECTION 6-115 PROSECUTING ATTORNEY; DUTIES; CONFLICT OF INTEREST.

The attorney for this municipality, or his duly designated assistant, may be prosecuting officer of the court. He may also prosecute all alleged violations of the ordinances of the city. He shall be authorized, in his discretion, to prosecute any alleged violation and resist appeal proceedings in error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of matters in this court. (Prior Code, Sec. 2-27)

Court

SECTION 6-116 BOND OF COURT CLERK.

The court clerk of the court shall give bond, in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes, in a sum to be determined by the city council. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this city and retained in the city archives. (Prior Code, Sec. 2-26)

SECTION 6-117 RULES OF COURT.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this city, for the proper conduct of the business of the court. (Prior Code, Sec. 2-28)

SECTION 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 direct or indirect contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state. (Prior Code, Sec. 2-29)

SECTION 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS.

All prosecutions for violations of ordinances of this city shall be styled "The City of Sapulpa, Oklahoma vs. (naming defendant or defendants)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged. (Prior Code, Sec. 2-30)

SECTION 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, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with Section 6-121 of this code, or 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 city, a traffic citation

## Court

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, 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;
  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 Subsections A or B of this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsections A or B of this section. (Prior Code, Sec. 2-31, in part)

### SECTION 6-121 TRAFFIC BAIL BOND PROCEDURES.

- A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law

## Court

or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation; and

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

d. Eluding or attempting to elude a law enforcement officer;

e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

f. An arrest based upon an outstanding warrant;

g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;

h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or

i. A violation relating to the transportation of hazardous materials.

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

1. Designate the traffic charge;

## Court

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

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

- C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statute.
- D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by Appendix B hereto for the violation charged or as prescribed by the court.
- E. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued

## Court

by the arresting officer, shall notify the State Department of Public Safety that:

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

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

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;
  2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment;
  3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or
  4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.
- F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail,

## Court

postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

### SECTION 6-122    CREATION OF TRAFFIC VIOLATIONS BUREAU.

- A. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this municipality may elect to pay a fine in the traffic violations bureau according to the schedule of fines set forth in Appendix II to this code.
- B. The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of cause against the defendant. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter.

### SECTION 6-123    SUMMONS FOR ARREST.

- A. Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day after the summons is served upon him, and including such other pertinent information as may be necessary.
- B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the

Court

prescribed period, a warrant shall be issued for his arrest, as provided by this chapter. (Prior Code, Sec. 2-32)

SECTION 6-124 FORM OF ARREST WARRANT.

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

The City of Sapulpa, Oklahoma to the Chief of Police of the Municipal Court of Sapulpa, Oklahoma.

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

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

\_\_\_\_\_  
Judge of the Municipal Court  
Sapulpa, Oklahoma.

- B. It is the duty of the chief of police, personally, or through a duly constituted member of the police force of this city, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. (Prior Code, Sec. 2-33)

SECTION 6-125 PROCEDURES FOR BAIL OR BOND.

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 prescribed by Appendix B and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than the amount indicated in Appendix II for the

## Court

violation(s) charged, nor more than the maximum monetary penalty provided by ordinance for the offense charged. (Prior Code, Sec. 2-34)

### SECTION 6-126 FORFEITURE, DISTRICT COURT.

- A. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge may then cause the forfeiture to be certified to the district court of the county where situs of government is situated, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330, 1332, 1333 and 1335 of Title 59 of the Oklahoma Statutes and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes. Court costs shall be collectable from the proceeds of the bond.
- B. A prosecution in a court provided for herein shall be a bar to prosecution in another court for the same or a lesser included offense.

### SECTION 6-127 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the city, shall read the complaint to the defendant, inform him of his legal rights, 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, continuing the matter for subsequent disposition or defer sentence upon whatever terms or conditions the court may impose. 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. (Prior Code, Sec. 2-35)

### SECTION 6-128 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.

## Court

- 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 defendant who is financially able but refuses to 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.
- H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (Prior Code, Secs. 2-36 to 2-42 in part)

### SECTION 6-129 WITNESS FEES.

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

1. The name of no more than three (3) witnesses;

## Court

2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
3. That the testimony of the witnesses is material; and
4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality. (Prior Code, Sec. 2-40)

### SECTION 6-130    SUSPENSION OF SENTENCE.

- A. 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.
- B. The judge of the court in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any part thereof and to authorize the person to be released upon his own recognizance for a period not to exceed six (6) months from the date of the sentence, under such terms or conditions as the judge may specify. The judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six (6) months, under such terms and conditions as prescribed by the court, which may include, but not be limited to, work on the streets, parks or other city-owned or maintained projects, with proper supervision.
- C. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.
- D. Upon a finding of the court that the conditions of release have been violated, the municipal judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.
- E. Upon the issuance of the warrant or judgment of guilty being entered, the person shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the judge.
- F. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of the

## Court

sentence. At the expiration of such period, the judge may allow the city attorney to amend the charge to a lesser offense.

- G. If a deferred sentence is imposed, an administrative fee as set forth in Appendix B to this code may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.
- H. The court may also require restitution and in the event there was damage done to public or private property during the commission of the offense, the court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the court. (Prior Code, Sec. 2-44, in part)

State Law Reference: Similar provisions, 11 O.S. Sec. 27-123.

### SECTION 6-131 FINES AND COSTS.

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in the amount reflected by Appendix II or the maximum allowed by state law, whichever is greater, plus the fees and mileage of jurors and witnesses, but the total amount of fine, excluding costs and fees, may not exceed the amount set out in Section 1-108 of this code. (Prior Code, Sec. 2-43)

### SECTION 6-132 FAILURE TO APPEAR, COURT COSTS, PENALTY.

- A. Any person who files a complaint in the municipal court against another person or persons and fails to appear to prosecute or testify on the complaint so filed, or moves to dismiss the same without court approval, is liable for, and shall be assessed and pay all court costs incurred in the and shall stand committed until the costs are paid.
- B. When application is made by any person to commence prosecution in the court, the municipal judge or the acting judge may, at his discretion, before such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution shall fail because of the nonattendance of such complaining witness, after proper notice, at the trial of such cause. The security shall be given before any proceeding shall be commenced.
- C. Any defendant failing to appear as required shall constitute a separate offense, punishable as provided in Section 1-108 of this code. (Prior Code, Sec. 2-44.1)

Court

SECTION 6-133    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 paragraph one hereof, 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 city shall deposit with the Oklahoma State Treasury the funds deposited in the law enforcement training funds and the A.F.I.S. (automated fingerprint identification) Fund as required by law. The court clerk shall also furnish to the State Treasury reports required on the funds collected and penalty assessments imposed each 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.

State Law Reference: Similar provisions, 20 O.S. Sec. 1313.1 through 1313.3.

Court

CHAPTER 2

MUNICIPAL JUVENILE COURT

Section 6-201	Establishment of a Municipal Juvenile Court; Designation and Operation of the Municipal Juvenile Court.
Section 6-202	Jurisdiction Generally.
Section 6-203	Purpose.
Section 6-204	Definitions.
Section 6-205	Original Jurisdiction of Municipal Court in Certain Juvenile Cases.
Section 6-206	Curfew for Minors.
Section 6-207	Allowing or Encouraging a Minor to Commit Offenses; Penalty.
Section 6-208	Parental Responsibility; Failure to Control; Penalty.
Section 6-209	Commission of a Crime in the Presence of Minors; Penalty.
Section 6-210	Permitting Crimes or Disorderliness on Premises; Penalty.
Section 6-211	Truancy; Penalty.
Section 6-212	Furnishing Tobacco Products to Minors; Minors in Possession of Tobacco Products; Penalty.

SECTION 6-201     ESTABLISHMENT OF A MUNICIPAL JUVENILE COURT: DESIGNATION AND OPERATION OF THE MUNICIPAL JUVENILE COURT.

There is hereby established a Municipal Juvenile Court under the provisions of 10 O.S. 7303-1.2 which is designated as the Municipal Juvenile Court of the City of Sapulpa.

SECTION 6-202     JURISDICTION GENERALLY.

- A. The Municipal Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of the Code or other ordinance of this municipality is charged, including any such prosecutions transferred to the Court in accordance with applicable law.
  
- B. The Municipal Juvenile Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a child under the age of eighteen (18) years is charged with violating the following municipal ordinances of the City of Sapulpa: illegal possession of firearms; vandalism; shoplifting; trespassing, assault, battery; assault and battery; truancy, curfew, possession of low-point beer as defined in Section 163.7 of Title 37 of the Oklahoma Statutes; disorderly conduct, public intoxication and failure to appear for a court appearance or comply with a court order and any other municipal ordinances.

## Court

### SECTION 6-203    PURPOSE.

The purpose of this chapter is to curb the increasing problem of juvenile crime; to educate and reform juvenile offenders; to punish juvenile offenders; and to create an environment whereby adults and juveniles take responsibility for the actions of juveniles. It is further intended by this chapter to continue to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall not be a defense to the committing of any violation of any offense contained in this chapter that a parent, guardian or any other person whose responsibility it is to exercise control over a minor, was completely unaware or indifferent to the activities, conduct or whereabouts of such minor.

### SECTION 6-204    DEFINITIONS.

In this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

- (1) City is the City of Sapulpa, Creek County, Oklahoma.
- (2) Curfew hours are those hours during the period ending at 6:00 a.m. all days of the week, and beginning at 12:00 midnight on Sunday through Thursday and 1:00 a.m. on Friday and Saturday night.
- (3) Minor is any person under eighteen (18) years of age, unless otherwise emancipated. Furthermore, the term minor shall be synonymous with the term juvenile.
- (4) Parent is any person having legal custody of a minor (i) as a natural or adoptive parent; (ii) as a legal guardian; (iii) as a person who stands in loco parentis; and (iv) as a person to whom legal custody has been given by order of a court.
- (5) Public place shall mean 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.
- (6) Remain means to stay behind, to tarry, to stay unnecessarily and to linger, to fail to leave when requested to do so by a police officer or the owner, operator, or other person in control of any public place.

## Court

- (7) Street is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term street includes the legal right-of-way, the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.
- (8) Time of night is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.
- (9) Year of age continues from one birthday, such as the seventeenth (17th) to (but not including the day of) the next, such as the eighteenth (18th) birthday.

### SECTION 6-205 ORIGINAL JURISDICTION OF MUNICIPAL COURT IN CERTAIN JUVENILE CASES.

- A. The Municipal Court of the city may elect to have and possess original jurisdiction to hear and adjudicate the offenses of illegal possession of firearms, vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfew, possession of low-point beer committed by persons under the age of eighteen (18) years of age and penalize juveniles found guilty as allowed by Title 10 of the Oklahoma Statutes, Section 7303-1.2.
- B. The Municipal Court of the city may elect to have and possess original jurisdiction to hear and adjudicate any offenses committed by persons under the age of eighteen (18) years of age and penalize juveniles found guilty as allowed by Title 10 of the Oklahoma Statutes, Section 7303-1.2.

### SECTION 6-206 CURFEW FOR MINORS.

- A. It shall be unlawful for:
  - 1. Any person under eighteen (18) years of age to be or remain in or upon the streets or any public place within the City of Sapulpa at night, during curfew hours;
  - 2. Any parent of a minor to knowingly permit or, by insufficient control, allow a minor to remain in any public place or street within the City during curfew hours; or any owner, operator, or employee of a

## Court

public place to knowingly allow a minor to remain upon the premises of any public place during curfew hours.

- B. It is a defense to section (a)(1) above if the minor is:
1. Accompanied by a parent of such minor, or when accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;
  2. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
  3. On an errand at the specific direction of the minor's parent, without any detour or stop;
  4. Involved in an emergency;
  5. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not object to a police officer;
  6. In a motor vehicle involved in interstate travel;
  7. Engaged in an employment activity, or going home from an employment activity, without any detour or stop;
  8. Attending or traveling between home and an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization or other similar entity that takes responsibility for the minor; or
  9. Married or had been married or had disabilities of minority removed in accordance with state law.
- B. It is a defense to section (a)(2) above for the parent of a minor if the minor would qualify for any defense listed above.
- C. It is a defense to section (a)(3) above title owner, operator or employee of a public place promptly notifies the police department that a minor was present on the premises of the public place during curfew hours and remained after being asked to leave.

Court

- D. Any person convicted of violating any provision in this section shall be punished by a fine as indicated in Appendix II, plus costs, or by the penalty provided in Section 1-108.

SECTION 6-207 ALLOWING OR ENCOURAGING A MINOR TO COMMIT OFFENSES; PENALTY.

- A. It shall be unlawful for any person to knowingly or willfully aid, abet, allow, encourage or, by omission of a duty, encourage or assist a minor to commit any municipal, state or federal offense.
- B. Any person convicted of violating any provision in this section shall be punished as provided in Section 1-108 or by a fine as indicated in Appendix II plus costs.

SECTION 6-208 PARENTAL RESPONSIBILITY; FAILURE TO CONTROL; PENALTY.

- A. It shall be unlawful for any parent to fail to control a minor that is under the parent's supervision, by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one other offenses within one (1) year of the date the minor committed the first offense.
- B. Any person convicted of violating any provision in this section shall be punished as provided in Section 1-108 or by a fine as indicated in Appendix II, plus costs.

SECTION 6-209 COMMISSION OF A CRIME IN THE PRESENCE OF MINORS; PENALTY.

- A. It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under eighteen (18) years of age.
- B. Any person convicted of violating any provision in this section shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix II, plus costs.

Court

SECTION 6-210 PERMITTING CRIMES OR DISORDERLINESS ON PREMISES; PENALTY.

- A. No owner, operator, proprietor, manager or employee of any place shall permit minors who have congregated on the premises to commit any offense, or to carouse, make unnecessary noises, disturb, disrupt or annoy the people residing or carrying on business in the immediate neighborhood or so as to disturb the peace. Furthermore, no owner, operator, proprietor, manager or employee of any place shall not permit any minor to loiter, litter or cause any disturbance on the property of a neighboring resident or business.
- B. Any person convicted of violating any provision of this section shall be deemed guilty of an offense and shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix II, plus costs.

SECTION 6-211 TRUANCY; PENALTY.

- A. It shall be unlawful for a parent of a minor who is over the age of six (6) years and under the age of eighteen (18) years, to neglect or refuse to cause or compel such minor to attend and comply with the rules of a public, private or other school of the parent's choosing in which the minor is enrolled.
- B. It shall be unlawful for any minor who is over the age of six (6) and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term of the schools of the district in which the minor attends are in session.

Provided, that this section shall not apply:

- (1) If any such minor is prevented from attending school by reason of mental or physical disability, as determined by the Board of Education of the district upon a certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;

Court

- (2) If any such minor is excused from attendance at school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent of the minor;
  - (3) If any such minor is excused from attending school by:
    - a. The administrator of the school or district where the minor attends school, and
    - b. The parent of the minor. Provided, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or the community, and that said minor shall thereafter be under the supervision of the parent until the minor has reached the age of eighteen (18) years; and
  - (4) If any such minor is observing religious holy days prior to the absence and the parent of the minor submits a written request for the absence, the school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.
- C. Any parent convicted of violating any provision in this section shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix II, plus costs. Each separate day of violation shall constitute a separate offense.
- D. Any minor convicted of violating any provision in this section shall be punished as provided by Section 1-108, or, on the first offense by a fine as indicated in Appendix II, plus cost, and by a fine as indicated in Appendix II for each subsequent violation, plus cost. Each separate day of violation shall constitute a separate offense.

SECTION 6-212

FURNISHING TOBACCO PRODUCTS TO MINORS; MINORS IN POSSESSION OF TOBACCO PRODUCTS; PENALTY.

- A. Any person who shall furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product shall be guilty of an offense.

## Court

- B. It shall be an offense for any minor to be in possession of any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product.
- C. Any person convicted of violating any provision in this section shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix II, plus costs.



## PART 7

### FINANCE AND TAXATION

#### CHAPTER 1

##### FINANCE AND BUDGET ADMINISTRATION

Section 7-101	Deposits of revenues and funds; service charge.
Section 7-102	Definition of contracts.
Section 7-103	By whom made.
Section 7-104	Procedure.
Section 7-105	Obsolete or surplus supplies, materials or equipment.

#### CHAPTER 2

##### SALES TAX

Section 7-201	Citation and codification.
Section 7-202	Definitions.
Section 7-203	Tax collector defined.
Section 7-204	Classification of taxpayers.
Section 7-205	Subsisting state permits.
Section 7-206	Effective Date.
Section 7-207	Ordinances

#### CHAPTER 3

##### TELEPHONE EXCHANGE TAX

Section 7-301	Fee levied on telephone exchanges.
Section 7-302	Fee to be in lieu of other fees, taxes.

#### CHAPTER 4

##### EXCISE TAX

Section 7-401	Citation and codification.
Section 7-402	Definitions.
Section 7-403	Excise tax on storage, use or other consumption of intangible, personal property levied.
Section 7-404	Purpose of revenues.
Section 7-405	Exemptions.
Section 7-406	Time when due, returns, payment.
Section 7-407	Tax constitutes debt.

## Finance and Taxation

Section 7-408	Collection of tax by retailer or vendor.
Section 7-409	Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state, permits.
Section 7-410	Revoking permits.
Section 7-411	Remunerative deductions allowed vendors or retailers of other states.
Section 7-412	Interest and penalties, delinquency.
Section 7-413	Waiver of interest and penalties.
Section 7-414	Erroneous payments, claim for refund.
Section 7-415	Fraudulent returns.
Section 7-416	Records confidential.
Section 7-417	Classification of taxpayers.
Section 7-418	Subsisting state permits.
Section 7-419	Provisions cumulative.

### CHAPTER 5 UTILITY FEE

Section 7-501	Utility Tax Levied.
Section 7-502	Not to Apply to Franchises.
Section 7-503	Payment of Tax.
Section 7-504	Failure to Pay Tax.
Section 7-505	Tax Constitutes Lien.
Section 7-506	Record of Sales.

### CHAPTER 6 HOTEL/MOTEL TAX

Section 7-601	Citation and Codification.
Section 7-602	Subsisting State Permits.
Section 7-603	Effective Date and Termination.
Section 7-604	Definitions.
Section 7-605	Allocation and Use of Funds.
Section 7-606	Tax Levied.
Section 7-607	Exemptions.
Section 7-608	Proof of Exemption Required.
Section 7-609	Tax to Be Designated.
Section 7-610	Operator Responsibility for Collection.
Section 7-611	Discount.
Section 7-612	Records.
Section 7-613	Returns.

## Finance and Taxation

Section 7-614	Payment of Tax.
Section 7-615	Bond Required.
Section 7-616	Assessment and Determination of Tax.
Section 7-617	Refunds.
Section 7-618	Notices.
Section 7-619	Remedies Exclusive.
Section 7-620	Treasurer - Powers.
Section 7-621	Registration Certificates - Certificates of Authority.
Section 7-622	Administration.
Section 7-623	Penalty & Interest.
Section 7-624	Records Confidential.
Section 7-625	Fraudulent Returns.
Section 7-626	Amendments.
Section 7-627	Provisions Cumulative.
Section 7-628	Provisions Severable.
Section 7-629	Payment of Legal Fees.

Finance and Taxation

CHAPTER 1

FINANCE AND BUDGET ADMINISTRATION

Section 7-101	Deposits of revenue and funds; service charge.
Section 7-102	Definition of contracts.
Section 7-103	By whom made.
Section 7-104	Procedure.
Section 7-105	Obsolete or surplus supplies, materials or equipment.

SECTION 7-101 DEPOSITS OF REVENUE AND FUNDS; SERVICE CHARGE.

All revenue, public funds and other sums of money received by the city or being in the custodial care of the city shall be deposited by the treasurer of the city at the highest available interest rate, according to the class and length of money deposit, as equally as practically possible among the banks, located within the city, whose deposits are insured by the Federal Deposit Insurance Corporation. With respect to any particular class of deposit account, as determined by the nature of the use of such account and by the length of the time of the deposit, the treasurer of the city shall give preference to any bank or banks offering the highest rate of interest for such class of money deposit. However, such preference given for deposits shall not affect the equal deposits of other funds upon which equal interest rates are paid by such banking institutions. There is imposed a service fee in the amount reflected by the Master Fee Schedule upon any person or organization who presents a negotiable instrument for payment of any obligation to the city and for which payment is not received on the negotiable instrument when appropriate demand for payment is made by the city. (Prior Code, Sec. 9A-1; Ord. No. 2273)

SECTION 7-102 DEFINITION OF CONTRACTS.

The term "contractual services", for the purpose of this chapter, means services performed for the city by persons not in the employment of the city, and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. Contractual services includes travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; repairs, alterations, and maintenance of buildings, equipment, streets, and bridges, and other physical facilities of the city; and other services performed for the city by persons not in the employment of the city.

SECTION 7-103 BY WHOM MADE.

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

Finance and Taxation

the city manager.

SECTION 7-104    PROCEDURE.

The city manager, subject to any regulations which the city council may prescribe, shall contract for and purchase all supplies, material and equipment for the offices, departments and agencies of the city. Every such contract or purchase exceeding an amount set by the city council by ordinance, motion or resolution shall require the prior approval of the city council. The city manager may also transfer to or between offices, departments and agencies, or sell surplus or obsolete supplies, materials and equipment.

SECTION 7-105    OBSOLETE OR SURPLUS SUPPLIES.

The city manager may sell obsolete or surplus supplies, materials, or equipment, subject to regulations of the city council. The city manager may sell the same at either public auction or private sale by public bids or sealed quotations on all items for sale or otherwise dispose of such property as allowed by law.

State Law Reference: Public competitive bidding \$10,000, 61 O.S. Sects. 101 et seq.

CHAPTER 2

SALES TAX

Section 7-201	Citation and codification.
Section 7-202	Definitions.
Section 7-203	Tax collector defined.
Section 7-204	Classification of taxpayers.
Section 7-205	Subsisting state permits.
Section 7-206	Effective Date.
Section 7-207	Ordinances.

SECTION 7-201    CITATION AND CODIFICATION.

This chapter shall be known and may be cited as "City of Sapulpa Sales Tax Ordinance." (Prior Code, Chapter 26)

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. Section 2701; State Sales Tax Code, 68 O.S. Sections 1350 et seq.

SECTION 7-202    DEFINITIONS.

## Finance and Taxation

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. (Prior Code, Chapter 26)

### SECTION 7-203    TAX COLLECTOR DEFINED.

The term "tax collector" as used in this chapter means the department of the city or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this chapter. (Prior Code, Chapter 26)

### SECTION 7-204    CLASSIFICATION OF TAXPAYERS.

For the purpose of this chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code. (Prior Code, Chapter 26)

### SECTION 7-205    SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose. (Prior Code, Chapter 26)

### SECTION 7-206    EFFECTIVE DATE.

This chapter became effective after approval of a majority of the registered voters of the city voting on the ordinance in the manner prescribed by Section 16-112 of Title 11 of the Oklahoma Statutes. (Prior Code, Chapter 26)

### SECTION 7-207    ORDINANCES.

The city has adopted the following Ordinances setting forth the applicable sales tax regulations and provisions operative in the city:

- Ordinance No. 1205 - effective 04/01/1967
- Ordinance No. 2229 - effective 04/01/1998
- Ordinance No. 2427 - effective 06/30/2004
- Ordinance No. 2475 - effective 11/21/2005

Finance and Taxation

Each of these ordinances and amendments thereto, are hereby adopted and incorporated herein by reference and are applicable in the city as fully as if set out at length herein. A copy of each of the Ordinances and amendments are on file in the office of the city clerk.

CHAPTER 3

TELEPHONE EXCHANGE TAX

Section 7-301                      Fee levied on telephone exchanges.  
Section 7-302                      Fee to be in lieu of other fees, taxes.

SECTION 7-301      FEE LEVIED ON TELEPHONE EXCHANGES.

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the city in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the city to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the city. The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the city on or before June 1 in each year for the whole of the calendar year next preceding the date and shall be paid into and appropriated and expended from the general revenue fund of the city. (Prior Code, Sec. 27-1)

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

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

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the city is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the city. (Prior Code, Sec. 27-2)

SECTION 7-303      9-1-1 EMERGENCY TELEPHONE TAX.

A.      There is imposed a tax of five percent (5%) on the tariff charges for

## Finance and Taxation

exchange telephone service of the local exchange telephone company or companies providing service within the city limits.

- B. No such tax shall be imposed upon more than one hundred (100) exchange access lines or their equivalent at one location per service user.
- C. The tax shall be collected monthly by the local exchange company and forwarded, within thirty (30) days of the close of the month in which such taxes were collected, to the city clerk of the city.
- D. The funds collected from this tax shall be spent for engineering, installation, administration and other recurring or one-time costs necessary to implement, administer, operate and maintain emergency Nine-One-One (911) telephone service in the city.
- E. The city manager or his designated representative are hereby authorized to administer the emergency Nine-One-One (911) telephone service in the city.
- F. The city manager or his designated representative is hereby authorized to cooperate with other governing bodies who may impose a similar tax and who wish to participate in the city's emergency Nine-One-One (911) telephone service.
- G. The local exchange company or companies providing exchange telephone service within the city shall be entitled to retain as administrative fee three percent (3%) of the tax imposed and collected pursuant to this section.

[Ord. No. 1977, 1/19/88; Ord. No. 2067, 9/3/91; Ord. No. 2135, 10/17/94]

Finance and Taxation

CHAPTER 4

EXCISE TAX

Section 7-401	Citation and codification.
Section 7-402	Definitions.
Section 7-403	Excise tax on storage, use or other consumption of intangible, personal property levied.
Section 7-404	Purpose of revenues.
Section 7-405	Exemptions.
Section 7-406	Time when due, returns, payment.
Section 7-407	Tax constitutes debt.
Section 7-408	Collection of tax by retailer or vendor.
Section 7-409	Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state, permits.
Section 7-410	Revoking permits.
Section 7-411	Remunerative deductions allowed vendors or retailers of other states.
Section 7-412	Interest and penalties, delinquency.
Section 7-413	Waiver of interest and penalties.
Section 7-414	Erroneous payments, claim for refund.
Section 7-415	Fraudulent returns.
Section 7-416	Records confidential.
Section 7-417	Classification of taxpayers.
Section 7-418	Subsisting state permits.
Section 7-419	Provisions cumulative.

SECTION 7-401    CITATION AND CODIFICATION.

This chapter shall be known and may be cited as "City of Sapulpa Use Tax".

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

SECTION 7-402    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:

1. "City" means the City of Sapulpa, Oklahoma;

## Finance and Taxation

2. "Tax collector" means the department of the municipality 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; and

3. "Transaction" means sale.

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-403     EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of three and one half percent (3 ½%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

[Ord. No. 85-15, 5/13/85; Ord. No. 88-12, 7/11/88]

### SECTION 7-404     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 municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-405     EXEMPTIONS.

The provisions of this chapter shall not apply:

## Finance and Taxation

1. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;

2. In respect to the use of tangible, personal property purchased for resale before being used;

3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the city Use Tax, has been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and City 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 City 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 municipality;

4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. 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 municipality. 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 municipality;

6. In respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this municipality 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 municipality for feeding or breeding purposes, and which is later resold.

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

Finance and Taxation

SECTION 7-406     TIME WHEN DUE, RETURNS, PAYMENT.

The tax levied by this chapter is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma. [Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

SECTION 7-407     TAX CONSTITUTES DEBT.

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. [Ord. No. 85- 15, 5/13/85]

SECTION 7-408     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 municipality shall at the time of making such sales collect the use tax levied by this chapter from the purchaser and give to the purchaser a receipt therefore in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in the city.

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

SECTION 7-409     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 municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without this state and making sales of tangible, personal property such out-of-state place of business for use in this municipality. 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 municipality. Such authority and permit may be cancelled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not

## Finance and Taxation

by common carrier), such sales or transactions shall continue to be subject to applicable municipality sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-410 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. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-411 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. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-412 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. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

## Finance and Taxation

### SECTION 7-413 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 municipality tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the State Use Tax provided in Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purposes of this section the applicable provisions of Section 220 are hereby adopted by reference and made a part of this chapter. [Ord. No. 85- 15, 5/13/85]

### SECTION 7-414 ERRONEOUS PAYMENTS, CLAIM FOR REFUND.

Refund of erroneous payment of the municipality use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purpose of this section, the applicable provisions of Section 227 are hereby adopted by reference and made a part of this chapter.

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-415 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than One Hundred Dollars (\$100.00) and costs. Each day of noncompliance with this chapter shall constitute a separate offense. [Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-416 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the municipality 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 municipality use tax as is herein set forth in full. [Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

### SECTION 7-417 CLASSIFICATION OF TAXPAYERS.

For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

[Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

Finance and Taxation

SECTION 7-418    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 municipality permit for the same purpose. [Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

SECTION 7-419    PROVISIONS CUMULATIVE.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the city's ordinances. [Ord. No. 2011, 3/20/89; Ord. No. 2125, 3/24/94]

Finance and Taxation

CHAPTER 5

UTILITY FEE

Section 7-501	Utility Tax Levied.
Section 7-502	Not to Apply to Franchises.
Section 7-503	Payment of Tax.
Section 7-504	Failure to Pay Tax.
Section 7-505	Tax Constitutes Lien.
Section 7-506	Record of Sales.

SECTION 7-501                      UTILITY TAX LEVIED.

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of power, light, heat, gas, electricity or water within the City of Sapulpa, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the City, in accordance with the provisions of Title 68 Oklahoma Statutes 1981 Section 2601-2605, as amended and supplemented, and other applicable provisions of state law. [Ord. No. 2428]

SECTION 7-502                      NOT TO APPLY TO FRANCHISES.

The tax levied under this ordinance shall, when levied, apply to all persons, firms associations or corporations engaged in the business of furnishing power, light, heat, gas, electricity or water within the City of Sapulpa municipal limits, except it shall not apply to any person, firm association or corporation operating under a valid franchise from the City granted pursuant to Article 18, Section 5(a) of the Oklahoma Constitution, nor shall it apply to those entities exempt from taxation under applicable provisions of state law.

SECTION 7-503                      PAYMENT OF TAX.

The tax levied under this ordinance shall be levied for a term of not less than one (1) year and shall be payable quarterly, on or prior to the tenth (10<sup>th</sup>) day of the months of January, April, July and October of each year, as applicable, and the proceeds thereof shall be placed in the general revenue fund of the City.

SECTION 7-504                      FAILURE TO PAY TAX.

Any person firm, association or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from such City and in addition thereto, an action may be maintain against such person, firm, association or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney's fees.

Finance and Taxation

SECTION 7-505

TAX CONSTITUTES LIEN.

The tax so imposed shall constitute a first and prior lien on all the assets location within the City of any person, firm, association or corporation engaged in the business of selling utility services within the municipal limits of the City.

SECTION 7-506

RECORD OF SALES.

It shall be the duty of any person, firms association or corporation subject to the tax levied hereunder to keep and maintain records as to the amount of gross receipts of sales of power, light, heat, gas electricity or water within the City, and such records shall be subject to review and audit by the City upon reasonable request. In addition, a summary of such sales for the preceding calendar quarter, including the number of customers served, the number of customers exempt from taxation under applicable Oklahoma sales tax laws, the number of units of gas, electricity or water (cubic feet, kilowatt hours, or gallons, respectively) sold to exempt and non-exempt customers, and the amount of sales tax charged and collected with respect to such sales, shall be provided unto the City at the time of payment of the tax pursuant to Section 7-503 hereof.

Finance and Taxation

CHAPTER 6

HOTEL/MOTEL TAX

Section 7-601	Citation and Codification.
Section 7-602	Subsisting State Permits.
Section 7-603	Effective Date and Termination.
Section 7-604	Definitions.
Section 7-605	Allocation and Use of Funds.
Section 7-606	Tax Levied.
Section 7-607	Exemptions.
Section 7-608	Proof of Exemption Required.
Section 7-609	Tax to Be Designated.
Section 7-610	Operator Responsibility for Collection.
Section 7-611	Discount.
Section 7-612	Records.
Section 7-613	Returns.
Section 7-614	Payment of Tax.
Section 7-615	Bond Required.
Section 7-616	Assessment and Determination of Tax.
Section 7-617	Refunds.
Section 7-618	Notices.
Section 7-619	Remedies Exclusive.
Section 7-620	Treasurer - Powers.
Section 7-621	Registration Certificates - Certificates of Authority.
Section 7-622	Administration.
Section 7-623	Penalty & Interest.
Section 7-624	Records Confidential.
Section 7-625	Fraudulent Returns.
Section 7-626	Amendments.
Section 7-627	Provisions Cumulative.
Section 7-628	Provisions Severable.
Section 7-629	Payment of Legal Fees.

SECTION 7-601

CITATION AND CODIFICATION.

This ordinance shall be known and cited as the City of Sapulpa Hotel/Motel Ordinance of 2006, and is hereinafter referred to as "Chapter".

SECTION 7-602

SUBSISTING STATE PERMITS.

## Finance and Taxation

All valid and subsisting permits to do business by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Chapter, hereby ratified, confirmed, and adopted in lieu of any requirement for an additional city permit for the same purpose.

### SECTION 7-603                      EFFECTIVE DATE AND TERMINATION.

This Chapter shall become and be effective on July 1, 2006, subject to approval of a majority of the registered voters of the City of Sapulpa, Oklahoma voting on the same in the manner prescribed by law; provided that upon approval of the voters as required above, this Chapter shall remain in effect and not be repealed unless repealed by a majority of the registered voters of the City of Sapulpa, Oklahoma, voting to repeal same in the manner as required by its approval.

### SECTION 7-604                      DEFINITIONS.

1.     Treasurer shall mean the Treasurer of the City of Sapulpa.
2.     Hotel or Motel shall mean any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations in which three (3) or more rooms are used for the accommodation of transient guests whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, bed and breakfast inns, inns, rooming houses, trailer houses, trailer motels, apartments and sleeping room not occupied by "permanent residents," and all other facilities where rooms or sleeping accommodations or space are furnished for a consideration. The term shall not include hospitals, sanitariums, nursing homes, university dormitories or other educational or charitable institutions.
3.     Occupancy shall mean the use or possession, or the right to use or possess any room or rooms in a hotel or the right to use or possession of the furnishings, or to the services and accommodations accompanying the use and possession of the room or rooms.
4.     Occupant shall mean a person who for a consideration uses, possesses, or has the right to the use of possess any room or rooms in a hotel under any lease, concession, permit, right of access, license to use, or other agreement.
5.     Operator shall mean any person operating a hotel in this city, including, but not limited to, the owner, proprietor lessee, sublessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.
6.     Rent shall mean the consideration received for occupancy valued in money,

## Finance and Taxation

whether received in money or otherwise, including all receipts, cash credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

7. Return shall mean any return filed or required to be filed as herein provided.

8. Room shall mean any room or rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is not capable of being occupied for lodging purposes and which is used for educational, recreational, or amusement purposes and shall include: dance halls, cabarets; night clubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties, or wedding; lodge and meeting halls or room; skating rinks, gymnasiums; swimming pools; billiards, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets, recreation rooms; concert halls, broadcasting studios; and all other places of similar type of occupancy.

9. Tax shall mean the tax levied pursuant to this Ordinance.

### SECTION 7-605

### ALLOCATION AND USE OF FUNDS.

Funds collected pursuant to the provision of this chapter shall be set aside and used exclusively for the following three purposes.

1. Thirty-seven and one-half percent (37.5%) of the funds shall be used to fund an Economic Development Department of the City of Sapulpa. Funds shall be earmarked for funding the salary and benefits of an Economic Development Director and the costs of operating said department.

2. Eighteen and seventy-five hundredth percent (18.75%) of the funds collected shall be used for the sole purpose of encouraging, promoting and fostering conventions, conferences and tourism development in the City of Sapulpa.

Eligible tourism promotion expenditures shall consist of those expenditures made for the preparation, printing, publication and distribution of media advertising in brochures, news and publicity materials, travel posters, mailing pieces, newspapers, magazines, television, radio, billboards and the Internet, and advertising and promotional specialties, exhibit space and displays at trade shows and conventions and the expense of manning such exhibits, the cost of travel agent, tour broker and tour operator familiarization tours into the City of Sapulpa for the purpose of attracting tourists to our community and for local, regional, national and international tourism conferences. Tourism promotion shall also include festivals, sites and events concerning ethnic history and ethnic events. For purposes of this paragraph, "ethnic" means of or relating to races or large groups of people

## Finance and Taxation

classed according to common traits or customs. Tourism promotion also includes the costs of providing a computerized consumer-oriented traveler response information program.

3. Eighteen and seventy-five hundredth percent (18.75%) of the funds collected shall be used by the City to make off-site and on-site capital improvements to public parks now belonging to, or hereafter acquired by, the City of Sapulpa. As used herein, off-site capital improvements shall include and mean the design, construction, extension and /or maintenance of any public utility service, including specifically water and sanitary sewer, to a public park, including acquisition of any necessary right-of-way for the same.

Funds shall be deposited into a City fund entitled the "Parks Development Fund" and used to acquire public park lands and/or construct park facilities for the purpose of attracting tournaments and sporting events to our community.

Park Development Funds shall not be used to pay for park department salaries and operations and maintenance expenses.

4. Twenty-five percent (25%) of the funds collected shall be used by the City for the three enumerated purposes as directed by the governing body.

### SECTION 7-606.

### TAX LEVIED.

There is hereby levied a tax on the gross rental receipts derived from all sales taxable under the Oklahoma Sales Tax Code upon the service of furnishing rooms by hotels or motels within the City of Sapulpa, Oklahoma, pursuant to the following graduated rate, except that the tax shall not be assessed where the rent is less than \$5.00 per day.

For the first twelve (12) months after the effective date of this Ordinance, the initial rate of the tax shall be three percent (3%); and

For the next subsequent six (6) months following the initial twelve (12) month rate, the tax shall be increased to four percent (4%); and

Thereafter, the tax shall be increased to five percent (5%).

This tax shall be in addition to any existing sales taxes imposed by the City of Sapulpa or the State of Oklahoma.

### SECTION 7-607.

### EXEMPTIONS.

Officers, agents, representatives, or employees of any government, corporation, organization, or association that are legally exempted from Oklahoma Sales Taxation or City of Sapulpa Taxation and whose occupancy of the room is required in connection with the official business or affairs of said government, corporation, organization, or association, shall be exempt from the tax levied by this Chapter.

## Finance and Taxation

### SECTION 7-608.            PROOF OF EXEMPTION REQUIRED.

Any person claiming to be exempt from the tax pursuant to Section 7-607 shall display proof of exemption and tax identification number certifying that the corporation, organization, or association with which he is affiliated is exempt from the tax.

### SECTION 7-609.            TAX TO BE DESIGNATED.

The operator shall separately designate, charge, and show all taxes on all bills, statements, receipts or any other evidence of charges or payment of rent for occupancy issued or delivered by the operator.

### SECTION 7-610.            OPERATOR RESPONSIBILITY FOR COLLECTION.

The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the City for the tax.

### SECTION 7-611.            DISCOUNT.

In order to compensate an operator for keeping tax records, filing reports, and remitting the tax when due, a discount equal to that allowed by the Oklahoma Tax Commission for the collection of sales tax shall be allowed upon all taxes paid prior to the time they become delinquent.

### SECTION 7-612.            RECORDS.

It shall be the duty of every operator required to make a return and pay any tax under this Chapter to keep and preserve suitable records of the gross daily rentals together with other pertinent records and documents which may be necessary to determine the amount of tax due hereunder and such other records as will substantiate and prove the accuracy of such returns. All records shall remain in the City and be preserved for a period of three (3) years, unless the Treasurer, in writing, has authorized their destruction or disposal at an earlier date, and shall be open to examination at any time by the Treasurer or by any of his duly authorized agents. The burden of proving that a sale was not a taxable sale shall be upon the operator who makes the sale.

### SECTION 7-613.            RETURNS.

1. The tax levied hereunder shall be due and payable to the Treasurer on the first day of each month, except as herein provided, by any person liable for the payment of any tax due under this Chapter. For the purpose of ascertaining the amount of the tax payable under this Chapter, it shall be the duty of all operators, on or before the

## Finance and Taxation

15<sup>th</sup> day of each month, to deliver to the Treasurer, upon forms prescribed and furnished by him, returns, under oath, showing the gross receipts or gross proceeds arising from rents received from occupancy of hotel rooms during the preceding calendar month. Such returns shall show such further information as the Treasurer may require to correctly compute and collect the tax herein levied. In addition to the information required on returns, the Treasurer may request and the operator shall furnish any information deemed necessary for a correct computation of the tax levied herein. Such operator shall compute and remit to the Treasurer the required tax due for the preceding calendar month. The remittance or remittances of the tax shall accompany the returns herein required. If not paid on or before the 15<sup>th</sup> of such month, the tax shall be delinquent after such date; provided, that no interest or penalty shall be charged on such return filed on or before the 20<sup>th</sup> day of such month.

### SECTION 7-614.                    PAYMENT OF TAX.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the tax imposed by this Chapter upon the rents included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this Chapter.

### SECTION 7-615.                    BOND REQUIRED.

Where the Treasurer believes that any operator is about to cease business, leave the State, or remove or dissipate assets, or for any other similar reason he deems it necessary in order to protect revenues under this Chapters, he may require such operator to file with the City a bond issued by a surety company authorized to transact business in this State in such amount as the Treasurer may fix to secure the payment of any tax or penalties and interest due, or which may become due, from such operator. In the event that the Treasurer determines that an operator is to file such within five (5) days after receiving such notice unless within such five (5) days the operator shall request in writing a hearing before the City Council at which time the necessity and amount of the bond shall be determined by the City Council. Such determination shall be final and shall be complied with within fifteen (15) days thereafter. In lieu of such bond, securities approved by the Treasurer or cash in such amount as he may prescribe may be deposited with the Treasurer, who may at any time after five (5) days notice to the depositor apply them to any tax and/or any penalties due, and for that purpose the securities may be sold at private or public sale.

## Finance and Taxation

### SECTION 7-616. ASSESSMENT AND DETERMINATION OF TAX.

If a return required by this Chapter is not filed, or if a returned when filed is incorrect or insufficient, the amount of tax due shall be assessed by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax unless the person against whom it is assessed, within ninety (90) days after the giving of notice of such assessment, shall apply in writing to the City Council for a hearing or unless the Treasurer upon his own initiative shall reassess the same. After such hearing the City Council shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

### SECTION 7-617. REFUNDS.

1. Procedure. The Treasurer shall refund or credit any tax erroneously, illegally, or unconstitutionally collected if written application to the Treasurer for such refund shall be made within ninety (90) days from the date of payment thereof. For like causes and in the same period, a refund may be made upon the initiative and the order of the Treasurer. Whenever a refund is made, the reasons therefor shall be stated in writing. Such application may be made by the person upon whom such tax was imposed and who has actually paid the tax. Such application may also be made by the person who has collected and paid such tax to the Treasurer provided that the application is made within ninety (90) days of the payment by the occupant to the operator, but no refund of money shall be made to the operator until he has repaid to the occupant the amount for which the application for refund is made. The Treasurer, in lieu of any refund required to be made, may allow credit therefor on payments due from the applicant.

2. Determination and Hearing. Upon application for a refund the Treasurer may receive evidence with respect thereto, and make such investigation as he deems necessary. After making a determination as to the refund, the Treasurer shall give notice thereof to the applicant. Such determination shall be final unless the applicant, within ninety (90) days after such notice, shall apply in writing to the City Council for a hearing. After such hearing, the City Council shall give written notice of its decision to the applicant.

### SECTION 7-618. NOTICES.

Any notice provided for under this chapter shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United State Mail addressed to the last-known Address of the operator.

## Finance and Taxation

### SECTION 7-619. REMEDIES EXCLUSIVE.

The remedies provided in this chapter shall be exclusive remedies available to any person for the review of tax liability imposed by the Chapter.

### SECTION 7-620. TREASURER - POWERS.

In addition to all other powers granted to the Treasurer, he/she is hereby authorized and empowered:

1. To make, adopt, and amend rules and regulations appropriate to the collection of taxes pursuant to this Chapter;
2. To extend for cause shown the time for filing any return for a period not exceeding sixty (60) days; and, for cause shown, to waive, remit, or reduce penalties or interest;
3. To delegate his functions hereunder to an assistant or other employee or employees of the City;
4. To assess, reassess, determine, revise, and readjust the taxes imposed by this Chapter;
5. To prescribe methods for determining the taxable and nontaxable rents.

### SECTION 7-621. REGISTRATION CERTIFICATES - CERTIFICATES OF AUTHORITY.

Every operator shall file with the Treasurer a registration certificate in a form prescribed by said Treasurer within ten (10) days after the effective date of this chapter or, in the case of operators commencing business or opening new hotels after such effective date, within three (3) days after such commencement or opening. The Treasurer shall, within five (5) days after the filing of such certificate, issue without charge to each operator a Certificate of Authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate shall state the hotel to which it is applicable. Such Certificate of Authority shall be permanently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel, or upon its sale or transfer.

## Finance and Taxation

### SECTION 7-622.            ADMINISTRATION.

One percent (1%) of the gross receipts derived from taxes collected pursuant to this Chapter shall be retained by the Office of the Treasurer for the purpose of administering and collecting the tax.

### SECTION 7-623.            PENALTY & INTEREST.

If any tax levied by this Chapter becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half percent (1.5%) per

month on the unpaid balance from the date of delinquency until said unpaid balance is paid in full.

In addition, if any tax levied by this Chapter becomes delinquent, the person responsible and liable for such tax shall pay a penalty on such unpaid tax at the amount set by the Oklahoma Tax Commission for delinquent sales tax payments.

### SECTION 7-624.            RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the tax is legislatively recognized and declared; and to protect the same, the provision of 68 O.S. (1981) §205 of the State Sales Tax Code, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to the administration of this Chapter as if herein set forth.

### SECTION 7-625.            FRAUDULENT RETURNS.

The willful failure or refusal of any operator to make reports and remittances herein required, or the making of any false or fraudulent report for the purpose of avoiding or escaping payment of any tax or a portion thereof rightfully due under this Chapter shall be an offense against the City of Sapulpa.

### SECTION 7-626.            AMENDMENTS.

The people of Sapulpa, by their approval of this Chapter at the election herein provided, hereby authorize the City Council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this Chapter as may be necessary or proper for efficiency and fairness, except that the rate of the tax herein provided shall not be changed without approval of the qualified voters of the City as provided by law.

Finance and Taxation

SECTION 7-627.                    PROVISIONS CUMULATIVE.

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

SECTION 7-628.                    PROVISIONS SEVERABLE.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence, or clause of this Chapter is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence, or clause hereof.

SECTION 7-629.                    PAYMENT OF LEGAL FEES.

In the event a suit in a court of competent jurisdiction is caused to be filed, either on behalf of or against the City of Sapulpa, and said cause is the direct result of the conditions, stipulations, or requirements hereinbefore set forth, an amount necessary to pay all legal fees incurred by the City, as well as fines or penalties imposed against it, shall be set aside from the monies authorized to be collected hereby in payment thereof, regardless of whether said cause was for the purpose of enforcing or defending the provisions of this Chapter.



Health & Nuisances

PART 8

HEALTH AND NUISANCES

CHAPTER 1

WEEDS AND TRASH

Section 8-101	Definitions.
Section 8-102	Accumulation of trash or weeds unlawful.
Section 8-103	Duty of owner, occupant to maintain private property.
Section 8-104	Reports of accumulation of grass, weeds or trash on property.
Section 8-105	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.
Section 8-106	Unlawful to deposit rubbish.
Section 8-107	Removal of dead animals.
Section 8-108	Unlawful to litter.
Section 8-109	Unlawful to litter from automobiles.
Section 8-110	Litter not to accumulate on property.
Section 8-111	Political advertising on rights of way prohibited.
Section 8-112	Penalty.

CHAPTER 2

FOOD AND RESTAURANTS

Section 8-201	Food service regulations adopted.
Section 8-202	Milk ordinance adopted.
Section 8-203	Grades of milk which may be sold.
Section 8-204	Enforcement by whom.
Section 8-205	Penalty.

CHAPTER 3

ABANDONED PROPERTY

Section 8-301	Definitions.
Section 8-302	Abandoned property and related acts prohibited.
Section 8-303	Notice of abandoned property.
Section 8-304	Removal notice.
Section 8-305	Hearing.
Section 8-306	Procedure for disposition of abandoned property.

## Health & Nuisances

Section 8-307 Abandoned property declared to be public nuisance.  
Section 8-308 Violations.

### CHAPTER 4

#### NUISANCES

Section 8-401 Nuisance defined; public nuisances; private nuisances.  
Section 8-402 Persons responsible.  
Section 8-403 Time does not legalize.  
Section 8-404 Remedies against public nuisances.  
Section 8-405 Remedies against private nuisances.  
Section 8-406 City has power to define and summarily abate nuisances.  
Section 8-407 Certain public nuisances in the city defined.  
Section 8-408 Summary abatement of nuisances.  
Section 8-409 Abatement by suit in district court.  
Section 8-410 Cost of abatement.  
Section 8-411 Cost to be determined, statement of cost to be sent.  
Section 8-412 Failure to pay costs, costs to be certified to county treasurer.  
Section 8-413 Nuisance unlawful.  
Section 8-414 Damages and prosecution for public offense.  
Section 8-415 Health nuisances; abatement.  
Section 8-416 Toilet facilities required; sewage lagoons prohibited;  
nuisance.  
Section 8-417 Procedure cumulative.  
Section 8-418 Penalty.

### CHAPTER 5

#### DILAPIDATED BUILDINGS

Section 8-501 Definitions.  
Section 8-502 Report to be made.  
Section 8-503 Condemnation, boarding and securing of dilapidated  
buildings, notice, removal, lien, payment.  
Section 8-504 Clearing up of premises from which buildings have been  
removed.  
Section 8-505 Penalty.

Health & Nuisances

CHAPTER 6

ENFORCEMENT AND PENALTY

Section 8-601	County health department designated to enforce health ordinances.
Section 8-602	Obstructing health officer.
Section 8-603	Penalty.

Health & Nuisances

CHAPTER 1

WEEDS AND TRASH

Section 8-101	Definitions.
Section 8-102	Accumulation of trash or weeds unlawful.
Section 8-103	Duty of owner, occupant to maintain private property.
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Section 8-109	Unlawful to litter from automobiles.
Section 8-110	Litter not to accumulate on property.
Section 8-111	Political advertising on rights of way prohibited.
Section 8-112	Penalty.

SECTION 8-101    DEFINITIONS.

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

1. "Administrative officer" means the city manager or his designee;
2. "Cleaning" means the removal of trash from property;
3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;
4. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and
5. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
  - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare

## Health & Nuisances

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 (150) feet from a parcel zoned for other than agricultural use.

(Prior Code, Chapter 22, in part; Ord. No. 2087, 10/19/92)

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

### SECTION 8-102 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

- A. 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 city 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.
- B. No owner or occupant of land or lots shall
  - 1. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash, or
  - 2. Permit such materials to remain on his premises for more than ten (10) days after being notified to remove them by the city or the county health department whether or not the owner or occupant knew of or permitted such throwing or depositing.

In addition to a penalty for violation of this section or Section 8-203, the city may abate as a public nuisance any condition prohibited herein pursuant to this chapter, any

## Health & Nuisances

other law or ordinance, all of which shall be cumulative.

### SECTION 8-103     DUTY OF OWNER, OCCUPANT TO MAINTAIN PRIVATE PROPERTY.

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any refuse, rubbish, trash or similar material except dirt thereon; nor shall such person allow the accumulation of any such material; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given ten (10) days' notice by the city of the condition and an order to fully abate the alleged deficiency. (Prior Code, Chapter 22, in part)

Cross Reference: See also Section 8-510 and 8-511 of this code for similar provisions on accumulations of litter on private property.

### SECTION 8-104     REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY.

Any officer or employee of the city 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 city, shall report the condition to the administrative officer 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.

(Prior Code, Chapter 22, in part)

### SECTION 8-105     CLEANING AND MOWING, NOTICE, CONSENT, HEARING, ABATEMENT, LIEN AND PAYMENT.

The city manager is authorized to cause property within the city to be cleaned of trash and weeds, or grass to be cut or mowed, and the nuisance to be abated in accordance with the following procedure:

## Health & Nuisances

1. The administrative officer may determine whether the accumulation of trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of the property;

2. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall state that unless the work is performed within ten (10) days of the date of the notice, the work shall be done by the city and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the city;

3. At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner can not be located within ten (10) days from the date of mailing the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by Section 102.8 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action;

4. If the city anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, shall state: that any accumulations of trash or excessive weeds or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the city; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property to secure such payment, all without further notice to the property owner. At the time of each summary abatement the city clerk shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section. However, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this section;

5. The owner of the property may give his written consent to the city authorizing the removal of the trash or the mowing of the weeds or grass. By giving his written consent, the owner waives his right to a hearing by the city;

## Health & Nuisances

6. A hearing may be held by the administrative officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the city manager, except that if the city manager conducts the initial hearing, then the right of appeal is to the city council. The appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

7. If the administrative officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefitted by the removal or such conditions, the administrative officer shall direct the clearing or cleaning be done by one of the following methods:

- a. By the city; or
- b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

The agents of the city are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, cleaning and performance of necessary duties as a governmental function of the city. Immediately following the cleaning or mowing of the property, the city clerk shall file a notice of lien with the county clerk describing the property and the work performed by the city, and stating that the city claims a lien on the property for the cleaning and mowing costs, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

8. After the property has been cleaned, the administrative officer shall determine the actual cost of such cleaning and any other expenses as may be necessary in connection therewith, including the cost of the notice and mailing. The city clerk shall forward by mail to the property owner specified in this section a statement of the actual cost and demanding payment;

9. If payment is not made within thirty (30) days from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located, and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. The cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer and shall continue until the cost shall be fully paid;

## Health & Nuisances

10. At any time prior to the collection as provided herein the city may pursue any civil remedy for collection of the amount owing and the interest thereon. Upon receiving payment, if any, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien or part thereof; and

11. The provisions of this section shall not apply to any property used for agricultural purposes.

(Prior Code, Chapter 22, in part)

### SECTION 8-106 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 city. (Prior Code, Chapter 22, in part)

### SECTION 8-107 REMOVAL OF DEAD ANIMALS.

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

Cross Reference: Animals generally, Section 4-101 of this code.

### SECTION 8-108 UNLAWFUL TO LITTER.

A. For the purpose of this chapter, "littering" is defined as any trash, refuse, garbage, rubbish, ashes, street cleanings, abandoned appliances, paper wrappings, cigarette butts, cardboard, yard clippings, leaves, wood, grass, bedding, waste paper, tin cans, bottles, or any other object or substance.

B. It is unlawful for any person to litter upon the public streets, alleys, roadways, curbs, gutters, and sidewalks of the city, except in public receptacles, or upon any real property owned or occupied by another. (Prior Code, Chapter 22, in part)

### SECTION 8-109 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 city any litter, trash, waste paper, tin cans or any other substance or refuse whatever. (Prior Code, Chapter 22, in part)

## Health & Nuisances

### SECTION 8-110 LITTER NOT TO ACCUMULATE ON PROPERTY.

A. It is hereby declared to be unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises or on the sidewalk in front of such property or premises.

B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender. (Prior Code, Chapter 22, in part)

### SECTION 8-111 POLITICAL ADVERTISING ON RIGHTS OF WAY PROHIBITED.

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become or may be a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof.

B. No person, firm or corporation shall erect or display any political advertising sign on any street or alley right of way, or upon any public utility easement within this city.

C. No person, firm or corporation shall place, tack, nail, staple or glue any political advertising sign on any telephone, telegraph, electric or street lighting pole within this city.

D. Any political advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected, placed or displayed in violation of the provisions of this section.

### SECTION 8-112 PENALTY.

Any person, firm or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.

Health & Nuisances

CHAPTER 2

FOOD AND RESTAURANTS

Section 8-201	Food service regulations adopted.
Section 8-202	Milk ordinance adopted.
Section 8-203	Grades of milk which may be sold.
Section 8-204	Enforcement by whom.
Section 8-205	Penalty.

SECTION 8-201     FOOD SERVICE REGULATIONS ADOPTED.

- A.     The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated in this code by reference. At least one copy of the rules and regulations shall be on file in the office of the city clerk. The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section.
  
- B.     Any person who violates any of the provisions of this section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.  
(Prior Code, Sec. 11-1, as amended)

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

SECTION 8-202     MILK ORDINANCE ADOPTED.

The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for the ultimate consumption within the city, or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of the "Milk Ordinance - Recommendations of the Public Health Service Revised to Comply with Oklahoma State Statutes," a copy of which shall be filed in the office of the city clerk. Sections 9 and 16 of the unabridged ordinance shall be replaced, respectively by Sections 8-205 and 8-206 of this code.

## Health & Nuisances

State Law Reference: 63 O.S. Sections 1-1301 et seq.

### SECTION 8-203    GRADES OF MILK WHICH MAY BE SOLD.

Only certified pasteurized and Grade A pasteurized, and certified raw or Grade A raw milk and milk products, shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled "ungraded".

### SECTION 8-204    ENFORCEMENT BY WHOM.

All sampling, examining, grading, and regrading of milk and milk products and all inspections, and issuing and suspension of revocation of permits shall be done by the director of the county health department or his authorized representative, who shall be a registered professional sanitarian.

### SECTION 8-205    PENALTY.

Any person who violates any provision of this chapter or the standards or codes adopted herein shall be punished and, upon conviction, as provided in Section 1-108 of this code.

Health & Nuisances

CHAPTER 3

ABANDONED PROPERTY

Section 8-301	Definitions.
Section 8-302	Abandoned property and related acts prohibited.
Section 8-303	Notice of abandoned property.
Section 8-304	Removal notice.
Section 8-305	Hearing.
Section 8-306	Procedure for disposition of abandoned property.
Section 8-307	Abandoned property declared to be public nuisance.
Section 8-308	Violations.

SECTION 8-301    DEFINITIONS.

In this chapter, unless the context otherwise requires:

1. "Abandoned property" means wrecked or derelict personal property, including but not limited to, wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, stoves, hot water heaters and other household appliances, plumbing fixtures, and furniture;
2. "Private property" means real property not owned or used by a governmental body in the city, but does not include any place licensed or permitted under the zoning code to be used as a junkyard or salvage yard; and
3. "Public property" means real property owned or used by any governmental body in the city, and includes buildings or portions thereof under governmental use, parks, streets, sidewalks, right-of-way, easements and vacant or undeveloped land owned or leased by any governmental body.

(Ord. No. 2084, 4/6/92)

SECTION 8-302    ENFORCEMENT.

The building inspector, a police officer or other authorized city official shall enforce this chapter, and references herein to building inspector include such authorized officials. (Ord. No. 2084, 4/6/92)

## Health & Nuisances

### SECTION 8-303 ABANDONED PROPERTY AND RELATED ACTS PROHIBITED.

No person shall:

1. Place, leave or cause to be placed or left on public property or outside any building, enclosed porch, areaway or other portion of a building or dwelling on private property any abandoned property;
2. Obstruct the building inspector in the discharge of his duties under this chapter;
3. Remove any notice affixed to abandoned property under this chapter without the building inspector's consent; or
4. Allow any abandoned property to remain on any private property which they own.

(Ord. No. 2084, 4/6/92)

### SECTION 8-304 NOTICE OF ABANDONED PROPERTY.

A. Notice on private property. Whenever the building inspector finds abandoned property which is located on private property and:

1. He can reasonably ascertain the person responsible for placing, leaving or causing the placing or leaving of the abandoned property on the private property, he may serve upon such person a notice of abandoned property, in a form prescribed by the building inspector, stating that the property (which shall be described) appears to be abandoned property under this chapter, that the person receiving the notice (who shall be named) appears to be responsible for placing, leaving or causing the placing or leaving of the abandoned property under this chapter, that the person receiving the notice (who shall be described with reasonable particularity), that he has fifteen (15) days from the date of the notice in which to remove the abandoned property and that, in the event of such person's not removing the abandoned property within the fifteen-day period, it may be removed by the city and the cost of such removal assessed against the real property from which the abandoned property was removed or against the person receiving the notice where authorized by state law or the building code. The notice shall also state that the person may within the fifteen-day period, request a hearing as to the necessity of removal and the place where the person may make his request and, in prominent language, that failure by the person to request a hearing within the fifteen-day period will act as a waiver of his right to a hearing and may result in the assessment of the cost of such removal against him personally. The person receiving the notice shall sign the notice as an acknowledgment that he has received a

## Health & Nuisances

copy of the notice and a copy of the notice shall be provided to such person. If the person is not served personally, notice shall be given by certified mail with return receipt requested at the last known address. If with due diligence the address cannot be ascertained or the return receipt shows that the person cannot be located, notice shall be given by publication in a newspaper of general circulation one time no less than fifteen (15) days prior to any removal. A notice shall also be served or sent to the private property owner upon which the abandoned property is located; and

2. He cannot ascertain the person responsible for placing or leaving or causing the placing or leaving of the abandoned property on the private property, a notice may be mailed by certified mail to the owner, per the county assessor's office, of the real property upon which the abandoned property is located. A removal notice shall also be placed on or near the abandoned property as required by Section 8-305 and the building inspector shall proceed under Section 8-307.

- B. Failure or refusal to sign notice. If any person required by this section to sign a notice of abandoned property willfully fails or refuses to do so, the building inspector shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by the section.
- C. Building inspector may cause complaint to be filed. Provided that nothing herein shall limit the building inspector's ability to file a criminal complaint upon the person responsible for the placing or leaving or causing the placing or leaving of the abandoned property on private or public property. This shall be in addition to any other remedies provided herein or by any other city ordinance or state law. (Ord. No. 2084, 4/6/92)

### SECTION 8-305    REMOVAL NOTICE.

Whenever the building inspector finds abandoned property which is located on private property, and regardless of whether a notice of abandoned property is served pursuant to Section 8-304, Subsection A or Subsection B, the building inspector may cause a notice to be placed on the abandoned property. If the building inspector cannot attach the removal notice to the abandoned property itself, he shall attach the notice to a substantial object as close to the abandoned property as possible, and this shall be deemed compliance with the posting requirement of this section. (Ord. No. 2084, 4/6/92)

### SECTION 8-306    HEARING.

Request for hearing. If the person who received a notice of abandoned property under Section 8-304, Subsection A or Subsection B or his agent timely requests a

## Health & Nuisances

hearing before the building board of adjustment on the necessity for removal of the abandoned property, as provided in Section 8-305, a date shall be set, not more than ten (10) days after the date of the request, for the hearing. The timely filing of the request for a hearing shall operate as a stay of further action by the city under the chapter, until a decision is reached by the board. (Ord. No. 2084, 4/6/92)

### SECTION 8-307     PROCEDURE FOR DISPOSITION OF ABANDONED PROPERTY.

- A. Return of building inspector. When abandoned property is found by the building inspector, he shall make a return thereof to the city attorney. The return shall:
1. Contain a description of the abandoned property;
  2. Give in detail the facts and circumstances under which it was found; and
  3. List all individuals, partnerships, corporations and unincorporated organizations known to the building inspector to be interested in the abandoned property. If the building inspector has served a notice of abandoned property pursuant to Section 3-304, and if he has caused the abandoned property to be stored, this shall be stated on the return, with necessary particulars.
- B. Proceedings for disposition. If the abandoned property has not been disposed or removed within the time allowed, the building inspector may cause the property to be disposed of in accordance with state law or the applicable building codes. (Ord. No. 2084, 4/6/92)

### SECTION 8-308     ABANDONED PROPERTY DECLARED TO BE PUBLIC NUISANCE.

Abandoned property on private property is declared to be a public nuisance and the owner, custodian or occupant of the private property, as well as the owner, custodian, bailee or person entitled to possession of the abandoned property, shall not permit such public nuisance to arise or continue. The city attorney, at the request of the city manager or his designee, shall institute a civil action in the district court to:

1. Apply for an injunction or restraining order, whether temporary or permanent, to prevent any person from maintaining or continuing to maintain a public nuisance contrary to the provisions of this section, or from failing or refusing to remove, terminate or abate any public nuisance;
2. Enjoin and abate a public nuisance declared by this section;

## Health & Nuisances

3. Compel the performance of any act specifically required of any person to remove, terminate or abate any public nuisance; and

4. Empower the building inspector, or a private contractor on behalf of the city, to enter upon any private property whereon a public nuisance exists or is maintained for the purpose of removing, terminating or abating such nuisance and prevent the person in possession of the private property from interfering with the city's representative while exercising this power in accordance with the court's order. Both the owner, custodian, bailee or person entitled to possession of the abandoned property shall be responsible for the removal, termination or abatement of the public nuisance.

(Ord. No. 2084, 4/6/92)

### SECTION 8-309 VIOLATIONS.

Any person who:

1. Commits any of the prohibited acts listed in Section 8-303, or aids in, procures or acquiesces in the commission of any of such prohibited acts; or

2. Permits the creation, maintenance or continuation of a public nuisance contrary to Section 8-308, shall be guilty of an offense against the ordinance of the city.

(Ord. No. 2084, 4/6/92)

## Health & Nuisances

### CHAPTER 4

#### NUISANCES

Section 8-401	Nuisance defined; public nuisances; private nuisances.
Section 8-402	Persons responsible.
Section 8-403	Time does not legalize.
Section 8-404	Remedies against public nuisances.
Section 8-405	Remedies against private nuisances.
Section 8-406	City has power to define and summarily abate nuisances.
Section 8-407	Certain public nuisances in the city defined.
Section 8-408	Summary abatement of nuisances.
Section 8-409	Abatement by suit in district court.
Section 8-410	Cost of abatement.
Section 8-411	Cost to be determined, statement of cost to be sent.
Section 8-412	Failure to pay costs, costs to be certified to county treasurer.
Section 8-413	Nuisance unlawful.
Section 8-414	Damages and prosecution for public offense.
Section 8-415	Health nuisances; abatement.
Section 8-416	Toilet facilities required; sewage lagoons prohibited; nuisance.
Section 8-417	Procedure cumulative.
Section 8-418	Penalty.

#### SECTION 8-401     NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES.

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

## Health & Nuisances

although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

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

State Law Reference: Power to define and abate nuisances, 50 O.S. Sections 1.

### SECTION 8-402 PERSONS RESPONSIBLE.

No person in charge or control of any property in the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow a nuisance to exist on the property. Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

### SECTION 8-403 TIME DOES NOT LEGALIZE.

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

### SECTION 8-404 REMEDIES AGAINST PUBLIC NUISANCES.

The remedies against a public nuisance are:

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

### SECTION 8-405 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

1. Civil action; and

## Health & Nuisances

2. Abatement:
  - a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
  - b. By the city in accordance with law or ordinance.

### SECTION 8-406 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES.

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

### SECTION 8-407 CERTAIN PUBLIC NUISANCES IN THE CITY DEFINED.

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

1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;
3. The 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

## Health & Nuisances

the city; 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 and current safety inspection sticker as required by law for vehicles used on the public highways, when stored or kept in a residence district;
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this city, 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; and

## Health & Nuisances

21. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause, is hereby declared to be a nuisance.

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.

Cross Reference: See also Animals (Sects. 4-101 et seq.)

### SECTION 8-408 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 city manager or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
- B. The chief of the fire department, the chief of police, the city attorney, the health officer, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the city manager or any councilor or resident, may submit through or with the consent of the city manager to the code enforcement officer, a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated.
- C. Upon receiving the complaint or observing the nuisance himself, the city manager or his designee will investigate the alleged nuisance. If he determines that a public nuisance exists, he will notify the person responsible for the nuisance. Such notice to the owner and other persons concerned shall be given in writing, by mail or by service by a police officer if their names and addresses are known; but, if the names and addresses are not known, and the public peace, health, safety, morals, or welfare 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 city. Such notice shall provide not less than ten (10) days nor more than sixty (60) days, at the discretion of the city manager or his designee, in which to abate such nuisance or to request a hearing as hereinafter set forth.

## Health & Nuisances

- D. If the person receiving the abatement notice wishes a hearing, he must request it in writing within ten (10) days and mail or file it with the city clerk. The hearing on his request will be before the city manager and will be held as soon as possible after the request is filed. The city manager shall render his decision by written memorandum and file the same with the city clerk, who shall thereupon mail a copy to the person or persons requesting the hearing at the last known mailing address.
- E. If the person responsible for a nuisance wishes to appeal the city manager's decision, he may request a hearing before the city council. Such request must be in writing and submitted to the city clerk within five (5) days after notice of the decision of the city manager is mailed to him.
- F. The city council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the city council shall have power to subpoena and examine witnesses, books, papers and other effects.
- G. If the city council finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the city council shall direct the city manager 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 city 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 the names and addresses are known. Until paid, such cost shall constitute a debt to the city, collectible as other debts of the city may be collected.

### SECTION 8-409 ABATEMENT BY SUIT IN DISTRICT COURT.

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

### SECTION 8-410 COST OF ABATEMENT.

If the person responsible for the nuisance is unable to pay for its removal, the

## Health & Nuisances

work may be done by the employees of this city under supervision of the city manager, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.

### SECTION 8-411     COST TO BE DETERMINED, STATEMENT OF COST TO BE SENT.

Upon the completion of the work ordered to be performed under Section 8-408 of this code, the city manager shall prepare a report on the cost thereof. Such report shall be itemized as to each tract, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, and other costs. The city manager shall determine the total actual costs of the work, and shall direct the city clerk to forward a statement and demand payment thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies. If the statement is not paid within twenty (20) days after such statement is mailed, the city council may direct the city attorney to institute action to establish its lien against the property on which such work was done and to request the court to cause such property to be sold and the lien paid.

### SECTION 8-412     FAILURE TO PAY COSTS, COSTS TO BE CERTIFIED TO COUNTY TREASURER.

In the event the city does not elect to proceed by legal action as set forth herein, then six (6) months from the date of mailing the notice prescribed by Section 8-410 hereof, the city clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the county treasurer in the manner prescribed by the laws of this state.

### SECTION 8-413     NUISANCE UNLAWFUL.

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

### SECTION 8-414     DAMAGES AND PROSECUTION FOR PUBLIC OFFENSE.

The fact that the city has abated and removed a nuisance shall in no way excuse the party responsible therefor from any damages which may have resulted prior thereto. Neither shall the order of abatement prevent the chief of police or other person from filing a complaint where the nuisance constitutes a public offense. The chief of police may file complaint in each and every instance where the nuisance amounts to a public offense, and the person responsible therefor shall be prosecuted on such complaint; on determination of guilt, he shall be punished as provided for punishment of public offenses.

Health & Nuisances

SECTION 8-415 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 city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the city.
  
- B. If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the city clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill of the owner or occupant if he is a user of water from the city water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If such owner or occupant is not a user of any city utility service, such cost, after certification to the city clerk, may be collected in any manner in which any other debt due the city may be collected.

State Law Reference: Power to abate health nuisances, 63 O.S. Section 1-1011.

SECTION 8-416 TOILET FACILITIES REQUIRED; SEWAGE LAGOONS PROHIBITED; NUISANCE.

- A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:
  - 1. "Human excrement" means the bowel and kidney discharge of human beings;

## Health & Nuisances

2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3. "Sanitary pit privy" means a privy which is built, rebuilt, or constructed so as to conform with the specifications approved by the State Health Department.

- B. Every owner of a residence or other building in which humans reside, are employed, or congregate within this city shall install, equip, and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto, and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the State Health Department.
- C. All human excrement disposed of within this city shall be disposed of by depositing it in closets of the type provided for in this section. It is unlawful for any owner of property within the city to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the city in any other manner.
- D. Any privy shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop, or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary 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.

## Health & Nuisances

### SECTION 8-417    PROCEDURE CUMULATIVE.

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

### SECTION 8-418    PENALTY.

Any person, firm or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.

Health & Nuisances

CHAPTER 5

DILAPIDATED BUILDINGS

Section 8-501	Definitions.
Section 8-502	Report to be made.
Section 8-503	Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment.
Section 8-504	Clearing up of premises from which buildings have been removed.
Section 8-505	Penalty.

SECTION 8-501    DEFINITIONS.

For the purposes of this chapter:

1.     Administrative officer means the city manager or his designee;
2.     "Boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure;
3.     "Cleaning" or "cleaned" means the removal of trash or weeds from the premises;
4.     "Dilapidated building" means the neglect of necessary repairs to a building or allowing it to fall into a state of decay or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or welfare of the general public; and
5.     "Unsecured building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

(Ord. No.2087, 10/19/92)

State Law Reference: Similar provisions, Section 22-112, 22-112.1 of Title 11.

SECTION 8-502    REPORT TO BE MADE.

Any officer or employee of this city who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer.

## Health & Nuisances

### SECTION 8-503 CONDEMNATION, BOARDING AND SECURING OF DILAPIDATED BUILDINGS, NOTICE, REMOVAL, LIEN, PAYMENT.

The administrative officer may cause dilapidated buildings within the city limits to be torn down and removed, or boarded or secured, in accordance with the following procedure:

1. At least fifteen (15) days' notice shall be given to the owner of the property before the city takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to this section;

2. A hearing shall be held by the administrative officer 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, or needs to be boarded and secured;

3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefitted by the removal of such conditions, or by its boarding and securing, the administrative officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing, and stating that the city claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

4. The property owner shall have a right of appeal to the city manager from an order of the administrative officer, or if the order is rendered by the city manager, then the right to appeal is to the city council. The appeal shall be filed in writing with the city clerk within ten (10) days after the administrative order is rendered;

## Health & Nuisances

5. If the work is not performed by the property owner within the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:

- a. By the city; or
- b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

6. After the building has been torn down and removed, or boarded and secured, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The city clerk shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee;

7. If payment is not made within six (6) months from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The city shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid;

8. When payment is made to the city for costs incurred, the city shall file a release of lien or part thereof;

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

10. Nothing in this section shall prevent the city from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

State Law Reference: 11 O.S. Section 22-112, removal of dilapidated buildings.

## Health & Nuisances

### SECTION 8-504 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED.

In all cases in which:

1. A house or building has been removed before the taking effect of this chapter; or
2. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the sheriff of the county or the chief of the fire department as provided by state law or as provided in this chapter; and in which any of the following conditions exist,
  3. The premises have not been cleaned up;
  4. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;
  5. The materials removed but the cellar space and excavations have not been filled;
  6. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the city plumbing inspector and securely closed; and
  7. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done, then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

### SECTION 8-505 PENALTY.

Any person who shall tear down or begin the tearing down of any house or building within the city limits of the city without having first procured permit therefor as herein provided shall be guilty of an offense against the city and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

Health & Nuisances

CHAPTER 6

ENFORCEMENT AND PENALTY

- Section 8-601 County health department designated to enforce health ordinances.
- Section 8-602 Obstructing health officer.
- Section 8-603 Penalty.

SECTION 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

Anywhere in this chapter where the word or words "health officer" are used it may be construed to mean the director of the city-county cooperative health department or his duly designated representative unless another person is designated by the manager of the city. It is the intent and purpose of the city council to delegate the enforcement of the health ordinances of this city as set out in this section and any such decisions rendered under this section shall be subject to review by the governing city council upon an appeal from an offender.

SECTION 8-602 OBSTRUCTING HEALTH OFFICER.

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

SECTION 8-603 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.



## PART 9

### LICENSING AND BUSINESS REGULATIONS

#### CHAPTER 1

##### OCCUPATIONAL LICENSES GENERALLY

Section 9-101	License fee levied on certain occupations.
Section 9-102	Payment of license fee; issuance of license; expiration date.
Section 9-103	Separate licenses required, fee for more than one business.
Section 9-104	License to be displayed.
Section 9-105	License may be revoked.
Section 9-106	Transfer of license prohibited.
Section 9-107	Duplicate license.
Section 9-108	Penalty.

#### CHAPTER 2

##### OUTDOOR SELLERS

Section 9-201	Definitions.
Section 9-202	Use of public right-of-way; prohibition; exception.
Section 9-203	Penalty.
Section 9-204	License required.
Section 9-205	License application procedure.
Section 9-206	License application fee.
Section 9-207	Application Review and investigation.
Section 9-208	Compliance with Site Plan; Amended Site Plan; Fee.
Section 9-209	Outdoor Display of Merchandise; Signage.
Section 9-210	Issuance of License; Fee; Fixed Location.
Section 9-211	Appeal to City Manager.
Section 9-212	Display of License.
Section 9-213	Revocation.
Section 9-214	Surrender Upon Expiration or Revocation.
Section 9-215	Renewal of license.

#### CHAPTER 3

##### AMUSEMENT DEVICES

Section 9-301	Definitions.
Section 9-302	Amount of fee in lieu of sales tax, special decal.
Section 9-303	Exempted devices.
Section 9-304	Application and issuance of decal, display.

## Licensing & Business Regulations

Section 9-305	Taxable year, decal for remainder of year.
Section 9-306	Operation without decal, fee and penalty.
Section 9-307	Seizure and forfeiture of devices without decal affixed.
Section 9-308	Operating device without decal, punishment.

### CHAPTER 4

#### TAXICABS

Section 9-401	Definitions.
Section 9-402	Services to Be Rendered.
Section 9-403	Delay of Passengers Prohibited.
Section 9-404	Manifest.
Section 9-405	Records and Reports.
Section 9-406	Insurance Required.
Section 9-407	Same-nontransferable, Suspension and Revocation.
Section 9-408	Taxicab Licenses Required; Fee.
Section 9-409	Display of License.
Section 9-410	Vehicle Requirements.
Section 9-411	Same-application.
Section 9-412	Color Scheme; Required Information to Be Displayed on Taxis.
Section 9-413	Driver-operator License-required; Fee.
Section 9-414	Same-description.
Section 9-415	Same-application.
Section 9-416	Same-qualifications of Applicants.
Section 9-417	Loss of License Identification Card; Duplicate.
Section 9-418	Revocation and Suspension Authorized; Grounds.
Section 9-419	Refusal to Carry Passengers Prohibited.
Section 9-420	Receipt and Discharge of Passengers.
Section 9-421	Receipts.
Section 9-422	Rates to Be Posted.
Section 9-423	Number of Passengers.
Section 9-424	Report of Accidents.
Section 9-425	Soliciting Passengers.
Section 9-426	Soliciting for Hotels or Other Establishments.
Section 9-427	Revocation of Licenses Generally.
Section 9-428	Notice of Revocation or Suspension to Be Given; Hearing.
Section 9-429	Denial; Re-application.
Section 9-430	Appeal.
Section 9-431	Refusal to Pay Fare.
Section 9-432	Parking Restrictions.

## Licensing & Business Regulations

### CHAPTER 5

#### GARAGE SALES

Section 9-501	"Garage sale" defined.
Section 9-502	Exemptions from chapter.
Section 9-503	License, required; application.
Section 9-504	Revocation.
Section 9-505	Term; new license when sale prevented by inclement weather; maximum number of sales per year.
Section 9-506	Signs.

### CHAPTER 6

#### YOUTH RECREATIONAL FACILITIES

Section 9-601	Definition.
Section 9-602	Identification.
Section 9-603	Regulations for operation.
Section 9-604	Provisions of article cumulative.
Section 9-605	License required.
Section 9-606	Application; fee.
Section 9-607	Investigation of applicant and premises; premises for which license not issued.
Section 9-608	Issuance.
Section 9-609	Action by city manager; denial of license generally.
Section 9-610	Appeals from denial of license.
Section 9-611	License fee.
Section 9-612	Display.
Section 9-613	Expiration.
Section 9-614	Suspension or revocation.

### CHAPTER 7

#### MESSAGE BUSINESS

Section 9-701	Definitions.
Section 9-702	License.
Section 9-703	Exemptions.
Section 9-704	Fees and Renewal.
Section 9-705	Applications.

## Licensing & Business Regulations

Section 9-706	Denial and Issuance.
Section 9-707	Display of License and Identification Card.
Section 9-708	Transfer Prohibited.
Section 9-709	Bogus Checks.
Section 9-710	Operating Requirements.
Section 9-711	Records to be Kept.
Section 9-712	Inspections.
Section 9-713	Revocation.
Section 9-714	Notice.
Section 9-715	Enforcement.
Section 9-716	Appeals.
Section 9-717	Sale.
Section 9-718	Branch Operations.
Section 9-719	Existing Operations.
Section 9-720	Penalty.
Section 9-721	Remedies Cumulative.

## CHAPTER 8

### FIREWORKS

Section 9-801	Sale of Fireworks Prohibited Generally.
Section 9-802	Wholesale Sale of Fireworks Allowed.
Section 9-803	Retail Sale of Fireworks Allowed.
Section 9-804	Possession and Discharge
Section 9-805	Penalty.

## CHAPTER 9

### HOTELS, MOTELS AND ROOMING HOUSES

Section 9-901	Numbering of Rooms.
Section 9-902	Persons Refused.
Section 9-903	Registration of Guests.
Section 9-904	False Registration.
Section 9-905	Registration Records Preserved.
Section 9-906	Minor Guests – Reports.
Section 9-907	Resistance to Police.
Section 9-908	Inspection of Records.
Section 9-909	Penalty.

## Licensing & Business Regulations

### CHAPTER 10

#### PEDDLERS AND SOLICITORS

Section 9-1001	Definitions.
Section 9-1002	Use of public right-of-way; prohibition; exception.
Section 9-1003	Hours of business.
Section 9-1004	Peddlers or solicitors; invitation required to enter posted premises.
Section 9-1005	Penalty.
Section 9-1006	Required.
Section 9-1007	Application procedure.
Section 9-1008	Application fee and investigation fee.
Section 9-1009	Review and investigation
Section 9-1010	Approved License Fee.
Section 9-1011	Appeal of disapproval by City Clerk.
Section 9-1012	Term.
Section 9-1013	Transfer of license or badge.
Section 9-1014	Display.
Section 9-1015	Revocation.
Section 9-1016	Surrender upon expiration or revocation.

Licensing & Business Regulations

CHAPTER 1

OCCUPATIONAL LICENSES GENERALLY

Section 9-101	License fee levied on certain occupations.
Section 9-102	Payment of license fee; issuance of license; expiration date.
Section 9-103	Separate licenses required, fee for more than one business.
Section 9-104	License to be displayed.
Section 9-105	License may be revoked.
Section 9-106	Transfer of license prohibited.
Section 9-107	Duplicate license.
Section 9-108	Penalty.

SECTION 9-101 LICENSE FEE LEVIED ON CERTAIN OCCUPATIONS.

- A. A license fee is hereby levied on every person engaging in, exercising, or pursuing any of the businesses, professions, trades, occupations, or privileges in this city, for the annual fee as set by the Master Fee Schedule hereto.
- B. Before issuing a license to a peddler or solicitor, the city clerk may require of the applicant any reasonable information which he deems desirable to protect the public interest as set out in Section 9-201 et seq. of this code.
- C. In order to receive a license under this chapter, every person regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person is a vendor subject to collection of sales taxes under the sales tax code of the city and state. A copy of this permit shall be provided by the applicant for a license to the city clerk prior to issuance of the city license.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

Cross Reference: See also Sections 9-201 et seq. of this code on itinerant merchants.

SECTION 9-102 PAYMENT OF LICENSE FEE; 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

## Licensing & Business Regulations

tax is levied by Section 9-101 of 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 city clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law or ordinance, the city clerk shall issue a license therefor. Such license taxes shall be credited to the general fund of the city.

- B. Annual licenses shall expire on the thirtieth day of April of each year except as may be otherwise provided. 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 amount as set by the Master Fee Schedule.

### SECTION 9-103     SEPARATE LICENSES REQUIRED, FEE FOR MORE THAN ONE BUSINESS.

- A. 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 city, 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.
- B. Businesses housed or located on separate premises shall be considered as separate businesses for the purpose of levying this tax.

### SECTION 9-104     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.

## Licensing & Business Regulations

### SECTION 9-105    LICENSE MAY BE REVOKED.

Any license issued by the city to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the city council 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.

### SECTION 9-106    TRANSFER OF LICENSE PROHIBITED.

The assignment or transfer of licenses shall not be permitted in this city; nor are fees for such licenses refundable.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

### SECTION 9-107    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 city 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 city 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 city clerk, is set by Master Fee Schedule.

### SECTION 9-108    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.

Licensing & Business Regulations

CHAPTER 2

OUTDOOR SELLERS

Section 9-201	Definitions.
Section 9-202	Use of public right-of-way; prohibition; exception.
Section 9-203	Penalty.
Section 9-204	License required.
Section 9-205	License application procedure.
Section 9-206	License application fee.
Section 9-207	Application Review and investigation.
Section 9-208	Compliance with Site Plan; Amended Site Plan; Fee.
Section 9-209	Outdoor Display of Merchandise; Signage.
Section 9-210	Issuance of License; Fee; Fixed Location.
Section 9-211	Appeal to City Manager.
Section 9-212	Display of License.
Section 9-213	Revocation.
Section 9-214	Surrender Upon Expiration or Revocation.
Section 9-215	Renewal of license.

SECTION 9-201    DEFINITIONS.

For the purpose of this chapter, the following terms and phrases used shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1.     Outdoor seller means any person offering or exposing for retail sale, or making retail sales of, any foodstuffs, beverages, goods, products, wares or merchandise or other personal property of any type, at any fixed outdoor business location. *Outdoor seller* also means and includes all persons, firms or corporations, as well as their agents and employees who engage in the temporary or transient business in the city of selling or offering for sale any goods or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the city in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

2.     Temporary as used in paragraph A means any such business transacted or conducted in the city for which definite arrangements have not been made for the hire, rental or lease of premises for at least one hundred (100) days, in or upon which such

## Licensing & Business Regulations

business is to be operated or conducted. The term "*transient*" as used in paragraph A means any such business of any such vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the city or who have fixed places of business in places other than the city or who move stocks of goods or merchandise or samples thereof into the city with the purpose or intention of removing them, or the unsold portion thereof, away from the city before the expiration of one hundred (100) days.

3. Public right-of-way means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, canal, plaza, pedestrian bridge, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

4. Retail sale or sales means any sale or sales transactions of foodstuffs, beverages, goods, products, wares, merchandise or other personal property, except as made by a person engaged in selling such personal property at wholesale to dealers in such property.

5. Exceptions. The term "outdoor seller" shall not include or be construed to include merchants who ordinarily and regularly offer such items for retail sale within permanent structures located on the same premises, nor a vendor of fireworks who has been permitted for such sales under the Code . In addition, the term "outdoor seller" shall not include a vendor who offers items for retail sale at a "special event" licensed and permitted under the Code. In addition, the term "outdoor seller" shall not include or be construed to include anyone engaged in interstate commerce nor anyone upon which the provisions of this chapter would impose a direct and unlawful burden on interstate commerce. [Ord. 2607]

### SECTION 9-202 USE OF PUBLIC RIGHT-OF-WAY; PROHIBITION; EXCEPTION.

No outdoor seller shall engage in business within any portion of any public right-of-way; provided, the provisions of this section shall not apply to a landowner who has expressly reserved in a written easement agreement with the City the right to use defined portions of any public right-of-way for his or her business purposes or to the lawful successor(s) or assign(s) of any such landowner. [Ord. 2607]

## Licensing & Business Regulations

### SECTION 9-203    PENALTY.

Any person violating any provision of this chapter shall be guilty of an offense and, upon conviction, subject to the penalty provided in section 1-108. Every act of outdoor selling without a license or otherwise in violation of this chapter shall constitute a separate offense.

### SECTION 9-204    LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of outdoor seller within the corporate limits of the City without first obtaining a license from the City Clerk.

### SECTION 9-205    LICENSE APPLICATION PROCEDURE.

(A) Contents of application. Applicants for a license under this section shall file with the City Clerk, a verified application on a form to be furnished by the City Clerk, which shall contain the following information:

- (1) the full name, description, and birth date of the applicant.
- (2) the applicant's address, both legal and physical location.
- (3) a brief description of the business to be conducted, items to be sold, and the legal description and address of any fixed outdoor location desired for business.
- (4) the time period for which the applicant desires to do business.
- (5) the license number and description of any vehicle to be used (if applicable).
- (6) a verification that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission, or other proof that sales tax has been or is being paid on the items sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax.
- (7) the content of any signs to be used.
- (8) a site plan depicting the fixed outdoor location desired, if any, and the location of any structure, vehicle, sign or display to be used while conducting the business at such fixed location.
- (9) a written notarized statement by the legal owner of the land upon which any fixed outdoor business location shall be located authorizing the use of the land for the purposes desired by the applicant.

## Licensing & Business Regulations

- (10) if employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship.

(B) Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the City Clerk.

### SECTION 9-206      LICENSE APPLICATION FEE.

Any person making application for a license required by the provisions of this Chapter shall pay to the City Clerk an application fee as established in the Master Fee Schedule. Any application on file with the City Clerk which results in approval of a license hereunder shall be valid for 240 days and may be used without an additional application fee to justify issuance of another license hereunder to the same applicant for the same location provided that (i) no alteration in the site plan on file is required, (ii) applicant verifies as correct the matters attested to in the original application, and (iii) in the event 90 days or more has elapsed since issuance of the prior license, applicant submits a current criminal history report with the request for a subsequent license.

### SECTION 9-207      APPLICATION REVIEW AND INVESTIGATION.

A. Upon receipt of an application for a license and criminal history information as required by this chapter, the City Clerk shall make or cause to be made any inquiry or investigation that may be necessary to determine whether the applicant's proposed activity is or will be in compliance with the provisions of all laws and ordinances applicable to outdoor selling as well as other applicable provisions of this Code.

B. Upon completion of any investigation as provided for by this section, the City Clerk shall review the application to ensure:

- (1) that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or that he or she has otherwise demonstrated that sales tax has been or is being paid on the items sold, or that the applicant or the applicant's employer is exempt from payment of such tax;
- (2) that the applicant or the applicant's employer is aware of the responsibility to collect and pay sales tax, unless exempt;
- (3) that the site chosen for any fixed outdoor business location is appropriately zoned for such a land use, is otherwise in full compliance with Chapter 12 of

## Licensing & Business Regulations

the City Code, and that the said location does not extend onto any portion of the public right-of-way;

- (4) that the applicant's character or business responsibility is not "unsatisfactory" (as defined in subsection (d) of this section);
- (5) that the applicant's proposed signs and locations therefor comply with all of the provisions of the Sapulpa Zoning Code §12-201 *et seq.*; and
- (6) that the application and proposed use otherwise complies with all other provisions of this Code.

C. Within twenty (20) business days after receipt of the application, the City Clerk shall either approve or disapprove of the application. Grounds for disapproval shall be the following:

- (1) a finding that the application is incomplete;
- (2) nonpayment of the application fee;
- (3) failure of the applicant to verify that he or she, or the applicant's employer, is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax; or that sales tax has been or is being paid on items sold; or that he or she, or the applicant's employer, is otherwise exempt from payment of sales tax;
- (4) a finding that the site chosen for a fixed outdoor business location is not properly zoned for the proposed land use or that said site extends onto a portion of the public right-of-way;
- (5) a finding that the applicant's proposed signs and locations therefor are not in compliance with the applicable Sapulpa City Code;
- (6) a finding that the application is not in conformance with other applicable provisions of this Code or other state law; or
- (7) a finding that the applicant's character or business responsibility for an outdoor seller license is "unsatisfactory" (as defined in Subsection (d) of this section); or if the application is approved, the City Clerk shall issue the permit. If the application is disapproved, the City Clerk shall state in writing and with specificity the reason(s) for disapproval. The City Clerk shall immediately notify the applicant of such disapproval. Mailing a copy of the letter of disapproval to the address shown on the application shall be deemed to be adequate notification of the applicant.

## Licensing & Business Regulations

D. For the purpose of this section, "unsatisfactory character or business responsibility" of an applicant shall be defined as follows:

- (1) a finding that the applicant has been convicted of two or more violations of the provisions of this chapter within the preceding twenty-four (24) months; or
- (2) a finding that a previous license held by the applicant pursuant to the provisions of this chapter was revoked within the previous twelve (12) months; or
- (3) a conviction, within the previous ten (10) years, of either a felony or misdemeanor offense involving fraud or dishonesty, including but not limited to larceny, burglary, robbery, embezzlement, crimes involving fraud, etc.

### SECTION 9-208      COMPLIANCE WITH SITE PLAN; AMENDED SITE PLAN; FEE.

A. All outdoor sellers shall comply with the site plan submitted pursuant to the provisions of this chapter in regard to the fixed outdoor location specified therein, and in regard to the location of any structure, vehicle, sign, or display to be used while conducting business at such fixed outdoor location.

B. An outdoor seller who desires a different fixed outdoor location for conducting business, or who desires to otherwise amend the submitted site plan, shall file an amended site plan prior to deviating from the site plan then on file with the City Clerk.

C. Upon the filing of an amended site plan, the City Clerk shall review it to ensure compliance with the provisions of this chapter and all other applicable provisions of this Code. If the amended site plan is approved, the City Clerk shall amend the license to indicate any new fixed outdoor location for the conduct of the business.

D. Failure of an outdoor seller to comply with the original or amended site plan on file with the City Clerk shall constitute a violation of this chapter subject to the penalty specific in this chapter.

E. Outdoor sellers who file amended site plans shall pay to the City Clerk a fee as provided in and by the Master Fee Schedule.

Licensing & Business Regulations

SECTION 9-209     SITE PLAN REQUIREMENTS; REVIEW CRITERIA.

A.     The site plan to be submitted by the applicant shall contain the following information:

1.     A plan which shows the location of existing and proposed structures, access, equipment, customers service areas, display areas, existing and proposed utilities and parking (customer and employee);
2.     Type of operation to be conducted, including the particular type of service, goods, wares or merchandise to be sold;
3.     A description of the design of any vehicle, cart, kiosk, table, chair, stand, box, container or other structure or display device to be used in the operation by the applicant, including the size and color, together with any logo, printing or sign which will be utilized by the applicant; and
4.     The proposed period, hours and days of operation.

B.     The site plan shall be reviewed and a determination made as to whether the issuance of a license would be compatible with the public interest. In making such a determination, the following factors shall be considered to protect the health, safety and welfare of the public:

1.     The degree of congestion of any public right-of-way which may result from the proposed use, design and location, including the probable impact of the proposed use on the safe flow of vehicular and pedestrian traffic. Factors considered shall include but not be limited to the width of streets and sidewalks, the volume of traffic, and the availability of off-street parking;
2.     The proximity, size, design and location of existing street fixtures and furniture at or near the proposed location, including but not limited to sign posts, lampposts, bus stops, benches, telephone booths, planters and newspaper vending devices;
3.     The probable impact of the proposed use on the maintenance, care and security of the proposed location; and

## Licensing & Business Regulations

4. The recommendations of the Assistant City Manager, Urban Development Director, City Fire Marshall, and Chief of Police, insofar as the proposed location may affect the operation of those service areas, based upon the factors recited herein; and
5. The conformance of the proposed use to the requirements of the Zoning Code and the Flood Damage Prevention Ordinance as applied to the subject location.

### SECTION 9-210 ISSUANCE OF LICENSE; BOND; FEE; FIXED LOCATION.

An applicant determined to be in compliance with this Chapter shall be issued an approved license by the City Clerk upon payment of the fee set forth in the Master Fee Schedule and provision of a Certificate of Insurance for a general liability insurance policy issued by a company authorized to do business in the state and insuring the outdoor seller activities and location by providing coverage in an amount not less than One Hundred Thousand Dollars (\$100,000.00). The Certificate shall require thirty (30) days advance notice be provided to the City Clerk before expiration or cancellation of coverage. The approved license shall be effective for 30, 60 or 90 days as applicable and shall automatically expire 30 60 or 90 days after the date of issuance as applicable, unless sooner revoked or renewed under the terms of this Chapter. The City Clerk shall specify on the face of each approved license the address of the fixed outdoor location desired for business by any outdoor seller. The outdoor seller shall engage in business only at the fixed outdoor location specified on the face of the license.

### SECTION 9-211 APPEAL TO CITY MANAGER.

An applicant who has been determined not to be in compliance and denied a license under this Chapter by the City Clerk may appeal such denial to the City Manager within 10 days from notice of denial.

### SECTION 9-212 DISPLAY OF LICENSE.

Outdoor sellers are hereby required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in outdoor selling.

## Licensing & Business Regulations

### SECTION 9-213    REVOCAION.

Licenses issued under the provisions of this chapter may be revoked for reasons that include, but are not be limited to, the following:

1. fraud, misrepresentation, or any false statement contained in the application for the license.
2. conviction of the licensee of a felony.
3. conviction of a misdemeanor involving fraud or dishonesty including, but not limited to, fraud, larceny, burglary, robbery, embezzlement, etc.
4. a conviction of the licensee for one or more violations of the provisions of this chapter within the preceding 12 months.
5. a finding that the licensee has conducted the business for which the license was issued in an unlawful manner or in such manner as to constitute a breach of the peace.

### SECTION 9-214    SURRENDER UPON EXPIRATION OR REVOCATION.

When a license issued pursuant to the provisions of this chapter expires, or is revoked, its holder shall surrender it to the City Clerk and the license shall become the property of the City. Upon expiration or revocation of a license issued under this Chapter, another license cannot be issued hereunder for the same use at the same location until a period of thirty (30) days has passed from the date of expiration or revocation of the prior license.

### SECTION 9-215    RENEWAL OF LICENSE.

The holder of any expiring license in good standing issued under this chapter may apply for a 30 day renewal with the City Clerk by submitting a completed renewal request to the City Clerk upon an approved form and payment of the fee established by the Master Fee Schedule. The renewed license shall expire 30 days from issuance

Licensing & Business Regulations

CHAPTER 3

AMUSEMENT DEVICES

Section 9-301	Definitions.
Section 9-302	Amount of fee in lieu of sales tax, special decal.
Section 9-303	Exempted devices.
Section 9-304	Application and issuance of decal, display.
Section 9-305	Taxable year, decal for remainder of year.
Section 9-306	Operation without decal, fee and penalty.
Section 9-307	Seizure and forfeiture of devices without decal affixed.
Section 9-308	Operating device without decal, punishment.

See also chapter 6 of this part on youth recreational facilities.

SECTION 9-301      DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

A. "Coin-operated amusement device" means any and all non-gambling mechanical or electronic machines which, upon the payment or insertion of a coin, token, or similar object, provide music, games as pool, phonographs, video television, shooting galleries, pinball, foosball, bowling, shuffle board, or any other amusement device with or without a replay feature which can be legally shipped interstate according to federal law;

B. "Coin-operated music device" means any such music device which is operated, motivated, released, or played by or upon the payment or insertion of a coin, token or similar object, whether there is one or more boxes or devices in the premises for the reception of such coin, tokens, or similar objects; coin-operated radio or television receiving sets in hotels, motels, or tourist cabins for the use and benefit of the guests and visitors of such hotels, motels, or tourist rooms or cabins shall be included in such definition;

C. "Music device" means any and all mechanical devices which render, cause to sound, or release music where the same may be heard by one or more public patrons, and each separate loudspeaker, phonograph, juke box, or outlet from which such music

## Licensing & Business Regulations

emits shall each be construed to be a separate "music device" as herein defined; except in the case where the music emits from more than one speaker transmitting from the same music-producing mechanism, in which case the several outlets or speakers in each place of business shall be collectively considered one such music device; and

D. "Person" means any individual, partnership, association, or corporation.

[Ord. No. 2120, 2/7/94]

### SECTION 9-302      AMOUNT OF FEE, IN LIEU OF SALES TAX, SPECIAL DECAL.

A. Every person who owns and has available to any of the public for operation, or who permits to be operated in or on his place of business, coin-operated devices shall pay for such privilege an annual fee as set by the Master Fee Schedule. Said fee shall be required for each machine, regardless of the number of coin slots, if the machine, upon insertion of a coin, token or similar object, provides music, amusement or entertainment or dispenses one or more products separate and apart from any other provider of music, amusement or entertainment or dispenser of one or more products. The test to determine whether the machine can operate separate and apart from any other shall be whether the provider or dispenser can still function if separated from the others to which it is attached. When multiple machines are placed on a single stand, a decal shall be required for each machine.

B. The annual fee required by this section shall be in lieu of sales tax.

C. In those instances where it is shown to the satisfaction of the city that a coin-operated device, upon which an annual fee is imposed, will be placed available for use by the public for a definite but limited period of time less than one year, such as where displayed in connection with fairs, carnivals, and places of amusement that operate only during certain seasons of the year. The city may issue a special decal therefor. Such special decal may be issued for any number of thirty-day periods less than a full year, and shall indicate that it is a special decal; and shall be for one or more thirty-day periods and shall state the precise dates for which issued and shall not be transferred from one machine to another. The fee shall be computed and paid on the basis of one-tenth (1/10) of the annual rate for the type of device operated, for each thirty-day period for which such special decal is issued. In the event the mechanical device is made available to the public for a period beyond that for which the special decal is issued, then a full year's fee and penalty, as set out in the Master Fee Schedule shall be due. (Ord. No. 2120, 2/7/94)

Licensing & Business Regulations

SECTION 9-303     EXEMPTED DEVICES.

The following coin-operated vending devices shall be exempt from the provisions of this chapter:

- A. All coin-operated vending devices owned by and located in a public or private school, a church, or a governmental entity;
- B. All coin-operated vending devices which dispense only newspapers or periodicals;
- C. All coin-operated vending devices which dispense only postage stamps; and
- D. All coin-operated vending devices installed on federal military bases.

[Ord. No. 2120, 2/7/94]

SECTION 9-304     APPLICATION AND ISSUANCE OF DECAL, DISPLAY.

Any person owning a coin-operated device or operating the premises where the same is to be operated or exposed to the public, shall apply to the city for a decal for such device and shall, at the same time, pay to the city the annual fee provided for by the Master Fee Schedule. The city shall, upon receipt of such payment and approval of such application, issue a decal for the type of coin-operated device covered by such application and payment. The decal and application provided for herein shall be prescribed by the city, and shall contain such information and description as shall be required by rule of the city. Any number of coin-operated devices may be included in one application. Before any coin-operated device is put in operation or placed where the same may be operated by any of the public, and at all times when the same is being operated or available to any of the public for operation, a decal shall be firmly affixed to the coin-operated device covered thereby, and plainly visible to and readable by the public. [Ord. No. 2120, 2/7/94]

SECTION 9-305     TAXABLE YEAR, DECAL FOR REMAINDER OF YEAR.

For the purpose of the decal issued under this chapter, the fee year shall begin on July 1st and end on the last day of the following June; and shall be divided into two (2)

## Licensing & Business Regulations

halves. The city shall in each instance issue decals for the remainder of the fee year upon payment of the fee on the bases of the current and remaining half of such fee year. Any product purchased for resale, through a vending machine where fees have been paid and decals affixed, shall not be subject to sales tax. [Ord. No. 2120, 2/7/94]

### SECTION 9-306      OPERATION WITHOUT DECAL, FEE AND PENALTY.

Any owner of a coin-operated device who places such device in operation or in a place available to the public for operation, and any person who permits a coin-operated device to be in operation or accessible to the public for operation in his place of business, without a decal affixed as required, shall be liable for the fee on such device at the full annual rate as herein levied by the Master Fee Schedule. [Ord. No. 2120, 2/7/94]

### SECTION 9-307      SEIZURE AND FORFEITURE OF DEVICES WITHOUT DECAL AFFIXED.

Where any coin-operated device as hereinbefore defined is placed on location, or, after having been placed on location is there left without the decal affixed thereon as herein provided, the device, including all cash in the receptacle thereof, shall be considered forfeited to the city, and may be sealed until released by the city or seized by any authorized agent of the city, or any sheriff, constable, or other peace officer of this state, and upon so being seized shall, together with the cash, if any, contained in the receptacle of such device, forthwith, be delivered to the city. The city shall then proceed to hear and determine the matter of whether or not the device and cash, if any, should, in fact, be forfeited to the city. The owner of the device shall be given at least ten (10) days' notice of the date of the hearing. In the event the city finds that the device including the cash contents, if any, should be forfeited to the city, it shall make an order forfeiting the same to the city, and directing the sale of such device. The device shall be sold in the county where seized after ten (10) days' notice, which notice shall be by posting five (5) notices in conspicuous places in the county where the sale is to be made, one of which notices shall be posted on the bulletin board at the county courthouse of the county. The sale shall be for cash, and the proceeds thereof shall be applied as follows:

## Licensing & Business Regulations

1. To the payment of the costs incident to the seizure and sale;
2. To the payment of any taxes, including penalties, that may have accrued against the device; and
3. The balance, if any, shall be remitted to the owner.

The cash contained in any device and forfeited under the provisions of this section shall be forfeited as an additional tax penalty and shall be in addition to this title. The order of the city, declaring a forfeiture of the device including the cash contents thereof, if any, and directing the sale of such device shall be a final order and may be appealed from as provided for in the Uniform Tax Procedure Act. It shall be the duty of all sheriffs, constables and other peace officers to cooperate with the city in the enforcement of the seizure and forfeiture provisions of this section. (Ord. No. 2120, 2/7/94)

### SECTION 9-308 OPERATING DEVICE WITHOUT DECAL AFFIXED, PUNISHMENT.

Any owner of a coin-operated device who places such device in operation or in a place available to the public for operation, and any person who permits a coin-operated device to be in operation or accessible to the public for operation in his place of business, without attaching the decal herein provided for, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by Section 1-108 of this code. (Ord. No. 2120, 2/7/94)

## Licensing & Business Regulations

### CHAPTER 4

#### TAXICABS

Section 9-401	Definitions.
Section 9-402	Services to Be Rendered.
Section 9-403	Delay of Passengers Prohibited.
Section 9-404	Manifest.
Section 9-405	Records and Reports.
Section 9-406	Insurance Required.
Section 9-407	Same-nontransferable, Suspension and Revocation.
Section 9-408	Taxicab Licenses Required; Fee.
Section 9-409	Display of License.
Section 9-410	Vehicle Requirements.
Section 9-411	Same-application.
Section 9-412	Color Scheme; Required Information to Be Displayed on Taxis.
Section 9-413	Driver-operator License-required; Fee.
Section 9-414	Same-description.
Section 9-415	Same-application.
Section 9-416	Same-qualifications of Applicants.
Section 9-417	Loss of License Identification Card; Duplicate.
Section 9-418	Revocation and Suspension Authorized; Grounds.
Section 9-419	Refusal to Carry Passengers Prohibited.
Section 9-420	Receipt and Discharge of Passengers.
Section 9-421	Receipts.
Section 9-422	Rates to Be Posted.
Section 9-423	Number of Passengers.
Section 9-424	Report of Accidents.
Section 9-425	Soliciting Passengers.
Section 9-426	Soliciting for Hotels or Other Establishments.
Section 9-427	Revocation of Licenses Generally.
Section 9-428	Notice of Revocation or Suspension to Be Given; Hearing.
Section 9-429	Denial; Re-application.
Section 9-430	Appeal.
Section 9-431	Refusal to Pay Fare.
Section 9-432	Parking Restrictions.

## Licensing & Business Regulations

### SECTION 9-401    DEFINITIONS.

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

- A. Driver means one who is authorized by a taxicab company as an operator of a taxicab for public hire.
- B. Passenger means a person riding in an automobile or vehicle for hire as distinguished from a person operating the same.
- C. Person or persons mean and include any person, individual, firm, association, copartnership or corporation.
- D. Taxicab shall mean a four-door motor vehicle for hire and regularly engaged in the business of carrying passengers, having a seating capacity of not less than five (5) nor more than eight (8) persons, and not operating on a fixed route.
- E. Taxicab company includes any person or persons, as defined in this section, engaged in the business of operating an automobile or vehicle for hire for the purpose of carrying passengers.
- F. Rate card shall mean a card for display in each taxicab which contains the rates of fare then in force.
- G. Manifest shall mean a daily record prepared by a taxicab driver of all trips made by the driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.
- H. Driver's license shall mean the permission granted by the city clerk to a person to drive a taxicab upon the streets of the city.

## Licensing & Business Regulations

### SECTION 9-402 SERVICES TO BE RENDERED.

All persons engaged in the taxicab business in the city operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs. Holders of taxicab licenses shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for service inside the corporate limits as soon as they can do so; and if the services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any holder who refuses to accept a call anywhere in the corporate limits when such holder has available cabs, or who fails or refuses to give overall service, shall be deemed a violator of this section; and the licenses issued shall be revoked at the discretion of the city clerk.

### SECTION 9-403 DELAY OF PASSENGERS PROHIBITED.

When one or more persons employ a taxicab and occupy the same as a passenger or passengers, the driver shall not cause the vehicle to remain parked and delay the transporting of the passenger or passengers to the requested destination for a period in excess of two (2) minutes after the passenger or passengers shall have entered therein.

### SECTION 9-404 MANIFEST.

Every driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of such trip and the amount of fare. All such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner.

Every holder of a taxicab license shall preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and the manifests shall be available to the police department at all times.

### SECTION 9-405 RECORDS AND REPORTS.

Every holder of a taxicab license required by this chapter shall keep accurate records of receipts from operations, expenses, capital expenditures and such other operating

## Licensing & Business Regulations

information as may be required. Every holder shall maintain the records containing such information and other data required by this section at a place readily accessible for examination by the police department.

### SECTION 9-406    INSURANCE REQUIRED.

No taxicab license shall be issued under this chapter until the owner or operator has filed with the city clerk proof that a policy of insurance has been issued to the applicant by an insurance company authorized to do business in the state, providing liability insurance coverage for each and every vehicle to be operated by the applicant, with a liability coverage of not less than ten thousand dollars (\$10,000.00) for the bodily injury to or death of any one person in any one accident and, subject to said limit for one person, twenty thousand dollars (\$20,000.00) for the bodily injury to or death of two or more persons in any one accident, and with the coverage of at least ten thousand dollars (\$10,000.00) for property damage in any one accident. The insurance coverage shall be effective whether the vehicle was, at the time of the accident, being driven by the owner, his agent, employee, lessee or licensee. The policy also shall provide that it cannot be canceled until ten (10) days notice of such cancellation shall have been filed with the city clerk. If the policy is canceled and the applicant fails to provide, within ten (10) days, another policy of insurance complying with the provisions hereof, the license issued for the operation of the vehicle or vehicles covered thereby shall automatically become void and of no effect. The policy of insurance shall be for a period of not less than one year, and a new policy shall be furnished at the expiration of any existing policy if the operation of the vehicle covered thereby is to be continued. If for any reason the policy of insurance shall terminate, lapse or become void or ineffective, the license on such vehicle insured thereunder shall automatically become void and of no effect unless a new policy is provided or the existing policy is reinstated in full within ten (10) days from the date the policy lapses, terminates or becomes ineffective.

### SECTION 9-407    SAME-NONTRANSFERABLE, SUSPENSION AND REVOCATION.

A taxicab license shall not be transferable. A taxicab license may be revoked or suspended if operations are discontinued by any taxicab company for a continuous period of one (1) month.

## Licensing & Business Regulations

### SECTION 9-408 TAXICAB LICENSES REQUIRED; FEE.

No person or any owner, agent, employee or driver shall operate or permit to be operated any motor vehicle as a taxicab unless a proper license has been issued to the owner or operator there of and the license is in full force and effect.

A separate nontransferable taxicab license shall annually be issued to the taxicab company for each taxicab it operates in the form of serially numbered taxicab licenses bearing the signature of the city clerk.

The taxicab license shall show the expiration date of the license, the name of the taxicab company, the name of the manufacturer of the vehicle, the year of the manufacturer, the engine number, and the number of the license plate issued by the Oklahoma Tax Commission.

There shall be paid to the city clerk for the each vehicle to be so used a fee in the annual sum as set by the Master Fee Schedule.

Each taxicab license issued pursuant to this chapter shall expire the thirtieth day of June next succeeding its issuance. License fees shall not be prorated for a fractional part of a fiscal period and no refund shall be made for any reason.

### SECTION 9-409 DISPLAY OF LICENSE.

A taxicab license shall be displayed in a prominent place within each licensed taxicab.

### SECTION 9-410 VEHICLE REQUIREMENTS.

Every vehicle operating under this chapter shall be kept in a clean and sanitary condition.

Each motor vehicle operating under the terms of this chapter shall be kept in safe mechanical condition and in compliance with the Oklahoma safety inspection standards. An official Oklahoma safety inspection sticker shall be shown to the city clerk or his authorized representative and shall be satisfactory evidence, for the purposes of this section, of safe mechanical condition of such motor vehicle for a period of twelve (12)

## Licensing & Business Regulations

months after its issuance; provided, that any motor vehicle which shall be used for the first time under the terms of this chapter shall not be operated for such purpose without first obtaining such an inspection sticker or such certification within thirty days immediately prior thereto.

### SECTION 9-411    SAME-APPLICATION.

An application for the operation of taxicab companies shall include:

1. Full name, address and age of the applicant, and his permanent business location; if a partnership, the name and address of all of the partners; if a corporation, the names and addresses of the officers and directors thereof;
2. A complete description of each vehicle, including the length of time the vehicle has been in use, the number of persons it is constructed or built to carry, the model, motor and chassis number, state license plate number, and a statement of the ownership of each vehicle.
3. The trade name under which the applicant does, or proposes to do business, and the color or distinctive design of the body, if any, of each vehicle, proposed to be used;
4. The name and local agent for the company issuing public liability and property damage insurance on each vehicle proposed to be used.
5. The State of Oklahoma Certificate of Title for each vehicle shall be exhibited to the city clerk when the application is filed.
6. No person who has been convicted of a felony within the prior ten (10) year period to application for a license shall be issued a license to operate a taxicab service. Applications of person previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, shall be reviewed by a review board to determine fitness to hold a license to operate a taxicab service. The review board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

## Licensing & Business Regulations

### SECTION 9-412    COLOR SCHEME; REQUIRED INFORMATION TO BE DISPLAYED ON TAXIS.

Every taxicab operated under the terms of this chapter may be painted in a color scheme as is desired by the holder of a taxicab license.

All taxicabs, whether painted in a particular color scheme or not, shall have the name of the owner or trade name and the word "taxicab," if not appearing in the trade name.

All mandatory lettering and wording, whether in a particular trade name, design, color scheme, method of painting or lettering, or otherwise, shall be at least two (2) inches in height, and shall be of such color as will contrast distinctly with the color of the body of the taxicab. Whenever the word "paint" or "painted" is used in this section, it means the application of coloring matter in oil solution and not in water solution.

It shall be unlawful to cause or permit any taxicab to appear with a trade name, design, color scheme or method of painting, lettering or numbering for the vehicle concerned that is not in accordance with the terms of this section; and it shall be unlawful for any motor vehicle to be operated upon the streets of the city with any lettering or wording painted or attached thereto, indicating that such motor vehicle is held out to the public for use as a taxicab unless the motor vehicle is licensed as provided in this chapter.

After the city clerk is notified, a taxicab may be repainted with a new or different design if the provisions of this section and other provisions of the ordinances of the city are complied with.

No vehicle covered by the terms of this chapter shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the city clerk, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tend to deceive or defraud the public. If, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the city clerk, in conflict with or to imitate any person, owner or operator in such a manner as to be misleading, or to tend to deceive the public, the license covering such taxicab shall be suspended or revoked.

## Licensing & Business Regulations

### SECTION 9-413 DRIVER-OPERATOR LICENSE-REQUIRED; FEE.

No person shall drive a taxicab for a licensed taxicab company within the city without first obtaining a license from the city clerk. Such license shall be issued by the city clerk after compliance with other provisions of this chapter and upon payment of the required annual fee as set by the Master Fee Schedule. The fees shall not be prorated or refunded for any reason.

Each driver's license issued pursuant to this chapter shall expire the thirtieth day of June next succeeding its issuance. It shall be the responsibility of the driver-operator to renew the license.

### SECTION 9-414 SAME-DESCRIPTION.

The driver-operator license shall be on a card of appropriate size. There shall be placed thereon in easily readable letters the name of the driver to whom it is issued. The driver-operator license card shall be displayed on the front interior of the taxicab above the windshield. Such driver-operator license card shall be displayed in such a manner that the entire card shall be visible at all times to any person riding in any seat of the taxicab. No driver-operator license shall be displayed except the one (1) issued to the driver who is on duty in that particular taxicab at that time. It shall be a violation of this article for any driver to drive a taxicab at any time without displaying his driver-operator license as provided in this section. The driver shall be responsible for keeping his driver-operator license in good condition, and it is unlawful to display a torn or illegible license.

### SECTION 9-415 SAME-APPLICATION.

The application for a driver-operator's license shall contain the following information:

1. Name, age, sex, weight, height, color of eyes and hair of applicant, his residence or address and length of residence in the city and place of residence and employment during the past three (3) years;
2. Whether or not the applicant has heretofore been licensed as a chauffeur or taxicab driver, and, if so, when and by what state and whether such license has been revoked or suspended, and, if so, the date of and reason for such revocation or suspension.

## Licensing & Business Regulations

3. The name of the person by whom the applicant is employed.
4. The number of times and places arrested or convicted for traffic violations.
5. The experience the applicant has had in driving motor vehicles.
6. Whether or not the applicant has ever been convicted of a felony or misdemeanor, giving particulars of each such conviction.
7. Each applicant shall submit himself to be photographed by the police department.
8. The applicant must name three (3) reputable persons who have known him for one year or more immediately prior to such application. Such persons given as references must be residents of the county.
9. Each applicant must provide to the city clerk a copy of a motor vehicle report, current within the last seven days.

### SECTION 9-416 SAME-QUALIFICATIONS OF APPLICANTS.

No person shall be issued a license to drive a taxicab if they have:

1. More than three (3) moving or hazardous traffic violations within the prior twelve (12) month period of the application for a license; or
2. A conviction for driving under the influence of intoxicating substances or a plea to reduced charges of driving under the influence within the prior five-year period to application for a license; or
3. A misdemeanor conviction involving a violent crime where physical force is exerted so as to cause damage, abuse or injury to persons or property; or

## Licensing & Business Regulations

4. A felony conviction within the prior ten-year period to application for a license, unless it is a conviction for the crime of murder, manslaughter, kidnaping, robbery, rape, arson, burglary or grand larceny, as defined by state and federal law. Applications of persons previously convicted of murder, manslaughter, kidnaping, robbery, rape, arson, burglary and grand larceny shall be reviewed by a review board to determine fitness to hold a license to drive a taxicab. The review board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

### SECTION 9-417 LOSS OF LICENSE IDENTIFICATION CARD; DUPLICATE.

In case of the loss of a license identification card, the owner may file with the city clerk a sworn statement of the facts concerning such loss; and if the city clerk is satisfied that the facts justify the issuance of a replacement card, he shall, after payment to the city of the fee set by the Master Fee Schedule, issue a replacement card. The replacement card shall be plainly marked "Duplicate;" and the number of the original card shall be furnished to the police department, which shall be on the alert for the original card.

### SECTION 9-418 REVOCATION AND SUSPENSION AUTHORIZED; GROUNDS.

A driver's license issued under this division may be revoked by the city clerk, upon the recommendation of the chief of police, for any of the following reasons:

1. Conviction or violation of any federal law, state law or municipal ordinance involving moral turpitude.
2. Operating a taxicab while ability impaired by alcohol or while under the influence of intoxicating substances.
3. Leaving the scene of an accident.
4. Failure to make full report of an accident to the police department within twenty-four (24) hours of the time of occurrence.
5. Permitting any other person to use his license.
6. Obliterating or erasing any official entry on his license identification card.

## Licensing & Business Regulations

7. Conviction of a third major traffic violation during any license year. A major traffic violation is hereby defined to be:

- a. Speeding;
- b. Reckless driving;
- c. Nonobservance of traffic signal lights or stop signs;
- d. Improper brakes;
- e. Making a left turn or U-turn where not permitted;
- f. Driving on the wrong side of a street. (

8. Misrepresentation of any material facts by a driver in his application for license.

9. Charge and collection of more fare than authorized.

10. Driving a taxicab without having a valid license issued by the State of Oklahoma.

A taxicab driver's license may be suspended by the city clerk, upon the recommendation of the chief of police, for a period of not to exceed ninety (90) days for any of the following reasons:

- a. First and second offenses of any major traffic violation.
- b. Repeated infractions of minor traffic laws.

No person whose license has been revoked shall be eligible to receive a new license until one year from the date of such revocation.

### SECTION 9-419 REFUSAL TO CARRY PASSENGERS PROHIBITED.

No driver shall refuse or neglect to convey any orderly person upon request unless previously engaged or unable or forbidden by the provisions of this chapter to do so. Individual service shall be accorded to all passengers requesting it at the rate of fare designated by the rate card of schedule of rates posted in the taxicab.

## Licensing & Business Regulations

### SECTION 9-420    RECEIPT AND DISCHARGE OF PASSENGERS.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the road, and there receive or discharge passengers. Passengers may be discharged on either side of a one-way street.

### SECTION 9-421    RECEIPTS.

The driver of any taxicab shall, upon demand by the passenger, give to such passenger a receipt for the amount charged, either by a mechanically printed receipt or a specially prepared receipt, on which shall be the name of the owner, tag number or motor number, amount of meter reading or charges and date of transaction.

### SECTION 9-422    RATES TO BE POSTED.

It shall be unlawful for any person to operate any taxicab for hire within the city without posting, within the taxicab, a schedule or map showing the rates to be charged for such service. The rates to be charged shall be printed on a card, the letters and figures to be not less than one-half inch black, boldface type and placed where they are clearly visible and can be read by a passenger sitting anywhere in the taxicab.

It shall be unlawful for any person to charge, receive or collect any fares for transporting passengers within the city greater than the rate posted in the taxicab.

### SECTION 9-423    NUMBER OF PASSENGERS.

No driver shall permit more persons to be carried in a taxicab than the rated seating capacity of the vehicle. A child in arms shall not be counted as a passenger.

### SECTION 9-424    REPORT OF ACCIDENTS.

It shall be the duty of any driver of any motor vehicle regulated under the terms of this chapter to report immediately to the police station of the city any collision or accident in which any such motor vehicle may be involved.

## Licensing & Business Regulations

### SECTION 9-425 SOLICITING PASSENGERS.

It shall be unlawful for any driver of a taxicab to solicit passengers except when sitting in the driver's compartment of the taxicab when it is parked immediately adjacent to the curb. In no event shall any driver solicit passengers in a loud or annoying voice or in any other way so as to annoy or obstruct any person, nor shall he solicit passengers at any intermediate stopping point along any established route of another common carrier.

### SECTION 9-426 SOLICITING FOR HOTELS OR OTHER ESTABLISHMENTS.

It shall be unlawful for any driver of a taxicab to solicit business for any hotel or motel or to attempt to divert patronage from any hotel or motel to another. Neither shall such driver engage in selling intoxicating liquors, or solicit business for any house of ill repute, or use his vehicle for any purpose other than the transporting of passengers.

### SECTION 9-427 REVOCATION OF LICENSES GENERALLY.

Any license issued under the provisions of this chapter may be revoked by the city clerk for failure to comply with the provisions of this chapter.

### SECTION 9-428 NOTICE OF REVOCATION OR SUSPENSION TO BE GIVEN; HEARING.

Before the city clerk revokes or suspends any drivers' license or any taxicab license, he shall cause a written notice to be sent to the holder of the license involved by either having it delivered to the holder in person or by mailing it to the business address of the holder on file in the office of the city clerk. Such notice shall be sent at least seven (7) days prior to the time a hearing is to be held and shall advise the holder of the license involved, as to the nature of the reason for suspension or revocation, and advise that such holder shall have an opportunity to show why the license should not be suspended or revoked. The city clerk, at the time and place stated in the notice, shall hold a hearing to determine whether the license should be suspended or revoked for any of the reasons provided in this article.

## Licensing & Business Regulations

### SECTION 9-429 DENIAL; REAPPLICATION.

In the event any applicant for a taxicab driver's license is disapproved because it is found that such applicant fails to meet the requirements of this chapter, the applicant shall not be eligible to apply for a driver's license until the expiration of six (6) months from the date of such disapproval.

### SECTION 9-430 APPEAL.

Any person, organization, society, or corporation whose application for a permit has been denied may appeal to the city council of the city by giving written notice of intent of appeal within ten (10) days from the date of the hearing. Said notice of appeal shall be filed with the city manager. The city council shall at the next regular meeting hear the appeal and may affirm or reverse the action of the city clerk.

### SECTION 9-431 REFUSAL TO PAY FARE.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab or to engage any such vehicle with the intent to defraud the operator of the vehicle.

### SECTION 9-432 PARKING RESTRICTIONS.

It shall be unlawful for any person operating motor vehicles for hire within the city to park any such vehicle on Poplar Street, Main Street, Water Street, Park Street or Elm Street between Hobson Street and Lee Avenue, or on Hobson Street, Dewey Avenue or Lee Avenue between Poplar and Elm Streets, except while receiving and discharging passengers, baggage or other property; provided, that the city council is hereby empowered and authorized, without ordinance, to grant to hotels special parking space sufficient to accommodate one or more taxis on the front and side streets adjoining their hotel building, for the purpose of accommodating their guests; provided further, that no such parking space so reserved on Main Street shall be occupied by any hotel bus for a longer time than is necessary to load and unload its passengers or baggage. The parking space so reserved shall be marked off by plain and distinct lines, and with curb signs indicating that same is reserved for the use of the hotel taxi.

Licensing & Business Regulations

CHAPTER 5

GARAGE SALES

Section 9-501	"Garage sale" defined.
Section 9-502	Exemptions from chapter.
Section 9-503	License, required; application.
Section 9-504	Revocation.
Section 9-505	Term; new license when sale prevented by inclement weather; maximum number of sales per year.
Section 9-506	Signs.

SECTION 9-501    "GARAGE SALE" DEFINED.

A "garage sale," as regulated by this chapter, is defined as a sale of tangible personal property had in a district of the city so zoned as not to permit a regular established business engaged in the sale of merchandise, to which sale the public is invited by an advertisement or otherwise, and shall include but not be limited to:

1. "Lawn sales;"
2. "Attic sales;"
3. "Flea market sales" or
4. Similar sales.

(Prior Code, Sec. 11A-1; Ord. No. 1405.)

SECTION 9-502    EXEMPTIONS FROM CHAPTER.

The provisions of this chapter shall not apply to the following:

1. Sales held pursuant to the order or process of a court of competent jurisdiction;
2. Persons acting pursuant to their duties as public officials;

## Licensing & Business Regulations

3. Persons offering or selling personal property specifically described in the advertisement thereof, such items not to exceed ten (10) in number;

4. Duly licensed auctioneers selling at auctions;

5. Sales of other character and nature regulated by other ordinances of the city;  
or

6. Sales by business establishments from locations in areas properly zoned therefor.

(Prior Code, Sec. 11A-2; Ord. No. 1405)

### SECTION 9-503 LICENSE, REQUIRED; APPLICATION.

It shall be unlawful for any person, firm, organization or corporation to hold or advertise a garage sale, as defined herein, without first obtaining a license therefor from the city clerk. Such license shall be issued without charge pursuant to an application made by the person or organization to hold or conduct such sale. Such application shall give the following information:

1. The date and location of the sale;

2. The number of days on which the sale is to be held which shall not exceed the limit set forth herein;

3. The date of any prior similar sale by the applicant;

4. The description of the property to be sold; and

5. A statement as to how the goods to be sold were acquired.

(Prior Code, Sec. 11A-3; Ord. No. 1405)

## Licensing & Business Regulations

### SECTION 9-504    REVOCACTION.

If false information or representations are contained in such application, the license issued thereon shall be void and subject to revocation by the city clerk. (Prior Code, Sec. 11A-4; Ord. No. 1405)

### SECTION 9-505    TERM; NEW LICENSE WHEN SALE PREVENTED BY INCLEMENT WEATHER; MAXIMUM NUMBER OF SALES PER YEAR.

No license for a garage sale shall be issued for a longer period than two (2) days, and the same person or organization shall not hold more than two (2) such sales within a period of one year, nor shall more than two (2) sales be held at the same place within a period of one year. If a sale is prevented by inclement weather, a new license therefor may be issued. A license shall not be issued for goods or merchandise acquired by the applicant for the purpose of resale. (Prior Code, Sec. 11A-5; Ord. No. 1405)

### SECTION 9-506    SIGNS.

Signs advertising garage sales shall not be placed on the streets of the city, on the property of persons other than the one holding such sale without express permission nor at a distance of more than three hundred (300) feet from the location of the sale. (Prior Code, Sec. 11A-6; Ord. No. 1405)

Licensing & Business Regulations

CHAPTER 6

YOUTH RECREATIONAL FACILITIES

Section 9-601	Definition.
Section 9-602	Identification.
Section 9-603	Regulations for operation.
Section 9-604	Provisions of article cumulative.
Section 9-605	License required.
Section 9-606	Application; fee.
Section 9-607	Investigation of applicant and premises; premises for which license not to be issued.
Section 9-608	Issuance.
Section 9-609	Action by city manager; denial of license generally.
Section 9-610	Appeals from denial of license.
Section 9-611	License fee.
Section 9-612	Display.
Section 9-613	Expiration.
Section 9-614	Suspension or revocation.

SECTION 9-601     DEFINITION.

As used in this chapter, the term "youth recreational facility" means a place or premises open to the public wherein persons not less than thirteen (13) years of age (unless accompanied by a parent) and under the age of twenty-one (21) years may engage in recreational activities which shall include ping pong tables, pinball machines, pool tables and similar devices permitted by law, and also dancing and other entertainment." (Prior Code, Sec. 4-27; Ord. No. 1291; Ord. No. 1926, 3/3/86)

SECTION 9-602     IDENTIFICATION.

The entrance of every youth recreational facility shall be plainly marked, "Youth Recreational Facility, Persons 21 Years or Older Prohibited." (Prior Code, Sec. 4-28; Ord. No. 1291, Sec. 13.)

Licensing & Business Regulations

SECTION 9-603      REGULATIONS FOR OPERATION.

It shall be unlawful and constitute an offense punishable as set forth in this chapter and grounds for revocation or suspension of a license as required by this chapter for any youth recreational facility operator, manager, employee or person having supervision thereof to permit any of the following acts upon the licensed premises:

1. Violation of any of the provisions of this chapter or of the statutes of the state;
2. Operation or being open for operation during hours other than specified as follows:
  - a. Ages thirteen (13) through fifteen (15):
    - (1) Monday through Thursday - 11:00 A.M. to 10:00 P.M.;
    - (2) Friday through Saturday - 11:00 A.M. to 11:00 P.M.; and
    - (3) Sunday of each week - 1:00 P.M. to 10:00 P.M.;
  - b. Ages sixteen (16) through twenty (20):
    - (1) Monday through Thursday - 11:00 A.M. to 11:00 P.M.;
    - (2) Friday through Saturday - 11:00 A.M. to 1:00 A.M.; and
    - (3) Sunday of each week - 1:00 P.M. to 10:00 P.M.
3. Permitting a person other than an operator or employee to remain on the licensed premises more than fifteen (15) minutes after closing time;
4. Operating without having at least two (2) adults, with the qualifications required by this chapter, to be present on the premises at all times;

Licensing & Business Regulations

5. Permitting a person twenty-one (21) years of age or over, other than the parent of a youth on the premises, or an operator or employee, to be present on the premises directing recreational activities;

6. Permitting breaches of the peace or public disturbances upon the premises;

7. Permitting beer or intoxicating beverages or any intoxicated person to be on the premises.

(Prior Code, Sec. 4-29; Ord. No. 1291; Ord. No. 1926, 3/3/86)

SECTION 9-604      PROVISIONS OF ARTICLE CUMULATIVE.

The provisions of this chapter shall not exempt the owners, operators, managers or employees thereof, or the youth recreational facility from compliance with the other provisions of this code and other ordinances of the city not in conflict herewith. (Prior Code, Sec. 4-30; Ord. No. 1291, Sec. 15)

SECTION 9-605      LICENSE REQUIRED.

A. It shall be unlawful for any person to maintain, operate or manage within the city a youth recreational facility as defined in Section 9-601 without first obtaining a license therefor as provided in this chapter.

B. A separate license shall be required for each youth recreational facility owned, maintained or operated. (Prior Code, Sec. 4-31; Ord. No. 1291, Sec. 2)

SECTION 9-606      APPLICATION; FEE.

A. An application for the license required by the preceding section shall state:

1. The name of the owner of the youth recreational facility and the location of the establishment. If the applicant is not the owner, a copy of the lease or other arrangement under which applicant holds possession thereof shall be attached to the application;

## Licensing & Business Regulations

2. The name, age, residence and previous employment record of the applicant and of the operators, employees, partners or other persons having an interest in or supervisory control over the proposed youth recreational facility;

3. The length of time the applicant has been a bona fide resident of the state immediately preceding the filing of the application;

4. Any other information that the city manager shall find reasonably necessary to carry out the general purpose and intent of this chapter and make a determination of the moral qualifications of the applicant, his employees, managers and operators; and

5. The application shall contain an agreement that the premises covered by such application may be inspected at any reasonable time by a police officer or other designated employee of the city.

B. Such applications shall be accompanied by an application fee as set by the Master Fee Schedule which shall be paid to the city clerk. (Prior Code, Sec. 4-32; Ord. No. 1291, Sec. 3)

### SECTION 9-607      INVESTIGATION OF APPLICANT AND PREMISES; PREMISES FOR WHICH LICENSE NOT TO BE ISSUED.

A. Upon the receipt of an application for license for a youth recreational facility, the city manager shall promptly cause an investigation to be made of the applicant and the manner in which the facility is to be operated and any other matters deemed necessary for the purpose of this chapter.

B. A license for such youth recreational facility shall not be issued unless the premises are properly ventilated, supplied with sufficient toilet conveniences, adequately lighted, and in a safe and proper location. No youth recreational facility shall be located nearer than one hundred fifty (150) feet from a beer tavern, school or church. (Prior Code, Sec. 4-33; Ord. No. 1291, Sec. 4)

## Licensing & Business Regulations

### SECTION 9-608      ISSUANCE.

A. A license for the operation of a youth recreational facility shall be issued by the city clerk if the requirements of this chapter are complied with and if it is determined that the owners, operators or employees of such facility are adults, have never been convicted of a felony or an offense involving moral turpitude, and the applicant does not propose to operate such facility in a manner which will violate any provisions of the laws of the United States, the statutes and regulations of the state and the provisions of this code and other ordinances and regulations of the city.

B. If a material misstatement of fact is made by the applicant, it shall be grounds for denial of the issuance of a license or revocation of any license issued to the applicant. (Prior Code, Sec. 4-34; Ord. No. 1291, Sec. 5)

### SECTION 9-609      ACTION BY CITY MANAGER; DENIAL OF LICENSE GENERALLY.

The city manager shall act upon the application for the license required by this chapter within fifteen (15) days after the filing thereof. If any such application is denied, the applicant shall be notified within five (5) days after such denial, giving reasons therefor. (Prior Code, Sec. 4-35; Ord. No. 1291, Sec. 6)

### SECTION 9-610      APPEALS FROM DENIAL OF LICENSE.

If an application for a license for a youth recreational facility is denied, the applicant shall have the right to appeal to the city council of the city. Notice of the appeal, stating the grounds therefor, shall be filed with the city manager within five (5) days after the receipt of the notice of denial. Within ten (10) days thereafter, the city council shall hold a public hearing, at which such denial shall be reversed or affirmed.

### SECTION 9-611      LICENSE FEE.

The fee for a license for a youth recreational facility shall be set by the city council in the Master Fee Schedule. If more than five (5) pool tables are to be operated, a fee as set by the council shall be added to such fee for each additional table. (Prior Code, Sec. 4-37; Ord. No. 1291, Sec. 8)

## Licensing & Business Regulations

### SECTION 9-612     DISPLAY.

Every youth recreational facility shall display in a conspicuous place the license therefor issued yearly. (Prior Code, Sec. 4-38; Ord. No. 1291, Sec. 11)

### SECTION 9-613     EXPIRATION.

Licenses issued yearly under the provisions of this chapter shall expire on December 31 of each year; provided, that the first license fee shall be prorated on a quarterly basis. Thereafter, the full annual fee shall be collected regardless of the license date. (Prior Code, Sec. 4-39; Ord. No. 1291, Sec. 9)

### SECTION 9-614     SUSPENSION OR REVOCATION.

The city council may issue or revoke licenses issued under the provisions of this chapter if, after a public hearing, the board finds the holder of the license has made material misstatement in the application for a license or violated any of the provisions of this chapter. (Prior Code, Sec. 4-40; Ord. No. 1291, Sec. 12)

Licensing & Business Regulations

CHAPTER 7

MESSAGE BUSINESS

Section 9-701	Definitions.
Section 9-702	License.
Section 9-703	Exemptions.
Section 9-704	Fees and Renewal.
Section 9-705	Applications.
Section 9-706	Denial and Issuance.
Section 9-707	Display of License and Identification Card.
Section 9-708	Transfer Prohibited.
Section 9-709	Bogus Checks.
Section 9-710	Operating Requirements.
Section 9-711	Records to be Kept.
Section 9-712	Inspections.
Section 9-713	Revocation.
Section 9-714	Notice.
Section 9-715	Enforcement.
Section 9-716	Appeals.
Section 9-717	Sale.
Section 9-718	Branch Operations.
Section 9-719	Existing Operations.
Section 9-720	Penalty.
Section 9-721	Remedies Cumulative.

SECTION 9-701     DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meaning given herein.

A.     Massage means any method of pressure on, or friction against by stroking, rubbing, kneading, tapping, pounding, manipulating, vibrating or stimulating the external parts of the human body with the hands, feet or otherwise, with or without such supplementary aids as rubbing alcohol, infrared heat, vibrators, mechanical or electrical appliances and external baths, for any type of consideration or gratuity.

## Licensing & Business Regulations

B. Massage Establishment means any establishment or place of business where any person engages in, conducts, carries on or permits to be engaged in, conducted or carried on, any business of the manipulation of the body by means of massage as herein defined.

C. Operator, Massage Establishment Operator or Outcall Massage Service Operator means any person owning or operating a massage establishment or an outcall massage service. In the event of a corporate owner, operator shall mean the manager or person in charge. If a sole proprietorship, operator shall mean such individual alone.

D. Massage Technician means any person who administers to another person for any consideration or gratuity, a massage, external bath, electric or magnetic massage procedure, manipulation of the body or other similar procedure.

E. External Bath means the bathing of another person by a massage technician or massage apprentice by immersion, shower or steaming any part of the body.

F. Massage Apprentice means any person employed by a massage establishment or outcall massage service and directly supervised by a massage technician for the purpose of learning the method and practice of massage.

G. Outcall Massage Service means a business which provides licensed massage technicians or massage apprentices to perform a massage at a private location.

H. Patron means any person eighteen (18) years of age or older who receives a massage.

I. Person means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

J. Sexual Body Areas mean the genitals, pubic area, buttocks, anus and perineum of any person and the vulva and breasts of a female person.

## Licensing & Business Regulations

K. Licensee means any massage establishment operator, outcall massage service operator, massage technician or massage apprentice appropriately licensed by the City of Sapulpa.

(12) City means the City of Sapulpa, Oklahoma, a municipal corporation.

M. Clerk means the City Clerk of the City of Sapulpa or her authorized representative.

N. Direct Supervision means on-the-premise control and responsibility for the massage apprentice by and in the physical presence of the massage technician.

O. Personal Pronouns when used in the masculine or neuter gender, mean the masculine, feminine and neuter gender.

### SECTION 9-702    LICENSE.

A. It shall be unlawful and an offense for any person to operate a massage establishment in the City without having first obtained a license to do so as herein provided.

B. It shall be unlawful and an offense for any person to perform or offer or agree to perform the services of a massage technician or massage apprentice in the City without first having obtained a license to do so as herein provided.

C. It shall be unlawful and an offense for an operator of a massage establishment to permit any person in his massage establishment to act as a massage technician or massage apprentice in the City unless such person is duly licensed as provided in this chapter.

D. It shall be unlawful and an offense for a person to operate an outcall massage service in the City without first having obtained a license to do so as herein provided.

## Licensing & Business Regulations

E. It shall be unlawful and an offense for any outcall massage service operator, owner, or manager to permit any person to work out of such service who is not a duly licensed massage technician or massage apprentice as provided in this chapter, regardless of where the massage is performed.

F. It shall be unlawful and an offense for any outcall massage apprentice to perform a massage unless acting under the direct supervision of a duly licensed massage technician.

### SECTION 9-703

### EXEMPTIONS.

This chapter shall not apply to the following persons while engaged in the personal performance of the duties of their respective professions:

- A. Nurses who are registered under the laws of the state of Oklahoma;
- B. Physicians, surgeons, chiropractors, chiropodists, podiatrists, osteopaths or physical therapists who are duly licensed to practice their respective professions in the state of Oklahoma;
- C. Barbers and beauticians who are duly licensed under the laws of the state of Oklahoma, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of a patron for cosmetic purposes; or
- D. Any employee or student of any nonprofit organization such as a hospital, clinic, nursing and convalescent home, university, college or seminary licensed or accredited by the state of Oklahoma or organized as exempt from taxation by the Internal Revenue Code of the United States, when massages are performed as part of such service or education and not for any consideration or gratuity.

## Licensing & Business Regulations

### SECTION 9-704

### FEES AND RENEWAL.

A. Every original application for a massage establishment license shall be accompanied by a non-refundable processing fee as a set by the Master Fee Schedule. Applications for an outcall massage service, massage technician or massage apprentice, shall be accompanied by a non-refundable processing fee as set by the Master Fee Schedule.

B. Annual license fees set forth in the Master Fee Schedule herein shall be due and payable by the licensee at the time the City license is issued; provided, however, that fees for the initial applications for massage establishments, outcall massage services and massage technicians may be prorated quarterly.

### SECTION 9-705

### APPLICATIONS.

A. Massage Establishments. Any applicant for a license for a massage establishment shall submit to the Clerk a written application on a form furnished by the Clerk. Before issuing a license, the Clerk shall determine that the following requirements are met by each applicant:

1. The applicant or members of the applying firm, partnership or association, or if a corporation, the manager, ("Applicant" herein) shall be twenty-one (21) years of age or older by proof acceptable to the Clerk. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, business and home address and telephone numbers, and any other names by which the applicant was known in the past shall be included in the application. The applicant shall specify the exact name and address of the proposed massage establishment.

2. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.

3. The applicant, who is or intends to be a massage establishment operator engaged in on-the-premise supervision of massage technicians or who performs the duties of a massage technician, shall be duly licensed by the City as a massage technician as provided in this chapter.

## Licensing & Business Regulations

4. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City furnished identification card, and the other shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the suitable for the purpose of this chapter.

5. The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating under license in this or another city or state has had his license revoked or suspended, and if so, the reason therefor, and business activity or occupation of the applicant subsequent to such suspension or revocation.

6. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein shall be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.

7. The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purpose of this disclosure, no conviction need be listed for a misdemeanor more than five (5) years preceding the date of the application or for a felony for which a pardon has been granted.

8. If the applicant is a corporation, the application shall include the state of incorporation, the name and address of the corporation, the registered service agent in the state of Oklahoma, the date authorized to do business in Oklahoma, and the names and addresses of the officers and directors of the corporation.

9. That the applicant has secured a location in the City of Sapulpa which is described by address and name for the massage establishment, and if leased, a copy of the lease agreement, which location has been inspected and approved by the Creek County Health Department as to the following requirements:

A. Steam rooms, shower compartments, steam compartments, tub compartments, toilet rooms, and adjacent exits thereto shall have smooth, nonabsorbent and easily cleanable floors, walls, and ceilings;

## Licensing & Business Regulations

B. Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer, except that dry heat rooms with wooden floors need not be provided with pitched floors and floor drains;

C. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning;

D. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used to administer massages;

E. Massage tables shall have a cleanable plastic liner covering the entire top surface;

F. Closed cabinets shall be provided for the storage of clean linen, towels and other materials used in connection with administering massages;

G. A toilet facility shall be provided in a convenient location and separate toilet facilities for each sex shall be provided for each twenty (20) employees and patrons of that sex on the premises at any one time; urinals may be substituted for water closets after one (1) water closet has been provided; toilets shall be designated as to the sex accommodated therein; toilet room floors and walls shall be smooth, nonabsorbent, easily cleanable, with the walls painted in a light color, toilet facilities shall be vented to the outside air, and

H. A minimum of one separate wash facility per toilet room shall be provided in each massage establishment for the use of patrons and employees, which shall provide an approved basin, soap or detergent and hot and cold running water at all times; in addition, there shall be provided at each wash basin sanitary towels or other approved facilities placed in permanently installed dispensers.

10. The applicant shall comply with applicable provisions of the City's Building, Electrical, Plumbing, Sign and Mechanical Codes including, but not limited to the following requirements:

A. A readable sign in compliance with all provisions of the City Sign Code, posted at the main entrance, identifying the business as a massage establishment; and

## Licensing & Business Regulations

B. Minimum lighting in accordance with the City Building Code in each room or enclosure where services are performed on patrons.

11. The applicant's massage establishment location shall have been inspected and approved by the City Fire Marshal as to the following requirements:

- A. Accessible exits for patrons and employees in case of fire;
- B. No unsafe storage areas of combustible material;
- C. Adequate fire-extinguishing equipment available and usable by employees instructed by the Fire Marshal as to proper procedure; and
- D. Approved smoke, heat and incendiary gas detectors in operating condition.

B. Massage Technician. Any individual seeking to obtain a City license as a massage technician shall submit to the Clerk a written application on a form furnished by the Clerk. The Clerk shall determine that the following requirements are met by each applicant.

1. The applicant shall be eighteen (18) years of age or older. The applicant's name place of birth, sex, race, height, weight, color of eyes and hair, residence and business addresses and phone numbers shall be included in the application.

2. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.

3. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City-furnished identification card, and the other shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Clerk suitable for the purpose of this chapter.

## Licensing & Business Regulations

4. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.

5. The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purposes of this disclosure, no conviction need be listed for a misdemeanor which is more than five (5) years preceding the date of the application or for a felony conviction for which a pardon has been granted.

6. The applicant shall have been examined by a medical doctor or doctor of osteopathy within the thirty (30) days preceding the date of the application and, on a form provided by the Clerk, shall be found to be free of any evidence of a contagious disease. If a laboratory analysis is performed in connection with the physical examination, such analysis must be done in a laboratory approved by the Health Department of the state of Oklahoma.

7. The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating in this or another city or state, has had his license revoked or suspended, and if so, the reason therefor and the business activity or occupation of the applicant subsequent to such suspension or revocation.

8. The applicant shall furnish his residence and employment addresses for the preceding two (2) years.

9. The applicant shall provide at least one of the following:

- A. A graduation certificate from a school or other institution of learning recognized by the Clerk wherein the method, profession and work of massage technicians is taught;
- B. A photocopy of applicant's grade record reflecting successful completion of at least three (3) semester hours of applied anatomy and physiology at any institution of higher learning accredited by the state wherein such institution is located;

## Licensing & Business Regulations

- C. A sworn affidavit, on a form provided by the Clerk, from a City-licensed massage technician that the applicant has completed a minimum of two hundred fifty (250) hours of on-the-job, supervised training in the art of massage as a City-licensed massage apprentice and is thereby fully qualified to be a technician; or
- D. Evidence that the applicant has heretofore been licensed by the City as a massage operator and is currently the holder of a valid massage operator's license.

10. The application shall include the name, address and City license number of the massage establishment or outcall massage service for which the applicant is or shall be employed.

11. The applicant shall furnish such other information and identification as the Clerk shall require to verify the matters herein specified.

C. Outcall Massage Service. Any person seeking to obtain a City license for an outcall message service shall submit to the Clerk a written application on a form furnished by the Clerk. The Clerk shall determine that the following requirements are met by each applicant.

1. The applicant or members of an applying firm, partnership or association, or if a corporation, the manager, shall be twenty-one (21) years of age or older by written proof. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, business and home addresses and telephone numbers, and any other names by which the applicant was known in the past shall be included in the application.

2. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.

3. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City-furnished identification card, and the other photograph shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Clerk suitable for the purposes of this chapter.

## Licensing & Business Regulations

4. The applicant shall furnish massage or similar business license history disclosing whether the applicant, in previously operating under license in this or another city or state, has had his license revoked or suspended, and if so, the reason therefor, and the business activity or occupation of the applicant subsequent to such suspension or revocation.

5. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.

6. The applicant shall list on the application form all felony and misdemeanor convictions other than minor traffic violations. For the purposes of this disclosure, no conviction need be listed for a misdemeanor which is more than five (5) years preceding the date of the application or for a felony conviction for which a pardon has been granted.

7. If the applicant is a corporation, the application shall include the date of incorporation, the name and address of the corporation, the registered service agent in the state of Oklahoma and the names and addresses of the officers and directors of the corporation.

8. The applicant shall have secured a location in the City of Sapulpa for the outcall massage service which shall be described by name and address, and if leased, a copy of the lease agreement shall be provided. All telephone numbers of each and every massage technician or massage apprentice working from such service location or requested through such service's telephone numbers shall be provided.

D. Massage Apprentice. Any individual seeking to obtain a City license as a massage apprentice shall submit to the Clerk a written application on a form furnished by the Clerk. The Clerk shall determine that the following requirements are met by each applicant.

1. The applicant shall be eighteen (18) years of age or older. The applicant's name, place of birth, sex, race, height, weight, color of eyes and hair, address of residence and home phone number shall be included in the application.

## Licensing & Business Regulations

2. The name and City license number of the massage establishment or outcall massage service where apprenticeship will be served shall be included in the application.

3. The applicant shall not have been convicted of any felony and/or a misdemeanor involving moral turpitude for five (5) years preceding the date of the application.

4. The applicant shall have been examined by a medical doctor or doctor of osteopathy within the thirty (30) days preceding the date of the application and, on a form provided by the Clerk, shall be found to be free of any evidence of a contagious disease. If a laboratory analysis is done in connection with the physical examination, such analysis must be done in a laboratory approved by the Health Department of the state of Oklahoma.

5. The applicant shall furnish to the Clerk two (2) full-face photographs of the applicant, one (1) inch by one and one-half (1 ½) inches, one of which shall be laminated on a City-furnished identification card, and the other photograph shall be delivered to the Police Department of the City of Sapulpa. Such photographs must have been taken within thirty (30) days preceding the date of the application and must be considered by the Clerk suitable for the purposes of this chapter.

6. The applicant shall have been fingerprinted on all fingers by the Sapulpa Police Department on a form provided by the Police Department within thirty (30) days preceding the date of the application, which fingerprints and one photograph as required herein will be retained in the Police Department for as long as deemed necessary by the Clerk. The Police Department may verify identification of any applicant by appropriate means and shall notify the Clerk immediately in the event a false identification is discovered.

### SECTION 9-706

### DENIAL AND ISSUANCE

A. The requirements of this chapter for each license are cumulative and the failure of the applicant to comply with any requirement shall be grounds for denial of such license.

B. Each and every applicant who satisfactorily complies with the license requirements of this chapter shall be immediately issued the appropriate license by the Clerk. Nothing herein shall prevent any person from simultaneously holding a massage establishment and an outcall massage service license if requirements for both are satisfactorily met.

## Licensing & Business Regulations

C. On the face of each license for a massage establishment or outcall massage service, the Clerk shall list by name those persons processed and approved by the Clerk as owner or partner. The Clerk shall issue to each person and approved by the Clerk as owner or partner. The Clerk shall issue to each person and each applicant licensed as a massage technician or massage apprentice a City Identification Card.

### SECTION 9-707                      DISPLAY OF LICENSE AND IDENTIFICATION CARD.

A. Every massage establishment or outcall massage service shall display, in a well-lighted area on the wall near the front entrance at the licensed address, the City license authorizing the operation of such business.

B. Each individual approved by the Clerk and licensed by the City as the owner, operator, partner or manager of a massage establishment or outcall massage service, or as massage technician or massage apprentice, shall wear on the upper front torso area of his clothing, at all times when engaged in the licensed business or when upon the licensed premises during authorized hours of operation, the City Identification Card issued to such individual.

### SECTION 9-708                      TRANSFER PROHIBITED.

No license for the operation of any establishment, service or occupation issued to a particular person or for a particular location shall be transferred to another person or another location unless approved by the Clerk. No more than one (1) license operation authority without further notice until payment satisfactory to the Clerk is made. This provision shall not prevent the filing of criminal charges if and when applicable.

### SECTION 9-709                      BOGUS CHECKS.

Any applicant or licensee who pays any fee with a check which is subsequently dishonored for any reason shall be automatically suspended from license operation authority without further notice until payment satisfactory to the Clerk is made. This provision shall not prevent the filing criminal charges if and when applicable.

Licensing & Business Regulations

SECTION 9-710

OPERATING REQUIREMENTS.

A. Massage Establishments. The following operating requirements shall apply to licensed massage establishments. A violation of any of the following paragraphs shall be unlawful and an offense. Any person responsible for such violation may be charged and tried accordingly before the Sapulpa Municipal Court. Each day that such violation exists shall constitute a separate offense.

1. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean, in good repair and shall be operated in a sanitary manner.

2. A price schedule for all services shall be prominently posted in the reception area in a location visible to all prospective patrons.

3. All employees, patrons, persons, managers, owners, operators, technicians and apprentices shall be clean and shall wear clean, non-transparent outer garments, covering the sexual body areas. A separate dressing room for each sex shall be available on the premises with individual lockers for each employee, technician or apprentice. Doors to such dressing rooms shall open inward and shall be self closing.

4. All massage establishments shall be provided with a sufficient quantity of clean sheets and towels which shall be laundered after each use and shall be stored in a sanitary manner. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which shall be kept separate from the storage areas for clean supplies.

5. No patron shall receive the services of any massage establishment, technician or apprentice, unless such patron is at least eighteen (18) years of age; provided further that any minor may receive such services as a patron only if a valid written consent to allow such services be performed on said minor has been executed by the minor's legal guardian and kept on file by the massage establishment.

6. No person shall sell, give, dispense, consume, provide or keep, or cause to be sold, given dispensed, provided or kept any alcoholic beverage or beer on the premises of any massage establishment.

## Licensing & Business Regulations

7. No massage establishment shall be operated after 8:00 p.m. or before 8:00 a.m.
8. No person may act as manager for a corporate licensee, unless such person has been approved by the Clerk and listed on the license of the massage establishment.
9. No owner, operator, partner or manager may supervise massage technicians, unless such person is approved and licensed as a massage technician as provided in this chapter.
10. No technician, apprentice, owner, operator, partner, manager, patron or person shall do or permit to be done the massage or touching, or the offer or agreement to massage or touch any person's sexual body areas or the sexual body areas of any other person.
11. No technician, apprentice, owner, operator, partner, manager, patron or person shall do or permit to be done the exposing, or the offer or agreement to expose to the view of any other person, his or her sexual body areas or the sexual body areas of any other person.
12. All massages shall be performed in a massage room designed for such purpose. No doorway to such room shall be fitted with a door capable of being locked.
13. No patron who is affected with any contagious disease or with any disease of the skin shall be massaged in any massage establishment.
14. No person holding a massage establishment license shall operate under a name not specified in the license, nor shall business be conducted under any designation or location not specified in the license.
15. No licensee, patron or any person shall be intoxicated while upon the premises of a massage establishment.
16. All instruments, apparatus, equipment or appliances of a non-disposable nature shall be disinfected after each use.

## Licensing & Business Regulations

17. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and massage tables shall be thoroughly cleaned and disinfected after each patron's use.

18. Each patron and massage table shall be provided with clean and sanitary linens, sheets and towels.

19. Hot and cold running water shall be provided at all times.

20. Minimum lighting shall be provided and shall be in use when massage services are being performed.

B. Outcall Massage Services. The following operating requirements shall apply to licensed outcall massage services. A violation of any of the following paragraphs shall be unlawful and an offense. Any person responsible for such violation may be charged and tried accordingly before the Sapulpa Municipal Court. Each day that such violation exists shall constitute a separate offense.

1. Any patron and any technician or apprentice working out of a licensed outcall massage service shall, during massage services, be clean and shall wear clean, non-transparent outer garments covering the sexual body areas.

2. No patron shall receive the services of any outcall massage service unless such patron is at least eighteen (18) years of age; provided further that any minor may receive such services as a patron only if a valid written consent to allow such services be performed on said minor has been executed by the minor's legal guardian and kept on file by the massage establishment.

3. No outcall massage service shall be provided after 8:00 p.m. or before 8:00 a.m.

4. No patron, technician or apprentice working out of an outcall massage service shall massage or touch, or agree or offer to massage or touch, any person's sexual body areas, including his own.

## Licensing & Business Regulations

5. No patron, technician or apprentice working out of an outcall massage service shall expose or agree or offer to expose his or her sexual body areas or the sexual body areas of any other person.

6. No person owning, operating or managing an outcall massage service shall knowingly cause, allow or permit any patron, technician or apprentice to perform such acts prohibited in subsections 4 or 5 of this section.

7. No patron in an intoxicated condition or who is affected with any contagious disease or with any disease of the skin shall be massaged by any technician or apprentice of an outcall massage service.

8. No person granted an outcall massage service license shall operate under a name not specified in the license, nor shall such telephone business be conducted under any designation or number not specified on the license.

9. All towels and linens used on any patron shall be clean, shall be laundered after each use, and shall be stored in clean containers.

10. All soiled towels, linens and other materials shall be kept in properly covered containers, separate from clean storage containers.

11. All instruments, apparatus, equipment or appliances of a non-disposable nature shall be disinfected after each use.

### SECTION 9-711 RECORDS TO BE KEPT.

A. The owner, operator or manager of each massage establishment or outcall massage service shall maintain a current register of all employees, including their address, date of birth, sex, duties and such other information as the Clerk may reasonably require. Upon hiring or discharging any massage technician or apprentice, the owner, operator or manager shall immediately notify the Clerk in writing, and shall include in such notice the personal information required herein. Failure to comply with the provisions of this subsection shall be unlawful and an offense.

## Licensing & Business Regulations

B. Every owner, operator or manager of a massage establishment or outcall massage service shall keep a current record of all massage treatments rendered, either on or off the premises, which record shall include the address where the massage treatment was rendered, the name and address of the patron, the technician or apprentice rendering such treatment and the date of such treatment. Such records shall be maintained for a period of one (1) year. Failure to comply with the provisions of this subsection shall be unlawful and an offense.

### SECTION 9-712                      INSPECTIONS.

Any licensed premise, establishment, service or person shall be subject to inspection at any time during working hours by any member of the City Police Department, Health Department, Fire Department, Code Enforcement Office or Legal Department to determine and ensure compliance with the provisions of this chapter. It shall be unlawful and an offense for any person or licensee to refuse to allow such inspections.

### SECTION 9-713                      REVOCAION.

Any license issued hereunder shall be revoked by order of the Clerk upon his determination that the licensee has committed any act which would have been cause for denial of a license upon the original application, has made a false statement on the application, or has committed any act in violation of this chapter or in violation of the standards for good moral character.

### SECTION 9-714                      NOTICE.

The Clerk shall give notice of denial of license to any applicant by regular mail to his stated home address, or of revocation of license to any licensee by regular mail to his stated business address. Such notice shall state the reasons for denial or revocation, the effective date of such determination and shall advise the applicant or licensee that the Clerk's decision may be appealed to the Council by filing a written request for a hearing with the City Clerk within ten (10) days of the receipt of such notice. All such licenses shall be suspended pending appeal.

Licensing & Business Regulations

SECTION 9-715                      ENFORCEMENT.

Any applicant who has been denied a license, or any licensee whose license has been revoked or suspended hereunder who acts in violation of such denial, revocation or suspension, shall be guilty of an offense, and each day constituting such violation is a separate and distinct offense with a separate and distinct penalty.

SECTION 9-716                      APPEALS.

Appeals to the Council from any adverse decision of the Clerk hereunder shall, when timely filed, be docketed on the Council's next available agenda and notice of the date and time of hearing shall be given to all parties concerned. At such hearing the Council shall receive any evidence it deems appropriate and, shall either affirm, reverse or modify the Clerk's decision.

SECTION 9-717                      SALE.

Any person desiring to purchase, own, operate or manage a presently licensed massage establishment or outcall massage service shall make application for such license and must be approved by the Clerk and licensed by the City before assuming such business.

SECTION 9-718                      BRANCH OPERATIONS.

No branch operation shall be permitted by the holder of any license hereunder, unless such operation is separately approved and licensed by the City according to the provisions of this chapter.

SECTION 9-719                      EXISTING OPERATIONS.

A. All massage establishments, outcall massage services and technicians currently operating within municipal limits shall remain operative until October 1, 2001, at which time such establishment, service and/or technician must comply with the provisions of this chapter and all massage services shall be in compliance with the terms and requirements of this chapter.

## Licensing & Business Regulations

B. Any new applications for massage technicians, massage apprentices, massage establishments or outcall massage services shall be in compliance with the terms and requirements of the chapter.

### SECTION 9-720

### PENALTY.

Any person, patron, licensee or individual found guilty of violating any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine as provided by Section 1-108 of the Code.

### SECTION 9-721

### REMEDIES CUMULATIVE.

The conviction and punishment of any person for operating hereunder without the appropriate license shall not relieve such person from paying any appropriate license fee due, nor shall conviction and punishment prevent the Clerk from denying the issuance of any license, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this chapter. The conviction and punishment of any person for violating any of the operating requirements herein shall not prevent the Clerk from revoking any existing license for such violation, nor shall the revoking of the license prevent a criminal prosecution for the violation of any of the provisions of this chapter. All remedies prescribed hereinunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.”

Licensing & Business Regulations

CHAPTER 8

FIREWORKS

Section 9-801	Sale of Fireworks Prohibited Generally.
Section 9-802	Wholesale Sale of Fireworks Allowed .
Section 9-803	Retail Sale of Fireworks Allowed.
Section 9-804	Possession and Discharge.
Section 9-805	Penalty.

SECTION 9-801      SALE OF FIREWORKS PROHIBITED GENERALLY.

The sale or offering for sale, purchase or giving away of fireworks of every description or explosive devices similar to fireworks is hereby prohibited within the City except as provided in this Chapter.

SECTION 9-802      WHOLESALE SALE OF FIREWORKS ALLOWED .

The wholesale sale of Class C fireworks (as defined by 68 O.S. Section 1622 (a)(1), as amended) shall be permitted in those areas of the city outside of the Fire Districts established by the City Code, upon compliance with each of the following conditions:

- A. All such sales shall be restricted to either side of the following primary arteries outside of the aforementioned fire districts: Interstate-44.
- B. Any and all such sales shall be made from a free-standing structure in excess of 6,000 square feet and which in all cases shall be located no less than 100 feet from any other structure owned by a third party. All such structures must be located within an Industrial or Commercial District as defined by city ordinance.
- C. All fireworks offered for wholesale sale must be protected from direct contact and handling by the public at all time.

## Licensing & Business Regulations

- D. No person or business shall offer any fireworks for wholesale without first obtaining a license from the City as provided for herein. Any person operating a location where fireworks are sold wholesale shall be required to apply for and obtain a wholesale fireworks license from the City Fire Marshal. The applicant for such license shall provide the following: (i) location of the structure and dimensions; (ii) proof of age of the applicant; (iii) proof that all licenses required under state law have been obtained; (iv) an affidavit signed by applicant stating that he will comply with all applicable city, state and federal laws and regulations pertaining to the wholesale of fireworks; and (v) payment of the wholesale fireworks license fee as set forth in the Master Fee Schedule to the City Code.

### SECTION 9-803 RETAIL SALE OF FIREWORKS ALLOWED.

The retail sale of Class C fireworks (as defined by 68 O.S. Section 1622 (a)(1), as amended) shall be permitted in those areas of the city outside of the Fire Districts established by the City Code, upon compliance with each of the following conditions:

- A. All such retail sales shall be restricted to either side of the following primary arteries outside of the aforementioned fire districts: Interstate 44, Highway 66 (Dewey and Mission Streets), Highway 97 (Main Street), Highway 117 (Taft Avenue), Highway 75a and that portion of 49<sup>th</sup> West Ave. Located in Tulsa County, Oklahoma.
- B. Any and all retail sales of fireworks shall be made from a free-standing rigid structure which shall be located no less than 100 feet from any other structure owned by a third party. The retail sale of fireworks from tents and/or other non-rigid structures is prohibited, unless the owner/operator of the tent and/or other non-rigid structure has been issued a valid license for the wholesale distribution of fireworks by the City and said tent and/or non-rigid structure is located within 1,000 feet of the operator's wholesale structure. In addition, all retail sales of fireworks must be located within an Industrial, Commercial or Agricultural District as defined by city ordinance. One recreational vehicle will also be allowed for safety purposes during the time period specified for allowed sales.
- C. A sales clerk must be on duty to serve the consumer at the time of purchase. All fireworks offered for retail sale must be protected from direct contact and handling by the public at all time.

## Licensing & Business Regulations

- D. Fireworks may only be offered for retail sale and/or so sold to the public between June 15 and July 6 or December 15 and December 31 of each year. Permitted sale hours each day during which sales are permitted shall be from 8 a.m. to 12 midnight, except that sales shall be permitted from 8 a.m. on July 4 continuously until 2 a.m. on July 5.
- E. No person or business shall offer to the public any fireworks without first obtaining a license from the City as provided for herein. Any person operating a location where fireworks are sold as permitted shall be required to apply for and obtain a retail fireworks license from the City Building Inspector. The applicant for such license shall provide the following: (i) location of the retail structure; (ii) proof of age of the applicant; (iii) proof that all licenses required under state law have been obtained; (iv) an affidavit signed by applicant stating that he will comply with all applicable city, state and federal laws and regulations pertaining to the sale of fireworks; and (v) payment of the retail fireworks license fee as set forth in the Master Fee Schedule to the City Code. [Ord. 2465]

### SECTION 9-804      POSSESSION AND DISCHARGE.

- A. The possession or discharge of fireworks by any individual shall be unlawful within the City except that use by individuals of Class C fireworks shall be permitted only under a current permit as described below.
- B. The possession or discharge of any Class C fireworks by any individual under the age of eighteen (18) years shall be unlawful within the City, unless under the immediate and direct supervision of a parent, guardian, or other responsible adult in possession of a current permit described below.
- C. Permissible fireworks shall mean Class C Fireworks otherwise defined by the DOT as "common" fireworks and shall include any devices suitable for use by the public that conform with requirements of the United States Consumer Products Safety Commission (CPSC) and are designed primarily to produce visible effects by combustion, and some small devices designed to produce an audible effect. The term "permissible fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares and model rockets.

## Licensing & Business Regulations

- D. Persons within the city limits may use or otherwise discharge permissible fireworks only from 3:00 p.m. to 11:00 p.m. on July 3<sup>rd</sup> and July 4<sup>th</sup>, provided the following conditions are met:
1. Such fireworks must be discharged on a non-combustible surface of sufficient size to contain the entire ground portion of the display and not closer than 25 feet to any permanent structure.
  2. The adult person shall obtain a permit from the City at a cost set forth in the Master Fee Schedule, said permit identifying the adult in charge of this use by name and address, and also identifying the proposed location on or near the permit holder's property. Applications for said permits shall be made available during normal business hours from April 1 through July 3 of any given year and permits are valid only for the year of issuance.
  3. The adult permit holder in charge of the use must be physically present for any household member to use the fireworks and within 100 feet of the point of display, and have the permit available for examination by any law enforcement officer.
  4. Private persons may not use or discharge fireworks within any city or county park, nor on any highway, turnpike, arterial street, or collector street. [Ord 2530]

### SECTION 9-805. PENALTY.

Failure to comply with any of the foregoing provisions of this Chapter and/or any violation thereof shall constitute an offense punishable under Section 1-108 of the Code. Each day any such provision is violated shall constitute a separate offense."

Licensing & Business Regulations

CHAPTER 9

HOTELS, MOTELS AND ROOMING HOUSES

Section 9-901	Numbering of Rooms.
Section 9-902	Persons Refused.
Section 9-903	Registration of Guests.
Section 9-904	False Registration.
Section 9-905	Registration Records Preserved.
Section 9-906	Minor Guests – Reports.
Section 9-907	Resistance to Police.
Section 9-908	Inspection of Records.
Section 9-909	Penalty.

SECTION 9-901      NUMBERING OF ROOMS.

Any person engaged in the operation of any hotel, motel or rooming house shall cause each and every room and apartment or suite which is rented or let in such building to be numbered in a plain and conspicuous manner by some approved system of numbering, in such a manner that no two rooms shall have the same number and so that the numbers shall increase or decrease, uniformly from one room to the succeeding room or rooms and from one floor to the succeeding floor or floors.

SECTION 9-902      PERSONS REFUSED.

It shall be an offense for any operator, owner, manager or employee of any hotel, Motel, or rooming house to knowingly receive any person as a guest or to permit any person to remain as a guest or employee who comes within any of the following classifications:

- A. A prostitute; or
- B. Any person who solicits or arranges for immoral, illicit or licentious acts.

## Licensing & Business Regulations

### SECTION 9-903      REGISTRATION OF GUESTS.

Each and every person owning, conducting or operating hotel, motel or rooming house is hereby required to keep a book or file in which the name, post office address, date of arrival and registration and date of departure shall be entered in the handwriting of the guest; provided, that the room assignment shall be added by the proprietor of the establishment. No person shall be received as a guest of any hotel, motel or rooming house who shall refuse to register as required by this chapter.

### SECTION 9-904      FALSE REGISTRATION

It shall be an offense for any person to falsely register or write or cause to be written in any hotel, motel or rooming house record or file any name other than his/her true and full name by which he is known to the public.

### SECTION 9-905      REGISTRATION RECORDS PRESERVED.

Each and every person owning or operating any hotel, motel or rooming house shall faithfully keep and preserve all such registers and file records for each and every person entering the hotel, motel or rooming house as a guest for a period of not less than three (3) years from the date of the last registration made therein. It is the intent of this section that the register or file shall show at any time upon inspection a complete and full list of all registrations made within the last three (3) years with their respective dates.

### SECTION 9-906      MINOR GUESTS –REPORTS.

Every person owning, conducting or operating a hotel, motel or rooming house is hereby required to report immediately the registration of any minor, under the age of eighteen (18) years, unaccompanied by his or her parent or guardian, to the Chief of Police.

### SECTION 9-907      RESISTANCE TO POLICE.

It shall be an offense for any person to refuse or obstruct admittance or

## Licensing & Business Regulations

offer resistance to any member of the Sapulpa Police Department into the hallways, lobby, office, toilets, cooking apartment or any other apartment of any hotel, motel or rooming house, except such room or apartment as may be actually occupied by a person as a private room, which such peace officer would otherwise have a right to enter under the law.

### SECTION 9-908      INSPECTION OF RECORDS.

Records of guests which are required to be kept by proprietors of hotels, motels and rooming houses shall at all times be subject to inspection by any police officer. [Ord. 2506]

### SECTION 9-909      PENALTY.

Any person found guilty of violating any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by a as provided by Section 1-108 of the Code.

## Licensing & Business Regulations

### CHAPTER 10

#### PEDDLERS AND SOLICITORS

Section 9-1001	Definitions.
Section 9-1002	Use of public right-of-way; prohibition; exception.
Section 9-1003	Hours of business.
Section 9-1004	Peddlers or solicitors; invitation required to enter posted premises.
Section 9-1005	Penalty.
Section 9-1006	Required.
Section 9-1007	Application procedure.
Section 9-1008	Application fee and investigation fee.
Section 9-1009	Review and investigation.
Section 9-1010	Approved License Fee.
Section 9-1011	Appeal of disapproval by City Clerk.
Section 9-1012	Term.
Section 9-1013	Transfer of license or badge.
Section 9-1014	Display.
Section 9-1015	Revocation.
Section 9-1016	Surrender upon expiration or revocation.

#### SECTION 9-1001

#### DEFINITIONS.

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

- (A) *Peddler* means any person who travels on foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting foodstuffs, beverages, goods, products, wares, merchandise or other personal property of any type, and offering or exposing the same for retail sale, or making retail sales of such articles to purchasers, except that the term shall not include a person representing sales of local non-profit or charitable organizations.

## Licensing & Business Regulations

- (B) *Public right-of-way* means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, canal, plaza, pedestrian bridge, pedestrian way, stairs or elevators which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.
- (C) *Retail sale* or *sales* means any sale or sales transactions of foodstuffs, beverages, goods, products, wares, merchandise or other personal property, except as made by a person engaged in selling such personal property at wholesale to dealers in such property.
- (D) *Solicitor* means any person who travels on foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the retail sale of goods, products, wares, merchandise or other personal property of any type, excluding foodstuffs, for future delivery, or for services to be furnished or performed in the future, except that the term shall not include a person representing sales of local non-profit or charitable organizations.

### SECTION 9-1002 USE OF PUBLIC RIGHT-OF-WAY; PROHIBITION; EXCEPTION.

No peddler or solicitor shall engage in business within any portion of any public right-of-way; provided, the provisions of this section shall not apply to a landowner who has expressly reserved in a written easement agreement with the City the right to use defined portion of any public right-of-way for his or her business purposes or to the lawful successor(s) or assign(s) of any such landowner.

### SECTION 9-1003 HOURS OF BUSINESS.

No peddler or solicitor shall conduct business within any residential zoning districts, except between the hours of 9:00 a.m. and 8:00 p.m. each day of the week except Sunday. Provided, however, that deliveries or solicitations may be made where the person delivered to or solicited has agreed by previously arranged appointment for a time other than the prescribed hours. The purpose of this restriction is to protect residents in the peaceable possession of their homes and properties between the hours of 8:00 p.m. and 9:00 a.m. each day.

## Licensing & Business Regulations

### SECTION 9-1004    PEDDLERS OR SOLICITORS; INVITATION REQUIRED TO ENTER POSTED PREMISES.

No peddler or solicitor shall enter any premises or attempt to sell, peddle or solicit where the owner or occupant of such premises has indicated his/her desire not to be contacted for sales or solicitations by the placing of a "No Solicitors," "No Trespassers," or "No Trespassing" sign on those premises, and any such entrance or attempt to sell, peddle or solicit shall constitute a trespass upon private property and a violation of this Code punishable under Section 9-108.

### SECTION 9-1005    PENALTY.

Any person violating any provision of this Chapter shall be guilty of an offense punishable under Section 1-108 of this Code. Every act of peddling or solicitation without a license or otherwise in violation of this chapter shall constitute a separate offense.

### SECTION 9-1006    LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of peddler or solicitor within the corporate limits of the City without first obtaining a license from the City Clerk.

### SECTION 9-1007    APPLICATION PROCEDURE.

- (A) Contents of application. Applicants for a license shall file with the City Clerk a verified application in writing on a form to be furnished by the City Clerk, which shall contain the following information:
- (1) the full name, description, and birth date of the applicant.
  - (2) the applicant's address, both legal and local.
  - (3) a brief description of the business to be conducted and the items to be sold.
  - (4) the time period for which the applicant desires to do business.

## Licensing & Business Regulations

- (5) a current driver's license, proof of insurance, license number and description of any vehicle to be used (if applicable).
  - (6) a verification that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission, or other proof that sales tax has been or is being paid on the items sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax.
  - (7) the content of any signs to be used.
  - (8) if employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship.
- (B) Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal report is considered current if it is dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the City Clerk.

### SECTION 9-1008

### APPLICATION FEE.

Any person making application for a license required by the provisions of this Chapter shall pay an application fee as set forth in the Master Fee Schedule.

### SECTION 9-1009

### REVIEW AND INVESTIGATION; ISSUANCE OR DENIAL.

- (A) Upon receipt of an application for a license as required by this Chapter, the City Clerk shall review the criminal history information provided by the Oklahoma State Bureau of Investigation and shall note thereon any relevant information concerning any convictions of the applicant for any of the offenses specified in this Chapter.
- (B) The City Clerk shall cause such other investigation or inquiry concerning the applicant as deemed necessary to determine whether the application is in compliance with the terms and conditions of this Chapter and other applicable provisions of this Code.

## Licensing & Business Regulations

- (C) Upon completion of the necessary investigation as provided for by this section, the City Clerk shall review the application to ensure:
- (1) that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or that he has otherwise demonstrated that sales tax has been or is being paid on the items sold, or that the applicant or the applicant's employer is exempt from payment of such tax;
  - (2) that the applicant or the applicant's employer is aware of his or her responsibility to collect and pay sales tax, unless tax exempt;
  - (3) that the applicant's character or business responsibility is not "unsatisfactory" (as defined in Subsection (e) of this section);
  - (4) that the applicant's proposed signs and locations therefor comply with all of the provisions of the Sapulpa Zoning Code §12-201 *et seq.*; and
  - (5) that the application otherwise complies with all of the provisions of this Code.
- (D) Within twenty (20) business days after receipt of the application, the City Clerk shall either approve or disapprove of the application. Grounds for disapproval shall be the following:
- (1) a finding that the application is incomplete;
  - (2) nonpayment of the application fee and investigation fee;
  - (3) failure of the applicant to verify that he or she, or his/her employer, is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax; or that sales tax has been or is being paid on the items sold; or that he or she, or his/her employer, is otherwise exempt from payment of sales tax;

## Licensing & Business Regulations

- (4) a finding that the application is not in conformance with other applicable provisions set forth in this Code;
  - (5) a finding that the applicant's character or business responsibility is "unsatisfactory" (as defined in Subsection (e) of this section).
- (E) For the purpose of this Chapter, "unsatisfactory character or business responsibility" of an applicant shall be defined as follows:
- (1) a finding that the applicant has been convicted of murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any non-consensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony;
  - (2) a finding that the applicant has been convicted of two or more violations of the provisions of this chapter within the preceding twenty-four (24) months; or
  - (3) a finding that a previous license held by the applicant pursuant to the provisions of this Chapter was revoked within the previous twelve (12) months.

### SECTION 9-1010 APPROVED LICENSE FEE

Anyone receiving an approved license shall pay a fee to the City Clerk as set forth in the Master Fee Schedule.

### SECTION 9-1011 APPEAL OF DISAPPROVAL BY CITY CLERK.

An applicant who has been denied a license under this Chapter may appeal the denial to the City Manager.

## Licensing & Business Regulations

### SECTION 9-1012    TERM.

Any license issued shall expire within 90 days, 180 days or 365 days after issuance depending on the term elected by applicant and payment of the applicable fee, unless sooner revoked pursuant to the provisions of this Chapter.

### SECTION 9-1013    TRANSFER OF LICENSE OR BADGE

No license or badge issued under the provisions of this Chapter shall be used or worn at any time by any person other than the licensee to whom it was issued.

### SECTION 9-1014    DISPLAY

Peddlers and solicitors are hereby required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in peddling or soliciting.

### SECTION 9-1015    REVOCAION.

Licenses issued under the provisions of this Chapter may be revoked for reasons that include, but are not be limited to, the following:

- (A) fraud, misrepresentation, or any false statement contained in the application for the license.
- (B) conviction of the licensee for murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any non-consensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony.
- (C) conviction of the licensee for two one or more violations of the provisions of this Chapter within the preceding twelve (12) months.

## Licensing & Business Regulations

- (D) a finding that a licensee has conducted the business for which the license was issued in an unlawful manner or in such manner as to constitute a breach of the peace.

### SECTION 9-1016 SURRENDER UPON EXPIRATION OR REVOCATION.

When a license issued pursuant to the provisions of this Chapter expires, or is revoked, its holder shall surrender to the City Clerk and the license shall become the property of the City.



Offenses & Crimes

PART 10

OFFENSES AND CRIMES

CHAPTER 1

GENERAL PROVISIONS

Section 10-101	Attempts to commit an offense.
Section 10-102	Aiding in an offense.
Section 10-103	"Offense" defined.
Section 10-104	"Violation" defined.
Section 10-105	Penalty not to excuse offense.
Section 10-106	Capacity to commit offense.
Section 10-107	Intoxication, no defense.
Section 10-108	Witness, self incrimination.
Section 10-109	Nuisances.
Section 10-110	Conspiracy.
Section 10-111	Limitations of actions.
Section 10-112	Lawful use of force.

CHAPTER 2

OFFENSES AGAINST PERSONS

Section 10-201	Assault and battery.
Section 10-202	Assault defined.
Section 10-203	Battery defined.
Section 10-204	Reckless conduct.

CHAPTER 3

OFFENSES AGAINST PROPERTY

Section 10-301	Petit larceny; embezzlement.
Section 10-302	Larceny by false pretense.
Section 10-303	Altering keys.
Section 10-304	Possession of stolen property.
Section 10-305	Defrauding public accommodations; proof; exception.
Section 10-306	Concealing unpurchased merchandise, merchant's authority to detain.
Section 10-307	Failure to pay fare for public conveyance.
Section 10-308	False or bogus checks.

## Offenses & Crimes

Section 10-309	Harmful deception.
Section 10-310	Defacing building, damaging property.
Section 10-311	Removing or breaking private property.
Section 10-312	Damaging private property.
Section 10-313	Public works under construction.
Section 10-314	Damaging or tampering with motor vehicle.
Section 10-315	Tampering with, obstructing or damaging of utilities.
Section 10-316	Destroying trees and shrubbery.
Section 10-317	Trespassing prohibited notice, trespass prohibited.
Section 10-318	Congregating, parking on premises after hours.
Section 10-319	Unlawful intrusion on land.
Section 10-320	Throwing or shooting at persons, property.
Section 10-321	Throwing out lighted substances or debris prohibited.
Section 10-322	Littering, deposits unlawful.
Section 10-323	Posting advertising matter on building of another.
Section 10-324	Posting advertising matter on utility poles or on or over streets and sidewalks.
Section 10-325	Interference with radio, television or telephone reception of others.
Section 10-326	False weights.
Section 10-327	Fireworks prohibited, regulation of sales, exceptions.
Section 10-328	Gasoline pump theft.

## CHAPTER 4

### OFFENSES AGAINST PUBLIC PEACE

Section 10-401	Disturbing the peace.
Section 10-402	Disturbing funerals.
Section 10-403	Disorderly conduct.
Section 10-404	Unnecessary noise prohibited.
Section 10-405	Parades and public assemblies.

## CHAPTER 5

### OFFENSES AGAINST THE PUBLIC

Section 10-501	Public intoxication.
Section 10-502	Marijuana prohibited.
Section 10-503	Drug paraphernalia.
Section 10-504	Sniffing glue, paint and other substances.
Section 10-505	Curfew for minors.
Section 10-506	False representation as blind, crippled or physically

## Offenses & Crimes

	defective to obtain money, aid.
Section 10-507	Misrepresenting age by false documents.
Section 10-508	Obscene, threatening or harassing telephone calls.
Section 10-509	Disorderly house.
Section 10-510	Nudity, improper dress, indecent exposure.
Section 10-511	Gambling and gambling devices.
Section 10-512	Prostitution prohibited.
Section 10-513	Offenses near schools.
Section 10-514	Sleeping in places, property.
Section 10-515	Contributing to delinquency of a minor.
Section 10-516	Tobacco to minors prohibited.
Section 10-517	Carrying weapons, exceptions.
Section 10-518	Discharging firearms, air rifles, BB guns, pellet guns.
Section 10-519	Smoking in public places.
Section 10-520	Laser pointers.

## CHAPTER 6

### OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Escaping custody.
Section 10-602	Conveying instruments to assist escape.
Section 10-603	Assisting prisoner to escape.
Section 10-604	Delivery of articles to person in confinement.
Section 10-605	Assaulting city officer.
Section 10-606	Resisting a police officer.
Section 10-607	Citizens' duty to assist.
Section 10-608	Obedience to orders of police and firefighter.
Section 10-609	Eluding police officer by motor vehicle.
Section 10-610	Use of siren or whistle.
Section 10-611	Impersonating a police officer or any city officer.
Section 10-612	False statements, reports or complaints.
Section 10-613	False alarms.
Section 10-614	Removal of barricades.
Section 10-615	Resisting public officials.
Section 10-616	Duties of the public at fires, emergencies.
Section 10-617	Tampering with signs, equipment.
Section 10-618	Interference with police dog performing functions or duties.
Section 10-619	Destroying, tampering with evidence.

Offenses & Crimes

CHAPTER 7

NOISE REGULATIONS

Section 10-701	Definitions.
Section 10-702	Sound amplifying devices on moving vehicles.
Section 10-703	Sounds which may be transmitted.
Section 10-704	Hours of operation.
Section 10-705	Application.
Section 10-706	Appeal.
Section 10-707	Maximum audibility permitted.
Section 10-708	Chimes.
Section 10-709	Permits.
Section 10-710	Exhaust and muffler systems, condition.
Section 10-711	Persons in violation.
Section 10-712	Evidence of decibel rating.
Section 10-713	Testing procedure.
Section 10-714	Defense or excuse.
Section 10-715	Operation within the city.
Section 10-716	Retail distributors.
Section 10-717	Alternation for hire.
Section 10-718	Other noise practices prohibited.

Offenses & Crimes

CHAPTER 1

GENERAL PROVISIONS

Section 10-101	Attempts to commit an offense.
Section 10-102	Aiding in an offense.
Section 10-103	"Offense" defined.
Section 10-104	"Violation" defined.
Section 10-105	Penalty not to excuse offense.
Section 10-106	Capacity to commit offense.
Section 10-107	Intoxication, no defense.
Section 10-108	Witness, self incrimination.
Section 10-109	Nuisances.
Section 10-110	Conspiracy.
Section 10-111	Limitations of actions.
Section 10-112	Lawful use of force.

SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

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

SECTION 10-102 AIDING IN AN OFFENSE.

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

SECTION 10-103 "OFFENSE" DEFINED.

The word "offense," whenever used in this code or in any part, chapter, article or ordinance of the city means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the city.

SECTION 10-104 "VIOLATION" DEFINED.

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this

## Offenses & Crimes

code or any part, chapter or article hereof, or future ordinances of the city, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the city and unlawful.

### SECTION 10-105 PENALTY NOT TO EXCUSE OFFENSE.

The imposition of one penalty for an offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue.

### SECTION 10-106 CAPACITY TO COMMIT OFFENSE.

All persons are capable of committing an offense as herein provided, except those belonging to the classes following:

1. Children under the age of seven (7) years;
2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;
3. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;
4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
5. Persons who committed the act charged without being conscious thereof, involuntarily; and
6. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

### SECTION 10-107 INTOXICATION, NO DEFENSE.

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his being in such condition.

## Offenses & Crimes

### SECTION 10-108 WITNESS, SELF INCRIMINATION.

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this code, or any ordinances hereafter enacted on the ground that his testimony might incriminate him, but the testimony which may be given by such witness shall in no case be used against him.

### SECTION 10-109 NUISANCES.

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premise or premises owned by him or under his control at any place within the corporate limits of the city.

Cross Reference: Nuisances, Secs. 8-101 et seq. of this code.

### SECTION 10-110 CONSPIRACY.

Any two (2) or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefor against the property of the city or the person or property of another person shall be guilty of an offense.

### SECTION 10-111 LIMITATIONS OF ACTIONS.

The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit unless otherwise provided by the statutes of the state.

### SECTION 10-112 LAWFUL USE OF FORCE.

- A. To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the city in the following cases:
1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction;
  2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;

## Offenses & Crimes

3. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided, the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his person or property;

4. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;

5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety;

6. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person;

7. In preventing or interrupting an intrusion upon the lawful possession of property; and

8. To preserve the peace or prevent the commission of an offense.

B. Where force is permitted to effect a lawful purpose only that degree of force necessary to effect such purpose shall be used.

Offenses & Crimes

CHAPTER 2

OFFENSES AGAINST PERSONS

Section 10-201	Assault and battery.
Section 10-202	Assault defined.
Section 10-203	Battery defined.
Section 10-204	Reckless conduct.

SECTION 10-201 ASSAULT AND BATTERY.

No person shall commit an assault or battery, or both, upon the person of another.

State Law Reference: Assault and battery generally, 21 O.S. Sec. 641 et seq.; city's power to prevent, 11 O.S. Sec. 22-110.

SECTION 10-202 ASSAULT DEFINED.

An assault is any wilful and unlawful attempt or offer with force or violence to do corporal hurt to another.

SECTION 10-203 BATTERY DEFINED.

A battery is any wilful and unlawful use of force or violence upon the person of another.

SECTION 10-204 RECKLESS CONDUCT.

A. Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.

B. It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver or other firearm.

## Offenses & Crimes

### CHAPTER 3

#### OFFENSES AGAINST PROPERTY

Section 10-301	Petit larceny; embezzlement.
Section 10-302	Larceny by false pretense.
Section 10-303	Altering keys.
Section 10-304	Possession of stolen property.
Section 10-305	Defrauding public accommodations; proof; exception
Section 10-306	Concealing unpurchased merchandise, merchant's authority to detain.
Section 10-307	Failure to pay fare for public conveyance.
Section 10-308	False or bogus checks.
Section 10-309	Harmful deception.
Section 10-310	Defacing building, damaging property.
Section 10-311	Removing or breaking private property.
Section 10-312	Damaging private property.
Section 10-313	Public works under construction.
Section 10-314	Damaging or tampering with motor vehicle.
Section 10-315	Tampering with, obstructing or damaging of utilities.
Section 10-316	Destroying trees and shrubbery.
Section 10-317	Trespassing prohibited notice, trespass prohibited.
Section 10-318	Congregating, parking on premises after hours.
Section 10-319	Unlawful intrusion on land.
Section 10-320	Throwing or shooting at persons or property.
Section 10-321	Throwing out lighted substances or debris prohibited.
Section 10-322	Littering, deposits unlawful.
Section 10-323	Posting advertising matter on building of another.
Section 10-324	Posting advertising matter on utility poles or on or over streets and sidewalks.
Section 10-325	Interference with radio, television or telephone reception of others.
Section 10-326	False weights.
Section 10-327	Fireworks prohibited, regulation of sales, exceptions.
Section 10-328	Gasoline pump theft.

#### SECTION 10-301 PETIT LARCENY; EMBEZZLEMENT.

No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of Fifty Dollars (\$50.00) or embezzle any money, personal property or effects of another under the value of Fifty Dollars (\$50.00). This section does not apply to taking property from the "person" of another.

## Offenses & Crimes

### SECTION 10-302 LARCENY BY FALSE PRETENSE.

No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value does not exceed Fifty Dollars (\$50.00), by any false representation or pretense, or in exchange for any false or bogus coin or check, draft or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest, or in consideration of refraining from reporting any unlawful act to any public official.

### SECTION 10-303 ALTERING KEYS.

No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

### SECTION 10-304 POSSESSION OF STOLEN PROPERTY.

No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property had been stolen or the possession thereof obtained unlawfully.

State Law Reference: Receiving stolen property, 21 O.S. Sec. 1713.

### SECTION 10-305 DEFRAUDING PUBLIC ACCOMMODATIONS; PROOF; EXCEPTION.

- A. No person shall obtain food, lodging or other accommodation in any hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, with the intent to defraud the owner or keeper.
- B. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.

## Offenses & Crimes

- C. No person shall refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and no person shall hire any vehicle with intent to defraud the person from whom it is hired of the value of such service.
- D. This section shall not apply where there has been an agreement in writing for delay in payment.

### SECTION 10-306 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT'S AUTHORITY TO DETAIN.

Any person concealing unpurchased merchandise of any establishment, either on the premises or outside the premises of the establishment, shall be presumed to have so concealed the merchandise with the intention of committing a wrongful taking of such merchandise.. Such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his agent or employee; any such reasonable detention shall not be deemed to be unlawful nor render any such merchant, his agent or employee, criminally or civilly liable.

### SECTION 10-307 FAILURE TO PAY FARE FOR PUBLIC CONVEYANCE.

No person shall use or accept the use and services of any street car, taxi cab, omnibus, automobile or any other means of public conveyance or passengers, operating under the code, ordinance, franchise, permit or license of the city or state, and refuse or fail to pay to the operator of the conveyance the usual, customary, regulation or legal charge, or price as fare immediately upon the performance of the service.

### SECTION 10-308 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 any money, property or valuable thing 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.

## Offenses & Crimes

### SECTION 10-309 HARMFUL DECEPTION.

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

### SECTION 10-310 DEFACING BUILDING, DAMAGING PROPERTY.

- A. No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.
- B. No person shall:
  - 1. Destroy, injure, deface, damage or molest any structure, building, work or other property, real or personal, belonging to another;
  - 2. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or
  - 3. Interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

State Law Reference: Destroying property generally, 21 O.S. Sec. 1760.

### SECTION 10-311 REMOVING OR BREAKING PRIVATE PROPERTY.

No person shall wilfully, unlawfully or maliciously take and carry or cause to be taken and carried away any part of a house, barn, fence, gate or other structure, or maliciously break, tear down or destroy any part of a house, barn or other structure not his own.

### SECTION 10-312 DAMAGING PRIVATE PROPERTY.

No person shall wilfully and wantonly damage or destroy the personal property of another.

### SECTION 10-313 PUBLIC WORKS UNDER CONSTRUCTION.

- A. Any person who removes, destroys, disturbs, or in any manner injures any grade stake, stone or other mark or monument set by or under authority of the city to designate or mark grades, lines, corners or bench marks on any

## Offenses & Crimes

public work in the city prior to the completion and acceptance of the contract for which such stakes or monuments are set, without lawful authority, is guilty of an offense.

- B. Any contractor or other person constructing any public work in the city shall protect such work by barriers or obstructions. It is unlawful for any person to cross the barriers or to remove them until the work has been completed and opened by authority of the city.

### SECTION 10-314 DAMAGING OR TAMPERING WITH MOTOR VEHICLE.

- A. No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto.
- B. No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended.

State Law Reference: Damaging motor vehicles, 21 O.S. Secs. 1787, 1788.

### SECTION 10-315 TAMPERING WITH, OBSTRUCTING OR DAMAGING OF UTILITIES.

- A. No person shall alter, remove, tamper with, molest, obstruct access to, damage or injure any wires, cable, appurtenance, structure, pipes or equipment of any utility of the city, or any public utility, or connect or tamper with the wires, cables or pipes of any electric, water, sewer, cable television or gas utility or of the city without consent of the utility or city having been first obtained.
- B. It is unlawful to open up any manhole or opening to a sewer unless authorized by the city, or to leave a manhole or other opening so opened without replacing the fixture or appliances thereto in their proper place and position.
- C. No person except a member of the fire department or a person acting on lawful order or permit issued by the city shall open or use water from any fire hydrant or take off the caps or damage the same. No person may block the approach or access to a fire hydrant or attach, fasten, stand or brace anything against or on the hydrant.

## Offenses & Crimes

D. No person shall in any manner whatsoever:

1. Cut into, attach to or intercept the wires, cables or pipes, of any electric, water, cable television or gas utility or of the city for the purpose of fraudulently taking therefrom electric current, water, transmissions or gas;

2. Cut into, attach to or intercept the wires, cables or pipes for the purpose of conducting around any meter electric current, water or gas in order to prevent the current, water or gas from being measured by the meter, or in such other manner so as to consumer or use the utility or cable service so as to evade payment therefor, with the unlawful intent to defraud the company or city out of the value of the service; or

3. By any device or manipulation whatsoever to cause current, transmissions, water or gas used upon any premises to be fraudulently conveyed upon any premises for the purposes of use thereof, and with the intent to defraud and cheat the utility or city from payment thereof.

E. Each day that any person violates this section, or maintains any such fraudulent connection with any wires, cables or pipes, or fraudulently takes from any such wires, cables or pipes either electric current, transmissions, water or gas shall constitute a separate offense.

Cross Reference: Utilities, see Secs. 17-101 et seq. of this code.

### SECTION 10-316 DESTROYING TREES AND SHRUBBERY.

A. No person shall willfully, maliciously and without lawful authority cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away therefrom, or in any way interfere therewith, any of the fruit thereof.

B. No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the city.

### SECTION 10-317 TRESPASSING PROHIBITED, NOTICE, SOLICITING, TRESPASS PROHIBITED.

A. It is unlawful and an offense for any person to commit a trespass within this city upon either public or private property.

## Offenses & Crimes

- B. Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express 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 mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer, although this sentence shall not apply to persons including employees whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.
- C. Any of the following acts by any person shall be deemed a violation of this section:
1. The doing of an injury or misfeasance to the person of another;
  2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
  3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;
  4. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
  5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;
  6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
  7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a city official;

## Offenses & Crimes

8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a city official;

9. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;

10. An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the city council or other public official which is lawfully authorized to give consent; or

11. Remaining on public or 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. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this paragraph apply unless hours of business operation are posted upon such premises. Trespass also includes 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 paragraph.

D. For purposes of constituting a violation of this section, the exhibited notice required under paragraphs 4, 5, 6, 7 and 9 of Subsection C hereof shall meet the following criteria:

1. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;

2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and

3. If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under the city code.

### SECTION 10-318 CONGREGATING, PARKING ON PREMISES AFTER HOURS.

A. No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the city after business hours without consent of the lawful owner, occupant, lessee or employee thereof.

## Offenses & Crimes

- B. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant; the person violating this subsection shall be wholly responsible for payment of towage and storage charges.
- C. No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon, is subject to prosecution pursuant to the city code.
- D. When used in this section, the term "after business hours" shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied. The term "place of business" means any private property upon which a building, house or other structure is used for commercial or public purposes, e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience stores, grocery stores, drug stores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions, manufacturing, professional services (medical, legal, accounting, insurance, consulting).
- E. There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within thirty (30) minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.
- F. If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.

## Offenses & Crimes

- G. The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in this Section 1-108 of this code.
- H. If a person violates Subsection A of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in Section 1-108 of this code.
- I. The provisions of this section are cumulative of other applicable offenses enacted in this code or state law.

Cross Reference: See also Section 15-608 on vehicular trespass.

### SECTION 10-319 UNLAWFUL INTRUSION ON LAND.

- A. No person shall intrude or remain upon any lot or piece of land, or in any building within the city without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.
- B. No person shall place, erect or occupy within the bounds of any street, alley or avenue of the city any structure whatever unless such person is granted a license by the city to do so.

### SECTION 10-320 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

No person shall throw or shoot any object into or across any street or alley, or in any place where he is likely to hit another person wrongfully, or injure property, or to throw any object at any person, vehicle, structure, or property of another, whether public or private, except where such is done in defense of oneself or another person or property.

### SECTION 10-321 THROWING OUT LIGHTED SUBSTANCES OR DEBRIS PROHIBITED.

No person shall throw, drop, deposit or otherwise place in, upon or within the limits of any street, avenue, public ground, public waterway or city-owned property or waterway any lighted cigarette, cigar or other flaming or glowing substances, or any substance or thing which may cause a fire.

Offenses & Crimes

SECTION 10-322 LITTERING, DEPOSITS UNLAWFUL.

It is unlawful to throw, deposit or discharge any item or waste material, liquid or solid, on any street or public place in the city or upon the property of another without express authority to do so.

SECTION 10-323 POSTING ADVERTISING MATTER ON BUILDING OF ANOTHER.

- A. No person shall place upon any building any advertising matter of any kind, nor print or exhibit printing on a building or any part thereof, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building.
- B. No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device, advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof.

SECTION 10-324 POSTING ADVERTISING MATTER ON UTILITY POLES OR ON OR OVER STREETS AND SIDEWALKS.

It is unlawful for any person to place any advertising matter of any kind on any utility pole, or to place any advertising on the streets or sidewalks of the city or to place any advertising on any signs or banners stretched over the streets or sidewalks of the city. Nothing herein shall be construed to prevent any permanently located commercial or business establishment in the city from erecting and maintaining business or commercial signs in accordance with the ordinances of the city, nor to prohibit the granting of permission by the city to religious, charitable, patriotic or civic bodies to use banners across the streets of the city in such places as may be designated by the mayor for the observance of holidays, charitable drives and the commemoration and celebration of other public or civic occasions.

SECTION 10-325 INTERFERENCE WITH RADIO, TELEVISION OR TELEPHONE RECEPTION OF OTHERS.

It is unlawful for any person, or any officer or employee of any person, to operate or use any citizen band radio, ham radio or other electrical apparatus or machine which materially and unduly interferes with radio, television or telephone reception of others.

Offenses & Crimes

SECTION 10-326 FALSE WEIGHTS.

It is unlawful for any person to sell any commodity or article of merchandise and in the sale thereof knowingly make or give a false or short weight therefor or for any person owning or keeping or having in charge any scale used in weighing any animal, commodity or article to knowingly and wilfully report any false or untrue weight whereby another person shall be defrauded or damaged.

SECTION 10-327 FIREWORKS PROHIBITED, REGULATION OF SALES, EXCEPTIONS.

- A. For the purpose of this section, "fireworks" shall have the same meaning as in state law, Section 1621 et seq of Title 68 of the Oklahoma Statutes.
- B. The discharge, firing, sale, offer for sale, possession or use of fireworks is prohibited except as authorized by Part 9, Chapter 7 of the Code or when otherwise authorized by the City Council for a public display or displays in accordance with the city fire code.

Cross Reference: See also Part 9 Chapter 7 and Section 13-101 et seq.

SECTION 10-328 GASOLINE PUMP THEFT

It shall be unlawful for any person who pumps gasoline into the gasoline tank of a vehicle or gas container to leave the premises where the gasoline was pumped without making payment for the gasoline.

State law reference: 21 O.S. Section 1740.

Offenses & Crimes

CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 10-401	Disturbing the peace.
Section 10-402	Disturbing funerals.
Section 10-403	Disorderly conduct.
Section 10-404	Unnecessary noise prohibited.
Section 10-405	Parades and public assemblies.

SECTION 10-401 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 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. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;
  - 9. Obstructing, molesting or interfering with any person lawfully in a public place;

## Offenses & Crimes

10. Making unnecessarily loud, offensive noises;

11. 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

12. Committing any other act in such a manner calculated as to unreasonably disturb, interfere or alarm the public or the comfort and repose of any person.

C. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Subsection A herein, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place; and any who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

D. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

### SECTION 10-402 DISTURBING FUNERALS.

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any person engaged in accompanying any funeral to a place of burial.

### SECTION 10-403 DISORDERLY CONDUCT.

A person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, alarm or recklessly creating the risk thereof he:

1. Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;

2. Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

3. Endangers the lawful pursuits of another by acts of violence, angry threats and abusive conduct;

4. Jostles or crowds or pushes any person in any public place;

5. Uses "fighting words" directed toward any person and thus creates a turmoil;

## Offenses & Crimes

6. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

7. By acts of violence interferes with another's pursuit of a lawful occupation.

State Law Reference: Power of city relating to disorderly conduct, 11 O.S. Sec. 22-110.

### SECTION 10-404 UNNECESSARY NOISE PROHIBITED.

A. No person shall make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

B. Permits may be granted by the city for certain activities and events which are exempt from the provisions of this section.

State Law Reference: City's power to restrain and prohibit unnecessary noise, 11 O.S. Sec. 22-110.

### SECTION 10-405 PARADES AND PUBLIC ASSEMBLIES.

A. As used in this section, "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

B. No person shall use any street, alley, public way, park or other property owned or controlled by the city, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the mayor under such conditions as deemed appropriate.

C. Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this code are complied with.

D. Not less than two (2) weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the city. The time requirements may be waived by the mayor at his discretion if sufficient time exists for the proper review of the application as herein provided. The

## Offenses & Crimes

application shall be submitted upon a form prescribed by the city. The application shall provide such other information as requested.

- E. The mayor shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
  - 1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
  - 2. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
  - 3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
  - 4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
  - 5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
  - 6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and
  - 7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- F. The mayor, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the city harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.
- G. Without regard to the above provision of this section, the mayor, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.
- H. The mayor, in denying an application for a parade permit, may authorize the

## Offenses & Crimes

conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five (5) days after notice of the action of the mayor. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

State Law Reference: Power of local authorities to regulate assemblies, 47 O.S. Sec. 15-102.

Cross Reference: Funeral processions, see Part 15 on Traffic.

## Offenses & Crimes

### CHAPTER 5

#### OFFENSES AGAINST THE PUBLIC

Section 10-501	Public intoxication.
Section 10-502	Marijuana prohibited.
Section 10-503	Drug paraphernalia.
Section 10-504	Sniffing glue, paint and other substances.
Section 10-505	Curfew for minors.
Section 10-506	False representation as blind, crippled or physically defective to obtain money, aid.
Section 10-507	Misrepresenting age by false documents.
Section 10-508	Obscene, threatening or harassing telephone calls.
Section 10-509	Disorderly house.
Section 10-510	Nudity, improper dress, indecent exposure.
Section 10-511	Gambling and gambling devices.
Section 10-512	Prostitution prohibited.
Section 10-513	Offenses near schools.
Section 10-514	Sleeping in places, property.
Section 10-515	Contributing to delinquency of a minor.
Section 10-516	Tobacco to minors prohibited.
Section 10-517	Carrying weapons, exceptions.
Section 10-518	Discharging firearms, air rifles, BB guns, pellet guns.
Section 10-519	Smoking in public places.
Section 10-520	Laser pointers.

#### SECTION 10-501 PUBLIC INTOXICATION.

No person shall be in any public place in a state of intoxication. A state of intoxication means the condition in which a person is under the influence of drugs, intoxicating liquors or low-point beer to such an extent as to deprive the person of his full mental or physical power or be unable to exercise care for his own safety or the safety of others.

State Law Reference: Drunkards and drunkenness generally, 63 O.S. Secs. 2101, et seq.; intoxication in a public place or at a public gathering, 37 O.S. Sec. 8.

Cross Reference: Drinking in public place, see Secs. 3-109 and 3-212 of this code; alcoholic beverages generally, Secs. 3-101 et seq. of this code.

#### SECTION 10-502 MARIJUANA PROHIBITED.

A. It is unlawful for any person:

## Offenses & Crimes

1. To appear or be upon or in any street, alley, place of business, or other public place while under the influence of marijuana;
  2. To use, have, or possess marijuana upon or in any street, alley, place of business, or other public place within the city;
  3. To use marijuana in any place within the city except as legally prescribed by a physician licensed to practice in the state; or
  4. To be about a place where marijuana is sold or furnished illegally.
- B. For the purpose of this section, "marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the rosin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or rosin but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extracted therefrom), fibre, oil or cake, or the sterilized seed of such plant which is incapable of germination.

State Law Reference: Controlled Dangerous Substances Act, 63 O.S. Secs. 2-101, et seq.

### SECTION 10-503 DRUG PARAPHERNALIA.

- A. For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq. of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the act," and adopted by reference herein. It includes, but is not limited to:
1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
  2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
  3. Isomerization devices used, intended for use, or designed for use in

## Offenses & Crimes

identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

## Offenses & Crimes

- f. Miniature cocaine spoons, and cocaine vials;
  - g. Chamber pipes;
  - h. Carburetor pipes;
  - i. Electric pipes;
  - j. Air-driven pipes;
  - k. Chillums;
  - l. Bongs; or
  - m. Ice pipes or chiller.
- B. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- 1. Statements by an owner or by anyone in control of the object concerning its use;
  - 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
  - 3. The proximity of the object, in time and space, to a direct violation of the act;
  - 4. The proximity of the object to controlled substances;
  - 5. The existence of any residue of controlled substances on the object;
  - 6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of the act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
  - 7. Instructions, oral or written, provided with the object concerning its use;
  - 8. Descriptive materials accompanying the object which explain or depict its use;
  - 9. National and local advertising concerning its use;

## Offenses & Crimes

10. The manner in which the object is displayed for sale;
  11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
  12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
  13. The existence and scope of legitimate uses for the object in the community;  
and
  14. Expert testimony concerning its use.
- C. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
- D. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
- E. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

### SECTION 10-504 SNIFFING GLUE, PAINT AND OTHER SUBSTANCES.

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication.

### SECTION 10-505 CURFEW FOR MINORS.

- A. This section shall be known and may be cited as the "curfew ordinance" or "regulation of the presence and conduct of minor on streets and public places."

## Offenses & Crimes

B. For the purposes of this section the following terms, phrases, words, and their derivations shall have the meaning given herein:

1. "Minor" means any person under the age of eighteen (18);

2. "Parent" means any person having legal custody of a minor as:

a. A natural or adoptive parent;

b. A legal guardian;

c. A person who stands in loco parentis; or

d. A person to whom legal custody has been given by order of the court;

3. "Public place" means 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, café, theater, drug store, pool room, 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;

4. "Remain" means to stand behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home;

5. "Street" means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right-of-way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street;

6. "Time of night" is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public; and

7. "Year of age" continues from one birthday, such as the seventeenth (17th) to (but not including the day of) the next, such as the eighteenth (18th) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age."

## Offenses & Crimes

- C. It is unlawful for any person seventeen (17) or less years of age (under eighteen (18) to be or remain in or upon the streets within the city at night during the period ending 6:00 A.M. and beginning:
1. At 10:00 P.M. for minors fifteen (15) years of age or younger;
  2. At 12:00 midnight for minors more than fifteen (15) years of age on Sunday through Thursday; and
  3. At 1:00 A.M. on Saturday morning and Sunday morning for minors more than fifteen (15) years of age.
- D. In the following exceptional cases a minor on a city street during the nocturnal hours for which subsection C of this section is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the curfew ordinance:
1. When accompanied by a parent of such minor;
  2. When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area;
  3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned, by a parent of such minor with their home address and telephone number, specifying when, and where and in what manner the minor will be on the streets at night (during hours when the curfew ordinance is otherwise applicable to the minor) in the exercise of a First Amendment right specified in such communication;
  4. In case of reasonable necessity, but only if the minor has in the minor's possession a written communication signed by the minor, countersigned by a parent of such minor evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination;
  5. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer;

## Offenses & Crimes

6. When returning home, by a direct route from (and within thirty (30) minutes of the termination of) a school activity, or activity of a religious or the voluntary association, provided the minor has a written communication in the minor's possession, countersigned by a parent indicating the home address and telephone number, the purpose for the event, when, where and in what manner the minor will be on the streets at night;

7. When authorized, by regulation issued by the city council, in other similar cases of reasonable necessity, similarly handled but adopted to necessary night-time activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the city council permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than thirty (30) minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this curfew ordinance;

8. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment and his hours of employment or carries a valid proof of employment which may include the latest payroll receipt not over thirty (30) days old; or

9. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This clearly exempts bona fide interstate movement through the city, particularly on normal routes.

- E. It is unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall a fortior, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
- F. It shall be unlawful for any person operating or having charge of any public place to knowingly allow, permit or suffer the presence of minors in violation of the curfew established by this chapter.
- G. Upon finding or having attention called to any minor on the streets in prima facie violation of the curfew ordinance, a police officer of the city shall normally take the minor to the city police station, or other place designated

## Offenses & Crimes

by the chief of police, where a parent shall immediately be notified to come for such minor, whereupon they shall be interviewed. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall in the first instance use his best judgment in determining age;

1. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances. For example, a minor of tender age near home whose identity may readily be ascertained or is known;

2. In any event such police officer shall within twenty-four (24) hours, file a written report with the chief of police. The report shall be treated for purposes of juvenile records in accordance with state statutes;

3. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent; or

4. In the case of first violation by a minor, the chief of police shall cause to be personally delivered or by certified mail, send to a parent written notice of violation with a warning that any subsequent violation shall result in full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties.

H. If after the warning notice pursuant to paragraph 4 of Subsection G of this section of a first violation by a minor, a parent violates Subsection E of this section (in connection with a second violation by the minor), this shall be treated as an offense by the parent. The penalty upon a plea of guilty, nolo contendere, or finding of guilt shall be as provided in Section 1-108 of this code.

### SECTION 10-506 FALSE REPRESENTATION AS BLIND, CRIPPLED OR PHYSICALLY DEFECTIVE TO OBTAIN MONEY, AID.

No person shall falsely represent himself as blind, deaf, dumb, crippled or physically

## Offenses & Crimes

defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

State Law Reference: Offense against public morals being a misdemeanor, 21 O.S. Sec. 22; public decency generally, 21 O.S. Secs. 22.851, et seq.

### SECTION 10-507 MISREPRESENTING AGE BY FALSE DOCUMENTS.

No person shall, for the purpose of violating any statutes of the state or any ordinances of the city, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his own.

State Law Reference: Misrepresentation of age by false documents, 21 O.S. Secs. 1518-1520.

Cross Reference: Misrepresentation of age by false or altered documentation for purpose of obtaining alcoholic and low point beer, see Part 3.

### SECTION 10-508 OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS.

A. No person shall by means of a telephone, willfully:

1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;
2. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;
3. Permit any telephone under his control to be used for any purpose prohibited by this section; or
4. In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number.

B. Use of a telephone facility under this section shall include all uses made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

State Law Reference: Telephone calls, 21 O.S. Sec. 1172.

## Offenses & Crimes

### SECTION 10-509 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 city or statutes of this state regulating the sale, distribution, possession or use of alcoholic and nonintoxicating beverages as defined by law;
  3. The performance of any sexual act declared unlawful by state statute or city ordinance including, but not limited to, soliciting for purposes of prostitution; or
  4. The violation of any state statute or city ordinance prohibiting gambling.
- B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- C. 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.
- D. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.

State Law Reference: Municipal power to regulate disorderly houses and indecencies, 11 O.S. Sec. 22-109.

Cross Reference: See also Sec. 10-513 on prostitution.

## Offenses & Crimes

### SECTION 10-510 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:

1. Appear in any public place in the city in a state of nudity;
  2. Appear in any public place in the city in any offensive, indecent or lewd dress;
- or
3. Make an indecent public exposure of his or her person.

State Law Reference: Similar provisions, 21 O.S. Sec. 1021.

### SECTION 10-511 GAMBLING AND GAMBLING DEVICES.

- A. Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game, is guilty of an offense.
- B. Any person who bets on or plays at any of the prohibited games mentioned in subsection A above, or otherwise gambles, is guilty of an offense.
- C. It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel or other article or apparatus designed for or used for gambling purposes.
- D. It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest.
- E. It is unlawful for any person to play any prohibited game described in this section.
- F. It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the city, in which building, or any part of or room in any such building, any table, cards, dice, roulette wheel or other

## Offenses & Crimes

article or apparatus designed for or being used for gambling purposes are exhibited or exposed to view.

- G. The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.
- H. 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.
- I. Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations; provided the organizations are properly licensed and operated in accordance with law.

State Law References: Gambling generally, 21 O.S. Secs. 941 et seq.; punishment for betting on or playing prohibited game, 21 O.S. Sec. 942, bingo generally, 21 O.S. Secs. 995.1 et seq; Oklahoma Horseracing Act, 3A O.S. Secs. 200 et seq; disposition of equipment used for gambling, 21 O.S. Sec. 943; search and seizure of equipment used for gambling, 21 O.S. Sec. 916; 22 O.S. Secs. 1261 et seq.

### SECTION 10-512 PROSTITUTION PROHIBITED.

- A. As used in this section, "prostitution" means and includes the getting or receiving of the body for sexual intercourse for hire and includes the giving or receiving of the body for indiscriminate sexual intercourse without hire.
- B. It is unlawful:
  - 1. To engage in prostitution, lewdness or assignation;
  - 2. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or
  - 3. To aid, abet or participate in the doing of any of the acts herein prohibited.
- C. No person shall in any way or manner whatever, keep, harbor or house any prostitute.
- D. No person shall entice or attempt to entice any female into a house of

## Offenses & Crimes

prostitution, or have illicit sexual intercourse with any female under eighteen (18) years of age.

- E. No person shall keep or maintain a house of prostitution or house of assignation.
- F. No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the city, or knowingly permit the same to be so used.
- G. No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.
- H. No person shall offer, or offer to secure another for the purpose of prostitution, or for any other lewd or indecent act.
- I. No person shall direct, take or transport, or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.
- J. It is unlawful for a person to be present in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such a purpose is manifested are: That such person is a known prostitute or procurer; that such person repeatedly beckons to, stops or attempts to stop or engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- K. For the purpose of this section, a "known prostitute or procurer" is a person who, within one year prior to the date of the suspected violation of this section has, within the knowledge of the arresting officer, been convicted of a violation of this section or has been convicted of violating any statute or ordinance of any jurisdiction which makes prostitution or soliciting for the purpose of prostitution unlawful.

## Offenses & Crimes

State Law Reference: Definition of prostitution, 21 O.S. Sec. 1030; Soliciting, 21 O.S. 1029; pimping, 21 O.S. 1081.

### SECTION 10-513 OFFENSES NEAR SCHOOLS.

No person shall engage in any of the conduct or acts hereinafter set forth around, in or near any school or school grounds or streets and alleys adjacent to any school:

1. Any conduct that would disturb the orderly conduct of the school;
2. Annoying or molesting any student or employee of the school;
3. Lewd or wanton conduct in, near or around any of the schools or school grounds or streets and alleys adjacent to the schools;
4. Moving or parking any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school; or
5. Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

### SECTION 10-514 SLEEPING IN PLACES, PROPERTY.

It is unlawful for any person, without lawful reason, between the hours of 12:00 midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the expressed or tacit consent of the owner or person in charge of such place.

### SECTION 10-515 CONTRIBUTING TO DELINQUENCY OF A MINOR.

- A. "Any person" as used in this section means any human being, without regard to the legal or natural relationship to a minor, as well as legal or corporate entities. "Minor" means any person under the age of eighteen (18) years.
- B. Any person who shall knowingly or wilfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by state law, shall be guilty of an offense.

State Law Reference: Contributing to delinquency of minors, 21 O.S. 856 et seq.

### SECTION 10-516 TOBACCO TO MINORS PROHIBITED.

It is unlawful and an offense for any person to sell, barer, give or otherwise furnish

## Offenses & Crimes

cigarettes, cigars or tobacco in any form to a minor, or to permit such minor to frequent any premises owned, held or managed by him for the purpose of using or procuring cigarettes, cigars or tobacco in any form.

### SECTION 10-517 CARRYING WEAPONS, EXCEPTIONS.

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

### SECTION 10-518 DISCHARGING FIREARMS, AIR RIFLES, BB GUNS, PELLET GUNS.

It is unlawful for any person to discharge a firearm, air rifle, BB gun or pellet gun, except when doing so in line of duty, when lawfully doing so in defense of oneself, of another person or of property, or when doing so during competition in or practicing skeet, trap or other recognized and controlled sporting events, and when doing so in such sporting event does not create unreasonable risk of harm to another and which does not demonstrate a conscious disregard for the safety of another person, or when otherwise authorized bylaw or ordinance.

### SECTION 10-519 SMOKING IN PUBLIC PLACES.

- A. No person shall smoke in a designated non-smoking area in the city municipal building or at any meeting of any public body created and acting under authority of the city council.
- B. The city municipal building shall be designated as a "non-smoking" area with exception of portions of the building located in the south end of the structure utilized by city employees for purposes of repairing and storing motor vehicles, supplies, parts, etc.
- C. Smoking and non-smoking areas shall be designated by the city manager in the city municipal building. Existing physical barriers and ventilation systems shall be utilized in the designated smoking areas to minimize smoke in both the smoking and adjacent non-smoking areas. The manager shall post signs which clearly state that smoking in the municipal building is prohibited in designated non-smoking areas, pursuant to state statutes, and the city code,

## Offenses & Crimes

and that all employees, in addition to city council members, shall request smokers to refrain from smoking in the city municipal building upon request of a patron or citizen or employee who suffers discomfort from the smoke or who has hypersensitivity to smoke.

### SECTION 10-520

### LASER POINTERS.

It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass or annoy said person or animal.

Offenses & Crimes

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Escaping custody.
Section 10-602	Conveying instruments to assist escape.
Section 10-603	Assisting prisoner to escape.
Section 10-604	Delivery of articles to person in confinement.
Section 10-605	Assaulting city officer.
Section 10-606	Resisting a police officer.
Section 10-607	Citizens' duty to assist.
Section 10-608	Obedience to orders of police and firefighter.
Section 10-609	Eluding police officer by motor vehicle.
Section 10-610	Use of siren or whistle.
Section 10-611	Impersonating a police officer or any city officer.
Section 10-612	False statements, reports or complaints.
Section 10-613	False alarms.
Section 10-614	Removal of barricades.
Section 10-615	Resisting public officials.
Section 10-616	Duties of the public at fires, emergencies.
Section 10-617	Tampering with signs, equipment.
Section 10-618	Interference with police dog performing functions or duties.
Section 10-619	Destroying, tampering with evidence.

SECTION 10-601 ESCAPING CUSTODY.

No person lawfully in custody or confined in the city jail, before or after conviction for any violation of the ordinances of the city, or held in custody going to the city jail, or working upon the streets or other public grounds of the city or in custody of any officer of the city, shall break or attempt to break such city jail or custody, and escape or attempt to escape therefrom.

SECTION 10-602 CONVEYING INSTRUMENTS TO ASSIST ESCAPE.

No person shall convey into the city jail any disguised instrument or anything proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the city jail for any violation of the city ordinances, for any criminal offense, or lawfully detained or imprisoned therein, whether such escape is effected or attempted or not.

SECTION 10-603 ASSISTING PRISONER TO ESCAPE.

No person shall in any way aid, remove or assist any person to resist or escape from custody of any police officer or from any lawful confinement in the city.

State Law Reference: Assisting prisoner to escape, 21 O.S. Secs. 437, 441.

Offenses & Crimes

SECTION 10-604 DELIVERY OF ARTICLES TO PERSON IN CONFINEMENT.

No person shall deliver any article or thing to any person under arrest without the consent of the officer having charge and custody of the prisoner.

SECTION 10-605 ASSAULTING CITY OFFICER.

No person shall knowingly commit any assault, battery or assault and batter any city official or police officer or firefighter while in the performance of their duties.

State Law Reference: Assaulting law officer, 21 O.S. Secs. 649, 650.

SECTION 10-606 RESISTING A POLICE OFFICER.

- A. It is unlawful to resist, oppose or assault, prevent, fail to cooperate with or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.
- B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.
- C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, 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

## Offenses & Crimes

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

### SECTION 10-607 CITIZENS' DUTY TO ASSIST.

It is the duty of all persons in the city when called upon by any police officer to promptly aid and assist him in the execution of his duties.

### SECTION 10-608 OBEDIENCE TO ORDERS OF POLICE AND FIREFIGHTER.

No person shall fail to heed a reasonable order of a police officer or firefighter while such officer is in the discharge of an official duty in maintaining the public safety or welfare.

### SECTION 10-609 ELUDING POLICE OFFICER BY MOTOR VEHICLE.

No operator of a motor vehicle who has received a visual or audible signal, a red light or a siren from a police officer driving a motor vehicle, showing the same to be an official police, sheriff or highway patrol car directing the operator to bring his vehicle to a stop, shall willfully increase his speed or extinguish his lights to elude or attempt to elude such police officer, or attempt in any other manner to elude the police officer.

### SECTION 10-610 USE OF SIREN OR WHISTLE.

- A. No person shall use any police whistle or any other instrument used by police officer to give signals to each other, or imitate any signal given by one police officer to another or any special signal used by police officers, for the purpose of improperly or causelessly attracting the attention of the police.
- B. No person, except members of police department, fire department or ambulance services, shall ring, use or otherwise sound any gong, siren, whistle or any other device for making similar noise.

### SECTION 10-611 IMPERSONATING A POLICE OFFICER OR ANY CITY OFFICER.

- A. No person, other than police officers of the city, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the police officers of the city.
- B. No person shall do or attempt any act to impersonate a police officer.

## Offenses & Crimes

- C. It is unlawful to falsely impersonate any officer or employee of the city, or falsely represent himself to be an officer or employee of the city, by any kind of representation, pretense, insignia, sound, clothing or conduct, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being authorized to do so.

State Law Reference: Impersonating public officers, 21 O.S. Secs. 263, 264, 1533.

### SECTION 10-612 FALSE STATEMENTS, REPORTS OR COMPLAINTS.

- A. No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the city, or on any official application or to commit perjury before any tribunal of the city.
- B. No person shall wilfully and without probable cause make a false report to any person of any crime, violation of the city's ordinances, or circumstances indicating the possibility of crime or violation having been committed, including but not limited to the unlawful taking of personal property, which report causes or encourages the exercise of police or other official action or investigation.

### SECTION 10-613 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, police department or any other emergency personnel, or summon 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 or unnecessary run to any part of the city or outside the city. It shall also be an offense to permit any false call or alarm that causes the fire department or police department or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city. After three such false calls from the same premises during one year, the owner of the premises shall be deemed in violation of this section for each such false call thereafter occurring during the same calendar year.

### SECTION 10-614 REMOVAL OF BARRICADES.

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

## Offenses & Crimes

### SECTION 10-615 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or wilfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the city in the discharge of his official duties;
2. Obstruct, threaten or otherwise intimidate or attempt to intimidate any 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.

### SECTION-10-616 DUTIES OF THE PUBLIC AT FIRES, EMERGENCIES.

- A. All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.
- B. No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the fire chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.
- C. Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department, and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The fire chief or an assistant fire chief or any police officer shall have the power to designate persons to guard any goods.
- D. No person shall follow or block the way of any emergency vehicle engaged in emergency run, or knowingly interfere with officers at the location of any fire or emergency.

State Law Reference: Interfering with firefighters 21 O.S. Sec. 127.

## Offenses & Crimes

### SECTION 10-617 TAMPERING WITH SIGNS, EQUIPMENT.

It is unlawful for any person to tamper with any signs, signal equipment or other device placed, operated and maintained by the city in connection with the administration of its code provisions, ordinances, regulations, services, functions or performance of duties thereto.

Cross Reference: See also tampering with public utilities, Section 10-314.

### SECTION 10-618 INTERFERING WITH POLICE DOG IN PERFORMING FUNCTIONS OR DUTIES.

It is unlawful and an offense for any person to interfere with, tease, meddle with, throw objects at or toward, torture, torment, injure, beat, strike, kick, mutilate, disable or kill any dog used by the police department of the city, or any member thereof, in the performance of the functions or duties of the department.

### SECTION 10-619 DESTROYING, TAMPERING WITH EVIDENCE.

It is unlawful to destroy, alter, conceal or disguise physical evidence, plant false evidence or furnish false information to an officer which impedes that or another officer in the performance of his duties, or which is intended to prevent the apprehension or to obstruct the prosecution or defense of any person.

Offenses & Crimes

CHAPTER 7

NOISE REGULATIONS

Section 10-701	Definitions.
Section 10-702	Sound amplifying devices on moving vehicles.
Section 10-703	Sounds which may be transmitted.
Section 10-704	Hours of operation.
Section 10-705	Application.
Section 10-706	Appeal.
Section 10-707	Maximum audibility permitted.
Section 10-708	Chimes.
Section 10-709	Permits.
Section 10-710	Exhaust and muffler systems, condition.
Section 10-711	Persons in violation.
Section 10-712	Evidence of decibel rating.
Section 10-713	Testing procedure.
Section 10-714	Defense or excuse.
Section 10-715	Operation within the city.
Section 10-716	Retail distributors.
Section 10-717	Alternation for hire.
Section 10-718	Other noise practices prohibited.

SECTION 10-701 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Ambient noise" means all all-encompassing noise associated with a given environment, usually being a composite of sounds from many sources near and far, but excluding the specific noise source being measured;
2. "Decibel of sound" means a unit of sound level which denotes a ratio between two (2) quantities which are proportional to the power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ration;
3. "Excess noise or sound" means a volume of sound being emitted from a motor vehicle which is unreasonable in volume for the circumstances then existing and which, because of the time, place and circumstances existing, constitutes a public nuisance because of being an assault upon the right of others to be secure in their health, welfare, peace and dignity;

## Offenses & Crimes

4. "Motor vehicles" mean any motor-driven vehicle having two (2) or more wheels, expressly excluding civil defense equipment, emergency vehicles, earth moving equipment, lawn mowers, yard tractors, farm tractors and farming implements, and specifically including but not limited to vehicles commonly known as automobiles, trucks, motorcycles, and the like;

5. "Sound amplifying device" means a radio receiving set, television set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial or noncommercial advertising or attracting the attention of the public; provided, that nothing in this section shall be interpreted to include the sounds customarily given by emergency vehicles or chimes, as hereafter defined. "Chimes", as used herein, shall mean bells which are rung or played in such a manner as to produce music, and shall not include recorded or reproduced sounds of bells or amplified sounds of bells;

6. "Sound level meter" means an instrument including a microphone, an amplifier, an output meter and a frequency weighing network for the measurement in decibels of noise and sound levels in a specified manner.

(Ord. No. 1256, Sec. 1; Ord. No. 1558, Sec. 1.)

### SECTION 10-702 SOUND AMPLIFYING DEVICES ON MOVING VEHICLE.

It shall be unlawful for any person to operate or cause to be operated a sound amplifying device upon a moving vehicle or when the same is attached to a vehicle which, in the operation of such device, is moved from place to place. (Ord. No. 1256, Sec. 2.)

### SECTION 10-703 SOUNDS WHICH MAY BE TRANSMITTED.

The only sounds to be transmitted from a sound amplifying device as defined in this chapter shall be music or human speech; provided, that such speech or music shall not be profane, lewd, indecent or scandalous. (Ord. No. 1256, Sec. 3.)

### SECTION 10-704 HOURS OF OPERATION.

It shall be unlawful to use, operate or cause to be operated a sound amplifying device in the city between the hours of 11:00 P.M. and 8:00 A.M. or to operate such device within a distance of three hundred (300) feet of a rest home, nursing home, hospital or clinic, such distance to be measured from the nearest part of such rest home, nursing home, hospital or clinic. (Ord. No. 1256, Sec. 4.)

## Offenses & Crimes

### SECTION 10-705 APPLICATION.

Every person operating or causing to be operated a sound amplifying device shall first file an application for this purpose with the city manager. Such application shall be upon a form prescribed by the city manager, which shall show the name and address of the applicant, the purpose for which sound amplification will be used, the location of the sound amplifying device when in use, the proposed hours and duration of operation, and the approximate maximum distance which such sound will reach. Such application shall be filed not less than one day prior to the proposed use of the sound amplifying device, and the permission for use thereupon shall not extend beyond the calendar year in which granted. (Ord. No. 1256, Sec. 5.)

### SECTION 10-706 APPEAL.

If, after the making of an application as provided for by Section 10-705, the right to operate and use a sound amplifying device is refused by the city manager, the applicant shall have the right to appeal such decision to the city council of the city and such appeal shall be heard at the next regular meeting of such board following the refusal of the application. Until such appeal is heard, the applicant is prohibited from the use of a sound amplifying device in the city. (Ord. No. 1256, Sec. 6.)

### SECTION 10-707 MAXIMUM AUDIBILITY PERMITTED.

Sound amplifying devices shall be operated in such a manner that the same will not be clearly audible at a distance of over one hundred fifty (150) feet when the same is directed over or upon a public street, and not over a distance of eight hundred (800) feet when operated or used in a park, playground or place of public assembly upon private property. (Ord. No. 1256, Sec. 7.)

### SECTION 10-708 CHIMES.

The foregoing provisions of this chapter shall not apply to chimes, as defined by Section 10-701. However, the use of chimes for the production of sounds to be cast upon the public streets or public places of the city outside of buildings or homes shall be prohibited; except, that the use of chimes by regularly organized churches shall be permitted on the following days, except between the hours of 11:00 P.M. and 8:00 A.M., to-wit: Sundays, or Saturdays if they are the days designated by a church for its regular weekly religious service, Easter, Independence Day, Veterans Day, Thanksgiving Day and the days from December 15 to December 25, inclusive. No permit shall be required for the use of chimes as provided in this section, but the same shall not be operated in such a manner as to constitute a public nuisance as defined by this code and other ordinances of the city. (Ord. No. 1256, Sec. 8.)

## Offenses & Crimes

### SECTION 10-709 PERMITS.

The city council is authorized to issue permits that would allow the use of chimes at times other than those times permitted in Section 10-708. Such permits shall be issued on a case by case basis so as not to permit public nuisances as defined by this code. (Ord. No. 1741, Sec. 2)

### SECTION 10-710 EXHAUST AND MUFFLE SYSTEMS, CONDITION.

Every motor vehicle being operated within the city shall be equipped with an exhaust and muffler system in good working order and in a condition of repair or design which shall not allow an unreasonable and excessive noise or sound to be emitted, and it shall be a violation of this section for any motor vehicle being operated within the city to emit an excessive sound or noise, as herein defined, or to emit or be capable of emitting, a sound or noise of eighty-six (86) decibels or more. (Ord. No. 1558, Sec. 2.)

### SECTION 10-711 PERSONS IN VIOLATION.

It shall be unlawful for any person to operate a motor vehicle within the city when such motor vehicle is capable of emitting noise or sound which constitutes a violation of Section 10-709 of this chapter, and it shall be unlawful for any owner of a motor vehicle to allow such motor vehicle to be operated within the city when such owner knows or has reason to know that such motor vehicle is capable of emitting a noise or sound which constitutes a violation of Section 10-709 of this chapter; provided that, this section shall not be applicable while such motor vehicle is being reasonably operated as an incident to the actual repair process required to cause such motor vehicle to comply with the requirements of this chapter. (Ord. No. 1558, Sec. 2.)

### SECTION 10-712 EVIDENCE OF DECIBEL RATING.

In all cases of an arrest made or citation given for a violation of sections 10-709 to 10-712 of this chapter, the person charged with such violation shall have the right to refuse or consent to the motor vehicle in question being tested by a sound level meter for noise or emission levels by a procedure as hereinafter provided, and the results obtained from such tests may be used in the municipal court of the city as evidence for or against the person charged with a violation of this chapter. (Ord. No. 1558, Sec. 2.)

### SECTION 10-713 TESTING PROCEDURE.

- A. In all instances wherein a sound level meter is used to obtain results of a noise or sound emission level, the persons administering such tests shall be first qualified to perform such tests by the chief of environmental health of the county or by the city police chief.

## Offenses & Crimes

- B. In performing noise level tests for decibel rating, the sound level meter shall be located no closer than twenty-five (25) feet from the subject vehicle being tested and such motor vehicle shall not be located closer than ten (10) feet from any walls, barriers or other structures which are capable of reflecting sound and such tests shall be performed while the motor of such motor vehicle is being fully revved at a standing position in order to obtain a reading of the highest number of decibels of noise capable of being produced through the exhaust or muffler system, if any, of such motor vehicle.
- C. Ambient noise is a factor and the noise emitted from the motor vehicle being tested must exceed the surrounding ambient noise by ten (10) decibels or more in order for the decibel reading obtained by the sound level meter to be used in evidence of a violation of this chapter against the person charged with such violation.
- D. The sound level meter approved to perform the tests as herein provided shall be a sound level meter which has been manufactured according to the specifications of the International Electrical Commission of the American National Standards Institute. (Ord. No. 1558, Sec. 2.)

### SECTION 10-714 DEFENSE OR EXCUSE.

It is expressly declared that it shall not be a defense or excuse for a violation of Sections 10-710 to Section 10-712 of this chapter that the motor vehicle emitting noises in excess of that allowed by this chapter is equipped with a muffler or exhaust system in the same working order as originally installed by the manufacturer or distributor thereof because of the higher nature of the necessity to preserve the peace, dignity, safety, health and welfare of the citizens of the city. (Ord. No. 1558, Sec. 3.)

### SECTION 10-715 OPERATION WITHIN THE CITY.

A motor vehicle creating a noise in violation of Section 10-710, as above provided, shall not be allowed to operate within the city until the exhaust or muffler system of such motor vehicle has been repaired or replaced to comply with the noise emission standard established by this chapter. (Ord. No. 1558, Sec. 4.)

### SECTION 10-716 RETAIL DISTRIBUTORS.

It shall be a violation of this chapter for any person, firm or corporation selling motor vehicles as an ordinary course of business to sell, lease or loan a motor vehicle intended for use within the city if such motor vehicle at the time of the sale, lease or loan is capable of violating this chapter. (Ord. No. 1558, Sec. 5.)

Offenses & Crimes

SECTION 10-717 ALTERNATION FOR HIRE.

It shall be a violation of this chapter for any person, firm or corporation acting for hire to knowingly alter, change or repair the muffler or exhaust system of a motor vehicle in order to cause such motor vehicle to be capable of producing a noise in violation of this chapter if such motor vehicle is intended to be used within the city. (Ord. No. 1558, Sec. 6.)

SECTION 10-718 OTHER NOISE PRACTICES PROHIBITED.

- A. No motor vehicle shall be operated in a manner producing loud and unnecessary squealing of tires.
- B. No motor vehicle shall sound its horn, bell, siren or other signaling device, except in an emergency situation or as a danger or cautionary warning.
- C. No person shall race the engine of a motor vehicle in such a manner as to produce unreasonably loud and unnecessary noises. (Ord. No. 1558, Sec. 7)



Parks, Recreation & Cemetery

PART 11

PARKS, RECREATION AND CEMETERY

CHAPTER 1

PARKS GENERALLY

Section 11-101	Definitions.
Section 11-102	Limitation of activities.
Section 11-103	Rules and regulations.
Section 11-104	Prohibited acts.
Section 11-105	Acts requiring permits.
Section 11-106	Permits.
Section 11-107	Fees.
Section 11-108	Penalty.

CHAPTER 2

LIBRARY

Section 11-201	Established.
Section 11-202	Board of directors, composition; appointment, qualifications and compensation of members.
Section 11-203	Organization, rules and regulations and terms of members.
Section 11-204	Donations, etc.
Section 11-205	Library cash fund.
Section 11-206	Regulations on care, use, borrowing books, offenses.
Section 11-207	Regulations on conduct, offenses.

CHAPTER 3

CEMETERY

ARTICLE A

DEFINITIONS AND GENERAL PROVISIONS

Section 11-301	Definitions.
Section 11-302	Statement of policy.
Section 11-303	Enforcement.
Section 11-304	Modifications.
Section 11-305	Appeal of order.

## Parks, Recreation & Cemetery

Section 11-306	Liability of non-cemetery personnel and workmen.
Section 11-307	Hours.
Section 11-308	Fees and changes.
Section 11-309	Monuments and markers.
Section 11-310	Violations.

## ARTICLE B

### REGULATIONS

Section 11-311	Traffic regulations.
Section 11-312	Vehicle parking.
Section 11-313	Use of cemetery roads and walkways.
Section 11-314	Public on cemetery grounds.
Section 11-315	Picking of flowers, defacing memories.
Section 11-316	Loitering.
Section 11-317	Profane language or misconduct.
Section 11-318	Consuming refreshments.
Section 11-319	Refuse and rubbish.
Section 11-320	Firearms on cemetery grounds.
Section 11-321	Animals within the cemetery.
Section 11-322	Children within the cemetery.
Section 11-323	Playing and recreational activities.
Section 11-324	Advertising in cemeteries.
Section 11-325	Business activities and assemblies.
Section 11-326	Smoking.

## ARTICLE C

### LOTS

Section 11-331	Ownership.
Section 11-332	Place of burial.
Section 11-333	Location of lot.
Section 11-334	Lot or grave space price schedule.
Section 11-335	Lot purchase.
Section 11-336	Issuance of cemetery deed.
Section 11-337	Exclusions to burial rights.
Section 11-338	Power of attorney.
Section 11-339	Transfer of burial rights.
Section 11-340	Joint ownership.
Section 11-341	Disagreements between partners.
Section 11-342	Death of owner.

## Parks, Recreation & Cemetery

Section 11-343	Correction of errors.
Section 11-344	Grave space defined.
Section 11-345	Descent of interment rights.
Section 11-346	Veterans' memorial plot.
Section 11-347	Indigent burials.

### ARTICLE D

#### CARE OF LOTS

Section 11-351	Perpetual care to include.
Section 11-352	Perpetual care not to include.
Section 11-353	Special care on lots.
Section 11-354	No endowment for special care.
Section 11-355	Plants and shrubs.
Section 11-356	Removal of plants and shrubs.
Section 11-357	Enclosures.
Section 11-358	Lots, taxation exemption.

### ARTICLE E

#### GRAVE MARKERS, MONUMENTS AND MAUSOLEUMS

Section 11-360	Materials used.
Section 11-361	Appearance.
Section 11-362	Material on markers.
Section 11-363	Raised grave markers - double.
Section 11-364	Placing of markers before interments.
Section 11-365	Corner posts.
Section 11-366	Temporary markers.
Section 11-367	American flag.
Section 11-368	Armed service markers.
Section 11-369	Monuments.
Section 11-370	Mausoleums.

### ARTICLE F

#### INTERMENTS

Section 11-371	Cemetery open for interments.
Section 11-372	Notice of funerals.
Section 11-373	Burials after 4:00 P.M.
Section 11-374	Weather conditions.

## Parks, Recreation & Cemetery

Section 11-375	Placing of graves on lot.
Section 11-376	Misrepresentation or errors.
Section 11-377	Grave opening orders.
Section 11-378	Error: failure to designate.
Section 11-379	Opening and closing of graves.
Section 11-380	Zone for burial services.
Section 11-381	Construction during funerals.
Section 11-382	Burial containers.
Section 11-383	Disinterment and removals.
Section 11-384	Grave accounts, cemetery fees and charges.
Section 11-385	Interment for profit: removal, provisions governing.
Section 11-386	Interments: person per grave.
Section 11-387	Roads, drives, etc.: rights of interment.
Section 11-388	Lots, interment rights.
Section 11-389	Grave mounds.
Section 11-390	Opening of caskets.
Section 11-391	Charges established.
Section 11-392	Supervisor in charge of funerals.

### ARTICLE G

#### DECORATIONS

Section 11-393	Decorations, removal.
Section 11-394	Decorations, liability.
Section 11-395	Decorations, prohibitions.
Section 11-396	Decorations: restrictions.
Section 11-397	Grading of graves.
Section 11-398	Damage.

### CHAPTER 4

#### LAKES AND CREEKS

##### ARTICLE A

#### GENERAL PROVISIONS

Section 11-401	Swimming, wading, in certain waters prohibited; proviso.
Section 11-402	Public use hours of Pretty Water Lake.

##### ARTICLE B

Parks, Recreation & Cemetery

BOATS AND BOATING

Section 11-405	Gasoline motor powered boats prohibited upon certain lakes, creeks.
Section 11-406	Deleted.
Section 11-407	Rules and regulations for use of motor driven boats upon Lake Sahoma.
Section 11-408	Enforcement of article.

ARTICLE C

HUNTING DUCKS, GEESE, UPON LAKE SAHOMA,  
LAKE SAPULPA AND PRETTY WATER LAKE

Section 11-410	Permit required.
Section 11-411	Issuance, generally; duplicate to be retained by city clerk.
Section 11-412	Prerequisites to issuance, generally.
Section 11-413	Waiver and release of liability to be signed by applicant.
Section 11-414	Classification; period of validity.
Section 11-415	Fees, generally.
Section 11-416	Disposition.
Section 11-417	Transferability; to be carried by permittee.
Section 11-418	Provisions applicable to Lake Sahoma and Pretty Water Lake, duck blinds.
Section 11-419	Registration and record of hunters.
Section 11-420	Use of certain firearms prohibited.
Section 11-421	Violations and penalties.

ARTICLE D

FISHING

Section 11-425	Applicability of article.
Section 11-426	Permit required.
Section 11-427	Issuance generally.
Section 11-428	Classification; fees; persons under seventeen (17) years of age or age sixty-five (65) or older.
Section 11-429	State license prerequisite to issuance.
Section 11-430	Printing; record.
Section 11-431	Disposition of funds received under article.
Section 11-432	Game fish regulations generally.
Section 11-433	Size and catch of certain fish restricted.
Section 11-434	Closing waters regulated by article.

Parks, Recreation & Cemetery

Section 11-435

Enforcement of article.

CHAPTER 5

GOLF COURSE

ARTICLE A

GENERAL PROVISIONS

Section 11-501

Composition.

Section 11-502

When course closed to public.

Section 11-503

Destroying, mutilating, etc., greens, fairways, etc.; driving, etc., motor vehicle thereon.

Section 11-504

To be operated as separate utility.

Section 11-504

Green fees.

ARTICLE B

GOLF COURSE COMMISSION

Section 11-511

Creation of commission.

Section 11-512

Size, term.

Section 11-513

Composition, qualifications.

Section 11-514

Quorum, procedure.

Section 11-515

Votes.

Parks, Recreation & Cemetery

CHAPTER 1

PARKS GENERALLY

Section 11-101	Definitions.
Section 11-102	Limitation of activities.
Section 11-103	Rules and regulations.
Section 11-104	Prohibited acts.
Section 11-105	Acts requiring permits.
Section 11-106	Permits.
Section 11-107	Fees.
Section 11-108	Penalty for violations.

SECTION 11-101 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

1. "Animal" means any mammal, bird, reptile, amphibian, fish, and invertebrate;
2. "Board" means the parks and recreation board of the City of Sapulpa;
3. "City Council" means the governing council of the city;
4. "Director" means the director of parks and recreation department, or authorized representative of the city;
5. "Employee" means any person employed by the city or by any board of the city;
6. "Park areas and facilities" mean any park, playground, recreation area, sports field, garden, land, building, or other structure designated by legal instrument, formal acceptance, or custom, under the jurisdiction of the parks and recreation department and/or park board of the city;
7. "Permit" means any written license issued by or under the authority of any board as defined above; and
8. "Person" means any natural person, corporation, company, association, firm or partnership.

(Ord. No. 2086, 10/5/92)

Parks, Recreation & Cemetery

SECTION 11-102 LIMITATION OF ACTIVITIES.

The appropriate board, or director when authorized by the board, may designate particular locations within park areas and facilities for specific activities and may limit such activities by issuance of permits with approval of the city council. The board may establish operating hours during which park areas and facilities shall be open to the public by the enactment of specific rules and regulations, provided that such hours shall be posted at the entrances of the affected park area and facility with approval of the city council. (Ord. No. 2086, 10/5/92)

SECTION 11-103 RULES AND REGULATIONS.

The appropriate board shall adopt such rules, regulations and policies, as it deems best for the safety and convenience of the public, for the operation of its park areas and facilities with the approval of the city council. When such rules and regulations have been adopted and approved, any person found guilty of violating such rules and regulations shall be subject to the appropriate penalties. (Ord. No. 2086, 10/5/92)

SECTION 11-104 PROHIBITED ACTS.

It is hereby declared to be unlawful for any person to do or cause to be done any of the following acts within any public park or facility under the jurisdiction of the board, provided that no provision hereof shall apply to any act performed by any officer, agent or employee of the board or the city while in performance of his/her duties:

1. To mark, deface, disfigure, tamper with or displace or remove any buildings, bridges, tables, benches, charcoalers, decorative structures, railings, pavings or paving materials, water lines, or other public utilities or parts or appurtenances thereof, signs, notices or placards, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
2. To damage, cut, carve, mark, transplant, or remove any plant or injure the bark, or pick flowers or seed of any tree to plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;
3. To cut any tree, dead or alive, whether erect or felled, or to collect leaves, bark, wood chips, mulch or other organic material, or soil for any purpose, without the written permission of the appropriate board or director;
4. To handle or disturb plants or flowers or any other object or thing in any area, either cut or uncut, or otherwise place any plant material, tree shrub, or flower within any park area or facility without written permission of the appropriate board or director;

## Parks, Recreation & Cemetery

5. To hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird or to give or attempt to give any such animal a noxious substance or anything disagreeable to such animal, or to have in one's possession any wild animal or its young, or the eggs, nest or young of any bird or reptile;

6. To skate, slide, glide, or coast by means of ice skates, shoe or snowmobile in any park area or facility except those that may be designated for such use by the appropriate board or director;

7. To throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park area or facility, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters;

8. To start the water flowing from any spigot other than at a drinking fountain or place provided as a watering place for people or animals or to disregard or fail to comply with any rule or regulation posted or displayed at any swimming pool, wading pool, lake, etc.

9. To make a fire in any park area or facility except in places provided for such purposes. Any fire shall be under the continuous care and supervision of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper, or other material or to ignite or set off any fireworks, model rockets or other incendiary device in any park area or facility;

10. To ride, drive or allow a horse in any park area or facility, except for those trails or facilities specifically designated for equestrian use;

11. To use any portion of any park or facility for toilet purposes except the public restrooms provided;

12. To seine for minnows or other aquatic animals or to use a seine for any purpose within any body of water within any park or area or facility, to catch or take or attempt to catch or take, in any manner, within any park area or facility any fish for commercial purposes. Bow fishing is prohibited in all park areas and facilities;

13. To solicit pecuniary assistance or contributions for any purpose, whether public or private or expose or offer for sale any article in any park area or facility. Provided, however, this shall not apply to any person acting pursuant to a valid contract with the city;

14. Enter upon or use any park area or facility without paying an admission or rental fee when such fee has been established or approved by the board. Further, to enter into any park area or facility by other than the approved means of access or to remove or

## Parks, Recreation & Cemetery

disturb any barrier intended to prevent access, entry or occupancy; further, to go into any shrubbery or enclosure, or upon any lawn, slope, or other area where there is a sign prohibiting such ingress;

15. To drive upon or park in any park area or facility, except upon a designated parkway or parking lot. No vehicle shall be operated at a speed in excess of twenty-five (25) miles per hour. Under no circumstances shall any vehicle designated for the purpose of transporting freight, merchandise or bulk materials of any kind, enter into any park area or facility unless authorized by the appropriate board or director;

16. To disregard any rule or regulation promulgated by any board, including rules of conduct covering the use of any park area or facility;

17. To bring into or have in one's possession, in any park area or facility, any firearm, BB gun, air pistol, bow and arrow, crossbow, slingshot, knife or other weapon capable of inflicting injury to persons, animals, or public property, whether or not such weapons are loaded unless such park area or facility has been specifically designated for such activity and posted or unless in conjunction with an approved program;

18. To swim or wade in any lagoon, lake, fountain, or other waters in any park area or facility, except swimming, wading or spray pools constructed for such activities. Further, no person shall swim or wade in any pool at any time the pool is not open to the public;

19. To disturb any tree in any park area or facility. For the purpose of this paragraph, disturbing shall include, but not be limited to, clubbing, flailing, thrashing, shaking, throwing objects into, ramming, or climbing into any tree;

20. To interfere with or disobey or ignore any lawful order of an employee while in the performance of his/her duties in any park area or facility;

21. To attach any rope, cable, or other contrivance to any post, paint, erect, or place any sign, banner, or advertisement to any tree, fence, railing, bridge, bench or other structure or into the ground;

22. To consume any beverage containing alcohol within any park area or facility including any road or parking lot; and

23. To practice golf in any park or facility not specifically designated for such uses.

24. To camp in any area of a park not designated as a camping area.

## Parks, Recreation & Cemetery

25. To use or possess glass containers within any park area.

26. To enter into or remain upon any park area or park facilities between the hours of 11:00 p.m. and 4:30 a.m., unless a valid permit from the Sapulpa Parks & Recreation Department has been issued and is on file with the Sapulpa Police Department. Nothing in this section shall prohibit persons from being in City parks and recreation areas who are engaged in organized sporting events beyond the denoted curfew while engaged in such sporting activity; nor shall this section affect the time restrictions provided in Section 11-402.

27. To leave any vehicle unattended in any park area or park facility between the hours of 11:00 p.m. and 4:30 a.m. or for a period of time exceeding twenty four hours. Any vehicle in violation of this section is subject to impound at owner's expense. Nothing in this section shall prohibit vehicles from being in City parks and recreation areas whose owner or driver is engaged in organized sporting events beyond the denoted curfew while engaged in such sporting activity; nor shall this section affect the time restrictions provided in Section 11-402. (Ord. No. 2409, 5/19/03)

### SECTION 11-105 ACTS REQUIRING PERMITS.

It shall be an offense for any person to perform any of the following acts within any park area or facility without having first obtained a permit from the appropriate board or director:

1. To give any theatrical entertainment, moving picture show, parade, procession, or public gathering, festival, concert, recreational program or event, or other outdoor presentation, whether or not an admission fee is charged;

2. To use loud speaker, public address system, amplifier, or any other device to amplify and direct sound;

3. To dig, bury, erect, build, uncover, place or remove any object or to store any materials or equipment of any kind;

4. To sell, offer for sale, or give away without charge any food, drink, merchandise, service or any other article;

5. To use any park area or facility for any commercial purpose including the production of films, photographs, or advertisements, whether for sale to individuals or groups; and

## Parks, Recreation & Cemetery

6. To tie or fasten to any pier or stake, or store any boat, launch, or other vessel used or intended to be used for transportation on water except in those specifically designated for such use.

7. To camp within a designated camping area of a park.

(Ord. No. 2086, 10/5/92)

### SECTION 11-106 PERMITS.

A. Permits for camping and/or special events in all park areas and facilities shall be obtained by application to the appropriate board or director in compliance with the following procedures:

1. The name and address of the applicant;
2. The name and address of the person(s), corporation, or association sponsoring the activity;
3. The day and hours for which the permit is desired;
4. The part area or facility for which the permit is desired;
5. The nature and purpose of the activity for which the permit is desired;
6. Variances required from park rules and regulations or ordinances;
7. Any other information reasonably necessary for a determination as to whether a permit should be issued; and
8. That all local, state and federal laws and regulations will be complied with.

B. Standards for issuance of a use permit shall include the following:

1. That the proposed activity or use will not unreasonably interfere with or detract from the general public's enjoyment of the park area or facility;
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
3. That the proposed activity or use will not include violence, crime or disorderly conduct;

## Parks, Recreation & Cemetery

4. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the city;
5. That the park area or facility desired has not been reserved for other use on the requested date and hour;
6. That the sponsor will abide by the rules and regulations promulgated by the board; and
7. That the sponsor will comply with all health department rules and regulations.

(Ord. No. 2086, 10/5/92)

### SECTION 11-107 FEES.

The city shall provide by the Master Fee Schedule the fees charged for any such park or recreational privileges on any property or facility for recreational purposes owned or operated by the city.

### SECTION 11-108 PENALTY FOR VIOLATIONS.

Any person or entity who violates any provision of this ordinance shall be subject to the general penalties as provided by Section 1-108 of this code.

Parks, Recreation & Cemetery

CHAPTER 2

LIBRARY

Section 11-201	Established.
Section 11-202	Board of directors, composition; appointment, qualifications and compensation of members.
Section 11-203	Organization, rules and regulations and terms of members.
Section 11-204	Donations, etc.
Section 11-205	Library cash fund.
Section 11-206	Regulations on care, use, borrowing books, offenses.
Section 11-207	Regulations on conduct, offenses.

For charter provisions as to the public library, see Char., Art. XIV, Sec. 3.

For state law as to public libraries generally, see 65 O.S., Sec. 41 et seq. As to city and town libraries, see 65 O.S. Sec. 71 et seq.

SECTION 11-201 ESTABLISHED.

There is hereby established a free public library for the use and benefit of the inhabitants of the city. (Prior Code, Sec. 16-1; Ord. No. 365, Sec. 1.)

SECTION 11-202 BOARD OF DIRECTORS, COMPOSITION; APPOINTMENT, QUALIFICATIONS AND COMPENSATION OF MEMBERS.

The management and control of the public library established by Section 11-201 shall be conducted by the City Manager or his designated representative. In addition, an advisory board of directors, consisting of six (6) members, shall be appointed by the mayor, with the approval of the city council; and shall provide the manager or his designee with recommendations concerning the operation of the library. Such directors shall be chosen from the citizens at large, with reference to their fitness for such office, and no director shall receive compensation as such. (Prior Code, Sec. 16-2; Ord. No. 2436.)

SECTION 11-203 ORGANIZATION, RULES AND REGULATIONS AND TERMS OF MEMBERS.

The organization of the board of directors mentioned in Section 11-202, the terms of their offices, and all rules and regulations for the conduct of the public library established by this chapter shall be in accordance with Chapter 4 of Title 65 of the Oklahoma Statutes. (Prior Code, Sec. 16-3; Ord. No. 365, Sec. 3.)

Parks, Recreation & Cemetery

SECTION 11-204 DONATIONS, ETC.

Any person desiring to make donations of money, personal property or real estate, for the benefit of the public library established by this chapter, or for the establishment, maintenance or endowment of public lecturers in connection with such library upon any subject designated by the donor in the field of literature, science and the arts (except that lectures in the interest of any political parties, politics or sectarian religion are expressly prohibited), shall have the right to vest the title to the money, personal property or real estate so donated in the board of directors mentioned in Section 11-202, to be held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, such board shall be held and considered to be special trustee. (Prior Code, 16-4; Ord. No. 365, Sec. 4.)

SECTION 11-205 LIBRARY CASH FUND.

There is hereby created a special fund to be designated the "Library Cash Fund," the same to consist of all moneys derived from fines or other charges collected by the public library of the city and, if desired by the donor, any gifts or donations of money made to such library may be placed in such fund. Such fund shall be kept separate from all other funds of the city and shall be used by the library board of directors of the city for the purpose of improving, enlarging, equipping and maintaining such library. (Prior Code, Sec. 16-5; Res. No. 1354.)

SECTION 11-206 REGULATIONS ON CARE, USE, BORROWING BOOKS, OFFENSES.

It shall be unlawful and a misdemeanor offense in the city:

1. For any person to recklessly or wilfully mutilate or destroy in part or in whole any book, magazine, paper, periodical, document, written instrument, videotape, recording or any other type of personal property in or belonging to the Sapulpa Public Library or the board thereof in the city; except this provision shall not be construed to mean the ordinary wear and tear of such articles arising out of careful, prudent and ordinary use of same;
2. For any person who shall lawfully procure any book, magazine, periodical, recording or other property from the library or board and fail or refuse to return the same to the library upon demand or to appropriate the same to his own use;
3. For any person to procure any book, magazine, paper, periodical, document, recording, video or written instrument in or belonging to the Sapulpa Public Library or the board thereof and to return such property in such a condition that it cannot be used, ordinary wear and tear excepted; or

Parks, Recreation & Cemetery

4. For any person to remove or carry from the library any book, magazine, paper, periodical, document, written instrument, videotape, recording or any other article belonging to the library or the board, without the consent of the librarian or person in charge of the building.

(Prior Code, Sec. 16-6; Ord. No. 1944, 11/17/86)

SECTION 11-207 REGULATIONS ON CONDUCT, OFFENSES.

It shall be unlawful and a misdemeanor offense in the city:

1. For any person to spit upon the floors, walls, steps, or any part of the Sapulpa Public Library building; or the sidewalks in front, at the side or behind the building; or to strike matches or explode or ignite any other flammable or combustible substance within the building; or to smoke tobacco or any other substance within the building; or

2. For any person to conduct themselves in a loud and boisterous manner, or to throw articles at any other person or to make or cause to be made any loud or unusual noises of any kind whatsoever within the Sapulpa Public Library building or on the premises adjacent thereto.

(Prior Code, Sec. 16-7; Ord. No. 1944, 11/17/86)

Parks, Recreation & Cemetery

CHAPTER 3

CEMETERY

ARTICLE A

DEFINITIONS AND GENERAL PROVISIONS

Section 11-301	Definitions.
Section 11-302	Statement of policy.
Section 11-303	Enforcement.
Section 11-304	Modifications.
Section 11-305	Appeal of order.
Section 11-306	Liability of non-cemetery personnel and workmen.
Section 11-307	Hours.
Section 11-308	Fees and changes.
Section 11-309	Monuments and markers.
Section 11-310	Violations.

ARTICLE B

REGULATIONS

Section 11-311	Traffic regulations.
Section 11-312	Vehicle parking.
Section 11-313	Use of cemetery roads and walkways.
Section 11-314	Public on cemetery grounds.
Section 11-315	Picking of flowers, defacing memories.
Section 11-316	Loitering.
Section 11-317	Profane language or misconduct.
Section 11-318	Consuming refreshments.
Section 11-319	Refuse and rubbish.
Section 11-320	Firearms on cemetery grounds.
Section 11-321	Animals within the cemetery.
Section 11-322	Children within the cemetery.
Section 11-323	Playing and recreational activities.
Section 11-324	Advertising in cemeteries.
Section 11-325	Business activities and assemblies.
Section 11-326	Smoking.

ARTICLE C

## Parks, Recreation & Cemetery

### LOTS

Section 11-331	Ownership.
Section 11-332	Place of burial.
Section 11-333	Location of lot.
Section 11-334	Lot or grave space price schedule.
Section 11-335	Lot purchase.
Section 11-336	Issuance of cemetery deed.
Section 11-337	Exclusions to burial rights.
Section 11-338	Power of attorney.
Section 11-339	Transfer of burial rights.
Section 11-340	Joint ownership.
Section 11-341	Disagreements between partners.
Section 11-342	Death of owner.
Section 11-343	Correction of errors.
Section 11-344	Grave space defined.
Section 11-345	Descent of interment rights.
Section 11-346	Veterans' memorial plot.
Section 11-347	Indigent burials.

### ARTICLE D

#### CARE OF LOTS

Section 11-351	Perpetual care to include.
Section 11-352	Perpetual care not to include.
Section 11-353	Special care on lots.
Section 11-354	No endowment for special care.
Section 11-355	Plants and shrubs.
Section 11-356	Removal of plants and shrubs.
Section 11-357	Enclosures.
Section 11-358	Lots, taxation exemption.

### ARTICLE E

#### GRAVE MARKERS, MONUMENTS AND MAUSOLEUMS

Section 11-360	Materials used.
Section 11-361	Appearance.
Section 11-362	Material on markers.
Section 11-363	Raised grave markers - double.
Section 11-364	Placing of markers before interments.
Section 11-365	Corner posts.

## Parks, Recreation & Cemetery

Section 11-366	Temporary markers.
Section 11-367	American flag.
Section 11-368	Armed service markers.
Section 11-369	Monuments.
Section 11-370	Mausoleums.

## ARTICLE F

### INTERMENTS

Section 11-371	Cemetery open for interments.
Section 11-372	Notice of funerals.
Section 11-373	Burials after 4:00 P.M.
Section 11-374	Weather conditions.
Section 11-375	Placing of graves on lot.
Section 11-376	Misrepresentation or errors.
Section 11-377	Grave opening orders.
Section 11-378	Error: failure to designate.
Section 11-379	Opening and closing of graves.
Section 11-380	Zone for burial services.
Section 11-381	Construction during funerals.
Section 11-382	Burial containers.
Section 11-383	Disinterment and removals.
Section 11-384	Grave accounts, cemetery fees and charges.
Section 11-385	Interment for profit: removal, provisions governing.
Section 11-386	Interments: person per grave.
Section 11-387	Roads, drives, etc.: rights of interment.
Section 11-388	Lots, interment rights.
Section 11-389	Grave mounds.
Section 11-390	Opening of caskets.
Section 11-391	Charges established.
Section 11-392	Supervisor in charge of funerals.

## ARTICLE G

### DECORATIONS

Section 11-393	Decorations, removal.
Section 11-394	Decorations, liability.
Section 11-395	Decorations, prohibitions.
Section 11-396	Decorations: restrictions.
Section 11-397	Grading of graves.
Section 11-398	Damage.

Parks, Recreation & Cemetery

ARTICLE A

DEFINITIONS AND GENERAL PROVISIONS

SECTION 11-301 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Cemetery" means South Heights Cemetery, North Heights Cemetery, Sapulpa Cemetery and Fairview Cemetery;

2. "Department" means the department of cemeteries of the city;

3. "Grave, burial space, lot, plot" shall be used interchangeably, and shall apply with like effect to:

a. One, or more than one, adjoining grave;

b. One or more than one, adjoining crypts or vaults; or

c. One or more than one adjoining niches;

4. "Markers" mean a stone or object denoting the location of a grave and which does not exceed six (6) inches in width, thirty (30) inches in height, and twenty-four (24) inches in length;

5. "Monument" means a memorial stone or object of a size in excess of that of a marker; and

6. "Superintendent" means the superintendent of cemeteries, and any subordinate designated by him.

(Ord. No. 2118, 1/18/94)

SECTION 11-302 STATEMENT OF POLICY.

The provisions of the code shall be held to be the minimum requirements adopted for the protection and operation of city owned cemeteries and the burial of the dead of the city. All lot owners and visitors within the cemetery and all lots sold shall be subject to the provisions of this code as well as any other applicable provision of the ordinances of the city and the laws of the state. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-303 ENFORCEMENT.

The responsibility for the enforcement of this code including the rules and regulations shall be vested in the superintendent of cemeteries and his authorized assistants or agents, subject to the supervision and control of the city manager. (Ord. No. 2118, 1/18/94)

SECTION 11-304 MODIFICATIONS.

Special cases may arise in which the literal enforcement of a provision may impose an undue and unnecessary hardship. The superintendent of cemeteries, after due consideration and under the supervision of the city manager, may make temporary exceptions, suspensions or modifications of any provision. Such temporary exceptions, suspension or modifications shall not be construed as effecting the general application of the intent of the provisions of this code. (Ord. No. 2118, 1/18/94)

SECTION 11-305 APPEAL OF ORDER.

If any person shall feel aggrieved by any order or decision by the superintendent of cemeteries, he may, within ten (10) days after receipt of such order or decision, appeal in writing to the city manager. The city manager may make such decisions as he deems in the public interest within the scope and intent of this code and such rules and regulations, and such decisions shall be final unless an appeal in writing is filed within ten (10) days thereafter with the city council. The city council may take such action on such appeal as it deems just, and may vary the terms of such rules and regulations as it determines is in the public interest. (Ord. No. 2118, 1/18/94)

SECTION 11-306 LIABILITY OF NON-CEMETERY PERSONNEL AND WORKMEN.

- A. The city and its cemeteries shall not be responsible for damages by the elements, an Act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by the order of any military or civil authority, whether the damage be direct or collateral.
- B. All non-cemetery personnel and their workmen engaged within the cemetery on any class of work whatsoever, shall be held fully responsible for any damage done by them or their agents to any cemetery properties. All unsightly material or debris accumulated from any class of work must be removed at once and on the completion of work. All tools must be removed immediately and the grounds left in as good a condition as found by these parties. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-307 HOURS.

- A. The cemetery office shall remain open Monday through Friday from 8:00 A.M. to 4:30 P.M., except on New Years Eve Day, New Years Day, Christmas Eve Day, Christmas Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Good Friday, and any other day declared a holiday by the city council.
- B. Special arrangements can be made with the superintendent of cemeteries for business purposes for hours other than those listed as office hours. (Ord. No. 2118, 1/18/94)

SECTION 11-308 FEES AND CHANGES.

- A. Fees and charges for services are payable at the office of the city clerk to the city.
- B. Fees and charges are set forth by the Master Fee Schedule.
- C. No employee of the cemetery shall solicit or accept any form of payment or gratuity for work or services rendered. Employees of the cemetery are not permitted to do any work for lot owners or interested parties except under the direction of the superintendent or his authorized assistants or agents. (Ord. No. 2118, 1/18/94)

SECTION 11-309 MONUMENTS AND MARKERS.

Only one marker shall be placed at any grave, and all foundations for monuments and markers shall be built of concrete. If any monument or marker, or any other object whatever does not conform to the provision of this chapter, or any inscription on a marker or monument is deemed offensive or improper by the superintendent, the superintendent, after conferring with the city manager, shall have the power to remove the non-conforming, offensive or improper object or objects and shall notify the lot owner or heirs of such action. (Ord. No. 2357, 7/2/01)

SECTION 11-310 VIOLATIONS.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine as provided in Section 1-108 or by imprisonment, or both. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

ARTICLE B

REGULATIONS

SECTION 11-311 TRAFFIC REGULATIONS.

- A. All vehicles will obey the posted fifteen (15) miles per hour speed limit on all cemetery roads.
- B. No person shall drive any motor vehicle or other means of transportation off the established roads. No person shall drive any motor vehicle or other means of transportation upon grave, lot or lawn located within the cemeteries.
- C. When meeting a funeral procession, vehicles must stop until the procession passes. Vehicles may not pass a funeral procession going in the same direction.
- D. No person shall use a cemetery road as a public or private thoroughfare.
- E. No motorcycles, motorbikes or motor scooters will be admitted to the cemeteries except such as may be in attendance at funeral or on cemetery business.
- F. No all terrain vehicles (ATV) are allowed within the cemeteries at any time.
- G. No person shall turn a vehicle around within the cemeteries except by following established roadways.
- H. Every person driving a vehicle into the cemeteries shall be responsible for any damage caused by such vehicle.
- I. No vehicles will be allowed on cemetery roads after snow and ice makes those roads impassable. (Ord. No. 2118, 1/18/94)

SECTION 11-312 VEHICLE PARKING.

- A. No person shall park or leave any motor vehicle or other means of transportation on any road or driveway within the cemetery in such a location or in such a position as to prevent the passing of the same. The exception to this would be during a funeral, when vehicles may be parked in an orderly fashion near the gaved site, and into special areas for parking as directed by the superintendent and his assistants.

## Parks, Recreation & Cemetery

- B. Any such motor vehicle or other means of transportation so found may be removed by the superintendent and the owners liable for the costs incurred by the removal.
- C. Motor vehicles are not allowed to park or come to a full stop in front of an open grave unless such vehicles are in attendance at a funeral.
- D. No person shall park any motor vehicle or other means of transportation upon a grave, lot or lawn located within the cemeteries. (Ord. No. 2118, 1/18/94)

### SECTION 11-313 USE OF CEMETERY ROADS AND WALKWAYS.

Persons within the cemetery shall only use roads, avenues, walks, alleys and other areas which may be designated for traffic and are not permitted to walk upon or across lots, unless it becomes necessary to gain access to one's own lot. (Ord. No. 2118, 1/18/94)

### SECTION 11-314 PUBLIC ON CEMETERY GROUNDS.

- A. No person shall be allowed in the cemeteries from a period beginning two (2) hours after sunset and continuing to two (2) hours before sunrise, without first securing permission from the superintendent.
- B. Strangers are not allowed to approach the grave during a funeral. (Ord. No. 2118, 1/18/94)

### SECTION 11-315 PICKING OF FLOWERS, DEFACING MEMORIES.

- A. Persons visiting the cemetery or attending funerals are strictly forbidden from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plants, writing upon, defacing or injuring any memorials, fences or other structures within the cemetery grounds.
- B. No person shall destroy or otherwise disturb the birds or other animal life within the cemeteries. (Ord. No. 2118, 1/18/94)

### SECTION 11-316 LOITERING.

No person, other than lot owners or relatives of persons interred in the cemeteries, shall be permitted to loiter in the cemeteries or in any of the cemetery buildings. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-317 PROFANE LANGUAGE OR MISCONDUCT.

Any person using profane or boisterous language or acting in a disorderly manner or loitering within the limits of the cemeteries shall be required to leave the cemetery grounds or be arrested for disorderly conduct. (Ord. No. 2118, 1/18/94)

SECTION 11-318 CONSUMING REFRESHMENTS.

No person shall carry any intoxicating liquor or under the influence thereof, or in any way disorderly, will be permitted within the cemetery premises. (Ord. No. 2118, 1/18/94)

SECTION 11-319 REFUSE AND RUBBISH.

- A. No person shall throw any refuse or rubbish upon the drives and walkways or on any part of the grounds lots or graves or in any of the buildings of the cemeteries.
- B. Receptacles for waste materials shall be located in convenient places throughout the cemeteries. (Ord. No. 2118, 1/18/94)

SECTION 11-320 FIREARMS ON CEMETERY GROUNDS.

- A. The possession of firearms within the cemetery grounds is forbidden, except the military or other organizations may carry arms for the purpose of firing over the grave at the burial of a member.
- B. No hunting is permitted in the cemeteries. (Ord. No. 2118, 1/18/94).

SECTION 11-321 ANIMALS WITHIN THE CEMETERY.

No dogs are allowed within the cemetery without a leash. (Ord. No. 2118, 1/18/94)

SECTION 11-322 CHILDREN WITHIN THE CEMETERY.

Children under fifteen (15) years of age are not permitted within the cemeteries or its buildings unless accompanied by their parents or adult responsible for their conduct.

SECTION 11-323 PLAYING AND RECREATIONAL ACTIVITIES.

No playing or recreational activities or recreational games shall be conducted in the cemeteries at any time. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-324 ADVERTISING IN CEMETERIES.

The placing of signs, notices, or advertisements of any kind, peddling or soliciting, and the sale of any commodity in the cemeteries is prohibited. (Ord. No. 2118, 1/18/94)

SECTION 11-325 BUSINESS ACTIVITIES AND ASSEMBLIES.

- A. Cemetery grounds may not be used for business activities, including meetings, gatherings, or assemblies of any kind unless they are a part of the funeral service.
- B. Exceptions to this rule may be made only by the superintendent, the city manager or the city council. (Ord. No. 2118, 1/18/94)

SECTION 11-326 SMOKING.

Smoking or expectorating within any of the cemetery facilities is prohibited. (Ord. No. 2118, 1/18/94)

ARTICLE C

LOTS

SECTION 11-331 OWNERSHIP.

No person shall acquire the absolute title in fee to any cemetery lots. The purchase and entry of a lot holder and his subsequent possession are by permission, a license, a right of burial and shall not constitute an absolute ownership in fee regardless of the form of conveyance. (Ord. No. 2118, 1/18/94)

SECTION 11-332 PLACE OF BURIAL.

No lot shall be used for any other purpose than as a place of burial for the human dead. (Ord. No. 2118, 1/18/94)

SECTION 11-333 LOCATION OF LOT.

- A. The location of lots will be in accordance with the cemetery master plans which are kept on file in the office of the city clerk.
- B. The corners of each lot and grave spaces will be laid out by the superintendent.

Parks, Recreation & Cemetery

- C. Grade lines of all lots and single graves are laid out before the lots or graves are sold and will not be changed. (Ord. No. 2118, 1/18/94)

SECTION 11-334 LOT OR GRAVE SPACE PRICE SCHEDULE.

- A. Every lot or grave space is sold subject to rules and regulations now in force or hereinafter adopted.
- B. The price for obtaining burial rights is contained in the Master Fee Schedule and subject to changes adopted by the city council from time to time. (Ord. No. 2118, 1/18/94)

SECTION 11-335 LOT PURCHASE.

- A. The purchase of a lot or grave space may be made at the office of the city clerk.
- B. The lot, upon which a burial is to be made, must be paid in full before any burial may take place. (Ord. No. 2118, 1/18/94)

SECTION 11-336 ISSUANCE OF CEMETERY DEED.

- A. Upon full payment for a lot or grave space, a cemetery deed will be issued to the owner.
- B. Cemetery deeds will be mailed to the lot owner upon signing of the deed by the mayor and city clerk. (Ord. No. 2118, 1/18/94)

SECTION 11-337 EXCLUSIONS TO BURIAL RIGHTS.

The lot owner or his legal representative may, at any time, designate in writing to the office of the city clerk whom he wishes or does not wish buried in his grave or lot. (Ord. No. 2118, 1/18/94)

SECTION 11-338 POWER OF ATTORNEY.

Power of attorney to act for the owner must be filed and recorded at the office of the city clerk to become operative.

SECTION 11-339 TRANSFER OF BURIAL RIGHTS.

- A. The owner of a lot may at any time transfer this right to another person.

## Parks, Recreation & Cemetery

- B. All requests for transfer must be made at the office of the city clerk.
- C. No transfer will be permitted for speculative purposes.
- D. The price for transfer of burial rights is contained in a schedule of prices and subject to changes adopted by the city council from time to time. (Ord. No. 2118, 1/18/94)

### SECTION 11-340 JOINT OWNERSHIP.

Joint ownership of burial rights is permitted. (Ord. No. 2118, 1/18/94)

### SECTION 11-341 DISAGREEMENTS BETWEEN PARTNERS.

In case of disagreement between joint owners of a cemetery lot, the first order of a registered owner shall prevail. (Ord. No. 2118, 1/18/94)

### SECTION 11-342 DEATH OF OWNER.

- A. Should the owner die without having designated the persons to be buried on the balance of his or her lot, the city will permit the burial of heirs.
- B. Possession of a cemetery deed is not in itself evidence on which to record the transfer of ownership of a grave or lot. The legal right of ownership of the burial privilege must be established.
- C. The descent of title of cemetery lots is governed by the laws of the state as related to personal property. (Ord. No. 2118, 1/18/94)

### SECTION 11-343 CORRECTION OF ERRORS.

- A. The cemetery management reserves the right to correct any error that may be made by it, in making interments, disinterments, or removals or in the description, transfer, or conveyance of any interment property, either by cancelling the conveyance and substituting and conveying in lieu thereof, other interment property of equal value and similar location or by refunding the amount of money paid on account by the purchaser.
- B. In the event the error involves the interment of the remains of any person, the city reserves and shall have the right to remove and transfer the remains so interred to other property of equal value and similar location of the same cemetery.

## Parks, Recreation & Cemetery

- C. When making corrections, the cemetery will abide by the laws of the state and obtain any necessary permits or permission. (Ord. No. 2118, 1/18/94)

### SECTION 11-344 GRAVE SPACE DEFINED.

- A. One grave space will be a four (4) foot by twelve (12) foot space. Exception to this would be those spaces in what is known as Babyland.
- B. One burial per grave space. Exceptions found under section covering interments. (Ord. No. 2118, 1/18/94)

### SECTION 11-345 DESCENT OF INTERMENT RIGHTS.

- A. Ownership or burial rights shall descend as directed by will or other suitable document signed by the owner and properly witnessed by another party.
- B. The absence of any such will or document, the burial rights shall descend as personal property under the applicable descent and distribution statutes of the state, and interpreted by a court of competent jurisdiction.
- C. Those rightful heirs of a cemetery deed, by will or other such document, should contact the office of the city clerk with such proof and transfer the burial rights in their name. (Ord. No. 2118, 1/18/94)

### SECTION 11-346 VETERANS' MEMORIAL PLOT.

- A. The section or area designated "Veterans' Memorial Plot" shall be reserved for burial of veterans of the armed forces of the United States.
- B. The Superintendent is authorized to provide a grave space for the internment of any veteran that is a resident of the City. The grave space is to be at no cost; provided such internment shall be in an area of the cemetery designated by the City Council for said purpose.
- C. Ownership of a free burial space for any veteran shall be retained by the City.
- D. The burial of any veteran is subject to the availability of dedicated spaces for the internment of veterans. The City reserves the right to select the burial space for any veteran interred in the "Veterans' Memorial Plot."
- E. The City shall not be responsible for any funeral director's fees or costs

Parks, Recreation & Cemetery

associated with the internment of any veteran. The City shall not waive the opening and closing costs for the burial of any veteran.

(Ord. No. 2357, 7/2/01)

SECTION 11-347 INDIGENT BURIALS

- A. The Superintendent is authorized to provide a grave space for the internment of any destitute person that is a resident of the city. The grave space is to be at no cost; provided such internment shall be in an area of the cemetery designated by the City Council for said purpose.
- B. The Superintendent is authorized to provide a grave space for the internment of any destitute person that is not a resident of the city; provided such internment is at the request of the county commissioners and the opening and closing costs are paid by the county. The grave space is to be provided by the City in such event at no cost. Such internment shall be in an area of the cemetery designated by the City Council for said purpose.
- C. Ownership of a free burial space shall be retained by the City.
- D. The internment of any destitute person is subject to the availability of burial spaces. The city reserves the right to select the burial space in which a destitute person is to be interred. In addition, the internment of any destitute person shall not be held after 4:00 p.m. on weekdays or on any weekend or holiday.
- E. The City shall not be responsible for any funeral director's fees or costs associated with the internment of any destitute person. The city shall not waive the opening and closing costs for the burial of any destitute person.

(Ord. No. 2357, 7/2/01)

ARTICLE D

CARE OF LOTS

SECTION 11-351 PERPETUAL CARE TO INCLUDE.

Perpetual care shall include watering and mowing and raking of lots and graves, resodding, seeding and filling in sunken graves or sodding over the surface of graves to lot level. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-352 PERPETUAL CARE NOT TO INCLUDE.

- A. Perpetual care shall not include the watering of flowers or plants or the trimming of shrubs if planted by the lot owner.
- B. Perpetual care does not include the maintenance, repair or replacement of any marker, memorial, tomb or mausoleum placed or erected on the lot unless caused by a direct act (not omission) of negligence by an employee of the city. (Ord. No. 2118, 1/18/94)

SECTION 11-353 SPECIAL CARE ON LOTS.

Owners who desire special attention for their lot, such as special care for flowers, trees and shrubs must make arrangements for such care with a person, firm or corporation not connected with the city. (Ord. No. 2118, 1/18/94)

SECTION 11-354 NO ENDOWMENT FOR SPECIAL CARE.

Under no circumstances will the superintendent accept an endowment for special maintenance and care of the lot. (Ord. No. 2118, 1/18/94)

SECTION 11-355 PLANTS AND SHRUBS.

- A. A lot owner may embellish his or her lot or grave subject to obtaining permission from the superintendent.
- B. Planting out of harmony with the general landscape design of the cemetery grounds and circumferential planting or any other planting which may interfere with adjacent lots will not be allowed. (Ord. No. 2118, 1/18/94)

SECTION 11-356 REMOVAL OF PLANTS AND SHRUBS.

- A. The superintendent reserves the right to remove, without notice, trees, shrubs and flowers planted in violation of these rules. The superintendent reserves the right to trim, cut down, and remove any plantings by a lot owner which are undesirable in their present condition.
- B. When it is necessary to remove any tree on a cemetery lot usable, the cost of removal shall be borne by the lot owner. (Ord. No. 2118, 1/18/94ba)

SECTION 11-357 ENCLOSURES.

- A. Cement curb around a lot but within the confines of that lot is permitted:

## Parks, Recreation & Cemetery

1. Curb must be laid flush with the ground; and
  2. Permission from the superintendent must be obtained prior to construction.
- B. Enclosures of any other description detract from the appearance of the cemetery and are prohibited. (Ord. No. 2118, 1/18/94)

### SECTION 11-358 LOTS, TAXATION EXEMPTION.

- A. Lots and grave spaces are exempt from ordinary taxes and cannot be seized on execution.
- B. No mortgage or other encumbrance shall be given on any burial space or lot. (Ord. No. 2118, 1/18/94)

## ARTICLE E

### GRAVE MARKERS, MONUMENTS AND MAUSOLEUMS

#### SECTION 11-360 MATERIALS USED.

##### Materials used:

1. The materials used in the construction of mausoleums, monuments and markers, where permitted, shall be of recognized durable granite, marble or standard bronze. The use of sandstone, terra cotta, slate, artificial stone, cement, wood or iron in any form is not permitted where exposed to the elements.
2. All foundations for monuments and markers shall be built of concrete. (Ord. No. 2118, 1/18/94)

#### SECTION 11-361 APPEARANCE.

Should any monument, marker or mausoleum become unsightly, dilapidated or a menace to visitors, the superintendent shall have the right, at the expense of the lot owner or heirs, either to correct the condition or to remove the same. (Ord. No. 2118, 1/18/94)

#### SECTION 11-362 MATERIAL ON MARKERS.

The reproduction of a photograph on glass porcelain or other material attached to a memorial is not recommended and the city will not be responsible for damage occurring to same. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-363 RAISED GRAVE MARKERS - DOUBLE.

One grave marker embracing two (2) grave spaces may be allowed if both grave spaces are paid for and the purchaser agrees to bear the cost of removing and resetting the dual marker when the second grave space is to be used. (Ord. No. 2118, 1/18/94)

SECTION 11-364 PLACING OF MARKERS BEFORE INTERMENTS.

The placing of markers before interments will be allowed. (Ord. No. 2118, 1/18/94)

SECTION 11-365 CORNER POSTS.

- A. Lot corner marker posts, whenever used, shall be of monumental stone placed level with the turf.
- B. Initials shall be incised (cut in), not raised.
- C. Posts shall be finished where they abut on adjacent lots.
- D. All corner posts will be set by the owner, with supervision from the superintendent. (Ord. No. 2118, 1/18/94)

SECTION 11-366 TEMPORARY MARKERS.

Temporary markers or metal name places (furnished by some funeral directors) may be used to identify a grave for a period of time. The period shall not exceed twelve (12) months from the date of interment. (Ord. No. 2118, 1/18/94)

SECTION 11-367 AMERICAN FLAG.

- A. American flags may be furnished by any lot owner or his representative or by a veterans' organization for display on any grave.
- B. The maximum size of any such flag shall be twelve (12) inches by eighteen (18) inches.
- C. The maximum size of any staff or pole upon which a flag is displayed shall be five (5) feet.
- D. Flags may be displayed on graves from May 15 through July 6, inclusive and November 1 through November 15, inclusive.
- E. Any flag not removed by the person or organization responsible for its being

## Parks, Recreation & Cemetery

placed on a grave within the designated display time shall be removed by the superintendent.

- F. The superintendent may remove any flag at any time when such flag becomes faded, tattered, torn, or otherwise presents an adverse appearance. (Ord. No. 2118, 1/18/94)

### SECTION 11-368 ARMED SERVICE MARKERS.

One official metallic tablet of the Disabled American Veteran's, or other similar organization whose membership is limited to those who have served in the military or naval forces of the United States of America, will be permitted upon a grave. (Ord. No. 2118, 1/18/94)

### SECTION 11-369 MONUMENTS.

- A. Only one central or family memorial shall be allowed on a family lot. When the memorial is set at the rear of the lot, it shall be placed not less than two (2) feet from the rear line.
- B. Monuments may be erected on family lots which consist of at least four (4) grave spaces or more.
- C. The superintendent shall be consulted concerning family memorials before any such erection is undertaken. (Ord. No. 2118, 1/18/94)

### SECTION 11-370 MAUSOLEUMS.

- A. The erection of mausoleums and vaults are prohibited.
- B. Any mausoleum or vault which becomes unsightly or dangerous, through neglect by the owner or heirs, may be removed and the remains therein buried in the lot.
- C. The expense of removing the structure shall be born by the owner or heirs.
- D. No neglected mausoleum will be removed without the superintendent making every effort to contact the person or persons with an interest in the mausoleum or vault and inform them of the neglect to maintain the mausoleum or vault. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

ARTICLE F

INTERMENTS

SECTION 11-371 CEMETERY OPEN FOR INTERMENTS.

- A. The cemetery will be open for interment from 8:00 A.M. to 4:00 P.M. daily, with the exception of Sunday, Christmas Day, Christmas Eve Day, New Years Day, Thanksgiving Day, Fourth of July, Memorial Day, Labor Day or any other day declared a holiday by the city council.
- B. Should it become necessary, because of health reasons or religious customs, or undue hardship placed on the family, burial maybe made on any of these days if additional charges are paid in accordance with the rate schedule provided by the Master Fee Schedule. (Ord. No. 2118, 1/18/94)

SECTION 11-372 NOTICE OF FUNERALS.

- A. Notice of funerals must be given to the office of city clerk at least twenty-four (24) regular working hours in advance of the funeral.
- B. One week notice is required prior to any proposed disinterment or removal.
- C. The superintendent may refuse to make an interment until a more expedient time if the remains arrive at the cemetery entrance after 4:00 P.M. or if too many funerals arrive at the same hour. (Ord. No. 2118, 1/18/94)

SECTION 11-373 BURIALS AFTER 4:00 P.M.

- A. Additional charges shall be made to the funeral director for any burial service which requires cemetery personnel to be in attendance after 4:00 P.M.
- B. Regular Saturday interments carry an extra fee.
- C. These additional charges are part of a rate schedule provided in the Master Fee Schedule.

SECTION 11-374 WEATHER CONDITIONS.

- A. Because of concern for safety of persons attending funerals, added problems required to prepare for a graveside service during winter months, graveside service will not be held if inclement weather conditions exist.

Parks, Recreation & Cemetery

- B. If inclement weather conditions exist, a cemetery chapel service may be held.
- C. The superintendent will contact the funeral director for arrangement, as to the wishes of the family. (Ord. No. 2118, 1/18/94)

SECTION 11-375 PLACING OF GRAVES ON LOT.

No grave shall be placed in an irregular appearance with graves on the same or adjoining lots. (Ord. No. 2118, 1/18/94)

SECTION 11-376 MISREPRESENTATION OR ERRORS.

While all reasonable efforts will be made by the city to establish the identity of the person or persons claiming ownership of the lot or in making arrangements for interments, the city and its employees will not be liable for misrepresentation or error made by the person or persons purported to be the owner, legal representative or agents. (Ord. No. 2118, 1/18/94)

SECTION 11-377 GRAVE OPENING ORDERS.

- A. The city and its employees shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instruction as to the particular space, size, and location in a plot where interment is desired.
- B. Orders given by the funeral director for opening a grave will be construed as orders from the lot owners or heirs. (Ord. No. 2118, 1/18/94)

SECTION 11-378 ERROR: FAILURE TO DESIGNATE.

- A. The city reserves, and shall have the right to correct any errors that may be made by it, either in making interment, disinterment, or removal or in the description transfer or conveyance of any interment property.
- B. When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner or heirs. Should the owner or heirs fail or neglect to make such designation, the city reserves the right to make the interment in a location designated, and the city shall not be liable in damages for any error so made.

## Parks, Recreation & Cemetery

- C. The superintendent reserves the right to request that the lot owner, heirs, or funeral director sign a "grave opening authorization" form, which states the grave location to be used before interment takes place. (Ord. No. 2118, 1/18/94)

### SECTION 11-379 OPENING AND CLOSING OF GRAVES.

All interments, disinterments, removals and cremated interments shall be handled by the cemetery personnel. (Ord. No. 2118, 1/18/94)

### SECTION 11-380 ZONE FOR BURIAL SERVICES.

When deemed necessary to assure a proper burial, the superintendent may establish and properly mark a zone in which only persons attending the funeral may enter. (Ord. No. 2118, 1/18/94)

### SECTION 11-381 CONSTRUCTION DURING FUNERALS.

- A. All work of any description shall cease while a funeral is being conducted nearby.
- B. All trucks and workmen shall withdraw to a reasonable distance from the location of the funeral interment.
- C. This regulation applies to all contract workers as well as cemetery personnel. (Ord. No. 2118, 1/18/94)

### SECTION 11-382 BURIAL CONTAINERS.

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, it is required that all burials must be made in an outside container made of metal or concrete. (Ord. No. 2118, 1/18/94)

### SECTION 11-383 DISINTERMENT AND REMOVALS.

- A. No disinterment and removal to another location within the cemetery of a body will be permitted without the written consent of the legal heirs or unless by a duly authorized public official.
- B. No disinterment and removal to another location of a body will be permitted without a permit from the Oklahoma State Department of Health. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-384 GRAVE ACCOUNTS, CEMETERY FEES AND CHARGES.

- A. The full purchase price of the designated grave and grave opening shall be paid preceding any proposed interment.
- B. Arrangements for the payment of any and all indebtedness due to the city shall be made before any proposed interment can take place.
- C. The charges for any disinterment or removal as provided by the Master Fee Schedule shall be paid in advance to the office of the city clerk before any disinterment or removal will be effected. (Ord. No. 2118, 1/18/94)

SECTION 11-385 INTERMENT FOR PROFIT: REMOVAL, PROVISIONS GOVERNING.

- A. Lot owners shall not allow interments to be made on their lots for remuneration of any kind.
- B. Removal, by the heirs, of a body or cremated remains so that a plot may be sold for profit, or a removal contrary to the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.
- C. A body, or cremated remains, may be removed from its original plot to a larger or better plot in the cemetery, when there has been an exchange or purchase for that purpose.
- D. The city shall exercise due care in making a disinterment and removal, but it shall assume no responsibility for damage to any casket, burial case, or urn incurred in making the disinterment and removal. (Ord. No. 2118, 1/18/94)

SECTION 11-386 INTERMENTS: PERSON PER GRAVE.

- A. The interment of two (2) or more persons in one grave space is prohibited.
- B. Only in the case of mother and infant if interred at the same time or in the case of twin infants interred on the same day will interment of two (2) persons in one grave be allowed.
- C. Two (2) cremation burials are allowed on one grave space.
- D. One cremation burial is allowed if grave space is occupied by a body. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

SECTION 11-387 ROADS, DRIVES, ETC.: RIGHTS OF INTERMENT.

No easement or right-of-interment shall be granted to any plot owner in any road, drive, alley or walk within the cemetery but such road, drive, alley or walk may be used as a means of access to the cemetery, lots or buildings, as long as the cemetery devotes it to that purpose. (Ord. No. 2118, 1/18/94)

SECTION 11-388 LOTS, INTERMENT RIGHTS.

- A. Persons may be interred in any lot even though they do not have an interest therein. Upon a timely written objection duly filed with the superintendent by any person interested in the lot, no interment will then be allowed except upon written consent of all parties interested in the lot.
- B. An heir at law, as determined by a court of competent jurisdiction, of any record owner, may be buried in the lot provided in these rules or in the laws of the state. (Ord. No. 2118, 1/18/94)

SECTION 11-389 GRAVE MOUNDS.

Grave mounds are not allowed. (Ord. No. 2118, 1/18/94)

SECTION 11-390 OPENING OF CASKETS.

No person shall open a casket within the confines of the cemetery prior to burial unless that person is next of kin to the deceased, or has written permission of the deceased's next of kin. (Ord. No. 2118, 1/18/94)

SECTION 11-391 CHARGES ESTABLISHED.

- A. All charges for grave spaces, burials, removals or other services shall be in accordance with the Master Fee Schedule.
- B. A schedule of cemetery prices can be obtained from the office of the city clerk upon request. (Ord. No. 2118, 1/18/94)

SECTION 11-392 SUPERVISOR IN CHARGE OF FUNERALS.

All funerals and interments within the cemetery grounds shall be under the direction of the superintendent or his duly appointed representative. (Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

ARTICLE G

DECORATIONS

SECTION 11-393 DECORATIONS, REMOVAL.

- A. The city shall retain the right to remove all floral design, flowers, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgment of the superintendent, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained.
- B. Winter decorations, holly, evergreens, or artificial wreaths or other artificial floral pieces may be placed on graves from October 1st through May 1st. All such decorations remaining after May 1st shall be removed.
- C. All decorations and vases placed in the cemetery for Memorial Day shall be removed within seven (7) days after Memorial Day. (Ord. No. 2118, 1/18/94)

SECTION 11-394 DECORATIONS, LIABILITY.

- A. The city shall not be liable for floral pieces, baskets, or floral containers or frames in which or to which such floral pieces are attached, beyond the act of acceptance of such floral pieces for cemetery use.
- B. The city disclaims any liability for damage of any kind that may occur to floral decorations in the normal course of cemetery operation. (Ord. No. 2118, 1/18/94)

SECTION 11-395 DECORATIONS, PROHIBITIONS.

- A. The planting of trees, plants, shrubs, or flowers on lots or graves is prohibited. Tree and shrub planting may be done under the supervision of the superintendent.
- B. Wire, metal rods, wooden stacks, or any other items are strictly prohibited from being used to brace, support, or stabilize any vases, flower containers or pots.
- C. The placing of boxes, shells, toys, metal design, ornaments, chairs, settees, glass, wood and iron cases and similar articles upon lots or graves spaces shall not be permitted and, if so placed, the cemetery shall remove same and assume no responsibility for their return to the owner.

Parks, Recreation & Cemetery

- D. Empty glassware, metal containers or baskets when found shall be considered abandoned and shall be removed and the city shall assume no responsibility for their return to the owners. (Ord. No. 2118, 1/18/94)

SECTION 11-396 DECORATIONS: RESTRICTIONS.

- A. Artificial flowers shall be allowed in urns only, during the summer months of June through September.
- B. New shrub plantings must be cared for by the lot owner:
  - 1. Shrubs must be kept within the size limits of thirty-six (36) inches in height and twenty-four (24) inches in diameter;
  - 2. When shrub planting is done, every effort is to be made to keep that shrubbery within the confines of the lot in which it is planted; and
  - 3. Any shrubbery allowed to grow larger will be removed.
- C. When a purchase of two (2) grave spaces or more is made, the owner is allowed to place one shrub at each end of a double marker only:
  - 1. Shrubbery is also permitted on each end of a family monument; and
  - 2. Shrubbery may also be placed between two (2) single markers on a double grave lot.
- D. All new shrub plantings must be approved by the superintendent. (Ord. No. 2118, 1/18/94)

SECTION 11-397 GRADING OF GRAVES.

- A. The grading of grave spaces, lots and grounds or improvements shall be performed by cemetery personnel and any improvements made in violation of the provisions of this chapter may be removed and the expense of such removal shall be charged to the owner or heirs of the lot or grave.
- B. The grade of lots is fixed at the time of the preparation of the ground for sale and no change in the established grade will be allowed. (Ord. No. 2118, 1/18/94)

SECTION 11-398 DAMAGE.

- A. The superintendent and his staff will make every effort to prevent loss or damage to any decorations within the cemetery.
- B. They will not, however, be held responsible for those same decorations.  
(Ord. No. 2118, 1/18/94)

Parks, Recreation & Cemetery

CHAPTER 4

LAKES AND CREEKS

ARTICLE A

GENERAL PROVISIONS

Section 11-401 Swimming, wading, in certain waters prohibited; proviso.  
Section 11-402 Public use hours of Lake Sahoma & Pretty Water Lake.

ARTICLE B

BOATS AND BOATING

Section 11-405 Gasoline motor powered boats prohibited upon certain lakes,  
creeks.  
Section 11-406 Operation of boats powered by motors exceeding twelve (12)  
horsepower upon Lake Sahoma and Lake Sapulpa.  
Section 11-407 Rules and regulations for use of motor driven boats upon Lake  
Sahoma.  
Section 11-408 Boat permit required.  
Section 11-409 Enforcement of article.

ARTICLE C

HUNTING DUCKS, GEESE, UPON LAKE SAHOMA,  
LAKE SAPULPA AND PRETTY WATER LAKE

Section 11-410 Permit required.  
Section 11-411 Issuance, generally; duplicate to be retained by city clerk.  
Section 11-412 Prerequisites to issuance, generally.  
Section 11-413 Waiver and release of liability to be signed by applicant.  
Section 11-414 Classification; period of validity.  
Section 11-415 Fees, generally.  
Section 11-416 Disposition.  
Section 11-417 Transferability; to be carried by permittee.  
Section 11-418 Provisions applicable to Lake Sahoma and Pretty Water Lake,  
duck blinds.  
Section 11-419 Registration and record of hunters.  
Section 11-420 Use of certain firearms prohibited.  
Section 11-421 Violations and penalties.

ARTICLE D

Parks, Recreation & Cemetery

FISHING

Section 11-425	Applicability of article.
Section 11-426	Permit required.
Section 11-427	Issuance generally.
Section 11-428	Classification; fees; persons under seventeen (17) years of age or age sixty-five (65) or older.
Section 11-429	State license prerequisite to issuance.
Section 11-430	Printing; record.
Section 11-431	Disposition of funds received under article.
Section 11-432	Game fish regulations generally.
Section 11-433	Size and catch of certain fish restricted.
Section 11-434	Closing waters regulated by article.
Section 11-435	Enforcement of article.

ARTICLE A

GENERAL PROVISIONS

State Law Reference: For state law as to authority of city relative to municipally-owned lakes, etc., see 11 O.S., Secs. 33-201 to 33-205. See also, 63 O.S., Sec. 823.

SECTION 11-401 SWIMMING, WADING, IN CERTAIN WATERS PROHIBITED; PROVISIO.

Swimming, wading and bathing is hereby prohibited in any of the waters composing the water supply of the city, more definitely described as follows, to-wit:

The Country Club Lake and Euchee Creek from such lake to Rock Creek and the tributaries of Euchee Creek, Lake Sahoma, Pretty Water Lake, Pretty Water Stream and Rock Creek and their tributaries from such lake to the dam on Rock Creek below the city golf course; provided, that nothing herein shall be construed to prohibit persons wearing watertight wading boots or watertight clothing from wading in such waters not exceeding the height of such boots or clothing; and provided further that nothing herein shall prohibit tube floaters wearing watertight clothing from fishing in Pretty Water Lake. (Prior Code, Sec. 15-1; Ord. No. 684, Secs. 1, 2; Ord. 2402.)

Parks, Recreation & Cemetery

SECTION 11-402 PUBLIC USE HOURS OF LAKE SAHOMA AND PRETTY WATER LAKE.

- A. It is hereby established and declared that the city-owned property known as Lake Sahoma is hereby declared open to the public from 6:00 A.M. each day until 10:00 P.M. in the evening. Such property shall be closed from 10:00 P.M. until 6:00 A.M. the following morning, at which time it shall reopen. During the established Trout Season, Pretty Water Lake is hereby declared open to the public from sunrise to sunset only. During the established Catfish/Panfish Season, Pretty Water Lake is hereby declared open to the public from sunrise to 10:00 p.m. only. (Ord. 2402)
- B. It shall be unlawful and a violation of this section for any person to enter, be on or remain on Lake Sahoma or the Pretty Water Lake property during the time that such property is closed, with the following exceptions:
1. City employees engaged in the scope of their employment; or
  2. Persons holding valid fishing licenses from the city; provided, that such persons are engaged in fishing; provided, further, that such persons do not disturb others or cause any disturbance in the area;
  3. Campers holding a valid overnight camping permit and camping in city approved and designated areas. No person shall camp within a park area unless such person possesses a current and valid camping permit which shall be issued by the city on a per day basis after payment of the fee reflected by the Master Fee Schedule. Permanent camping facilities, the digging or leveling of any ground and the use of glass containers in any park or lake area are prohibited. Authorized camping is limited to tents and recreational vehicles only with no more than two tents per tent campsite and one recreational vehicle per recreational vehicle campsite. (Ord. 2402).
- C. Any unauthorized person found on such property during hours the property is closed or any person authorized to be on such property but who causes, creates or participates in a disturbance shall be guilty of a misdemeanor. (Prior Code, Sec. 15-1.1.; Ord. No. 1787, Secs. 2, 3; Ord. No. 1822, Sec. 3.)

Parks, Recreation & Cemetery

ARTICLE B

BOATS AND BOATING

SECTION 11-405 GASOLINE MOTOR POWERED BOATS PROHIBITED UPON CERTAIN LAKES, CREEKS.

The use and operation of boats powered or driven by gasoline motors, or which have a gasoline powered motor attached, upon Pretty Water Lake or any of the lakes, creeks and laterals composing the water supply of the city, except Lake Sahoma, is hereby prohibited; provided, that nothing in this section shall be construed to prohibit the use of boats powered or driven by electric motors. (Prior Code, Sec. 15-2; Ord. No. 903, Sec. 1; Ord. 2402.)

SECTION 11-406 Deleted by Ord. 2402

SECTION 11-407 RULES AND REGULATIONS FOR USE OF MOTOR DRIVEN BOATS UPON LAKE SAHOMA.

The following rules and regulations covering the use of motor driven boats upon Lake Sahoma and Pretty Water Lake are hereby and put into effect:

1. Boats shall not be operated in a reckless or imprudent manner, or in such a manner as to endanger the person or property of others;
2. Rowboats shall at all times have the right-of-way over motor-driven boats, and such motor driven boats shall keep a safe distance from rowboats on such lake;
3. Motor driven boats shall at all times remain a safe distance from each other;
4. Boats shall not be operated at a speed exceeding twelve (12) miles per hour on the main body of the lake below the markers designating such area. Boats shall not be operated at a speed exceeding four (4) miles per hour on the west end of such lake above such markers;
5. Motors shall not be operated on any coves or fingers of the lake marked off by buoys;
6. Boats in an unsafe condition shall not be permitted to operate upon such lake. Each boat upon such lake shall be equipped with not less than one life preserver of an approved type for each occupant;

## Parks, Recreation & Cemetery

7. Persons under the influence of intoxicating liquor shall not be permitted upon such lake. It is also forbidden for a person to have intoxicating liquor in his possession while upon such lake;

8. Racing of motor-driven boats upon such lake is prohibited unless special permission therefor is given by the city council of the city;

9. Every boat upon such Lake Sahoma after dark or during the nighttime shall carry a light which shall be so placed as to be easily visible to occupants of other boats; and

10. Any person wilfully violating any of these rules and regulations, or operating or proposing to operate boats which do not meet the above requirements, shall not be permitted upon Lake Sahoma.

(Prior Code, Sec. 15-4; Ord. No. 2402)

### SECTION 11-408 BOAT PERMIT REQUIRED.

Every person, other than one possessing a current city general, trout or catfish/panfish fishing license, and who is operating a vessel on any city lake is required to first obtain a city boat permit from the city clerk or his duly authorized representative and pay the required fee for same as reflected by the Master Fee schedule. Annual boat permits will expire on December 31 of the year issued; daily permits will expire at sunrise the day following issuance. (Ord. 2402)

### SECTION 11-409 ENFORCEMENT OF ARTICLE.

The officer designated by Section 11-435, or any special officer appointed by the city manager, or any police officer of the city shall have the authority to enforce the provisions of this article, and to make arrests for violations hereof. (Prior Code, Sec. 15-5; Ord. No. 903, Sec. 4.)

## ARTICLE C

### HUNTING DUCKS, GEESE, UPON LAKE SAHOMA, LAKE SAPULPA AND PRETTY WATER LAKE

State Law Reference: For state law as to game and fish generally, see 29 O.S., Sec. 101 et seq.

Parks, Recreation & Cemetery

SECTION 11-410 PROHIBITED AND PERMIT REQUIRED.

It shall be unlawful for any person to hunt ducks or geese or migratory wildfowl upon city property, with the exception of hunting upon Lake Sahoma, without first having obtained a permit to hunt from the city. It shall be unlawful for any person to hunt with ammunition that is toxic or not steel. (Prior Code, Sec. 15-6; Ord. No. 2402.)

SECTION 11-411 ISSUANCE, GENERALLY; DUPLICATE TO BE RETAINED BY CITY CLERK.

Permits required by Section 11-410 shall be issued by the city clerk or his duly authorized representative and a duplicate thereof shall be kept as a record by the city clerk. (Prior Code, Sec. 15-7; Ord. No. 834, Sec. 1.)

SECTION 11-412 PREREQUISITES TO ISSUANCE, GENERALLY.

The applicant for a permit as required by Section 11-410 shall, before obtaining the same, exhibit a license to hunt from the state for the current year issued to such applicant and shall have complied with all applicable state and federal regulations. (Prior Code, Sec. 15-8; Ord. No. 834, Sec. 1.)

SECTION 11-413 WAIVER AND RELEASE OF LIABILITY TO BE SIGNED BY APPLICANT.

Every applicant for a hunting permit as required by this article shall, before receiving the same, execute a waiver and release of any liability to the city for damages to his person or property received while hunting upon Lake Sahoma or property of the city. (Prior Code, Sec. 15-9; Ord. No. 2402)

SECTION 11-414 CLASSIFICATION; PERIOD OF VALIDITY.

Hunting permits as required by Section 11-410 shall be yearly, which shall cover the current calendar year; provided, that such permits shall be valid only during the open season for hunting provided by state and federal laws and regulations. (Prior Code, Sec. 15-10; Ord. No. 834, Sec. 1.)

SECTION 11-415 FEES, GENERALLY.

The fee charged for the permit as required by Section 11-414 shall be as set by the Master Fee Schedule. (Prior Code, Sec. 15-11; Ord. No. 834, Sec. 1; Ord. No. 1798, Sec. 1.)

Parks, Recreation & Cemetery

SECTION 11-416 DISPOSITION.

All fees collected from the sale of hunting permits required by this article shall be placed in a fund separate from all other funds of the city, to be designated the "hunting and fishing fund" and the monies from such fund shall be used only for the improvement of hunting and/or fishing conditions upon the lakes enumerated in Section 11-410 or in payment of a patrolman to enforce the provisions of this article. (Prior Code, Sec. 15-12; Ord. No. 834, Sec. 2.)

SECTION 11-417 TRANSFERABILITY; TO BE CARRIED BY PERMITTEE.

Hunting permits as required by Section 11-410 shall be nontransferable and shall be carried upon the person while hunting. (Prior Code, Sec. 15-13; Ord. No. 834, Sec. 1.)

SECTION 11-418 PROVISIONS APPLICABLE TO LAKE SAHOMA, DUCK BLINDS.

The city manager or his duly authorized designee shall cause to be designated and numbered the locations for duck blinds upon Lake Sahoma. Such locations shall be assigned to holders of yearly hunting permits under rules and regulations adopted by the parks and recreation department of the city. In addition, the following rules and regulations apply to any duck blinds:

1. Applications for such duck blind locations shall be filed with the city clerk, or with the officer of the city duly designated by him, not more than thirty (30) days nor less than twenty (20) days prior to the date of the opening of duck season for the current year. Applicants shall be assigned such locations by lot; provided, that if there are more applications than blind locations, such locations shall be assigned to the applicants first filing applications, or in any other manner as adopted by the parks and recreation department of the city;

2. No duck blinds shall be constructed without first obtaining a permit from the city clerk or his duly authorized designee for the construction and placement of a blind, and payment of the required fee as reflected by the Master Fee Schedule. No blind may be constructed within 200 yards of an existing blind location and no fishing or hunting shall be permitted within 200 yards of an occupied duck blind. Location of any blinds is within the discretion of the city. All duck blinds shall be constructed large enough to accommodate at least three (3) hunters and with a length or breadth of six (6) feet facing the lake. Blinds shall be solidly constructed of boards of not less than one inch in thickness and shall be boarded up at least three (3) feet from the bottom or floor thereof. Construction of these blinds shall be entirely completed at least three (3) days prior to the opening of Teel season or the blind shall be given to the first person making application for;

## Parks, Recreation & Cemetery

3. A blind location may be assigned to from one to three (3) persons and the persons to whom assigned are to be jointly and severally responsible for the construction of such blind;

4. Hunting from boats is allowed to the extent said boat is directly in front of an approved and designated blind location. When not in use, all boats left by the owners beside the duck blinds shall be securely docked;

5. At least one of the blind holders shall be at the Lake Sahoma concession stand by 6:30 a.m. in order to claim his blind for that day. If the blind is not claimed by such time it shall be given by the lake custodian to the first person making request therefor for such day. Persons other than the blind holder regularly assigned such blind shall have full hunting privileges therein, including the right to use the decoys. The holder of the duck blind assignment may not assign his rights thereto to any other person. The city hunting permit must be posted in the blind at all times while said blind is in use.

(Prior Code, Sec. 15-14; Ord. No. 2402)

### SECTION 11-419 REGISTRATION AND RECORD OF HUNTERS.

Persons hunting upon Lake Sahoma shall register for each day's hunt with the lake custodian who shall keep a permanent record of such registrations. (Prior Code, Sec. 15-15; Ord. No. 2402)

### SECTION 11-420 USE OF CERTAIN FIREARMS PROHIBITED.

The shooting of rifles or pistols of any calibre and of shotguns loaded with shot larger than size No. 4 is hereby prohibited upon the lakes mentioned in Section 11-410. (Prior Code, Sec. 15-16; Ord. No. 834, Sec. 5.)

### SECTION 11-421 VIOLATIONS AND PENALTIES.

A holder of a duck blind assignment under this article failing to comply with the provisions of Section 11-418 shall forfeit his right to such location for the current year. Any person violating any of the other provisions of this article shall, upon conviction, be punished as provided by Section 1-108 of this code.

Parks, Recreation & Cemetery

ARTICLE D

FISHING

SECTION 11-425 APPLICABILITY OF ARTICLE.

The provisions of this article shall be effective upon all the creeks, lakes and laterals composing the water supply of the city, and upon Pretty Water Lake and Rock Creek from Lake Sahoma to the south boundary of the municipal park of the city.

SECTION 11-426 PERMIT REQUIRED.

Except as provided in Section 11-428, it shall be unlawful for any person to fish in or upon any of the waters designated by Section 11-425 without obtaining and having in possession a fishing permit from the city. In addition, it shall be unlawful for any person to fish upon Pretty Water Lake without first obtaining and having in possession a Trout Fishing or Catfish/Panfish Fishing Permit from the city. (Prior Code, Sec. 15-19; Ord. No. 765, Sec. 2; Ord. No. 777, Sec. 1; Ord. No. 1004, Sec. 1; Ord. No. 2402)

SECTION 11-427 ISSUANCE GENERALLY.

The permits required by Section 11-426 shall be issued by the city clerk or by his duly authorized agent for such purpose. (Prior Code, Sec. 15-20; Ord. No. 765, Sec. 2; Ord. No. 777, Sec. 1; Ord. No. 1004, Sec. 1.)

SECTION 11-428 CLASSIFICATION; FEES; PERSONS UNDER SEVENTEEN (17) YEARS OF AGE OR AGE SIXTY-FIVE (65) OR OLDER.

- A. Fishing permits as required by this article shall be of the following three (3) kinds:
1. A yearly permit, which shall entitle the holder to fish for the period of the calendar year (except on Pretty Water Lake during trout season);
  2. A daily permit, which shall entitle the holder to fish until sunrise following the day of issuance thereof (except on Pretty Water Lake during trout season);
  3. Trout fishing permit, which shall entitle the holder to fish in or upon Pretty Water Lake during the period of October 28 through March 31, or other period designated by the city as trout season.

Yearly, daily and trout fishing permits shall be sold for such sums as are set by the Master Fee Schedule. Such permits to fish shall not be required of persons under the age

## Parks, Recreation & Cemetery

of seventeen (17) years if such persons are accompanied by the holder of a permit; provided, further, that not more than two (2) persons under the age of seventeen (17) years shall be allowed to fish with the holder of one permit; and provided, further, that no fee shall be charged persons sixty-five (65) years of age or older or from a person who has a disability as defined by the Americans with Disabilities Act, or who receives SSI income as their major source of income. (Prior Code, Sec. 15-21; Ord. No. 765, Sec. 2; Ord. No. 777, Sec. 1; Ord. No. 1004, Sec. 1; Ord. No. 1798, Sec. 2; Ord. No. 1823, Sec. 1; Ord. 2225.)

### SECTION 11-429 STATE LICENSE PREREQUISITE TO ISSUANCE.

Before the city clerk, or his duly authorized agent, shall issue a permit to fish to any person, as required by this article, such person shall exhibit a current license to fish issued to such applicant by the state. (Prior Code, Sec. 15-22; Ord. No. 765, Sec. 2; Ord. No. 777, Sec. 1; Ord. No. 1004, Sec. 1.)

### SECTION 11-430 PRINTING; RECORD.

The city clerk shall cause consecutively numbered yearly and daily fishing permits to be printed, and shall keep a record in which the number of the permit, the name of the person to whom issued, the date of issuance and the day or year for which the permit is issued is entered in writing, and such record shall be open to inspection to any resident of the city or any game warden of the state. (Prior Code, Sec. 15-23; Ord. No. 765, Sec. 2; Ord. No. 777, Sec. 1; Ord. No. 1004, Sec. 1.)

### SECTION 11-431 DISPOSITION OF FUNDS RECEIVED UNDER ARTICLE.

All monies received by the city clerk from the sale of fishing permits required by this article shall be kept in a separate fund and shall not be used for any purpose other than for the protection and propagation of fish and the maintenance and improvement of such waters for fishing, except that \$0.50 cents from each permit sold may be remitted to or retained by any outside vendor selling such city fishing and/or trout permits. (Prior Code, Sec. 15-24; Ord. No. 2369, 10/1/01.)

### SECTION 11-432 GAME FISH REGULATIONS GENERALLY.

"It shall be unlawful for any person to take, catch or kill any fish commonly designated as game fish from the waters regulated by this article by any means other than by hook and line, flies, plugs or other similar artificial lures.

Fishing by trotlines, juglines, throwlines, limblines, yo-yos, seines and throw nets in all areas of Lake Sahoma and Pretty Water Lake is hereby prohibited. It is also unlawful for any person to seine or use a throw net to catch or kill any fish, minnows, shad, or other aquatic animals or to use a seine or throw net for any purpose within any body of water

## Parks, Recreation & Cemetery

regulated by this chapter, or to fish for commercial purposes upon any such body of water.

As used herein the following terms have the ascribed meaning: a trotline is an unattended line placed in the water with hooks along its length and attached at each end; a jugline is an unattended vertical line with hooks suspended from a non-metallic or non-glass device, drifting free or anchored; a throwline is an unattended line attached at one end and weighted at the other with hooks along its length; a limbline is an unattended line with hooks attached to a limb, branch or other natural object; a yo-yo is an unattended line with hooks and attached to a self activating retracting device; a seine is typically a large net with inkers on one edge and floats on the other that hangs vertically in the water and is used to enclose fish when its ends are pulled together or are drawn ashore; a throw net is a casting net typically ten (10) feet square, which may either be used from a boat or from the shoreline to catch fish, minnows, shad or other aquatic animals.

It shall be unlawful for any person to take, catch or kill any trout or catfish from the waters regulated by this article by any means other than by single rod and reel fishing. Fishing for trout and/or catfish/panfish with more than two rods at a time or with more than two hooks on a rod/line is prohibited. The Catch and Release Rules in effect during the Trout and Catfish Seasons are allowed only if the fish is unharmed and immediately released back into the water. A five (5) creel limit per person per day is hereby imposed during the established trout fishing season and the following catch and release rule shall also be in effect during said season: release is allowed only if the fish is unharmed and if released immediately; if a fish is injured in any way or put on a stringer or in a basket, it may not be released.

Trout Fishing is prohibited upon Pretty Water Lake between sunset and sunrise each day. Catfish/panfish fishing is prohibited from 10:00 p.m. until sunrise each day."

### SECTION 11-433 SIZE AND CATCH OF CERTAIN FISH RESTRICTED.

It shall be unlawful for any person to take and keep from any of the waters designated by Section 11-425 fish of the species known as bass, or any variety thereof, that is smaller than fourteen (14) inches in length. It shall also be unlawful for any person to take, catch or keep in possession more than five (5) bass in any one day, more than ten (10) of any other species of game fish in any one day, and more than fifteen (15) of all species so designated as game fish in any one day. It shall be unlawful for any person to catch or keep in his possession more than five (5) channel catfish from Pretty Water Lake in any one day. It shall also be unlawful for any person to catch or keep in his possession more than five (5) trout from Pretty Water Lake in any one day. State of Oklahoma fishing rules and regulations shall govern any and all other rules and regulations not specifically covered herein. (Prior Code, Sec. 15-26; Ord. No. 765, Sec. 5; Ord. 2402.)

Parks, Recreation & Cemetery

SECTION 11-434 CLOSING WATERS REGULATED BY ARTICLE.

The city council of the city shall have the authority to close any or all of the waters, specified by this article to fishing by resolution duly adopted by such council, and may close the same for any period deemed necessary. (Prior Code, Sec. 15-27; Ord. No. 765, Sec. 7.)

SECTION 11-435 ENFORCEMENT OF ARTICLE.

The city manager may appoint one or more special officers to enforce the regulations of this article, and such officers shall have authority to make arrests for violations of the provisions hereof. (Prior Code, Sec. 15-28; Ord. No. 765, Sec. 6.)

Parks, Recreation & Cemetery

CHAPTER 5

GOLF COURSE

ARTICLE A

GENERAL PROVISIONS

Section 11-501	Composition.
Section 11-502	When course closed to public.
Section 11-503	Destroying, mutilating, etc., greens, fairways, etc.; driving, etc., motor vehicle thereon.
Section 11-504	To be operated as separate utility.
Section 11-505	Green fees.

ARTICLE B

GOLF COURSE COMMISSION

Section 11-511	Creation of commission.
Section 11-512	Size, term.
Section 11-513	Composition, qualifications.
Section 11-514	Quorum, procedure.
Section 11-515	Votes.

SECTION 11-501 COMPOSITION.

For the purposes of this chapter, the municipal golf course shall include all that portion of the municipal park of the city used as, or in connection with, such golf course, but shall exclude the following portions of such municipal park:

1. The roadside park and tennis courts adjacent to U.S. Highway 66;
2. The softball and baseball fields; and
3. The picnic area south of the caretaker's house and along the west side of Wallace Street.

(Prior Code 4-23; Ord. No. 1131, Sec. 3)

Parks, Recreation & Cemetery

SECTION 11-502 WHEN COURSE CLOSED TO PUBLIC.

The municipal golf course of the city shall be closed to the public between the hours of 8:30 P.M. and 4:00 A.M. of each day of the year except that on Thanksgiving Day, Christmas Day and New Years Day, the course shall be closed to the public for the entire day, and it shall be unlawful for any person, except officers and employees of the city, to go upon such golf course or the greens, fairways and other portions thereof between such hours or on such days. (Prior Code 4-24; Ord. No. 2425)

SECTION 11-503 DESTROYING, MUTILATING, ETC., GREENS, FAIRWAYS, ETC.;  
DRIVING, ETC., MOTOR VEHICLE THEREON.

It shall be unlawful for any person to wilfully destroy, mutilate or damage the greens, fairways or other parts of, or appurtenances to, the municipal golf course, and it shall further be unlawful for any person, other than an officer or employee of the city, to drive or operate a motor vehicle on the greens and fairways thereof; provided, that this prohibition shall not apply to motorized golf carts operated by persons engaged in playing golf on such course. (Prior Code, Sec. 4-25; Ord. No. 1131, Sec. 2)

SECTION 11-504 TO BE OPERATED AS SEPARATE UTILITY.

The municipal golf course of the city shall be operated as a separate utility outside of the general fund of the city and the revenue therefrom shall be carried in a separate cash fund to be designated as the "municipal golf course cash fund," to be used for the maintenance and operation of the golf department and for such other purposes as may be permitted by law. (Prior Code 4-26; Ord. No. 1183, Sec. 1)

SECTION 11-505 GREEN FEES.

A. Persons using the municipal golf course shall pay greens fees for the use of the golf course as set forth in this section.

B. Greens fees for Monday through Friday per eighteen (18) holes played and for Saturdays, Sundays and holidays per eighteen (18) holes played shall be in such sums as are set by the Master Fee Schedule. Additionally, a period to be known as "twilight play" is hereby established for periods past 5:00 P.M. on all days the golf course is open, during which time a green fee as set by the Master Fee Schedule for nine (9) holes of golf is hereby established.

C. Persons wishing to do so may purchase annual permits which will allow them use of the golf course without the purchase of greens fees as set forth in Subsection B above. Charges for annual permits shall be as set forth in the Master Fee Schedule.

## Parks, Recreation & Cemetery

1. Individual permit,
2. Persons aged sixty-five (65) or over,
3. Student through twelfth (12<sup>th</sup>) grade.

D. All persons shall be required to sign in prior to tee off and shall be required to obtain a "fee permit" for each eighteen (18) holes played. The fee permit must be carried while on the course. The fee permit per eighteen (18) holes played shall be set by the city council by motion or resolution. Such charge shall not apply to those persons holding unexpired annual permits as of March 21, 1988. Such persons shall be subject to all fee requirements however, upon the expiration of their annual permit. The normal fee permit charge provided for herein shall be reduced to a rate as set by the city council for twilight play and additionally for any person wishing to play only nine (9) holes or less.

E. All annual permits shall expire on the anniversary date of purchase.

F. No "lifetime passes" shall be issued to persons except upon resolution of the city commission.

H. No "free passes" shall be issued to present or former members of the city council.

I. *Establishment of Golf Course Improvement Fund.* In order to compensate the City for costs associated with capital improvements to be made at the golf course and to raise the funds necessary for such improvements, the sum of one dollar (\$1.00) from each green fee charged and collected by the city and the sum of one dollar (\$1.00) from each golf cart fee charged and collected by the city shall be earmarked and received in escrow by the city in a separate fund for such a purpose and the interest earnings if any will be added to the fund. This fund may then only be used by the city to pay all or any portion of the capital construction improvement costs at the golf course, including design and engineering costs. The city will deposit all such earmarked funds into a separate escrow account which may be used only for capital improvements to the city golf course.

(Prior Code, Sec. 4-26.1; Ord. No. 1813; Ord. No. 1915; Ord. No. 1967; Ord. No. 1984; Ord. No. 2426)

Parks, Recreation & Cemetery

ARTICLE B

GOLF COURSE COMMISSION

Section 11-511	Creation of commission.
Section 11-512	Size, term.
Section 11-513	Composition, qualifications.
Section 11-514	Quorum, procedure.
Section 11-515	Votes.

SECTION 11-511 CREATION.

A golf course commission is hereby created to advise the city council on golf course related matters. (Ord. No. 2102, 12/21/92)

SECTION 11-512 SIZE, TERM.

The golf course commission shall consist of seven (7) members appointed by the mayor, and approved by the council, as follows:

1. Two (2) for five (5) years;
2. Two (2) for four (4) years;
3. One for three (3) years;
4. One for two (2) years; and
5. One for one year.

Thereafter, each member shall serve for five (5) years or until a successor has been appointed, but in no event shall a member serve more than three (3) consecutive terms. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. (Ord. No. 2382, 8/5/02)

SECTION 11-513 COMPOSITION, QUALIFICATIONS.

The commission shall be composed of at least three (3) persons with a knowledge for the game of golf. (Ord. No. 2102, 12/21/92)

SECTION 11-514 QUORUM, PROCEDURE.

In order to conduct official business, a quorum consisting of five (5) members must

## Parks, Recreation & Cemetery

be present. Meetings shall be held at the call of the chair and at such other times as the commission may determine. The chair, or in the absence of the chair, the vice-chair, or acting chair may administer oaths and compel attendance of witnesses. All meetings, deliberations, and voting of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the vote of each individual member, or if absent or failing to vote, indicating such fact. Records of the commission are public records which shall be kept and immediately filed in the office of the city clerk within city hall. (Ord. No. 2102, 12/21/92)

### SECTION 11-515 VOTES.

All decisions made by the commission will be by majority vote of the members present. (Ord. No. 2102, 12/21/92)



Planning, Zoning & Development

PART 12

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1

BOARDS AND COMMISSIONS

ARTICLE A

ECONOMIC DEVELOPMENT DEPARTMENT

Section 12-101 Economic Development Department Created.

ARTICLE B

ECONOMIC DEVELOPMENT ADVISORY BOARD

Section 12-110 Economic Development Advisory Board.  
Section 12-111 Board Qualifications  
Section 12-112 Board Composition  
Section 12-113 Terms of Office  
Section 12-114 Meeting Times

CHAPTER 2

ZONING REGULATIONS

Section 12-201 Zoning ordinance adopted.  
Section 12-202 Penalty.  
Section 12-203 Miscellaneous Planning and Administration Fees.

CHAPTER 3

LANDSCAPE REGULATIONS

Section 12-301 Purpose.  
Section 12-302 Applicability and Exemptions.  
Section 12-303 Landscape Requirements.  
Section 12-304 Administration.

## Planning, Zoning & Development

### CHAPTER 4

#### SUBDIVISION REGULATIONS

Section 12-401	Title
Section 12-402	Authority
Section 12-403	Purpose and intention
Section 12-404	Jurisdiction
Section 12-405	Conflict with public or private provisions
Section 12-406	Severability
Section 12-407	Saving provision
Section 12-408	Amendments
Section 12-409	Conditions of approval
Section 12-410	Subdivision requirement and waiver
Section 12-411	Modifications.
Section 12-412	Tense and definition
Section 12-413	Penalty
Section 12-414	Technical advisory committee
Section 12-415	Computer aided drafting of plat and record drawings
Section 12-416	Filing and Permit Fees
Section 12-417	Exemptions
Section 12-418	Application - sketch plat
Section 12-419	Application - preliminary plat and preliminary construction plans
Section 12-420	Application - final construction plans
Section 12-421	Application - final plat
Section 12-422	Application - planned unit development
Section 12-423	Platting accuracy
Section 12-424	Sketch plat - specification requirements
Section 12-425	Preliminary plat - specification requirements
Section 12-426	Preliminary construction plans - specification requirements
Section 12-427	Final construction plans - specification requirements
Section 12-428	Final plat - specification requirements
Section 12-429	General planning design requirements
Section 12-430	Streets - design requirements
Section 12-431	Sidewalks - design requirements
Section 12-432	Alleys - design requirements
Section 12-433	Blocks - design requirements
Section 12-434	Building lines
Section 12-435	Lots
Section 12-436	Easements
Section 12-437	Floodplain areas
Section 12-438	Stormwater drainage and detention facilities

## Planning, Zoning & Development

Section 12-439	Park and recreation fee
Section 12-440	Sewage disposal and water supply
Section 12-441	Hillside development
Section 12-442	Planned unit development
Section 12-443	Monuments
Section 12-444	Change of limits of access
Section 12-445	General requirements for improvements
Section 12-446	Improvements required
Section 12-447	Plans and improvements required
Section 12-448	Inspections and certifications
Section 12-449	Record drawings
Section 12-450	Improvements acceptance or forfeiture
Section 12-451	Maintenance bond
Section 12-452	Lot split procedure - authority
Section 12-453	Lot split procedure - intent and purpose
Section 12-454	Lot splits - city
Section 12-455	Usage of terms
Section 12-456	Words and terms defined

## CHAPTER 5

### FLOOD DAMAGE PREVENTION

Section 12-501	Findings of fact.
Section 12-502	Statement of purpose.
Section 12-503	Methods of reducing flood losses.
Section 12-504	Definitions.
Section 12-505	Lands to which this Ordinance applies.
Section 12-506	Basis for establishing the areas of special flood hazard.
Section 12-507	Establishment of development permit.
Section 12-508	Compliance.
Section 12-509	Abrogation and greater restrictions.
Section 12-510	Interpretation.
Section 12-511	Warning and disclaimer or liability.
Section 12-512	Designation of the floodplain administrator.
Section 12-513	Duties and responsibilities of the floodplain administrator.
Section 12-514	Permit procedures.
Section 12-515	Variances.
Section 12-516	Provisions for flood hazard reduction.
Section 12-517	Provisions for flood hazard reduction; specific standards.
Section 12-518	Standards for subdivisions.
Section 12-519	Floodways.
Section 12-520	Severability.

## Planning, Zoning & Development

Section 12-521	Penalties for non-compliance.
Section 12-522	Certification.

### CHAPTER 6

#### GATED COMMUNITIES

Section 12-601	Restriction on gated access.
Section 12-602	General location requirements.
Section 12-603	Turn around lane.
Section 12-604	Prohibition of tire damaging devices.
Section 12-605	Council approval of circulation plans.
Section 12-606	Applicability of city standards to controlled access developments.
Section 12-607	Homeowners association responsibilities.
Section 12-608	Minimum gate width.
Section 12-609	Emergency release required.
Section 12-610	Electrical battery backup required.
Section 12-611	Rapid entry key lock requirements.
Section 12-612	Minimum lane width established.
Section 12-613	Events requiring open gate established.
Section 12-614	Covered entry structure requirements.
Section 12-615	Access agreement with fire department required.
Section 12-616	Fire department approval of access agreement.
Section 12-617	Registration fee.

### CHAPTER 7

#### EARTH CHANGE REGULATIONS

Section 12-701	Purpose and Scope.
Section 12-702	Definitions
Section 12-703	General Provisions; Rules For Interpretation
Section 12-704	Earth Change Permit Required
Section 12-705	Permit Review
Section 12-706	Application for Earth Change Permit
Section 12-707	Earth Change Policies and Standards
Section 12-708	Earth Change Exemptions
Section 12-709	Enforcement and Penalties

Planning, Zoning & Development

CHAPTER 1

BOARDS AND COMMISSIONS

ARTICLE A

ECONOMIC DEVELOPMENT DEPARTMENT

Section 12-101. Economic Development Department Created.

SECTION 12-101. ECONOMIC DEVELOPMENT DEPARTMENT CREATED.

A City of Sapulpa Economic Development Department is hereby created for the purpose of attracting and recruiting business and industry to Sapulpa as well as retaining and assisting in the expansion of existing commercial and industrial enterprises. The Economic Development Director shall be appointed by the City Manager and serve under his/her supervision and control as provided by the Sapulpa City Charter, City of Sapulpa personnel policies and procedures and State law.

The duties of the Economic Development Director include, but are not limited to, the development and dissemination of marketing and demographic materials, call visits, preparation and packaging of incentive programs, application and use of local, state and federal grants and loans, serving as a facilitator and advocate of business with City departments while assuring compliance with public safety codes, developing and implementing economic development strategies and working with community, metropolitan, state and national governmental agencies and individuals to attract new business and assist with the expansion of existing commercial and industrial enterprises in Sapulpa and the surrounding area.”

ARTICLE B

ECONOMIC DEVELOPMENT ADVISORY BOARD

Section 12-110.	Economic Development Advisory Board.
Section 12-111.	Board Qualifications
Section 12-112.	Board Composition
Section 12-113.	Terms of Office
Section 12-114.	Meeting Times

SECTION 12-110. ECONOMIC DEVELOPMENT ADVISORY BOARD.

The Sapulpa Economic Development Advisory Board is hereby created for the

## Planning, Zoning & Development

purpose of making recommendations to the Mayor, City Council, City Manager and Economic Development Director regarding the economic development affairs of the City. The Board is charged with also providing advice and oversight to the City Manager and Economic Development Director regarding business prospects and the implementation of economic development incentives and strategies.

### SECTION 12-111. BOARD QUALIFICATIONS

Seven (7) of the voting members shall be residents of the City of Sapulpa or Creek County. The remaining voting members shall reside or have a business interest in the City of Sapulpa or Creek County.

### SECTION 12-112 BOARD COMPOSITION

The Sapulpa Economic Development Advisory Board shall be composed of the following (9) voting members and five (5) ex-officio members, with the Mayor or his designee acting as chair-person of the committee:

The Mayor and three (3) other City Councilors currently or thereafter appointed by the Mayor and confirmed by the City Council to the City of Sapulpa's Community and Economic Development Committee;

Two (2) representatives of local banks appointed by the Mayor and confirmed by the City Council;

One (1) Sapulpa Area Chamber of Commerce Board Member appointed by the Mayor and confirmed by the City Council;

One (1) UpTown Sapulpa Action, Inc. a/k/a Main Street Board Member appointed by the Mayor and confirmed by the City Council;

One (1) board member of the Creek County Industrial Authority appointed by the Mayor and confirmed by the City Council; and

Five (5) ex-officio members consisting of the City Manager, Economic Development Director, Executive Director of the Chamber of Commerce, Executive Director of Sapulpa Main Street, and one member at large appointed by the Mayor and confirmed by the City Council.

### SECTION 12-113 TERMS OF OFFICE:

The term of the City Councilors on the City's Community and Economic Development Committee shall coincide with their respective term on the City Council. The two (2) local bank representatives shall serve four (4) year terms except that the

## Planning, Zoning & Development

respective terms of the first bank appointee shall serve a term of two (2) years and the second bank appointee shall serve a term of four (4) years. The term of the Sapulpa Area Chamber of Commerce board member shall coincide with their Chamber term. The term of the Main Street Board member shall coincide with their term on the Main Street Board. The term of the ex-officio members shall coincide with their tenure of office, provided that the member at large shall serve until otherwise replaced.

### SECTION 12-114                      MEETING TIMES

The regular meetings of the Sapulpa Economic Development Advisory Board shall be held at least quarterly at a regular repeating time established by the Board.”

Planning, Zoning & Development

CHAPTER 2

ZONING REGULATIONS

Section 12-201	Zoning ordinance adopted.
Section 12-202	Penalty.
Section 12-203	Miscellaneous Planning and Administration Fees.

SECTION 12-201 ZONING ORDINANCE ADOPTED.

The city has adopted Ordinance No. 2017, 6/5/89, setting forth zoning regulations of the city, and all amendments thereto, as the city's zoning regulations. This zoning ordinance, and all amendments thereto, are hereby adopted and incorporated herein by reference and are applicable in the city as fully as if set out at length herein. A copy of the zoning ordinance and amendments are on file in the office of the city clerk. (Prior Code, App A)

SECTION 12-202 PENALTY.

Any violation of the city's zoning regulations, as set out in Sec. 12-201 of the code or in ordinances of the city, is punishable as provided in Section 1-108 of this code. Each separate day that a violation continues shall constitute a separate offense.

SECTION 12-203 MISCELLANEOUS PLANNING AND ADMINISTRATION FEES.

There is hereby assessed and imposed certain charges, as set forth in the Master Fee Schedule for special services rendered by the urban development and zoning staff of the City to the general public for various planning and administrative services and functions rendered during the normal course of business.

Planning, Zoning & Development

CHAPTER 3

LANDSCAPE REGULATIONS

Section 12-301	Purpose.
Section 12-302	Applicability and Exemptions.
Section 12-303	Landscape Requirements.
Section 12-304	Administration.

SECTION 12-301 PURPOSE.

The purposes of these landscape requirements are:

- A. To promote the beautification of the City of Sapulpa and to enhance the quality of life;
- B. To promote reasonable preservation and replenishment of valued trees and vegetation;
- C. To aid in establishing an ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and storm water runoff retardation; and
- D. To achieve a meaningful urban forest, while permitting economically feasible urban development to occur.

SECTION 12-302 APPLICABILITY AND EXEMPTIONS.

The Landscape Requirements herein established shall be applicable to all land for which a building permit is sought; provided, however, that the Landscape Requirements shall not be applicable to the following:

- A. Individual single family or duplex lots where only one such structure is to be constructed on the lot; or barns and similar types of structures on AG (Agriculture) zoned property;
- B. Restoration of buildings constructed prior to the adoption date of this ordinance which are damaged by fire, flood or other catastrophe;
- C. Interior remodeling; or
- D. Construction of a structure, other than a building, which does not increase the developed area of a lot more than 30 square feet.

Planning, Zoning & Development

SECTION 12-303 LANDSCAPE REQUIREMENTS.

A. FRONTAGE AND PERIMETER REQUIREMENTS

1. Not less than 15% of the street yard shall be established and maintained as landscaped area.
2. Within the lot, a landscaped area shall be established and maintained which is not less than seven and one-half (7.5) feet in width and which extends along the entirety of the abutting street right-of-way. For lots abutting arterial streets a landscaped area shall be established which is not less than ten (10) feet in width.
3. Within a lot used for office, commercial, industrial or multi-family residential purposes, off-street parking shall be separated from an abutting residential district or residential development area (as in a PUD) by a landscaped area of not less than ten (10) feet in width.
4. Required building setbacks shall be landscaped in accordance with street yard standards.
5. Street yard landscaped areas shall be included in the minimum computation.
6. New single family or duplex residential additions abutting arterial streets shall provide a landscaped buffer of not less than ten (10) feet in width. Setbacks from the arterial, which are larger than ten (10) feet will be provided at each side of project entry, drive at its intersection with an arterial.
7. For lots abutting state highway rights-of-way, a landscaped area shall be established and maintained which is not less than fifteen (15) feet in width and which extends along the entirety of the abutting arterial.
8. Landscaping shall not be required in vehicular access points and shall not be allowed to obstruct site triangles.

## Planning, Zoning & Development

B. PARKING AREA REQUIREMENTS: Within surface off-street parking areas, landscaped areas shall be established and maintained as follows:

1. For lots 2.5 acres or less in size, no parking space shall be located more than 50 feet from a landscaped area which contains at least 30 square feet having a minimum width or diameter of five feet. A landscaped area must contain at least one tree.
2. For lots greater than 2.5 acres in size, no parking space shall be located more than 75 feet from a landscaped area which contains at least 100 square feet having a minimum width or diameter of seven feet. A landscaped area must contain at least one tree; however, all landscape areas 200 square feet or more in size shall contain at least two trees.

C. TREE REQUIREMENTS: Trees, as defined herein, shall be selected from those listed in Appendix C. Additional tree requirements include the following:

1. Within the street yard, trees shall be preserved, planted and maintained, or replaced as follows:
  - a. One tree for each 1000 square feet, or fraction thereof, of street yard.
  - b. Each existing tree in the required street yard which is at least six inches in caliper and which is removed for the development of the parking area, shall be replaced at a 2:1 ratio within the required street yard. In other words, two (2) replacement trees shall be counted as one (1) tree for purposes of compliance with street yard tree planting requirements.
2. One tree for each ten (10) parking spaces shall be required for surface parking areas, located outside the street yard, in all zoning districts except CBD. Each required landscape area shall require at least one tree.
3. If surface parking areas, located in the CBD zoning district and designed for 20 or more spaces, have parking areas within 25 feet of a public street right-of-way, then trees shall be preserved, planted and maintained, or replaced as follows:
  - a. One tree for each 35 lineal feet of parking area located along and parallel to the street boundary; and
4. Required trees shall be located within 10 feet of the public street right-of-way.

## Planning, Zoning & Development

5. An existing or planted tree which is at least six inches in caliper shall be considered as two trees for the purpose of determining compliance, provided that there is no alteration of the soil grade under the existing tree's drip line.
6. Planted trees shall be planted in a pervious area not less than three feet in diameter.
7. Minimum tree sizes at the time of planting shall be as follows:
  - a. Ornamental trees shall be not less than 6 feet in height and 1 inch in caliper
  - b. Conifers and evergreen trees, such as pine, spruce or cedar, shall be not less than five feet in height; and
  - c. Canopy trees shall not be less than eight feet in height and 2 inches in caliper.
8. Surface parking areas designed for 10 or more spaces and located within 25 feet of state highway rights-of-way trees shall have trees planted, preserved and/or replaced as follows:
  - a. One tree for each 50 lineal feet of parking area which is located along and parallel to the street boundary; and
  - b. Each existing tree in the required street yard which is less than six (6) inches in caliper and which is removed for the development of the parking area shall be replaced at a 3:1 ratio within the required street yard. In other words, three (3) trees shall count as one (1) tree for the purposes of compliance with street yard planting requirements.
9. Landscaped buffers separating new single family or duplex residential additions from arterial streets shall be treated as follows:
  - a. A minimum of one tree shall be planted for each 50 feet of lineal street frontage.
  - b. Tree sizes shall conform to the standards outlined in this section.
  - c. Each existing tree which is removed, or caused to be removed, by the developer of the addition during street grading or utility placement, and which is larger than six inches in caliper when

## Planning, Zoning & Development

measured at three feet above the ground, shall be replaced at a 2:1 ratio with trees sized as designated in this section. The new trees shall be located within the 10 foot landscaping buffer area adjacent to the arterial street or the expanded entry area setbacks. Two (2) replacement trees count as one (1) tree toward the satisfaction of the 1 per 50 linear foot requirement of Section 1702 C.8.a.

- d. Preservation or planting of trees, larger than six (6) inches in caliper, within the required landscaped areas shall be considered as two (2) trees for the purpose of determining compliance provided that there is no alteration of the soil under the existing tree's dripline.

### D. MISCELLANEOUS REQUIREMENTS.

1. Artificial vegetation of any type will not satisfy the requirements of this chapter.
2. Required landscaping will be irrigated by one of the following methods:
  - a. An underground sprinkler system;
  - b. A drip system; or
  - c. A hose attachment within 100 feet of all landscaped areas.
3. All landscaped areas which are adjacent to pavement shall be protected with curbs or equivalent barriers.
4. Landscaping shall not obstruct traffic visibility.
5. Required landscaping shall be maintained in a live and healthy condition and shall be replaced as necessary to comply herewith. In addition landscape areas will be neatly trimmed and mowed and free of weeds.
6. Required landscaped areas shall be maintained free of debris and litter.

### E. INCENTIVE CREDITS.

To encourage preservation of existing mature trees and/or planting of larger trees, each square foot of landscaped area which is permeable and within the drip line of a tree of at least six inches in caliper shall constitute 1.5 sq. ft. of landscaped area for

## Planning, Zoning & Development

the purpose of meeting the 15% street yard landscaping requirement. The following conditions shall apply:

1. Overlapping drip line areas shall be counted only once.
2. At least one-half of the drip line shall be permeable.
3. The original grade of the drip line shall not be changed.
4. The 1.5 square foot credit shall not constitute more than 25% of the landscape requirement.

### F. PARKING CREDITS.

All nonresidential development, requesting a building permit prior to the adoption date of this ordinance shall be given one acre or less in size, the following parking credit:

The required number of off-street parking spaces shall be reduced by one space for each 300 square feet of street yard which is required to be landscaped.

## SECTION 12-304 ADMINISTRATION.

### A. LANDSCAPE PLAN

An application for a building permit for uses requiring landscaping shall include a landscape plan which provides the following:

1. The date, scale, north arrow, project name and name of owner
2. The location of the property lines and dimensions of the tract.
3. The approximate center line of existing water courses; the approximate location of significant drainage features; the location and size of existing and proposed utility easements and overhead utility lines on or adjacent to the lot; and the existing and proposed sidewalks on or adjacent to the lot.
4. The location, size and type (trees, shrub, ground cover, or grass) of proposed landscaping and the location and size of the proposed landscaping areas.
5. Planting details and/or specifications.

## Planning, Zoning & Development

6. The method of protecting damage to the existing trees which are to be retained during construction.
7. The proposed irrigation system, including a drawing of the nature and the location of the system.
8. The schedule of installation of required landscaping and appurtenances shall occur prior to the hook up of utilities. The Planning staff may grant approval for hook up prior to the completion of tree installation, based upon a specific tree planting schedule, not to exceed a temporary occupancy permit time limit.

### B. CERTIFICATION OF INSTALLATION.

Prior to utility hook up, the owner, an architect, landscape architect or a professional engineer licensed to practice in the State of Oklahoma shall certify in writing to the City that the installation of the landscaping and appurtenances has been accomplished in accordance with the approved landscaping plan.

In the event that the Urban Development staff has granted approval for hook up of utilities prior to the completion of tree planting, the owner, an architect, landscape architect or a professional engineer licensed to practice in the State of Oklahoma shall provide written certification that all trees have been installed in accordance with the approved plan. Such certification shall be provided prior to issuance of the occupancy permit or within the time frame approved in the specific tree planting schedule, and shall not exceed the time allowed in the temporary occupancy permit. If certification is not received within this time frame, it will be considered a violation of the Zoning Code and the developer will be subject to daily fines until certification has been received.

### C. ADMINISTRATIVE REVIEW.

After receipt of the landscaping plan, the Urban Development staff shall:

1. Approve the landscaping plan as complying with the requirements of this Chapter; or
2. Approve the landscape plan with conditions which bring it into compliance with the requirement of this Chapter; or
3. Reject the landscape plan as failing to comply with the requirements of this Chapter.

## Planning, Zoning & Development

### D. ALTERNATIVE COMPLIANCE.

If the City Planner rejects the landscape plan, the applicant may request, after payment of a fee as set by the Master Fee Schedule, that the Board of Adjustment review the plan and determine that the plan as presented implements the intent of the Chapter although it does not meet the technical requirements of this Chapter. However, in the case of such an appeal, public notice shall be given to the abutting property owners and a notice published in the paper.

### SECTION 12-304 DEFINITIONS.

The Zoning Code of the City of Sapulpa, be and the same is hereby amended by adding the following definitions:

“Caliper” shall mean the diameter of the tree trunk measured at six (6) inches above ground level for a tree trunk having a diameter of four (4) inches or less and the diameter of the tree trunk measured at twelve (12) inches above ground level for a tree trunk exceeding four (4) inches.

“Developed area” shall mean the area of a lot which, on the adoption date, is covered by a structure, off-street parking or loading areas or other areas paved with all-weather material.

“Drip line” shall mean the periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

“Existing buildings” shall mean buildings completed and existing at the time of application for the building permit.

“Landscaped area” shall mean, within a lot, the unpaved area containing grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools, or planters.

“Street yard” shall mean the minimum required yard (residential) abutting a public street or the area of a lot contained between the minimum required building setback line (nonresidential) and an abutting public street.

“Tree” shall mean a woody plant and shall be one of the varieties listed in and included in Appendix C to the city zoning code.”

## Planning, Zoning & Development

### CHAPTER 4

#### SUBDIVISION REGULATIONS

Section 12-401	Title
Section 12-402	Authority
Section 12-403	Purpose and intention
Section 12-404	Jurisdiction
Section 12-405	Conflict with public or private provisions
Section 12-406	Severability
Section 12-407	Saving provision
Section 12-408	Amendments
Section 12-409	Conditions of approval
Section 12-410	Subdivision requirement and waiver
Section 12-411	Modifications.
Section 12-412	Tense and definition
Section 12-413	Penalty
Section 12-414	Technical advisory committee
Section 12-415	Computer aided drafting of plat and record drawings
Section 12-416	Filing fee
Section 12-417	Exemptions
Section 12-418	Application - sketch plat
Section 12-419	Application - preliminary plat and preliminary construction plans
Section 12-420	Application - final construction plans
Section 12-421	Application - final plat
Section 12-422	Application - planned unit development
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Section 12-439	Park and recreation fee

## Planning, Zoning & Development

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Section 12-450	Improvements acceptance or forfeiture
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Section 12-456	Words and terms defined

### SECTION 12-401                      TITLE

These regulations shall hereafter be known as the Subdivision Regulations of the City of Sapulpa and referred to as "Regulations" in this text.

### SECTION 12-402                      AUTHORITY

The Sapulpa Metropolitan Area Planning Commission (hereafter referred to as "Planning Commission") pursuant to the powers vested through Title 19, Oklahoma Statutes, Chapter 19.a, Sections 12 and 13, as amended, does hereby exercise the power and authority to review, approve and disapprove plats for the subdivision of land within the City of Sapulpa.

### SECTION 12-403                      PURPOSE AND INTENTION

The purpose and intention of these Regulations is a follows:

1. To provide for the physical development of the City of Sapulpa in accordance with the Comprehensive Plan and the Major Street and Highway Plan;
2. To provide for the most beneficial relationship between the development of land and buildings, and the circulation of traffic throughout the City of Sapulpa, particularly regarding, but not limited to, the following: avoidance of congestion of streets and highways; providing for appropriate

## Planning, Zoning & Development

movement of traffic and pedestrians for various uses of land; and providing for the proper location of streets and of building lines;

3. To secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or to the Comprehensive Plan or plans for the area; for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, police and other emergency vehicles, parking lots, parks, light and air; and for the avoidance of the congestion of population;
4. To establish a subdivision process that is expeditious, efficient and cost effective as possible, while providing for the public health, safety, convenience and general welfare;
5. To ensure that proper legal descriptions, monumenting of land and adequate and accurate record of platting and land subdivision are kept in conjunction with the subdivision process;
6. To insure that public facilities and utilities are available that will have sufficient capacity to serve the proposed subdivision while providing for the orderly development of the general community.
7. To consider the natural beauty and topography of the City of Sapulpa and to encourage appropriate development with regard to all natural features; and
8. To provide that the costs of improvements that primarily benefit the tract of land being developed be borne by the owners and developers of the tract.

### SECTION 12-404

### JURISDICTION

These Regulations shall apply to the subdivision of all land within the corporate limits of the City of Sapulpa, as established by law now in effect or as may be amended from time to time. These Regulations shall apply to the following forms of land subdivision:

1. The division of land into two or more tracts, lots, sites, parcels, units, plots, or interests for the purpose of sale, lease or development, any one of which when subdivided shall contain less than ten (10) acres in area; or
2. The division of land previously subdivided or platted into tracts, lots, sites, parcels, units, plots, or interests of less than ten (10) acres in area; or

## Planning, Zoning & Development

3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public or private utility companies; or
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

### SECTION 12-405 CONFLICT WITH PUBLIC OR PRIVATE PROVISIONS

#### 1. Public Provisions

These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation or statute, or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other ordinance, rule, regulations, or other provision of law, whichever provision is more restrictive shall control.

#### 2. Private Provisions

These Regulations are not intended to interfere with, abrogate, or annul any easement, covenant, or any other private agreement or restriction, provided that where these Regulations are more restrictive, or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall control.

### SECTION 12-406 SEVERABILITY

If any part or provision of these Regulations or the application thereof shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other part, section, clause, paragraph, portion or provision of these Regulations.

### SECTION 12-407 SAVING PROVISION

These Regulations shall not be construed as abating any action now or pending under, or by virtue of, prior existing Regulations, or as discontinuing, abating, or modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City, except as expressly provided in these Regulations.

## Planning, Zoning & Development

### SECTION 12-408 AMENDMENTS

For the purpose of providing for the public health, safety, convenience and general welfare, the Planning Commission may, from time to time, recommend amendments to the provisions of these Regulations. Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law. The recommendations of the Planning Commission on amendments to these Regulations shall be forwarded to the City Council for final approval and adoption.

### SECTION 12-409 CONDITIONS OF APPROVAL

The regulation of the subdivision of land and the attachment of reasonable conditions of approval to the regulations of land, is a valid exercise of the police power delegated to the City of Sapulpa by the State of Oklahoma. The subdivider has the duty to comply with said reasonable conditions laid down by the Planning Commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economic development of the City of Sapulpa and to the safety and general welfare of future owners of realty in the subdivided land and the community at large.

### SECTION 12-410 SUBDIVISION REQUIREMENT AND WAIVER

For any land which has been rezoned upon application, no building permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat; as the case may be, submitted to and approved by the Planning Commission or City Council and filed of record in the office of the County Clerk where the property is located. The Planning Commission, upon a showing that the purposes of these Regulations have already been achieved by a previously approved subdivision or would not be achieved by a plat or replat, may waive the requirements for a plat or replat.

### SECTION 12-411 MODIFICATIONS

#### 1. General

The design requirements of these Regulations may be modified by the Planning Commission where unusual topographic or other exceptional conditions require such modification, to the extent that the Planning Commission determines that the purpose of these Regulations may be served by an alternative proposal. The Planning Commission shall not approve any modification to any procedural requirement of these Regulations or other such modification where the granting of such will be detrimental to the public safety, health, general welfare, or be injurious to other public or private property or improvements, or where the granting of such modification will diminish in any way the intent of any governing zoning code or the Comprehensive Plan.

## Planning, Zoning & Development

### 2. Conditions

In approving modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the intent, objectives, standards and requirements of these Regulations.

### 3. Procedure

A request for such modification shall be submitted to the Planning Commission in writing by the subdivider at the time when the preliminary plat is submitted for consideration of the Planning Commission. The request for modification shall state fully the grounds for the application and all facts relied upon by the subdivider.

### 4. Approval

Such modification may be granted only by the affirmative vote of two-thirds (2/3) of the members of the Planning Commission subject to the approval of the plat and acceptance of the dedications shown thereon by the City Council.

## SECTION 12-412 TENSE AND DEFINITION

For the purpose of these Regulations, certain terms and words are to be used and interpreted as defined in Section 7 herein. Words in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular, except where the construction of the writing indicates otherwise. The words "should" and "may" are directory and not mandatory. The word "shall" is mandatory and not directory.

## SECTION 12-413 PENALTY

1. Any person, firm or corporation, who shall violate any of the provisions of these Regulations, or shall fail to comply therewith, shall be deemed guilty of an offense and shall be liable for a fine as provide herein. Each day of such violation shall constitute a separate offense. In addition to the remedies provided herein, the City may institute any other action or proceeding to enforce these Regulations.

2. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these regulations.

3. Whoever, being the owner or agent of the owner of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision or a contract for deed or other instrument before such plat or deed or instrument has been approved by the City

## Planning, Zoning & Development

of Sapulpa and filed of record in the office of the County Clerk, or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of less than ten acres where such tract was not shown of record in the office of the County Clerk as a separately owned at the effective date of the Regulations here provided and not located within a subdivision approved according to law and filed of record in the office of the County Clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the Planning Commission, including approval by the City Council, as applicable, by its endorsement on the instrument of transfer, or contract of sale or other agreement to transfer, shall be subject to the penalties provided below and such transaction shall be unlawful and shall not be recorded by the County Clerk.

4. A violation of these Regulations 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 these Regulations shall be fined not less than five (\$5.00) nor more than twenty dollars (\$20.00) including costs for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

### SECTION 12-414 TECHNICAL ADVISORY COMMITTEE

#### 1. General

There is hereby created a subdivision Technical Advisory Committee (TAC). The TAC shall be responsible for coordinating review and comments, and making reports and recommendations to the Planning Commission on all matters pertaining to the subdivision of land.

#### 2. Committee Membership

The TAC shall be composed of representatives from departments, agencies and offices involved in the subdivision process including, but not limited to the following: City Planning, City Engineering, City Water and Sewer Department, Police Department, Sheriff Department, Fire department, Oklahoma Department of Environmental Quality, School Board, City Park Department, Federal Housing Administration, utility companies, and the U.S. Soil Conservation Services. The Sapulpa City Planner, or the City Planner's designee shall serve as the Chairperson of the TAC and be responsible for calling meetings, and preparation of the minutes and record of all proceedings.

#### 3. Meeting Dates

The TAC shall schedule meetings prior to the Planning Commission meeting and shall otherwise meet upon the call of the Chairperson. Schedules of all TAC regular meeting dates and cutoff dates for filing plats to be reviewed by the TAC will be posted and available in the Planning Commission offices.

## Planning, Zoning & Development

### 4. Recommendations

It shall be the responsibility of the TAC to meet together on the call of the Chairperson, to review and study all preliminary plats, final plats and lot splits and related matters and to submit its findings and recommendations to the Planning Commission.

#### SECTION 12-415 COMPUTER AIDED DRAFTING OF PLAT AND RECORD DRAWINGS

Subdividers with the capability of generating computer layouts and system drawings for plats, water, sanitary sewer, paving, drainage, grading, etc. shall provide the Public Works Department with computer files of such drawings.

#### SECTION 12-416 FILING AND PERMIT FEE

There shall be paid a filing fee for each sketch plat and final plat as reflected in the Master Fee Schedule.

There shall also be an engineering review fee for each subdivision preliminary plat and/or PUD and a fee for non-floodplain commercial / industrial developments and a fee for commercial / industrial additions less than 1CFS with no detention design/build as reflected in the Master Fee Schedule.

All such fees for subdivisions located within the corporate area of the City shall be paid to the City Clerk.

Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary approval without payment of an additional filing fee by the subdivider, providing the final plat for the additional area conforms substantially with the approved preliminary plat.

Any developer and/or owner is hereby required to apply for and obtain from the Urban Development Department of the City a Site Preparation Permit, Subdivision Road Grading Permit and Erosion Control Permit, in addition to any other required building or zoning permits, for any development under the jurisdiction of these Regulations. There is hereby imposed a fee for each such permit as set forth in the Master Fee Schedule.

#### SECTION 12-417 EXEMPTIONS

Plats containing four lots or fewer may be exempted from the provisions of all or part of procedural provisions of these Regulations upon written approval of the Planning

## Planning, Zoning & Development

Commission, but such exemption shall not change or diminish the requirements relating to design or to improvements or to other provisions of these regulations.

### SECTION 12-418. APPLICATION - SKETCH PLAT

#### 1. Discussion of Requirement for a Sketch Plat

Before preparing the preliminary plat for a subdivision, the subdivider is encouraged to and at the option of the Planning Commission may be required to prepare a sketch plat after a conference with the Planning Commission Staff. If a sketch plat is required, the subdivider will be advised of the following:

- a. The procedure for approval of a subdivision plat;
- b. Relevant provisions of the Comprehensive Plan, Zoning Code, these Regulations and other development related regulations;
- c. Requirements as to the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters;
- d. Availability of existing services and utilities; and
- e. Where applicable, to discuss the proposed subdivision with those officials and departments which must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

#### 2. Procedures

The following procedures must be followed in the processing of a sketch plat:

- f. A minimum of ten (10) copies of the sketch plat shall be submitted to the Planning Commission Staff at least three (3) weeks prior to the meeting of the Technical Advisory Committee;
- g. The Planning Commission Staff shall transmit the sketch plat for review to the applicable officials or agencies and notify any city, town or county within three miles of the proposed subdivision;

## Planning, Zoning & Development

- h. The Technical Advisory Committee shall review the sketch plat and make a report and recommendation to the Planning Commission at the next regular meeting.
- i. At the subdivider's request, the Planning Commission will review the sketch plat and the report and recommendation of the Planning Staff and Technical Advisory Committee;
- j. After the Planning Commission meeting at which the sketch plat is first reviewed, the Planning Commission, if necessary, may schedule a field trip to the site of the proposed subdivision, accompanied by the Planning Staff, and the subdivider or subdivider's representative;
- k. After review and discussion of the sketch plat, the recommendations and reports of the Planning Commission Staff and Technical Advisory Committee, the Planning Commission shall advise the subdivider of any specific changes or additions that will be required in the layout and character and extent of required improvements and reservations that will be required as a prerequisite to approval of the subdivision plat. The Planning Commission may also require additional changes to the proposed subdivision in later stages of the review and approval process as a result of further study and review of the subdivision plat; and
- l. The Planning Commission shall approve with conditions or disapprove the sketch plat at its next regularly scheduled meeting.

### SECTION 12-419 PRELIMINARY PLAT AND PRELIMINARY CONSTRUCTION PLANS

#### 1. Application Procedures and Requirements

The subdivider shall submit a preliminary plat for approval. A minimum of twenty-five (25) copies of the preliminary plat shall be submitted for review and approval and shall:

- a. be accompanied by an application, a certified list prepared by a licensed abstractor of all abutting property owners of record in the office of the County Clerk in which the property being subdivided is located, a minimum of three (3) copies of the preliminary construction plans and a filing fee as established by the Planning Commission;

## Planning, Zoning & Development

- b. Comply in all aspects with the approved sketch plat, if applicable;
- c. Be filed with the Planning Commission at least four (4) weeks prior to the Planning Commission meeting at which it will be considered; and
- d. Include for review by the TAC and Planning Commission staff public and private covenants and deeds of dedications that will appear on the face of the final plat. See Appendix for recommended language.

### 2. Review

#### a. The Planning Commission Staff shall:

- (1) Distribute copies of the preliminary plat to applicable officials, agencies, or departments, and if a sketch plat was not processed notify any city or town within three (3) miles of the proposed subdivision and the county in which the plat is located;
- (2) Field check the area being platted;
- (3) Review the preliminary plat for conformance with the Comprehensive Plan, Zoning Ordinance, Planned Unit Development conditions, Board of Adjustment actions, and these Regulations and prepare the applicable report and recommendations. This report shall include specific recommendations on any modifications of these Regulations requested by the subdivider; and
- (4) Send written notice of the application to all abutting property owners at least seven (7) days prior to the Planning commission meeting.

#### b. The subdivider shall submit preliminary construction plans for the proposed improvements at the time of application for approval of the preliminary plat to the following departments and/or agencies as applicable:

- (1) The City Engineer shall review and approve the preliminary construction plans for improvements regarding drainage, storm sewers, streets, sidewalks and pedestrian ways, in accordance with the adopted Engineering Design Criteria Standard specifications;

## Planning, Zoning & Development

(2) The City's Public Works Department and/or applicable water or sewer authority shall approve preliminary sanitary sewer and water improvement plans in accordance with the adopted Engineering Design Criteria Standard Specifications; and

(3) The Oklahoma Department of Environmental Quality shall approve preliminary plans for water and sanitary sewer improvements in accordance with adopted standards if the subdivision is to be served by private water or sewer disposal systems.

c. The Technical Advisory Committee shall review the preliminary plat and make a recommendation to the Planning Commission at the Planning Commission's next regularly scheduled meeting. This recommendation shall include specific recommendations on any modifications of these Regulations requested by the subdivider.

### 3. Hearing and approval

a. The Planning Commission shall hold a hearing on approval of the preliminary plat. Notice of such hearing shall be given to all abutting property owners and to the subdivider by mailing a written notice at least seven (7) days prior to the hearing before the Planning Commission.

b. After the Planning Commission has reviewed the preliminary plat, the report and recommendation of the Planning Staff and Technical Advisory Committee and any other municipal recommendations, testimony and exhibits at the hearing, the subdivider shall be advised of any changes and/or additions required in order to comply with these Regulations.

c. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat at such meeting or within thirty (30) days (including the hearing date) after the date of the regular meeting of the Planning Commission at which the hearing on preliminary approval was held and closed.

d. If the preliminary plat is approved with a modification of any requirements of these Regulations, the reasons therefore shall be noted in the record of the review and approval proceedings of the Planning Commission.

## Planning, Zoning & Development

- e. If the preliminary plat is approved with conditions, the Planning Commission may require the subdivider to submit a revised preliminary plat.
- f. If the preliminary plat is disapproved, the reasons for disapproval shall be recorded in the review and approval proceedings of the Planning Commission.
- g. One copy of the proposed preliminary plat as acted upon by the planning Commission with the date of approval, conditional approval, or disapproval and the reasons therefore shall be retained in the Planning Commission offices.
- h. One copy of the proposed preliminary plat as acted upon by the Planning Commission shall be returned to the subdivider with the date of approval, conditional approval, or disapproval with the reasons therefore accompanying the plat.
- i. The approval of a preliminary plat shall be effective for a period of two years from the date of the approval by the Planning Commission unless otherwise approved by the Planning Commission for an extended period of time at the end of which time approval of the final plat must have been obtained from the Planning Commission and City council. Any preliminary plat not receiving approval within the period of time set forth herein, including any extensions approved by the Planning Commission, shall be null and void.
- j. Every plat shall conform to the existing Regulations applicable at the time of approval of the preliminary plat unless modifications have been granted by the Planning Commission.
- k. Subsequent to approval of the preliminary plat, the subdivider may commence construction of the public improvements in accordance with final construction plans approved by the applicable governing authority after arranging for inspection by the responsible public body of said improvements during construction.

### SECTION 12-420 FINAL CONSTRUCTION PLANS

The subdivider shall submit a minimum of three (3) copies of the final construction plans for proposed improvements prior to or simultaneous with the application for approval of the final plat. The plans shall be submitted for review to the

## Planning, Zoning & Development

following departments and/or agencies as applicable and in form and content as required by that agency or department as follows:

1. The City Engineer shall review and approve the final construction plans for improvements regarding streets, sanitary sewer and water improvements, drainage and storm sewers located within a public-right-of-way and sidewalks and pedestrian ways in accordance with adopted Engineering Design Criteria Standard Specifications; and
2. The Oklahoma Department of Environmental Quality shall review and approve final plans for improvements if the subdivision is to be served by private water or sewage disposal systems in accordance with adopted standards and regulations.

### SECTION 12-421 FINAL PLAT

#### 1. Application procedure and Requirements

Following approval of the preliminary plat, the subdivider shall file with the Planning Commission an application for final approval of the subdivision plat. The application for approval of the final plat shall:

- a. Be made as prescribed in these Regulations;
- b. Comply in all respects with the preliminary plat as approved by the Planning Commission.
- c. Be accompanied by a minimum of thirty (30) copies of the final plat as described in these Regulations;
- d. Be filed with the Planning Commission at least four (4) weeks prior to the Planning Commission meeting at which it will be heard; and
- e. Include a final plat filing fee as established by the Planning Commission.

#### 2. Review

- a. The Planning Commission Staff, City Engineer as applicable, shall review the final plat for compliance with the preliminary plat as approved by the Planning Commission.

## Planning, Zoning & Development

- b. The Planning Commission Staff shall make a recommendation to the Planning commission on whether:
  - (1) There has been compliance with all conditions, restrictions and requirements of these Regulations and all other applicable regulations or laws;
  - (2) All conditions attached to the approval of the preliminary plat have been complied with; and
  - (3) The Planning Commission should approve or disapprove the subdivision plat.
  
- 3. Planning Commission Review and Determination.
  - a. The final plat shall be submitted for final approval of the Planning commission and City Council, for final approval the final plat within one (1) year of the date of approval of said preliminary plat.
  
  - b. The Planning Commission shall at that submittal meeting or within thirty (30) days thereafter:
    - (1) Review the final plat and report of the Planning Commission Staff; and
  
    - (2) approve the plat if the conditions of approval of the preliminary plat have been met, or disapprove the plat if the conditions of approval of the preliminary plat have not been met and state in detail in the record of the meeting any reasons for disapproval.
  
  - c. If the governing body of any city or town in the County protests against a subdivision plat of any land lying within three (3) miles of the limits of the incorporated area of such city or town, the plat shall be approved by not less than two-thirds (2/3) of the members of the Planning commission with the reasons therefore stated in the minutes of the meeting.
  
  - d. The requirement for approval and certification of the completion of the required public improvements in accordance with the approved final construction plans shall be received by the Planning Commission Staff in the form of release letters from the applicable City Departments or agencies as required in these Regulations prior to approval of the final plat.

## Planning, Zoning & Development

### 4. Endorsement of Approval on the Final Plat

- a. No final approval shall be endorsed on the final plat until all requirements of final plat approval have been met.
- b. When the subdivider has chosen to install improvements prior to endorsement of the final plat, approval shall not be endorsed on the
- c. When the subdivider has chosen to guarantee construction of the improvements by written agreement, approval shall not be endorsed on the plat until after the agreement has been executed by the subdivider, delivered to the Planning Commission and City Council for their review and approval, and all other conditions of approval pertaining to the plat have been satisfied.
- d. Prior to beginning construction
  - (1) The contractor or developer shall furnish maintenance bond(s) or irrevocable letter(s) of credit and certificate of insurance prior to beginning construction. Bonds and insurance will be sent to the City Attorney for approval and returned to the City Engineer. A copy of a contractor's Bid or Proposal should accompany the bond or irrevocable letter of credit or the Consulting Engineer's cost estimate will be used in determining the amount of the bond.
  - (2) In any case where the Council or Board does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside the subdivision unless a bond, in the amount of one hundred percent (100%) of the estimated cost, is posed for the portion of the drainage or utility improvements that will protect the affected area.
- e. The parties responsible for endorsing approval on the face of the final plat shall be as follows:
  - (1) The City Manager or the authorized designee of the City Manager;
  - (2) The Planning Commission Chairperson or Vice Chairperson so authorized to sign for said Chairperson; and

## Planning, Zoning & Development

(3) The Mayor of the City of Sapulpa upon approval of the City Council.

f. The format of the endorsements of the face of the final plat shall be as specified in Figure 2 of these Regulations.

### 5. Filing of the Final Plat

The approved original final plat shall after being endorsed by all required officials as described in these Regulations be filed in the office of the County Clerk in which the property being subdivided is located.

### 6. Distribution of the Final Plat

After the final plat has been endorsed by all the required officials as described in these Regulations and filed of record with the County Clerk in the county in which the property is located, the Planning Commission Staff shall distribute copies to the applicable officials, agencies or departments and the remaining signed copies to the subdivider.

## SECTION 12-422 PLANNED UNIT DEVELOPMENT

The platting of a Planned Unit Development (PUD) shall proceed in accordance with these Regulations upon approval of the PUD by the City Council, as applicable, in accordance with the applicable sections of the Zoning Ordinance and the conditions of approval of the PUD. The conditions of approval of the PUD, where applicable and as required by these Regulations and the Zoning Ordinance, shall be endorsed on the face of the plat and officially made a part thereof.

## SECTION 12-423 PLATTING ACCURACY

Plats shall be prepared with the following accuracy:

1. Sketch plats shall be prepared to the scale specified herein and may be submitted in free-hand form.
2. Preliminary plats shall be drawn to the scale specified herein, with such accuracy as to determine the location of lot, block, property and boundary lines, utility lines and other facilities, to the nearest one-hundredth of a foot.

## Planning, Zoning & Development

3. Final plats shall be prepared with a minimum linear closure of 1:20,000. The following information shall be submitted on the final plat:

- a. Traverse data for the plat, including the coordinates of the boundary of the subdivision with error of closure;
- b. The computation of all distances, angles and courses that are shown on the final plat unless measured in the field; and
- c. All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.

### SECTION 12-424 SKETCH PLAT

1. The subdivider is encouraged and at the option of the City of Sapulpa may be required to submit a sketch plat (see Figure 3) and to receive comments and recommendations from the Technical Advisory Committee, Planning Commission Staff and Planning Commission that will facilitate processing of the preliminary plat.

2. The sketch plat may be drawn in free-hand pencil to a scale of 1"=100', except where the size or amount of detail requires another scale, and may be superimposed over a topographic map or aerial photograph.

3. The sketch plat shall show the following:

- a. The proposed layout of streets, lots and public areas;
- b. Boundary lines of the proposed subdivision;
- c. Location and width of streets adjacent to the property;
- d. Existing utilities on or adjacent to the property showing type, location and size;
- e. Existing watercourses, floodplains based upon the regulatory flood and storm drainage; and
- f. A topographic map of the area proposed to be subdivided with contour lines having two (2) foot contour intervals based on the United States Coastal and Geodetic Survey Datum.

### SECTION 12-425 PRELIMINARY PLAT

1. The preliminary plat (see Figure 4) submitted for approval shall be prepared by a registered professional land surveyor. The application shall include the names and addresses of the area being subdivided.

## Planning, Zoning & Development

2. The preliminary plat shall be drawn to a scale of 1"=100'; provided, that if the property to be subdivided is less than two (2) acres, the scale may be 1"=50'. If the property being subdivided exceeds 100 acres, the scale may be 1"=200'.

3. The preliminary plat shall show or be accompanied by the following information:

- a. The name and addresses of the owner or owners of the land to be subdivided;
- b. The name and address of the registered professional land surveyor preparing the proposed subdivision;
- c. The date of preparation of the plat, north arrow and scale (written in graphic presentation);
- d. Key or location map showing the location of subdivisions within the mile section;
- e. An accurate legal description;
- f. The location and dimensions of all boundary lines of the proposed subdivision to the nearest one-hundredth of a foot.
- g. The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainage ways and other public ways adjacent to the property.
- h. The location and widths of easements of all oil, gas and petroleum products pipelines and the location and widths of easements of existing utilities on the adjacent to the property, and any required building setbacks there from;
- i. The location of oil or gas wells, either existing active or inactive wells, plugged or unplugged abandoned wells, as shown by the records of the Oklahoma Corporation Commission and by such other oil and gas well service records as may be required by the City of Sapulpa.
- j. The location and description of all existing structures, water bodies and watercourses, and other natural or manmade features (including but not limited to mines that are active or abandoned, caves, etc.) on the property being platted;

## Planning, Zoning & Development

- k. Areas subject to flooding based upon the regulatory flood;
- l. Names, locations and widths of all proposed streets;
- m. The location of drainage ways, pedestrian ways, bike paths, parks, playgrounds, public ways, or other public or private reservations;
- n. All proposed lots numbered, lot dimensions and building setback lines;
- o. All blocks numbered consecutively;
- p. A topographic map of the area proposed to be subdivided with contour lines having two (2) foot contour intervals based on the United States Coastal and Geodetic Survey datum; and
- q. Any other information, including covenants and deeds of dedications, as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision.

### SECTION 12-426 PRELIMINARY CONSTRUCTION PLANS

The preliminary construction plans for improvements shall be submitted for review and preliminary approval with the preliminary approval with the preliminary plat, and shall be prepared by a professional engineer registered in the State of Oklahoma. Plans shall be submitted in accordance with the requirements and specifications of the department or agency having jurisdiction over the improvements and shall show:

1. The location and proposed width of each street, sidewalk and pedestrian way;
2. The location of proposed sanitary sewers and water distribution systems;
3. The proposed plans and specifications for any privately owned water or sanitary sewage system if such a system is to be used.
4. The results of soil percolation tests, if septic tank sewage disposal systems are to be used;
5. A drainage plan indicating the location of proposed storm sewers, location and width of proposed open drainage ways; and

## Planning, Zoning & Development

6. The proposed location and size of stormwater detention or retention facilities if said facilities are required.

### SECTION 12-427 FINAL CONSTRUCTION PLANS

The final plans for improvements shall be submitted for review and approval prior to approval of the final plat and shall be prepared by a registered professional engineer and shall be submitted in accordance with the requirements and specifications of the department or agency having jurisdiction over the improvements and include, at a minimum, the following information.

1. Profiles showing existing and proposed elevations along the center lines of each proposed street, with existing and proposed grades;
2. Cross-sections of each proposed street, pedestrian way and sidewalk showing the type and width of pavement;
3. Plans and profiles showing the location of proposed sanitary sewers, with the grades and sizes indicated;
4. Plans and specifications for privately owned water or sanitary sewage system, if such a system is to be used;
5. Results of soil percolation tests, if a septic tank sewage system is to be used;
6. Plans and profiles of proposed water distribution system, showing pipe sizes and the location of all valves and fire hydrants; and
7. A drainage plan showing all existing and proposed storm sewers, manholes, catch basins, retention or detention facilities, watercourses, culverts and other drainage structures within the tract, or adjacent thereto, with pipe sizes, grades and water openings. The drainage plan shall also show the size of dedicated easements reservations for all detention facilities and drainage ways and whether private or public maintenance is proposed.

### SECTION 12-428 FINAL PLAT

1. The final plat shall be drawn at the same scale as the preliminary plat, and include all the information required as a condition of approval of the preliminary plat and be prepared by a registered professional land surveyor.

## Planning, Zoning & Development

2. The final plat shall be drawn in accordance with the requirements of Oklahoma State Law and these Regulations (see Figure 5). The County Clerk may accept variances to these requirements because of the state of the art of reproductive capabilities.
3. The following information shall be required on the final plat:
  - a. Name of the subdivision;
  - b. The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner and the name and address of the registered land surveyor preparing the final plat;
  - c. The date of preparation of the plat, north arrow and scale (written and graphic presentation);
  - d. Key or location map showing the location of subdivisions within the mile section;
  - e. An accurate legal description of the property;
  - f. The total acres and total number of lots in the subdivision;
  - g. The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainage ways and other public ways, adjacent to the property;
  - h. The boundary of the subdivided area, block boundary, street and other right-of-way lines and distances, angles and/or bearings, and where these lines follow a curve, the central angle, radius, points of curvature, length of the curve and the length of intermediate tangents;
  - i. The accurate dimensions of all property to be offered for dedication for public use and all property for the common use of the property owners within the subdivision with the purpose of use stated on the plat;
  - j. The dimensions of all lots and lot lines and the bearings of all lot lines not parallel or perpendicular to the street right-of-way line;

## Planning, Zoning & Development

- k. All easements shall be denoted by fine dashed lines, clearly identified and dimensioned, and if already of public record, the recorded reference of such easements, the width of the easements with sufficient ties to accurately locate it with respect to the subdivision must be shown;
- l. The boundary lines of the fully urbanized 100 year flood plain shall be delineated on the face of the plat and the following certifications shall be placed on the face of the plat: "The contents of the fully urbanized floodplain are contained within the drainage easements and/or reserve areas as shown."
- m. Easements located outside the boundaries of the plat and required for plat approval;
- n. The deeds of dedication and any deed restrictions applicable to the subdivision shall be shown;
- o. The location of every oil or gas well, either existing active or inactive wells, plugged or unplugged abandoned wells, as shown by the records of the Oklahoma Corporation Commission and by such other well service records as may be required by the City of Sapulpa;
- p. The location of any mines (active or abandoned), caves and other similar manmade or natural geological features;
- q. Blocks shall be consecutively numbered and all lots within each block shall also be consecutively numbered;
- r. The basis of all bearings shall be noted on the face of the plat;
- s. The size, location, description and identification of all monuments to be set. The size, location and identification of all monuments found, found and accepted, retagged, recapped and replaced in making the survey shall be shown to assure the perpetuation or re-establishment of any point or line of the survey;
- t. Coordinates of all block corners, points of intersection, points of curve, points of tangent, points of reverse curve, points of compound curve, center of the cul-de-sac, and center of the eyebrow;

## Planning, Zoning & Development

- u. Any other information as may be deemed by the Planning Commission as necessary for the full and proper consideration of the proposed subdivision; and
  - v. The final plat certificate of approval block, shall be marked on the face of the final plat.
4. The following written certifications will be required prior to final plat approval by the Planning Commission, City Council:
- a. Certification by the registered professional land surveyor as to the accuracy of the survey and of the plat and that the monuments and bench marks are accurate as to location shown;
  - b. Certification by a registered professional engineer that the design of the required improvements is in conformance with the Engineering Design Criteria Standard Specifications and other standards, requirements, and provisions of the applicable agency or department of these Regulations;
  - c. Certification by the City Engineer that the subdivision plat conforms to all locally adopted standards, specifications, these Regulations and the Engineering Design Criteria Standard Specifications;
  - d. Certification by the Oklahoma Department of Environmental Quality that the subdivision conforms to the applicable health regulations; and
  - e. Certification by the City Public Works Department or other applicable authority that the subdivision conforms to all applicable regulations concerning public water supply and sanitary sewer facilities.
5. The following supplemental information shall be submitted with the final plat:
- a. Current certification by a bonded abstractor of the names of the last grantees of record owning the entire interest in the property being subdivided plus holders of mortgages and liens filed of record;
  - b. The consent of all owners of the subject property to the plating of the property;

## Planning, Zoning & Development

- c. Certificate of notice as to the platting of the property to the holders of mortgages and liens thereon; and
- d. Current certification from the Oklahoma Corporation Commission setting forth the status of all oil and gas drilling and related activity on said property and as otherwise required in these Regulations.

### SECTION 12-429 GENERAL PLANNING DESIGN REQUIREMENTS

The design of each subdivision shall be in accordance with the applicable zoning regulations, the policies, goals and objectives of the Comprehensive Plan, these Regulations and the Engineering Design Criteria Standard Specifications. Each subdivision shall relate harmoniously to the existing and planned surrounding development and to the community as a whole. The development of each subdivision shall proceed in an orderly, safe, efficient, and attractive manner once construction is started. The following planning and design requirements shall be addressed in each subdivision:

#### 1. Neighborhood Concept

The Neighborhood Concept shall be recognized in the design and development of each subdivision as described in the Comprehensive Plan. This concept is shown graphically in figure 6.

#### 2. Site Characteristics

Each subdivision plat shall, to the extent practical, be designed to retain the natural topography and vegetation of the site in the building and recreational areas.

#### 3. Parks and Open Spaces

Each subdivision shall contribute to the provision of parks and open spaces (see Figure 7) as required in these Regulations and in accordance with the Comprehensive Plan. Areas purchased or otherwise set aside for public parks and open spaces shall include tracts of land on which unique natural features should be preserved, as well as those lands of suitable size and shape for development as passive and active recreational areas. Environmentally sensitive areas, such as steep slopes, timbered areas, streams and floodplains may, only with the approval of the City of Sapulpa be designated by the subdivider as public park and/or open space areas and utilized as amenities to the development.

## Planning, Zoning & Development

### 4. Circulation

The street and sidewalk system of a subdivision shall be appropriately designed and related to the proposed land use. The density of the proposed development will determine the size of right-of-way and paving in keeping with the areas being served as well as being in accordance with these Regulations, the adopted Engineering Design Criteria Standard Specifications, the Comprehensive Plan and the Major Street and Highway Plan. Residential streets shall be laid out so that their use by through traffic will be discouraged. Arterial streets should serve as the boundaries of neighborhoods.

### SECTION 12-430 STREETS

#### 1. General

The arrangement, character, extent, width grade and location of all streets shall conform to these Regulations, the Engineering Design Criteria Standard Specifications, the Comprehensive Plan and the major Street and Highway Plan. Further, the relationship of existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served shall be considered in the determining the arrangement, character, extent, width, grade and location of all streets, Where streets are not shown on the Comprehensive Plan or the major Street and Highway Plan, the arrangement of such streets in a proposed subdivision shall:

- a. Provide for the continuations or applicable projections of existing streets in the surrounding areas;
- b. Conform to a plan for the neighborhood as reviewed by the Planning Commission and approved by the City Council unless to meet a particular situation in which topographical or other conditions make continuance or conformance to exiting street patterns impracticable; and
- c. Where the plat to be submitted includes only a part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the undivided portion of the tract may be required by the Planning Commission.

#### 2. Access

- a. Each lot in a proposed subdivision shall be provided with access to a public street, or highway to assure the convenience of the lot owner, and including but not limited to access for the following

## Planning, Zoning & Development

public purposes: for adequate and convenient open spaces for traffic, utilities, solid waster collection, access of fire fighting apparatus, police and other emergency vehicles, parking lots, parks, light and air, and for the avoidance of congestion.

- b. Reserve strips controlling access to streets shall be prohibited except where the control of such reserve strips is placed with City of Sapulpa under conditions reviewed by the Planning Commission and approved by the City council.
- c. Where a subdivision abuts or contains an existing or planned arterial street:
  - (1) Nonaccess provisions controlling ingress and egress to such arterial streets may be required by the Planning Commission in accordance with adopted standards to assure traffic safety and to relieve congestion at intersections.
  - (2) The Planning Commission may require reverse frontage lots with limits of access or nonaccess reservations along the rear property line or such other treatment as may be necessary for adequate protection of residential properties affording separation of arterial traffic from ingress and egress to individual lots.

### 3. Border Streets

Where a subdivision borders or contains a railroad right-of-way, drainage way, park, open space are or limited access highway, the Planning Commission may require a street (see Figure 8) approximately parallel to and on each side of such right-of-way or areas at a suitable distance while providing for the applicable use of the intervening land, such as fore park or open space uses in residential districts, or for commercial or industrial purposes in applicable districts. Such distances shall also be determined with due regard for the requirements of approach grade and future grade separations.

### 4. Marginal Access Streets

Where a residential street abuts or contains an existing or proposed street and the subdivider elects to design lots that front the arterial street, the Planning Commission may require marginal access streets from adequate protection of these properties and to afford separating of arterial traffic from the ingress and egress to individual residential lots.

## Planning, Zoning & Development

### 5. Dedication of Right-of-Way

Whenever an existing major street is located adjacent to the outer edge of a subdivision, one-half (1/2) of the right-of-way or areas at a suitable distance while providing for the applicable use of the intervening land, such as for park or open space uses in residential districts, or for commercial or industrial purposes in applicable districts. Such distances shall also be determined with due regard for the requirements of approach grade and future grade separations.

### 6. Alignment

The design speed of residential streets and minimum distance between the centerlines of intersecting streets shall be in accordance with the Engineering Design Criteria Standard Specifications.

### 7. Right-of-Way Widths

The right-of-way widths of all proposed streets shall be in accordance with the Major Street and Highway Plan (see Figure 9) and where not designated therein, the minimum width shall not be less than the following:

TYPE OF STREET	RIGHT-OF-WAY
Freeway/Beltway	As per ODOT and City or County Standards
Primary Arterial	120' <sup>**</sup>
Secondary Arterial and Secondary Arterial Alternate	100' <sup>***</sup>
Commercial Collector/Industrial Collector, Commercial/Industrial Street with Open Drainage, Commercial Business District Street	80'
Residential Collector, Residential Street with Open Drainage, Commercial/Industrial Street	60'
Residential or Minor Street Alleys	60'
Commercial and Industrial	20'
Residential	20'

## Planning, Zoning & Development

- \* 130' Minimum Right-of-Way is required for a right turn lane at the intersections of all primary arterials to extend a distance of 388' paralleling the right side of said street. See Figure 10.
  - \*\* 110' Minimum Right-of-Way is required for a right turn lane at the intersections of all secondary arterials to extend a distance of 388' paralleling the right side of said street. See Figure 10.
    - a. If green ways or drainage ways influenced by topographical features, streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, then the width and location of the right-of-way shall be ultimately determined by the City of Sapulpa as may be deemed necessary to preserve such features.
    - b. The pavement width, standards for street surfacing, curb and guttering, storm sewer design or open space drainage shall be in accordance with the Engineering Design Criteria Standard Specifications.
3. Cul-de-sacs
- a. As a general rule, cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around, and shall have a turn-around radius at the property line of not less than fifty (50) feet.
  - b. If a cul-de-sac is more than 150 feet in length, it shall be provided with a turnaround having a radius of not less than 50 feet at the property line and not less than 40 feet at the curb line.
  - c. When topography or other physically limiting factors and the needs of specific situations make changes to cul-de-sac design standards necessary to secure the best overall design, a variance from these Regulations by the Planning Commission, upon a recommendation from the Technical Advisory Committee, may be allowed.

## 4. Intersections

Street intersections shall be designed as follows:

- a. Streets shall be designed to intersect at right angles as permitted by topography and other limiting factors.
- b. Four-way intersections of minor streets shall be avoided. Three-way T-intersections shall be used for minor interior residential

## Planning, Zoning & Development

streets wherever practicable. Any conflict with other applicable design principles and standards should be avoided.

- c. Street jogs with centerline offsets or less than 125 feet shall be avoided.
- d. Points of access to arterial streets should be limited in number.
- e. Minor street intersections with arterial streets should be no closer than 600 feet from the intersections of other minor and arterial streets.

### 5. Grades

Street grades shall be designed as follows:

- a. The maximum grade for nonarterial streets shall be in accordance with the Engineering Design Criteria Standard Specifications.
- b. All changes in grade shall be connected by vertical curves and designed for safe stopping sight distances and otherwise be in accordance with the Engineering Design Criteria Standard Specifications.
- c. The maximum grade of a residential street when intersecting an arterial street shall be in accordance with the Engineering Design Criteria Standard Specifications.
- d. The maximum grade of residential streets at intersections with other residential streets shall be in accordance with the Engineering Design Criteria Standard Specifications.
- e. Street grades shall be established in such a manner as to avoid excessive grading or removal of tree growth whenever possible.

### 6. Curvature

The radius of curvature on the centerline of all streets shall be designed to reflect the associated design speed and be in accordance with the Engineering Design Criteria Standard Specifications.

## Planning, Zoning & Development

### 7. Street Names and Numbers

- a. No names shall be used that will duplicate or be confused with the names of existing streets. Street names and numbering shall be in accordance with the adopted policy of the City of Sapulpa. Where a street or avenue is an extension of an existing street or avenue, new names or numbers may only be used subject to the approval of the Planning Commission and City Council.
- b. Lot address numbers shall be assigned by the Planning Department and shown on an address plat prepared by the developer.

### SECTION 12-431 SIDEWALKS

The relationship to existing and planned streets, topography, public convenience and safety, and the proposed use of the land being subdivided shall be considered in determining the requirements, arrangement, character, extent, width, grade and location of all sidewalks. Sidewalks shall be constructed in accordance with the Engineering Design Criteria Standard Specifications and as follows:

1. Sidewalks shall be constructed within the dedicated right-of-way and shall be required in accordance with these Regulations.
2. All sidewalk layouts and designs for primary and secondary arterial streets the central business district and other commercial and industrial areas shall be furnished by the City Engineer.
3. Sidewalks shall provide for safe and convenient access for persons with disabilities, including those persons in a wheelchair. Curb ramps shall be constructed in accordance with standard details.
4. The Planning Commission may require (in order to facilitate pedestrian access to schools, parks, playgrounds) perpetual unobstructed easements of not more than ten (10) feet in width to provide adequate pedestrian circulations.

### SECTION 12-432 ALLEYS

Alleys shall be designed and provided as follows:

## Planning, Zoning & Development

1. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, that is consistent with and adequate for the intended uses.
2. The right-of-way width for alleys serving commercial and industrial areas shall be not less than thirty (30) feet.
3. Alleys are not required for residential areas, but when provided, the right-of-way width for residential alleys shall not be less than twenty (20) feet.
4. Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
5. Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning Commission.

### SECTION 12-433 BLOCKS

The length, width and shape of blocks shall be suited for the planned use of the land, be consistent with zoning requirements and the need for convenient access, control and safety of street traffic and the limitations of the topography. Block length and width shall be designed as follows:

#### 1. Length

Block lengths in residential areas shall not be greater than fifteen hundred (1500) feet. In those cases where length of the block exceeds one thousand (1000) feet, the Planning commission may require easements for pedestrian ways through the block which shall have a minimum width of ten (10) feet and a paved sidewalk constructed in accordance with the Engineering Design Criteria Standard Specifications and these Regulations.

#### 2. Width

Blocks for residential areas shall have sufficient width to provide for two (2) tiers of lots of applicable depth except on the boundaries of the subdivision or as required to separate residential development from other types of through traffic. Blocks intended for commercial or industrial uses should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities. Blocks for such uses should not normally exceed six hundred (600) feet.

## Planning, Zoning & Development

### SECTION 12-434 BUILDING LINES

Building lines shall be provided for all residential subdivisions as follows:

1. A front building line shall be located not less than twenty-five (25) feet back of the street right-of-way line.
2. On any lot abutting a major street or highway front yard, setback lines shall be established parallel to and a minimum distance of seventy-five (75) feet from the center line of the major street, but in no case shall any setback line be located less than twenty-five (25) feet from the right-of-way line of the major street. On any corner lot formed by the intersection of two (2) major streets or highways, the lot shall be considered as abutting on both major streets or highways and the same setback requirements shall apply to both front and side yards.
3. a side yard building line on the side of a corner lot abutting the street shall be located a minimum distance of fifteen (15) feet back of the street right-of-way when such lot is back to back with another corner lot, and not less than twenty (20) feet back of the street right-of-way line in every other case.
4. A side yard building line shall be provided not less than ten (10) feet back of a crosswalk right-of-way line on the side on a lot abutting a mid-block crosswalk.
5. Restrictions shall be made requiring that all buildings to be used for residential purposes to set back from side lot lines at least five (5) feet on all interior side lot lines and not less than twenty-five (25) feet from rear lot lines.
6. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.
7. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

### SECTION 12-435 LOTS

Lots shall be designed as follows:

## Planning, Zoning & Development

### 1. Configuration

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and the proposed type of development.

### 2. Access

Every lot shall have frontage on and abut a public street dedicated and maintained by the City or abut a publicly approved private street in a Planned Unit Development, or have other publicly approved access.

### 3. Zoning Requirements

Lot dimensions, yards, building setback lines and lot area shall conform to the minimum requirements of the Zoning code unless varied by the Board of Adjustment or superseded and specified to be otherwise in a Planned Unit Development or be as provided below:

- a. Residential lots shall be a minimum of fifty (50) feet in width at the front building line and shall abut a street a minimum distance of thirty-five (35) feet; except that a corner lot shall be a minimum of sixty (60) feet in width at the front building line.
- b. Side lot lines should be approximately at right angles to straight street lines or radial to curved street center lines.
- c. The depth of residential lots shall be not less than one hundred twenty (120) feet.
- d. The area of residential lots shall be not less than six thousand (6,000) square feet.
- e. In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall be not less than twenty thousand (20,000) square feet and the minimum width of the lot at the front building line shall be one hundred (100) feet.
- f. Lots are not required for subdivisions for commercial and industrial use, but when provided should be of applicable size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.

## Planning, Zoning & Development

- g. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- h. A planting screen easement of at least twenty (20) feet shall be provided along the portion of the lots abutting such traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

### 4. Private Sewer and /or Provide Water

Where a proposed subdivision is not served by a public sewer and/or public water system, lot dimensions and area shall conform to the requirements of the Oklahoma Department of Environmental Quality.

### 5. Corner Lots

Lots at the intersections of streets should exceed the minimum Zoning Code lot area requirements to provide adequate building areas and building setbacks from intersecting streets.

### 6. Lot Depth

Excessive lot depth in relation to lot width is discouraged. A proportion of 1:1 or 2:1 will normally be considered applicable.

### 7. Lot Lines

Side lot lines should be at approximately right angles to straight street lines or radial to curved street lines.

### 8. Parking and Loading

Commercial and industrial lots should be of an appropriate size and shape to provide adequate off-street parking and loading facilities.

## Planning, Zoning & Development

### 9. Double Frontage and Reverse Frontage Lots

Double frontage and reverse frontage lots should be avoided except where necessary to provide separation of residential development from through traffic or to overcome disadvantages of terrain and orientation.

### 10. Acre Lot Subdivisions

When land is subdivided into one (1) acre lots or grater, consideration should be given to the opening of future streets and further subdivision.

## SECTION 12-436 EASEMENTS

Proposed subdivisions shall provide for easements (see Figure 12) as follows:

### 1. General

Easements shall be provided and dedicated in accordance with the Engineering Design Criteria Standard Specifications and these Regulations. Regarding the dedication of required easements, the subdivider shall stipulate that no building, structure, or other above or below ground obstruction shall be placed, erected, installed or permitted on such easement in a manner that will, in the judgment of the City of Sapulpa, interfere with installation, operation, maintenance, repairing, removing, or replacing of utilities.

### 2. Width

Easements, where necessary, shall be of a minimum width of twenty-two (22) feet, eleven (11) feet on each side of all rear lot lines and seventeen and one-half (17.5) feet for perimeter easements or of a width and location as specified by the Technical Advisory Committee and when necessary, be provided along other lot lines for poles, wires, conduits, sanitary sewers, gas, water, power, communications and other utility lines.

### 3. Drainage Easements

Suitable drainage easements, as required by the Engineering Design Criteria Standard Specifications, shall be required on all proposed subdivisions.

### 4. Technical Advisory Committee Review

## Planning, Zoning & Development

The locations, width and alignment of all easements shall be subject to review and recommendation by the Technical Advisory Committee and Planning Commission prior to approval and acceptance by the City of Sapulpa.

### 5. Standard Location of Underground Utilities

The standard location of underground utilities shall be in accordance with Figure 12 of these Regulations.

## SECTION 12-437 FLOODPLAIN AREAS

Lands that are identified on the official maps of the City of Sapulpa as being subject to flooding hazards and periodic inundation, shall not be subdivided into lots, tracts or parcels for any use which would be incompatible with such flooding hazards except as follows:

1. Improvements meeting the standards and requirements of the City of Sapulpa and designed to render such land safe for residential or other uses are made, or satisfactorily guaranteed on such land meeting the approval of the City Engineer as being in accordance with the Engineering Design Criteria Standard Specifications; and
  - a. The intended use of the land is permitted by the adopted ordinances and regulations of the City because such use has a low flood damage potential and will not otherwise obstruct the flow of flood water or increase the flooding hazard to property already developed; or
  - b. The intended use of the land is permitted by a Special Exception, Variance, or by other adopted policy of the City of Sapulpa.

## SECTION 12-438 STORMWATER DRAINAGE AND DETENTION FACILITIES

Stormwater drainage and detention facilities shall be required in accordance with these and other City of Sapulpa regulations and policies as follows:

1. The stormwater drainage system shall be designed and constructed in accordance with the standards and requirements of the Engineering Design Criteria Standard Specifications to receive and to pass the runoff from a 100-year frequency rainstorm under conditions of full urbanization. Full urbanization is defined as the total development that is anticipated. The entire flow shall be contained within said stormwater drainage system.

## Planning, Zoning & Development

2. Stormwater detention facilities, when required, shall be designed and constructed in accordance with the Engineering Design Criteria Standard Specifications.

3. Any construction project with a common plan of development or sale of five or more acres must apply for an OPDES General Construction Permit (Oklahoma Construction Permit). The owner/operator is the party or parties that either individually or taken together meet the following two criteria: 1. they have operational control over the site or project specification including modification to the specifications), and 2. they have day to day operational control of the activities at the site or project necessary to endure compliance with the plan requirements and permit conditions.

There is a \$240 application fee per construction site for processing and renewing permits. Applicants will be billed at the time they receive their permits. The environmental Protection Agency has delegated that the responsibility for storm sewer discharge associated with construction sites throughout the state be permitted under the Oklahoma Department of Environmental Quality through this permit.

### SECTION 12-439 PARK AND RECREATION FEE

As land is developed for residential use, the need for additional park land and improved recreational facilities to serve the community is created. In order to provide funds for this need, a Park and recreation Fee shall be imposed on each residential building permit.

The Park and Recreation fee shall be assessed and paid as follows:

#### 1. Applicability and Amount of Fee

Before a residential building permit is issued to construct any residential dwelling unit the Park and Recreation Fee shall be paid with the building permit application in the following amount:

Single-family Dwellings	\$50.00 + \$15.00 per Bedroom
Duplex Dwellings	\$150.00 + \$25.00 per Bedroom
Multi-family Units	\$200.00 per Dwelling Unit
Mobile or Manufactured Homes	\$200.00 per Lot or Space

#### 2. Determination of the Fee

- A. The number of bedrooms in each proposed dwelling unit shall be determined from the building plans filed with the building permit

## Planning, Zoning & Development

application and shall include as bedrooms, all rooms however, labeled on the plans (other than living rooms, dining rooms, dens, kitchens, and bathrooms) that are suitable for conversion to bedrooms. The number of bedrooms attributable to a unit shall include not only those areas labeled as bedrooms on the plans, but may include any area in the dwelling unit that (because of its size, location, facilities or relationship to other areas of the dwelling unit) is deemed divisible so as to create one or more additional bedrooms

- B. In the case of mobile or manufactured homes, the \$200.00 fee per lot or space shall be paid at the platting stage of the development. The applicable fee will be required to be paid before the final plat is signed and released for recording.
- C. The total amount of the Park and Recreation Fee shall be determined by the Building Inspector of the City of Sapulpa based upon the plans submitted with the building permit application. If the applicant does not agree with the required fee as determined by the Building Inspector, the decision of the Building Inspector may be appealed to the Board of Adjustment.

### 3. Exemptions from the Park and Recreation Fee

The fees imposed by the above sections shall not apply to the following types of construction:

- A. Reconstruction of a dwelling unit or portion thereof that has been damaged or destroyed by fire, flood or other causes over which the owner has not control; or
- B. Expansion, remodeling and/or alteration of a dwelling unit where an additional bedroom is created.

### 4. Park and Recreation Fund

The proceeds of the Park and Recreation Fee shall be set aside in a fund entitled the "Park and Recreation Fund" to be used exclusively for the acquisition of new park land and/or capital and maintenance improvements thereon as follows:

At such time as the City Council, based upon the recommendation of the Park Board (as to the desirability of the tract) and Planning Commission (as to the appropriateness of the intended land use), determines that sufficient funds have

## Planning, Zoning & Development

been accumulated in the Park and Recreation Fund from and for a certain area for the purchase of new park land and/or to make improvements thereon, the governing body of the applicable jurisdiction shall initiate the necessary procedures for such expenditures to be made.

### SECTION 12-440 SEWAGE DISPOSAL AND WATER SUPPLY

#### 1. General Requirements

- A. All subdivisions shall utilize a public water supply approved by the Oklahoma Department of Environmental Quality, the City of Sapulpa, or other applicable authority.
- B. All plans pertaining to the collection and treatment of public sewage must be approved by the Oklahoma Department of Environmental Quality, the City of Sapulpa, or other applicable authority.
- C. All plans pertaining to the distribution and treatment of drinking water must be approved by the Oklahoma Department of Environmental Quality, the City of Sapulpa, or other applicable authority.
- D. Proposed subdivisions that seek or require a tie-on to the public sewer system must be located within the corporate limits of the City of Sapulpa or be annexed into said corporate limits as a condition of and prior to the initiation of such service.

#### 2. Sanitary Sewage Systems

The subdivider shall provide an internal sanitary sewer collection system that is available to each lot within the subdivision. The system shall be designed and constructed as approved by the Oklahoma Department of Environmental Quality and in accordance with these Regulations, the Engineering Design Criteria Standard Specifications and all other applicable regulations. The following additional requirements shall apply:

- a. Where an approved public sanitary sewer system is not available to the subdivision, as determined by the City of Sapulpa regulations, and in order to allow development during the time required to extend the public sanitary system into these areas, a central treatment plant may be allowed on a temporary basis. The plant shall meet all applicable water quality criteria and be designed, constructed and approved by the Oklahoma Department of

## Planning, Zoning & Development

Environmental Quality and the City of Sapulpa and otherwise meet all other applicable standards and specifications of the City of Sapulpa.

- b. In those cases where the development is planned to initially utilize septic tank sewage disposal systems, the developer shall submit soil percolation test results (as required by the Oklahoma Department of Environmental Quality) the City of Sapulpa, as applicable, for each lot in the subdivision to be served by said system demonstrating a soil percolation test rate in accordance with the regulations of the Oklahoma Department of Environmental Quality.
  - c. Restrictive covenants shall be approved and filed with the subdivision plat that state that the use of said systems shall only be in accordance with these Regulations and all other applicable regulations of any approving authority.
  - d. Private sewage systems shall be installed and maintained in accordance with the standards and specifications of the Oklahoma Department of Environmental Quality, and all other applicable regulations of any approving authority.
5. Where a public sanitary sewer systems in not available to the subdivision, but where plans for the installation of sanitary sewers in the vicinity of the subdivision are currently being designed by the City Engineer, the developer shall install such sewers in conformity withy the plans. If immediate connection to that system is not possible and until such time as a connection can be made, the use of private sewage systems may be permitted subject to approval by the City of Sapulpa.

### SECTION 12-441      HILLSIDE DEVELOPMENT

The development of hillside areas or any areas with a slope greater than eight (8) percent shall be designed to minimize grading and filling and in such a manner as to retain the maximum feasible amount of natural ground cover. Areas with slopes in excess of twenty (20) percent shall be utilized as open space or developed as a Planned Unit Development in accordance with the applicable provisions of the Zoning Code and these Regulations.

### SECTION 12-442      PLANNED UNIT DEVELOPMENT

#### 1. General Requirements

When a subdivision is to be developed as a Planned Unit Development (see Figure 13) in accordance with the applicable provisions of the Zoning Code and these

## Planning, Zoning & Development

Regulations, the Planning Commission and the City Council may vary the requirements of these Regulations in order to allow the subdivider more freedom in the arrangement of the subdivision. However, all such development must be done in a manner so as to protect the public health, safety and welfare and future residents of the area, while being consistent with the spirit and intent of these Regulations and the Comprehensive Plan. Any and all variances from these Regulations shall only be granted in accordance with the procedural requirements as provided herein.

### 2. Private Streets and Mutual Access Easements

Private streets and mutual access easements may be allowed in Planned Unit Developments subject to approval by the City of Sapulpa. All such streets shall be reviewed, inspected and built to the same standards as public streets and be maintained by the owners of land within such subdivisions. Private streets and mutual access easements shall always remain open to police, sheriff, fire, and other official vehicles of all municipal, county, state and federal agencies. The following additional requirements shall apply:

- a. Prior to the sale of any land within subdivisions where private streets and mutual access easements have been approved, the subdivider shall erect signs and otherwise assure the maintenance of said sign at all entrances to the subdivision and within the private drive and street right-of-way and mutual access easement indicating that said street is a private street. The manner in which the sign is constructed and installed shall be subject to the approval of the City Engineer.
- b. No deed of conveyance shall ever be filed of record for any land within said subdivision unless said deed clearly states that "all property owners within this subdivision shall automatically become a member of a Homeowners Association, whose responsibility shall include development, complete maintenance and replacement of all private streets and common areas within the Planned Unit Development."
- c. In order to assure that private streets and common areas are properly installed and inspected, no building permit shall be issued for any lot in said subdivision until all improvements, public and private, have been installed in compliance with the approved plan or said installation is assured to the satisfaction of the City Council.

### SECTION 12-443      MONUMENTS

Monuments must be set in sufficient number and be of such durability as not to be readily disturbed, and to assure that together with monuments already existing, the

## Planning, Zoning & Development

perpetuation or re-establishment of any line or point in the survey is possible. Monuments shall be constructed of material capable of being detected with conventional instruments for finding ferrous or magnetic objects. Monuments shall further be in accordance with the following standards and criteria:

1. Be placed at each point in the boundary of the subdivision and be a minimum of fifteen (15) inches long with a minimum diameter of one-half (1/2) inch and be made from iron pipe or bar or be made of such other materials and be of a size as approved by the City Engineer.
2. Be placed at the corner of each lot in the subdivision and be a minimum of fifteen (15) inches long with a minimum diameter of three-eighths (3/8) inch and be made from iron pipe or bar or be made of such other materials and be of a size as approved by the City Engineer.
3. Be placed along the centerline of each street at all street intersections, points of curve, points of tangency, points of compound curve, points of reverse curve, center of cul-de-sacs and center of an eyebrow.
4. In such cases where the placement of a required monument at the required location is impractical as determined by the City Engineer, a witness corner or reference monument must be placed, preferably on a line of survey, with the data given to show its location upon the ground in relation to the subdivision boundary or lot corner.
5. Benchmarks for vertical control shall be established in accordance with the provisions of the Engineering Design Criteria. Vertical control monuments must be placed at an interval of one brass cap per 20 acres or part thereof and spaced proportionately throughout the subdivision.

### SECTION 12-444      CHANGE OF LIMITS OF ACCESS

#### 1. Intent

When land has been platted under these Regulations, or under other applicable law, and the owner of all land affected by the proposal seeks to add limits of access to the plat, or to remove or otherwise alter said limits of access on the plat, such action shall not require replatting nor shall it require vacation of the existing plat.

#### 2. Application

The property owner, or the owner's agent with written permission from the owner shall submit the change of limits of access application which shall include, at a minimum, the following information:

## Planning, Zoning & Development

- a. Drawings: Ten (10) copies of a scaled drawing which should not be of a greater size than 8 ½ x 11" and be drawn on forms provided with the application.
- b. Specifications: The drawing shall include the proposed changes and all existing curb cuts, drives, parking areas, easements, buildings and other relevant information with the distances and dimensions shown from lot lines and adjacent streets.

### 3. Processing

#### a. Planning Staff Review:

The Planning Commission staff and the City Engineer shall review and evaluate the impact of the proposed changes on traffic flow, utility easements, and the implementation of the various plans as adopted by the City, or on the flow of traffic on private streets and adjacent or abutting property owned by persons other than the applicant. Staff comments shall be forwarded to the Technical Advisory Committee.

#### b. Technical Advisory Committee Review

The Planning Commission staff shall present the application to the Technical Advisory Committee for review and comment. The recommendation of said Committee shall be compiled with that of the Planning Commission staff and City Engineer and transmitted to the Planning Commission.

#### c. Planning Commission Review

The Planning Commission shall review the proposed change and either recommend approval, approval with conditions, or denial. The recommendation of the Planning Commission shall be subject to final approval by the City Council.

#### d. City council Review and Approval

The City Council shall review the proposed change of access and either approve, approve with conditions or disapprove the application.

## Planning, Zoning & Development

### e. Filing of the Final Document

The owner or the owner's agent, upon satisfaction of any conditions of approval, or upon receiving an unconditional approval from the City Council, shall file the approved documents with the County Clerk of the County in which the property is located and return a certified copy of the filed document to the City Clerk of the City of Sapulpa.

## SECTION 12-445 GENERAL REQUIREMENTS FOR IMPROVEMENTS

### 1. Installation of Improvements

Following the approval of the final construction plans, and prior to approval of the final plat, the subdivider shall complete in a manner satisfactory to the City Engineer, all improvements required, and said improvements shall be free and clear of all liens, claims and encumbrances.

### 2. Assurances Guarantying Installation of Improvements

In-lieu-of the installation of the required improvements prior to the final plat approval, the subdivider shall agree in writing with the Sapulpa city Council to complete all required improvements in a manner satisfactory to the city. To evidence this agreement, the subdivider shall execute a document entitled "Agreement Guarantying Installation of Improvements" as required by the Engineering Design Criteria.

### 3. Time Limit

Prior to granting approval of the final plat, the subdivider and Planning Commission shall agree upon a deadline for the completion of all required improvements. The period within which required improvements must be completed shall be specified by the planning Commission in the action approving the final subdivision plat and shall not exceed two (2) years from date of final approval, unless extended by the Planning Commission for good cause as determined by the Planning Commission.

### 4. Vacated Plats

Vacation of the plat, as provided by Oklahoma State Statute, shall remove the obligation to construct improvements.

## Planning, Zoning & Development

### SECTION 12-446 IMPROVEMENTS REQUIRED

#### 1. Street Improvements

- a. The subdivider shall design, grade, oversee, test and otherwise improve all streets which are designated on the approved plat or which directly serve the subdivision in accordance with the Engineering Design Criteria as directed by the City Engineer.
- b. Whenever a subdivision contains a major street that requires a major street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivision, as determined by the Planning Commission.
- c. All driveways that connect with the public streets shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways," Revised August, 1960, and subsequent amendments, thereto, as prepared by the Oklahoma Department of Transportation.

#### 2. Street Traffic Control Devices, Signs and Names

The developer shall provide the initial street name identification signs and poles and the City shall install all traffic control devices and signs on public streets. Street names shall be subject to the final approval of the City Council after review and recommendation from the Planning Commission.

#### 3. Street Lights

The subdivider shall provide adequate street lighting in the subdivision in accordance with the specifications of the Engineering Design Criteria.

#### 4. Monuments and Markers

Permanent reference markers shall be placed according to the specifications of the Engineering Design Criteria and as provided in these Regulations. The location of brass caps shall be shown on the face of the final plat.

## Planning, Zoning & Development

### 5. Public Water Supply

Where an approved public water supply is reasonably accessible, as determined by the City of Sapulpa, the subdivider shall install water lines and fire hydrants to connect with such water supply and make it available to each lot within the subdivided area. The final plat shall not receive City Council approval until it is certified by the Oklahoma Department of Environmental Quality that there has been compliance with the regulations of the Oklahoma Department of Environmental Quality and where indicated, meets other jurisdictional governing body requirements.

### 6. Stormwater Drainage and Detention Facilities

The subdivider shall provide a stormwater drainage system that is designed and constructed in accordance with the Engineering Design Criteria.

### 7. Sanitary Sewer System

- A. Where a public sanitary sewer is reasonably accessible as determined by the City of Sapulpa, the subdivision and each lot within said subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer or County Engineer and be in accordance with the regulations of the Oklahoma Department of Environmental Quality and the Engineering Design Criteria Standard Specifications.
- B. Where a public sanitary sewer system is not reasonably accessible but where plans for the installation of sanitary sewers in the vicinity of the subdivision are currently being designed by the City Engineer, the subdivider shall install sewers in conformity with such plans. Where immediate connection is not possible and until such connection with the sewer system can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations of the Oklahoma Department of Environmental Quality.

### 8. Utilities

Electric cable, television lines, and other utilities shall be installed in the easements specified on the subdivision plat and otherwise as shown in Figure 12 of these Regulations.

## Planning, Zoning & Development

### SECTION 12-447 PLANS AND IMPROVEMENTS REQUIRED

1. Three (3) sets of prints of the proposed final construction plans and specifications for all improvements required by these Regulations and the Engineering Design Criteria shall be prepared by a qualified registered professional engineer and submitted to the City Engineer. The City Engineer shall approve or require modification of those construction plans.

2. The subdivider shall be required to participate in a pre-construction meeting with the applicable City staff.

3. Following the approval of the final construction plans, the subdivider shall complete in a manner satisfactory to the City Engineer all required improvements and said improvements shall be free and clear of all liens, claims and encumbrances, except or unless as agreed to in the "Agreement Guarantying Installation of Improvements" as required by the Engineering Design Criteria.

4. The final plat may then be approved and released by the City for filing in the office of the County Clerk in which the property is located.

### SECTION 12-448 INSPECTIONS AND CERTIFICATIONS

The City Engineer shall inspect or otherwise secure the inspection of the construction of the required improvements of conformance with the approved plans and specifications. Upon completion of the improvements, the City Engineer shall file with the City Council, a statement either certifying that the improvements have been completed in accordance with these Regulations and the Engineering Design Criteria or that the improvements are defective, listing the defects.

### SECTION 12-449 RECORD DRAWINGS

1. Upon completion of the improvements, the subdivider and his engineer shall file with the City Engineer one (1) mylar set of Record Drawings, certified and signed by a registered professional engineer for said improvements. Said Record Drawings shall be filed with the City prior to the issuance of building permits in the platted area or within a schedule of time agreed to by the developer and Planning Commission staff. The Record Drawings shall certify:

- a. That all required improvements are complete;
- b. That the subdivision improvements are in compliance with these Regulations and the Engineering Design Criteria Standard Specifications; and
- c. That the improvements have been constructed in accordance with the approved plans and specifications.

## Planning, Zoning & Development

2. Subdividers with the capabilities of generating Record Drawings as computer layouts and system drawings for plats, water, sanitary sewer, street, drainage, grading, etc. shall provide the City with computer files of such drawings.

### SECTION 12-450 IMPROVEMENTS ACCEPTANCE OR FORFEITURE

The City Council shall accept by formal recorded action any or all improvements before such improvements become public property, provided that all statements and agreements specified above have been received and that Record Drawings have been submitted. The maintenance bond shall begin with the acceptance of said improvements by the city Council. Approval of the Record Drawings by the City Engineer shall not be construed to mean that the maintenance bond is void. No building construction shall be permitted on any lot on which improvements have not been completed, or said completion guaranteed in accordance with the provisions of these Regulations and the Engineering Design Criteria and no municipal utility service shall be furnished to such lot until the approved Record Drawings have been received by the City Engineer.

### SECTION 12-451 MAINTENANCE BOND

Prior to acceptance of these improvements by the City Council, the subdivider shall obtain a maintenance bond or irrevocable letter of credit from a surety bonding company authorized to do business in the State of Oklahoma. The bond shall be filed with City Clerk and shall be payable to the City. The amount of the bond shall be equal to one hundred percent (100%) of the entire cost of said improvements including all water lines, sanitary sewer lines, paving, grading and drainage improvements. The duration of the maintenance bond for streets and drainage improvements shall be two (2) years from the date of acceptance of said paving and drainage improvements by the City Council. The duration of the maintenance bond for all other improvements shall be one (1) year from the date of acceptance of said improvements by the City Council.

### SECTION 12-452 LOT SPLIT PROCEDURES - AUTHORITY

The Planning Commission, pursuant to the powers and jurisdiction vested through Oklahoma State Statutes does hereby exercise the power and authority to review, approved and disapprove transfer of land hereinafter referred to as lot splits.

### SECTION 12-453 LOT SPLIT PROCEDURES - INTENT AND PURPOSE

The provisions contained in this Section are intended to establish minimum procedures and standards for lot splits in order to accomplish the policy and purposes set forth in these Regulations.

## Planning, Zoning & Development

### SECTION 12-454 LOT SPLITS - CITY OF SAPULPA

Any conveyance of land lying within the city of Sapulpa resulting in parcels meeting the definition of "lot split" shall be exempt from the requirements of preparing, filing and seeking Planning Commission approval of a subdivision plat. Such conveyances, however, must be approved by the subdivision plat. Such conveyances, however, must be approved by the Planning Commission as a "lot split" and must show such approval by stamp upon the instrument of transfer in accordance with Oklahoma State Statutes. Planning Commission approval of such conveyances shall be conditioned upon the following:

1. All resulting lots must comply with the provisions of the applicable "Flood Damage Prevention Ordinance or Regulations", and the "Detention Ordinance";
2. All resulting lots must have written approval from the Creek county Health Department for sewage disposal systems;
3. All resulting lots must have access to public utilities by proper easement or other approved right-of-way;
4. All resulting lots shall have frontage upon a public maintained and dedicated public road; and
5. All resulting lots shall meet the minimum bulk and area requirements of the zoning district within which they are located.

### SECTION 112-455 USAGE OF TERMS

1. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this Section.
2. Unless the context clearly indicated the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these Regulations" the word "Regulations" means "these Subdivision Regulations."
3. A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is mandatory and not directory; "may" and "should" are directory and not mandatory; the "building" includes a "structure", a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall

## Planning, Zoning & Development

be construed to include the words "intended, arranged or designed to be used or occupied."

### SECTION 12-456 WORDS AND TERMS DEFINED.

**Abutting** - In addition to the customary meaning, abutting, for the purpose of providing notice, shall mean contiguous or separated therefrom only by a non-arterial street.

**Alley** - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Applicant** - The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises for purposes of any application submitted under these Subdivision Regulations.

**As-Built Construction Plans**

**See Record Drawings**

**Block** - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Board of Adjustment** - The Board of Adjustment of the City of Sapulpa, Oklahoma.

**Board of County Commissioners** - The Board of Commissioners of Creek County, Oklahoma.

**Bond** - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City of Sapulpa. All bonds shall be approved by the City of Sapulpa wherever a bond is required by these Subdivision Regulations.

**Building** - Any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

**Building Line or Setback Line** - The line or lines designating the area outside of which buildings may not be erected.

**Capital Improvements Program** - A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, major repairs and major maintenance, or replacement of the physical assets of the community are included in the Capital Improvement Program.

## Planning, Zoning & Development

City - The City of Sapulpa, Oklahoma.

City Council - The City Council of Sapulpa, Oklahoma. See also Governing Body

City Engineer - The City Engineer or the designated representative of the City of Sapulpa, Oklahoma.

Comprehensive Plan - The general plan for development of the City of Sapulpa, prepared and adopted by the Planning Commission and submitted for review and approval by the City Council of Sapulpa, pursuant to Oklahoma State Statutes, including any part of such plans separately adopted and made a part thereof and any amendment to such plan or parts thereof.

Construction plans The maps or drawing accompanying a preliminary and final subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City of Sapulpa as a condition to the approval of the final plat.

Cul-de-sac

See Street, Cul-de-sac

Developer The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises if the owner is not the developer for the purpose of any application submitted under these Subdivision Regulations.

Double Frontage - A situation in which a lot has access on two streets that do not intersect.

Easement - Authorization by a property owner for a general or specific use by another, of any designated part of, or tract of land.

Engineering Design Criteria - The latest edition of the engineering standards and design criteria used in the design and construction of subdivision improvements as adopted and as amended by the City of Sapulpa. A short form of reference to the document entitled, "Engineering Design Criteria and Standard Specifications for Construction."

Escrow - A deposit of cash with the City of Sapulpa in-lieu-of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited, upon receipt by the City of Sapulpa, in a separate account.

Final Plat - See Plat, Final.

## Planning, Zoning & Development

**Floodplain** - The area adjoining the channel of a river, creek, stream or watercourse, or lake or any other body of standing water or area which may from time to time be covered by floodwater. The floodplain areas shall be those areas as described and delineated on maps contained within the offices of the City Engineer.

**Frontage** - That part of a lot abutting on a street or way and that is ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

**Full Urbanization** - The total development that is anticipated in a given area in accordance with the comprehensive Plan and other land use regulations of the City of Sapulpa.

**Governing Body** - The body of the local government having the power to adopt ordinances, being the City Council of the City of Sapulpa.

**Grade** - The slope of a road, street, or public or private way, specified in terms of percentage (%).

**Health Department** - The agency designated by the City of Sapulpa to administer the health regulations of the local and state government and referred to as the Oklahoma Department of Environmental Quality of Creek County, or the Oklahoma Department of Environmental Quality.

**Highway, Limited Access** - A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

**Improvements** - Grading, streets, sidewalks, crosswalks, culverts, drainage ditches, bridges, water lines, sanitary sewer lines, force mains and lift stations, storm sewer lines, other utilities, and other features required to support a development.

**Improvements, Off-Site** - A utility, structure, or modification of topography located outside the property to be subdivided.

**Improvements, Private** - Any street, sidewalk, utility line, drainageway or other facility not provided by the City and which may or may not be required as a condition of approval of a development by the City nor which will be maintained by the City, nor which will be maintained by the City.

**Improvements, Public** - Any street, sidewalk, utility line, drainage way or other facility for which the City may ultimately assume the responsibility for construction, maintenance and operation.

## Planning, Zoning & Development

Improvements Required - Any improvement required by the City as a condition of approval of a subdivision plat and development.

Individual Sewage Disposal System - A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Joint Ownership - Joint ownership among persons shall be construed as the same owner; also referred to as "Constructive Ownership" for the purpose of imposing these Subdivisions.

Local Government - For the purpose of these Subdivision Regulations, shall mean the City of Sapulpa acting by and through its duly constituted boards, councils, commission and bodies.

Lot - A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building and development.

Lot, corner - A lot located at the intersection of and abutting on two or more streets.

Lot, Double Frontage - A lot that runs through a block from street to street and that abuts two (2) or more streets that do not intersect but not including a corner lot.

Lot, Reverse Frontage - A double frontage lot that is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot of Record - Any parcel of land meeting one of the following three conditions:

An unplatted parcel of land which was filed of record by district instrument in the office of the Creek County Clerk prior to October 21, 1986; or any whole lot as shown on a subdivision plat properly filed of record in the office of the Creek County Clerk after October 21, 1986, which plat has shown on its face the approval of the Metropolitan Area Planning Commission.

Lot Area - The total area measured on a horizontal plane, included within the lot boundaries.

Lot Split - The division of a lot of record into no more than four (4) parcels of less than ten (10) acres in size.

Major Street and Highway Plan - The Sapulpa Major Street and Highway Plan map and documentation established and adopted by the City of Sapulpa showing area major

## Planning, Zoning & Development

streets and highways, the required rights-of-way and any amendments or additions adopted by the City of Sapulpa.

**Major Subdivision** - All subdivisions not classified as a minor subdivision, including but not limited to a subdivision of more than four (4) lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

**Minor Subdivision** - Any subdivision containing not more than four (4) lots and fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Major Street and Highway Plan, Zoning Ordinance, or these Subdivision Regulations.

**Monument** - A permanent marker properly located and as required by these Subdivision Regulations for the location and identification on the land of reference points in the subdivision, such as, but not limited to, the corners of the subdivision, corners of blocks and lots and radii for street curvature.

**Owner** - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these Subdivision Regulations.

**Park Board** - The Park Board of the City of Sapulpa or Creek County, Oklahoma.

**Resubdivision** - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or are reserved thereon for public use, or any lot line; or such other change if it affects any map or plan legally recorded prior to the adoption of any regulations controlling said subdivision.

**Reserve Area** - A tract of land that by public authority is withdrawn or otherwise set aside from sale or settlement and is applicable to a specific public purpose such as for drainage.

**Right-of-Way** - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road electrical and communication services, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for the purpose of platting land shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or other use involving construction or maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. All such

## Planning, Zoning & Development

dedications are subject to the final approval and acceptance by the City Council of Sapulpa.

**Roads, Classification** - A system established for the purpose of providing for the development of the streets, highways, roads and rights-of-way in the City of Sapulpa and for the future improvement, reconstruction, realignment and necessary widening, including provision for curbs and sidewalks, for each existing street, highway, road and right-of-way, and those located on approved and filed plats designated on the Major Street and Highway Plan of the City of Sapulpa. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the City of Sapulpa. The required improvements shall be measured as set forth for each street classification on the Major Street and Highway Plan.

**Sale or Lease** - Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, lease, devise, and interstate succession, or transfer of an interest in a subdivision of part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

**Setback** - The distance between a building and the street right-of-way line nearest thereto.

**Street** - A public or private right-of-way that affords the primary means of access to abutting property or serves as a thoroughfare for vehicular traffic, or both, but excluding alleys.

**Street, Arterial** - A thoroughfare designated on the Major Street and Highway Plan that carries a significant portion of the interurban vehicle traffic at moderate speeds with some traffic stops. Also see Street, Primary Arterial and Street, Secondary Arterial, in this section.

**Street, Border** - A street located adjacent to a railroad, drainageway, park, open space area or limited access highway.

**Street, Collector** - A thoroughfare designated on the major Street and Highway Plan that is intended to move traffic from minor to arterial streets, including the principal entrance and circulation street or streets of a development.

**Street, Commercial Collector/Industrial Collector** - A category of trafficway that provides circulation to and from commercial and industrial areas to connect with major streets or highways.

**Street, Commercial Business District** - A category of trafficway that provides circulation within the Central Business District.

## Planning, Zoning & Development

Street, Commercial/Industrial - A category of trafficway that provides circulation within commercial and industrial areas.

Street, Cul-de-sac - A minor street with only one outlet and having a terminus for the safe and convenient reversal of traffic movement including all emergency and service vehicles.

Street, Frontage or Service - A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

Street, Major - Highway, arterial and collector streets as shown on the major Street and highway Plan.

Street, Marginal Access - Any existing street to which the parcel of land to be subdivided abuts only one (1) side. Marginal access streets are designed to separate access to lots fronting on arterial streets from arterial street traffic.

Street, Minor (Local) - A trafficway of limited length, not classified as a major street or highway, that provides direct access to abutting tracts of land and access to more heavily traveled streets, and that is designed in such a manner to discourage its use by through traffic.

Street, Primary Arterial - A thoroughfare designated on the major Street and Highway Plan that carries a portion of both intra-urban and interurban vehicle traffic at a moderate rate of speed with some traffic stops.

Street, Secondary Arterial - A thoroughfare designated on the major Street and Highway Plan that carries a significant portion of the interurban vehicular traffic having some traffic stops.

Street, Service Road - A minor street that is parallel and adjacent to major streets, trafficways, highways or railroad rights-of-way and that provides access to abutting properties and protection from through traffic.

Subdivider - Any person who (1) having an interest in land, causes it directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, or developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or one who is under the direct, or indirect common control of any of the foregoing.

## Planning, Zoning & Development

Subdivision - Any land, vacant or improved, that is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease and whereon there is constructed permanent structural improvements, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and on residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

### Subdivision Agent

Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offers to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except at attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision, Major. See Major Subdivision.

Subdivision, Minor, See Minor Subdivision.

Subdivision Plat - The final map or drawing, described in these Subdivision Regulations, on which the subdivisions' plan or subdivision is presented to the Planning Commission, City Council, for approval and which, if approved, may be submitted to the County Clerk of the County in which the property is located for filing of record.

Subdivision Regulations - The Subdivision Regulations of the City of Sapulpa.  
Technical Advisory Committee - A Committee composed of public officials and utility company representatives to review and study all plats and lot split proposals and to make recommendations and findings to the Planning Commission, City council concerning the proposed subdivision.

Temporary Improvement - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Zoning Ordinance -

Planning, Zoning & Development

CHAPTER 5

FLOOD DAMAGE PREVENTION

Section 12-501	Findings of fact.
Section 12-502	Statement of purpose.
Section 12-503	Methods of reducing flood losses.
Section 12-504	Definitions.
Section 12-505	Lands to which this Ordinance applies.
Section 12-506	Basis for establishing the areas of special flood hazard.
Section 12-507	Establishment of development permit.
Section 12-508	Compliance.
Section 12-509	Abrogation and greater restrictions.
Section 12-510	Interpretation.
Section 12-511	Warning and disclaimer or liability.
Section 12-512	Designation of the floodplain administrator.
Section 12-513	Duties and responsibilities of the floodplain administrator.
Section 12-514	Permit procedures.
Section 12-515	Variances.
Section 12-516	Provisions for flood hazard reduction.
Section 12-517	Provisions for flood hazard reduction; specific standards.
Section 12-518	Standards for subdivisions.
Section 12-519	Floodways.
Section 12-520	Severability.
Section 12-521	Penalties for non-compliance.
Section 12-522	Certification.

FLOOD DAMAGE PREVENTION

SECTION 12-501. FINDINGS OF FACT.

- A. The flood hazard areas of the City of Sapulpa are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

## Planning, Zoning & Development

### SECTION 12-502. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

### SECTION 12-503. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance uses the following methods:

- (a) 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;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging and other development which may increase flood damage; and

Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Planning, Zoning & Development

SECTION 12-504. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory structure" - means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include but are not limited to garages and storage sheds.

"Area of special flood hazard" - is the land in the floodplain within the City of Sapulpa subject to a one percent or greater chance of flooding in any given year.

"Base flood" - means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation" – means the elevation in feet above mean sea level of the base flood or 1% chance flood.

"Basement" - means any area of the building having its floor sub-grade (below ground level) on all sides.

"BFE" - means base flood elevation.

"CFR" - means Code of Federal Regulations.

"Critical feature" - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Development Permit" - means a permit issued by the City of Sapulpa Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this ordinance.

"Elevated building" - means a non-basement building built, in the case of a building in Zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AE, A, and X, "elevated building" also includes a

## Planning, Zoning & Development

building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Existing construction" - means 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" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972.

"Expansion to an existing manufactured home park or subdivision"- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means the Federal Emergency Management Agency.

"FIRM" means Flood Insurance Rate Map.

"Flood" or "flooding" - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal waters, or

(a) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" - means an official map of the City of Sapulpa on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Sapulpa.

"Flood insurance study" - is the official report provided by FEMA for City of Sapulpa which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

"Floodplain Administrator" – means a person accredited by the OWRB and designated by the City Council of the City of Sapulpa to administer and implement laws, ordinances and regulations relating to the management of floodplains.

"Floodplain or flood-prone area" - means any land area susceptible to being inundated by water from any source (see definition of flood).

## Planning, Zoning & Development

"Floodplain management" - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" - means zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) 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 protection system" - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within City of Sapulpa 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.

"Floodway" - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Section 12-506. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

"Functionally dependent use" - means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2.

## Planning, Zoning & Development

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;

1. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

2. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a) By an approved state program as determined by the Secretary of the Interior, or
- b) Directly by the Secretary of the Interior in states without approved programs.

"Levee" - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" - means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.

"Manufactured home" - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

## Planning, Zoning & Development

"Mean sea level" - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City of Sapulpa's Flood Insurance Rate Map are referenced.

"New construction" - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Sapulpa City Council and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Sapulpa Floodplain Board.

"OWRB" – means the Oklahoma Water Resources Board.

"Recreational vehicle" - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. 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 (Public Law 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 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

## Planning, Zoning & Development

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" - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. 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
2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

"Variance" - is a grant of relief by the City of Sapulpa City Council to a person from the terms of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of Title 44 CFR.)

"Violation" - means the failure of a structure or other development to be fully compliant with this City of Sapulpa flood damage prevention ordinance.

"Water surface elevation" - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Planning, Zoning & Development

SECTION 12-505. LANDS TO WHICH THIS ORDINANCE APPLIES.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Sapulpa, Oklahoma. 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 Tulsa County and Incorporated Areas" dated August 3, 2009, with the accompanying Flood Insurance Rate Map (FIRM) are hereby referenced to be effected on August 3, 2009, and declared to be a part of this Code as well as the Flood Insurance Study for Creek County and Incorporated Areas dated May 18, 2009. This ordinance amendment goes into effect on August 3, 2009, at not before.

SECTION 12-506. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Creek County, Oklahoma and Incorporated Areas" dated May 18, 2009, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. This ordinance shall go into effect on May 18, 2009.

SECTION 12-507. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

SECTION 12-508. COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 12-509. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 12-510. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

## Planning, Zoning & Development

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

### SECTION 12-511. WARNING AND DISCLAIMER OR LIABILITY.

The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the City of Sapulpa or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

### SECTION 12-512. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Council of the City of Sapulpa designates the Director of Urban Development as Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

### SECTION 12-513. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended.
2. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for Development Permits required by this ordinance.

## Planning, Zoning & Development

4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.
5. Make the necessary interpretation 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).
6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data contemplated by Section 12-506 has not been provided by FEMA, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from any Federal, State or other source, in order to administer the provisions of Sections 12-516 and 12-517.
9. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Creek County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Sapulpa.
10. After a disaster or other type of damage occurrence to structures in the City of Sapulpa, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
11. Maintain a record of all actions involving an appeal from a decision of the City Council.
12. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

## Planning, Zoning & Development

### SECTION 12-514. PERMIT PROCEDURES.

A. An Application for a Development Permit shall be presented to the Floodplain 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; and
2. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;

## Planning, Zoning & Development

- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- j. The relationship of the proposed use to the comprehensive plan for that area.

C. The Floodplain Administrator or City Council, as applicable, may approve certain development in Zones A or AE delineated on the Creek County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12.

### SECTION 12-515. VARIANCES.

#### 1. General provisions.

- a. The City Council of the City of Sapulpa may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this ordinance, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of Section 12-515. Provided, however, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.
- b. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.
- c. In no case shall variances be effective for a period longer than twenty (20) years.
- d. Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee of Twenty-five Dollars (\$25.00).
- e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 12-514(2) and provisions of Section 12-515 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

## Planning, Zoning & Development

- f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the City Council which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.
- g. At such time as the City Council deems the petition ready for notification to the public, the City Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Creek County at least thirty (30) days prior to the hearing.
- h. The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section 12-515. The City Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.
- i. Variances shall only be issued upon:
  - (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and
  - (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- j. Upon consideration of the factors stated in this Section 12-515 and the intent of this ordinance, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Section 12-502 of this ordinance.
- k. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.

## Planning, Zoning & Development

### 2. Special provisions.

a. 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 ordinance.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

d. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) The criteria of Section 12-515(1)(e); Section 12-515(1)(i); Section 12-515(2)(b); and Section 12-515(2)(c) of this Chapter 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.

### SECTION 12-516 PROVISIONS FOR FLOOD HAZARD REDUCTION.

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;

## Planning, Zoning & Development

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.
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.

### SECTION 12-517. PROVISIONS FOR FLOOD HAZARD REDUCTION; SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevations have been provided or are otherwise determined as set forth in Section 12-506, Section 12-513(8), or Section 12-518(1), the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs

## Planning, Zoning & Development

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 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (b) The bottom of all openings shall be no higher than one foot above grade; and
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 4. Manufactured Homes -

- (a) Require that all manufactured homes to be placed within Zone A on the Creek County FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least thirty-six (36) inches above grade or at least at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
- (b) Require that manufactured homes that are placed or substantially improved within Zone AE on the Creek County FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) 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 bottom of the I-beam for the manufactured home is elevated at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
- (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone AE on

## Planning, Zoning & Development

the Creek County FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that the bottom of the I-beam of the manufactured home is at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the Creek County FIRM either:
  - (a) Be on the site for fewer than 180 consecutive days,
  - (b) Be fully licensed and ready for highway use, or
  - (c) Meet the permit requirements of Section 12-514, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
  
6. Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Creek County FIRM shall comply with the following:
  - (a) The structure shall be unfinished on the interior;
  - (b) The structure shall be used only for parking and limited storage;
  - (c) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
  - (d) Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
  - (e) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - (f) The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
  - (g) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;

## Planning, Zoning & Development

- (h) Floodway requirements must be met in the construction of the structure;
- (i) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
- (j) The structure shall be located so as not to cause damage to adjacent and nearby structures.

### SECTION 12-518. STANDARDS FOR SUBDIVISIONS.

1. The applicant for a Development Permit for any subdivision located in Zones A and AE which is 51 or more lots or greater than 5 acres shall generate the base flood elevation data for that subdivision.
2. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All subdivisions 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.

### SECTION 12-519. FLOODWAYS.

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City of Sapulpa during the occurrence of the base flood discharge.

2. If Section 12-519(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 12-516 and 12-517.

## Planning, Zoning & Development

3. The City of Sapulpa may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

### SECTION 12-520. SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

### SECTION 12-521. PENALTIES FOR NONCOMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this ordinance is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 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 City Council of the City of Sapulpa or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

### SECTION 15-522. CERTIFICATION.

It is hereby found and declared by the City Council of the City of Sapulpa that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.”

Planning, Zoning & Development

CHAPTER 6

GATED COMMUNITIES

Section 12-601	Restriction on gated access.
Section 12-602	General location requirements.
Section 12-603	Turn around lane.
Section 12-604	Prohibition of tire damaging devices.
Section 12-605	Council approval of circulation plans.
Section 12-606	Applicability of city standards to controlled access developments.
Section 12-607	Homeowners association responsibilities.
Section 12-608	Minimum gate width.
Section 12-609	Emergency release required.
Section 12-610	Electrical battery backup required.
Section 12-611	Rapid entry key lock requirements.
Section 12-612	Minimum lane width established.
Section 12-613	Events requiring open gate established.
Section 12-614	Covered entry structure requirements.
Section 12-615	Access agreement with fire department required.
Section 12-616	Fire department approval of access agreement.
Section 12-617	Registration fee.

SECTION 12-601 RESTRICTION ON GATED ACCESS.

No public street shall be obstructed. Gated access will only be considered and allowed for private streets, approved planned unit developments, apartment projects, or 2 acre private street developments, or other subdivision plats approved by the city council.

SECTION 12-602 GENERAL LOCATION REQUIREMENTS.

Any gate shall be located a sufficient distance from a public street allow three (3) cars to line up at the gate without interfering with vehicles utilizing a public street; the minimum acceptable distance from the gate to public street shall be no less than sixty (60) feet.

SECTION 12-603 TURN AROUND LANE.

A turn around lane shall be provided for vehicles unable to enter the gated development.

Planning, Zoning & Development

SECTION 12-604 PROHIBITION OF TIRE DAMAGING DEVICES.

Road spikes, barbs, or other tire damaging devices are prohibited.

SECTION 12-605 COUNCIL APPROVAL OF CIRCULATION PLANS.

The city council shall approve all circulation plans for any gated access development and may require multiple entrances.

SECTION 12-606 APPLICABILITY OF CITY STANDARDS TO CONTROLLED ACCESS DEVELOPMENTS.

All city standards for streets, sidewalks, fire lanes, fire hydrants, and other engineering requirements shall apply to any controlled access development.

SECTION 12-607 HOMEOWNERS ASSOCIATION RESPONSIBILITIES.

A homeowners association shall be established for each gated community and shall provide the names, addresses, and emergency contact numbers to the fire department. Each homeowners association shall be responsible for the following:

- (A) maintenance and repair of the private streets and/or fire lanes, and to provide the funds therefor through the use of assessments;
- (B) maintenance testing and repairs of all functions of any access gate;
- (C) equipping each access gate with a rapid entry key lock box, which shall be located at or near the main entrance to the property. The rapid key entry lock box shall be mounted at a height of six (6) feet above final grade, or as designated by the fire chief.
- (D) accompanying fire department officials during annual inspection and testing of opening systems of the gated community.
- (E) maintaining a service agreement with a qualified contractor to insure year round maintenance.

SECTION 12-608 MINIMUM GATE WIDTH.

The minimum gate opening width, including clearance for all improvements related to the gate, shall not be less than twenty (20) feet.

Planning, Zoning & Development

SECTION 12-609 EMERGENCY RELEASE REQUIRED.

An emergency release hitch pin shall be installed e control arm of any access gate. This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention.

SECTION 12-610 ELECTRICAL BATTERY BACKUP REQUIRED.

A back-up battery electrical system shall be provided for each access gate. These batteries will be trickle charged to maintain electrical energy and in the event of loss of normal electrical current cause the gate to open and remain open until reset by the homeowners association.

SECTION 12-611 RAPID ENTRY KEY LOCK REQUIREMENTS.

The location of all rapid entry key lock boxes, hitch pins, related equipment, operation of gate, signage, opening design, swinging or sliding operation of any gate or any other design specification shall be constructed and installed in accordance with the plans approved by the appropriate city officials, including without limitation, the city building inspector, city planner and fire marshal.

SECTION 12-612 MINIMUM LANE WIDTH ESTABLISHED.

The minimum paving width for all lanes entering and exiting the development shall not be less than twenty (20) feet in width. There shall be no parking on said twenty foot roadway. Appropriate signage shall be provided. If parking is requested on said roadway, the minimum width of the same shall be twenty-six (26) feet.

SECTION 12-613 EVENTS REQUIRING OPEN GATE ESTABLISHED.

Should any problem occur in the operation of the gate or any violation of any provision of this article, each access gate shall remain open and access to the development available until such time as the problem is resolved and/ or the gate is repaired and tested.

SECTION 12-614 COVERED ENTRY STRUCTURE REQUIREMENTS.

When a covered structure is requested, the minimum height shall be no less than sixteen (16) feet and the minimum width shall be no less than twenty (20) feet.

SECTION 12-615 ACCESS AGREEMENT WITH FIRE DEPARTMENT REQUIRED.

Each gated community must enter into an access agreement with the city fire

department prior to installation of any gate.

SECTION 12-616 FIRE DEPARTMENT APPROVAL OF ACCESS AGREEMENT.

The fire department shall approve an access agreement with the developer, homeowners association, or other responsible property owners that provides for annual inspection of each gate to insure the same is tested to meet all of the construction requirements prior to being approved for operation or continued operation at any point the gate fails to meet these standards. The verification of the access agreement and a copy will be kept on file at the fire department with the contractor's name, address, 24-hour a day telephone numbers, and the developer, homeowner's representative, or responsible property owner's name, address and telephone number. This information shall be a minimum requirement for approval of an annual inspection of each gate.

SECTION 12-617 REGISTRATION FEE.

A registration fee as set forth in the Master Fee Schedule shall be paid by the owner or developer to the fire department for plan review and inspections costs related to gated access developments.

Planning, Zoning & Development

CHAPTER 7

EARTH CHANGE REGULATIONS

Section 12-701	Purpose and Scope.
Section 12-702	Definitions
Section 12-703	General Provisions; Rules For Interpretation
Section 12-704	Earth Change Permit Required
Section 12-705	Permit Review
Section 12-706	Application for Earth Change Permit
Section 12-707	Earth Change Policies and Standards
Section 12-708	Earth Change Exemptions
Section 12-709	Enforcement and Penalties

SECTION 12-701    PURPOSE AND SCOPE.

This chapter is enacted for the purpose of protecting the general health, safety and welfare of the citizens of the City of Sapulpa from the hazards and danger of flooding, inadequate or improper drainage and erosion of soil by imposing standards and conditions upon the excavation, filling, grading, regrading, berming, paving, and diking of land within the City of Sapulpa.

SECTION 12-702    DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

City. Means the City of Sapulpa, Oklahoma

Earth Change. Means excavating, filling, grading, regrading, berming, paving, or diking of land within the City of Sapulpa. Earth change will also include the clearing or removal of trees as outline in the City Tree Ordinance on a parcel, or activities commonly called clearing and grubbing within the boundaries of the regulatory floodplain.

Tract. Means any parcel of land subject to the provisions of this article.

SECTION 12-703    GENERAL PROVISIONS; RULES FOR INTERPRETATION.

This article shall apply to all lands within the jurisdiction of the City of Sapulpa.

## Planning, Zoning & Development

No land shall hereafter be developed, redeveloped, graded, filled, excavated, bermed, diked, or cleared of its trees and undergrowth without full compliance with the terms of this article and other applicable articles.

It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other ordinances inconsistent with this article are hereby repealed to the extent of their inconsistencies.

In the interpretation and application, the provisions of this article shall be considered as minimum requirements as determined by the City of Sapulpa; and shall be deemed neither to limit or repeal any of the other powers granted under state statutes.

Warning and disclaimer of liability. The degree of protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study and computations. This article does not imply that land uses permitted will be free from hydraulic or wind erosion, or flooding. This article shall not create liability on the part of the City of Sapulpa, Oklahoma or any officer or employee thereof for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Plans to be prepared by professionals . All plans prepared and submitted by any person proposing development shall be prepared under the supervision of a registered professional engineer registered in the State of Oklahoma.

### SECTION 12-704. EARTH CHANGE PERMIT REQUIRED.

Unless specifically exempted, an earth change permit, as defined and regulated by this article, shall be obtained from the Director of Urban Development prior to the commencement of any excavating, grading, regrading, landfilling, berming or diking of any property within the City of Sapulpa. Unless specifically exempt, an earth change permit shall be required prior to the clearing of land, including the removal of healthy trees within the regulatory floodplain or performing any other work constituting an earth change under this chapter. A separate permit shall be required for each separate noncontiguous tract, and no permit shall be transferable without the prior written consent of the Director of Urban Development.

Prior to the granting any earth change permit, the Director of Urban Development shall attach such conditions thereto as may be deemed necessary to prevent hazards to public or private property resulting from the blockage, obstruction, alteration or impairment of any storm sewer drain or surface water course and to prevent the work thereby authorized from being conducted in a manner hazardous to

## Planning, Zoning & Development

life or property, or otherwise likely to create a public nuisance. Such public nuisances should be deemed to include, but not be limited to, erosion, avulsion, or siltation anywhere within the storm sewer system or surface water system of the City of Sapulpa; or any conditions that exist contrary to the adopted regulations of the City of Sapulpa. Conditions attached to the permit may include, but are not limited to: submission of a drainage plan, drawings specified to finish grade land contours, installation of retaining walls, drains, detention facilities, other drainage facilities, specified erosion control measures, the furnishing of any necessary public easements; and a specified methodology for performing the authorized work, and the disposition of waster generated.

### SECTION 12-705 PERMIT REVIEW.

An earth change permit shall expire at one (1) year after it is issued. Permits on ongoing projects shall be reviewed each nine (9) months for compliance.

### SECTION 12-706 APPLICATION FOR EARTH CHANGE PERMIT.

General requirements. Unless excepted by the provisions of this article, any person desiring to effect an earth change shall file a written application for an earth change permit with the Director of Urban Development. Application shall be in such form and content as the Director of Urban Development shall establish, and shall be accompanied by the payment of a permit fee, the amount of which shall be recommended by the Director of Urban Development and approved by the city council of the City of Sapulpa. The site plan and design standards established by the applicant and approved by the city, or imposed by the city, shall become conditions upon the issuance of the earth change permit; no changes in an approved plan or design standard shall be made without prior written approval of the city.

Contents of permit application. Each earth change permit application shall contain the following information:

The name and address of the legal owner of the property for which the permit is requested;

A vicinity sketch of the site for which a permit is requested, including a legal description of such property, and a boundary line survey as may be requested by the city;

Site drawings indicating each separate land area to be excavated, filled, graded, or leveled, the finished depth of each separate land cut or fill, the present and future (as completed) points of entry and discharge for surface water on the subject property, and identification of all temporary or permanent structures or other devices to be erected or established for the purpose of controlling or regulating surface water and erosion of such property;

The applicant's plans for controlling on-site erosion and off-site sedimentation

## Planning, Zoning & Development

for the purpose of minimizing the deposit of sediment from the tract under application upon any other off-site public or private property or watercourse during all phases of project construction;

The applicant's plans for receipt of surface water on his property and discharge of surface water from his property during periods of construction, and a statement specifying the anticipated time period for the completion of all drainage improvements. Provided, however, that if the Director of Urban Development is unable to determine from the application submitted that it meets the policies and standards governing the issuance of the requested permit, the Director Urban of Development shall request the applicant in writing to furnish such additional information which may be essential to such determination; and

Owner's statement and signature certifying that the approved plans will be implemented under the direct supervision of a registered professional engineer.

### SECTION 12-707 EARTH CHANGE POLICIES AND STANDARDS.

The issuance of the earth change permits shall be governed by the following policies of the City of Sapulpa:

No earth change shall be permitted which creates a public hazard upon any property within the City of Sapulpa through the obstruction, impairment, sedimentation, blockage or alteration of any storm sewer drain or any existing surface water course.

No earth change shall be permitted which will channelize, obstruct, or impede any water course in a manner which is inconsistent with accepted engineering practices and/or the adopted drainage standards of the City of Sapulpa.

All earth changes shall be designed, constructed and completed in a manner which minimizes the time of exposure of bare earth to the elements.

Construction activity on individual tracts shall be conducted only if appropriate sedimentation facilities are installed and maintained throughout the construction period to minimize sediment from any such tract being deposited upon any off-site public or private property or water course during all phases of project construction.

As may be applicable to any tract of land for which an approved drainage plan exists, the requirements and conditions of the drainage plan shall be incorporated as a condition upon the issuance of any earth change permit.

The redesign of any drainage structures required and presently existing as a result of the previous processing of an approved drainage plan shall not be required as an incident or condition for the subsequent issuance of an earth

## Planning, Zoning & Development

change permit unless the proposed earth change materially alters the character of the approved drainage plan.

The policies governing earth changes shall be implemented by the adopted city drainage standards which shall specifically regulate the following considerations:

The adopted city drainage standards shall regulate the design, installation and utilization of all detention and drainage, facilities and structures.

The adopted city drainage standards shall regulate the design, installation, maintenance and removal of sedimentation and erosion control procedures; facilities and structures and shall establish acceptable methods and practices for controlling soil sedimentation and erosion.

### SECTION 12-708 EARTH CHANGE EXEMPTIONS.

An earth change permit shall not be required for the following activities:

- A. Bona fide agricultural and farming operations which constitute the principal use of a tract of ground in the City of Sapulpa and which meet the requirements of the zoning code of the City of Sapulpa.
- B. Home gardening.
- C. Excavating and/or grading, and/or leveling, and/or landfilling requiring less than twelve (12) inches of cut or fill at any one point.
- D. The common or routine maintenance and clearing of a floodplain which does not expose the earth or ground to erosion.

Provided, however, that exemptions (C) and (D) are not applicable to:

Such activities when occurring upon any tract of record regardless of size or depth of cut or fill, located within the regulatory flood area; or

Such activities when occurring upon any tract of record, regardless of size or depth of cut or fill when such tract contains any natural or manmade watercourse, with a drainage area of over forty (40) acres.

- E. Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health, or property, and which are made under such circumstances where it would be impossible or impracticable to obtain an earth change permit.

Planning, Zoning & Development

- F. Temporary excavation for the purpose of maintaining or repairing any public street, public utility, or any service lines related thereto.

SECTION 12-709 ENFORCEMENT AND PENALTIES.

Notification of noncompliance. If at any time the work being performed in accordance with an earth change permit does not conform to the approved permit, including conditions and approved modification thereof, a written notice to comply shall be given to the permit holder by the Director of Urban Development stating the nature and location of the alleged noncompliance, and specifying what remedial steps are necessary to bring the project into compliance. The permit holder shall have such time as may be allowed in writing by the Director of Urban Development to correct all noted deficiencies; the time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

Temporary suspension of earth change permit. An earth change permit may be temporarily suspended by the Director of Urban Development upon the existence of any condition or the conducting of any act constituting or creating a condition which endangers human life or may cause severe property damage to others. The Director of Urban Development may issue an immediate stop work order. The Director of Urban Development shall, upon issuance of a temporary suspension, shall give the permit holder written notice specifying the grounds of such temporary suspension and advising the permit holder of his right of appeal to the City Council.

Revocation or suspension of earth change permit. An earth change permit may be revoked or suspended by the city council after a public hearing. The permit holder shall be given ten (10) calendar days advance written notice specifying the grounds for such contemplated revocation or suspension, and advising the property owner of the date, place and time of hearing before the city council. An earth change permit may be revoked or suspended upon the occurrence of any one of the following events:

Violation of any material condition of the permit; or

Violation of any provision of this article or any other applicable law, rule or regulation pertaining to the earth change permit; or

Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or property of others.

Upon the revocation of an earth change permit by the city council, or as may be specifically directed by the city council in cases where an earth change permit is suspended, the Director of Urban Development shall issue a stop work order on all construction activity on the permit holder's property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses,

## Planning, Zoning & Development

franchises or contracts issued or approved by the City of Sapulpa; such order may order a work stoppage on all construction activity on buildings or structures and all appurtenances thereto, including building, electrical, plumbing, mechanical, and street work, storm sewers, sanitary sewers, gas lines, and all utilities including gas, electric, telephone and cable TV. Notices and orders required by this subsection shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting party(ies) or permit holder at the address given on the permit application filed with the city.

Fine imposed. Any person, firm or corporation, or other legal entity, violating the requirements of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by Section 1-108 of the Code. Each day's violation thereof shall constitute a separate offense.

Fine not exclusive penalty. In addition to fine or imprisonment, the city may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this article or adopted city drainage standards or to correct violations thereof, and, if applicable and appropriate, the city may institute appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work."



PART 13

PUBLIC SAFETY

CHAPTER 1

FIRE PREVENTION

ARTICLE A

Section 13-101	Adoption of Fire Prevention Code.
Section 13-102	Additions, insertions and changes.
Section 13-103	Limits within which storage of explosives are prohibited.
Section 13-104	Modifications.
Section 13-105	New materials, processes, or occupancies which may require permits.
Section 13-106	Appeals.
Section 13-107	Penalties.

ARTICLE B

CONTROLLED OPEN BURNING

Section 13-110	Lawful and Unlawful Burning
Section 13-111	Permit Requirements
Section 13-112	Liability for Burning
Section 13-113	Penalty

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

ARTICLE A

FIRE DEPARTMENT

Section 13-201	Fire department, chief of the department.
Section 13-202	Fire marshal.
Section 13-203	Hazardous materials cleanup, reporting.
Section 13-204	Rescue and recovery defined.
Section 13-205	Rescue and recovery fees, charges and disposition.

Public Safety

ARTICLE B

CALLS OUTSIDE LIMITS

Section 13-206	Contracts authorized outside city limits.
Section 13-207	Contract terms, fees for service.
Section 13-208	Authority to answer calls.
Section 13-209	Firefighters serving in regular line of duty.
Section 13-210	Department considered agent of state.

CHAPTER 3

POLICE DEPARTMENT AND SERVICES

ARTICLE A

GENERAL PROVISIONS

Section 13-301	Police department created, chief.
Section 13-302	Duties.
Section 13-303	Emergency duties in other cities.
Section 13-304	Police dogs.

ARTICLE B

POLICE RESERVE

Section 13-310	Established.
Section 13-311	Rules and regulations.
Section 13-312	Selection and compensation.

ARTICLE C

911 EMERGENCY NUMBER SERVICE

Section 13-320	Purpose.
Section 13-321	Definitions.
Section 13-322	Emergency Telephone Service and Fee
Section 13-323	Collection of Fee
Section 13-324	False Alarm, Complaint; Violations and Penalty

Public Safety

CHAPTER 4

CIVIL EMERGENCY MANAGEMENT

Section 13-401	Purpose of civil emergency management organization.
Section 13-402	Definitions.
Section 13-403	Co-directors of civil emergency management.
Section 13-404	Co-directors—planning, training and function.
Section 13-405	Co-directors' general powers during emergencies.
Section 13-406	Other functions.
Section 13-407	Authorization and termination of emergency powers.
Section 13-408	Proclamation of state of emergency.
Section 13-409	Mayor's emergency powers.
Section 13-410	Riots.

CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501	Complete record required.
Section 13-502	Disposition of unclaimed property.
Section 13-503	Property found by a private person.
Section 13-504	Recovery by owner.

Public Safety

CHAPTER 1

FIRE PREVENTION

Section 13-101	Adoption of Fire Prevention Code.
Section 13-102	Additions, insertions and changes.
Section 13-103	Limits within which storage of explosives are prohibited.
Section 13-104	Modifications.
Section 13-105	New materials, processes, or occupancies which may require permits.
Section 13-106	Appeals.
Section 13-107	Penalties.

SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE.

A certain document designated as "The BOCA National Fire Prevention Code, Ninth Edition, 1993", as published by the Building Officials and Code Administrators International, Inc., is hereby adopted by the city council for the control of buildings and structures as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof as if fully set out in this code, with the additions, insertions, deletions and changes, if any, prescribed in this chapter. At least one copy of the fire prevention code is on file in the office of the city clerk. The fire prevention code is hereby adopted and incorporated as fully as if set out at length herein. (Prior Code, Sec. 10-22, as amended; Ord. No. 2110, 12/6/93)

Cross Reference: Fire district delineated, see Part 5 of this code.

SECTION 13-102 ADDITIONS, INSERTIONS AND CHANGES.

The following sections of the fire code are hereby revised as follows:

1. Section F-100.1. Insert: "City of Sapulpa, Oklahoma."

(Prior Code, Sec.10-25, Ord.No. 2110, 12/6/93)

SECTION 13-103 LIMITS WITHIN WHICH STORAGE OF EXPLOSIVES ARE PROHIBITED.

The limits referred to in Section F-3003.2 of the Fire Prevention Code in which storage of explosive materials is prohibited are hereby established as follows: Less than three hundred (300) pounds of explosive material in the corporate limits of the city. (Prior Code, Sec. 10-26, Ord. No. 2110, 12/6/93)

## Public Safety

### SECTION 13-104 MODIFICATIONS.

The city manager and fire chief, with the approval of the city council, shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the manager, fire chief and city council thereon shall be entered upon the records of the city council, and a signed copy shall be furnished the applicant.

### SECTION 13-105 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The city manager, the chief of the fire department, and one person appointed by the city council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the fire code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

### SECTION 13-106 APPEALS.

Whenever the fire chief or the city manager 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 city manager to the city council within thirty (30) days from the date of the decision appealed.

### SECTION 13-107 PENALTIES.

- A. Any person who violates any of the provisions of the Fire Prevention Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in Section 1-108 of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such

## Public Safety

violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Prior Code, Sec. 10-29)

## ARTICLE B

### CONTROLLED OPEN BURNING

Section 13-110	Lawful and Unlawful Burning
Section 13-111	Permit Requirements
Section 13-112	Liability for Burning
Section 13-113	Penalty

#### SECTION 13-110 LAWFUL AND UNLAWFUL BURNING

- A. The open burning of permissible materials by any person shall be unlawful within the City except as allowed only upon authorization and issuance of a permit from the city Fire Marshal as provided for herein. The open burning of any impermissible materials by any person shall be unlawful within the City.
- B. Permissible materials shall mean all naturally occurring materials such as wood products, tree limbs, branches, shrubbery, clippings, leaves, etc. Impermissible materials shall mean tires, asphalt shingles, paints, plastics or other products containing rubber, styrofoam or leather.

#### SECTION 13-111 PERMIT REQUIREMENTS

An adult person within the city limits may burn permissible materials only from sunrise to sunset provided the following conditions are met:

- A. Any burning must occur during daylight hours on a lot of at least 100 feet by 50 feet in dimension and must occur on a non-combustible surface or in a non-combustible container which is no closer than 50 feet to any structure other than a structure owned by the permit holder burning said materials. The amount of permissible materials to burn shall not exceed in size a 5 foot by 5 foot by 5 foot dimension and no burning shall be allowed during a time when wind conditions exceed 10 miles per hour. In addition, commercial pit burning shall be allowed only under the following conditions: (i) any such

## Public Safety

burning must occur on a lot of at least 1 acre or more in a fire pit located no closer than 300 feet to any structure other than a structure owned by the permit holder burning said materials, (ii) blowers must be used to accelerate the rate of combustion; and (iii) compliance with the following provisions.

- B. The person shall obtain a permit from the City at a cost set forth in the Master Fee Schedule, said permit identifying the adult in charge of this use by name and address, and also identifying the proposed location on the permit holder's property. No application shall be approved unless applicant produces documentation of ownership of the site location. All applications for said permits shall be made available during normal business hours from the City Clerk's office and are valid only for 72 hours following approval from the Fire Marshal's office.
- C. The adult permit holder in charge of the use must be physically present during the controlled burn and have the permit available for examination by any law enforcement officer or fire department personnel. Adequate fire extinguishing equipment shall be on-site and available for immediate use by the person at all times during the controlled burn.
- D. Notwithstanding the issuance and approval of any permit, the Fire Marshal retains the authority to prohibit, delay or cancel any open burning if atmospheric conditions or local circumstances make such burning hazardous, offensive or objectionable.
- E. No offsite materials shall be burned on any site for commercial purposes unless the site has been approved as a commercial pit burn.
- F. No more than 4 residential burn permits may be issued for any one site during a calendar year period and at least thirty (30) days must exist between expiration and issuance of any permits."

### SECTION 13-112 LIABILITY FOR BURNING

Any person engaged in the actual burning of materials pursuant to this article shall at all times remain liable for any damages, injuries or other consequences which may result from such conduct; the City does not assume any responsibility and hereby disclaims any and all liability for any claims or damages that may result from such conduct even when conducted in compliance with these provisions.

Public Safety

SECTION 13-113 PENALTY.

Failure to comply with any of the foregoing provisions of this Chapter and/or any violation thereof shall constitute an offense punishable under Section 1-108 of the Code. Each day any such provision is violated shall constitute a separate offense.

Public Safety

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

ARTICLE A

FIRE DEPARTMENT

Section 13-201	Fire department, chief of the department.
Section 13-202	Fire marshal.
Section 13-203	Hazardous materials cleanup.

ARTICLE B

CALLS OUTSIDE LIMITS

Section 13-206	Contracts authorized outside city limits.
Section 13-207	Contract terms, fees for service.
Section 13-208	Authority to answer calls.
Section 13-209	Firefighters serving in regular line of duty.
Section 13-210	Department considered agent of state.

ARTICLE A

FIRE DEPARTMENT

SECTION 13-201 FIRE DEPARTMENT, CHIEF OF THE DEPARTMENT.

There shall be a fire department, the head of which shall be the chief of the fire department. The chief of the fire department shall be an officer of the city and shall have supervision and control of the fire department. There shall be such additional firefighters as may authorized. 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.

State Law Reference: Fire departments in general, 11 O.S. Sections 29-101 et seq.; volunteer departments, 11 O.S. Sections 29-201 et seq.

## Public Safety

### SECTION 13-202 FIRE MARSHAL.

- A. The office of fire marshal within the fire department of the city is hereby established. The fire marshal shall have such qualifications and duties as prescribed by the city and shall, within twelve (12) months of his appointment be certified by the state as a full time peace officer.
- B. The position of assistant fire marshal is hereby established and shall be filled by the fire marshal.
- C. The fire marshal and assistant fire marshals shall perform those duties necessary for the investigation of the cause, origin and circumstances of fires and explosions of a suspicious nature within the city and as otherwise directed by the fire chief, including duties relating to the enforcement of all laws and ordinances pertaining to fire protection and prevention.
- D. The fire marshal and assistant fire marshals shall be deemed peace officers with full power to execute within the corporate limits any and all legal process, to administer oaths, subpoena witnesses, issue citations and effect arrests. The fire marshal, subject to direction of the fire chief and police chief, shall have jurisdiction over all investigations of the loss of life or property which occur as the result of fire or explosion or which occur as a result of or are associated with the crime of arson as defined by state law. (Prior Code, Secs. 10-47 to 10-49)
- E. The fire marshal and assistant fire marshals shall have the authority at all times of day or night, when necessary in the performance of the duties imposed by the provisions of this article, to enter upon or within any building, structure, vehicle or property and examine the same in regard to any fire or explosion having occurred therein, provided that in all instances said fire marshal and assistant fire marshals shall exercise discretion in so entering said locations and shall do so at all times consistent with applicable law. (Ord. No. 2025)
- F. The fire marshal and assistant fire marshals shall have the right, upon complaint of any person having an interest in any building or structure (except single family dwellings), to enter upon said property for the purpose of investigating such complaint during reasonable hours and upon notification of inspection. (Ord. No. 2025)
- G. Whenever the fire marshal shall find any building or other structure especially hazardous or determines that the same endangers other

## Public Safety

buildings or property and is a fire hazard, or whenever he shall discover a violation of applicable ordinances or other law or improper or dangerous conditions by reason of the construction or additions of appurtenances thereto; or by the use of gas pipes, fixtures or appliances; or the improper use or arrangement of electric accessories, services or fixtures; or dangerous or unlawful storage of explosives, compounds or any other combustible or flammable material or refuse; or any condition which may be dangerous in its character and capable of creating fire or explosion or render any place or premises hazardous to the members of the fire department in fighting fires thereon, or to the occupants of such place; then in any of these cases, the fire marshal shall issue a written order that the cause of such danger or hazard abated or removed, and shall order the owner or the person in possession of such premises to immediately abate or remove the cause of the dangerous condition with a stated period of time, and thereupon it shall be the duty of the owner, agent or occupant of such place to comply with said order. When such order is made by the fire marshal, the owner or occupant may, within 48 hours, appeal the requirements of said order to the chief of the fire department by stating such appeal and the reasons therefor in writing. In the event of such appeal, the chief shall immediately review such order and render a written opinion thereupon, and unless by his authority the order of the fire marshal is revoked or modified, said order shall remain in full force and compliance required as provided. Failure to comply with such order of the fire marshal shall constitute a violation of this code punishable under Section 1-108, and each day of non-compliance thereafter shall be considered a separate violation. The maintenance of or continuance of any dangerous condition after expiration of the time in which the fire marshal shall have ordered that same removed or abated shall constitute a public nuisance. (Ord. No. 2025)

- H. Service of any notice or order herein mentioned may be made upon the owner, agent or occupant of the premises either by delivering a copy of same to such occupant personally, or by delivering the same to and leaving it with any person in charge of the premises, or by affixing a copy thereof in a conspicuous place upon the premises and mailing a copy thereof to the owner at his last known address. (Ord. No. 2025)

### SECTION 13-203 HAZARDOUS MATERIALS CLEANUP, REPORTING.

- A. The fire chief is authorized to clean up or abate or cause to be cleaned up or abated the effects of any hazardous substance or waste unlawfully, accidentally or negligently released, discharged or deposited upon or into

## Public Safety

any property or facilities within the city's jurisdiction. The following persons shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such cleanup or abatement activity:

1. The person whose accidental, negligent or wilful act or omissions proximately caused such release, discharge or deposit;
  2. The person who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge or deposit without regard to fault or proximate cause; and
  3. The person who opened or had custody or control of the container which held such hazardous waste or substance at the time or immediately prior to such release, discharge or deposit without regard to fault or proximate cause.
- B. In the event that any person undertakes, either voluntarily or upon order of the fire chief or other city official to clean up or abate the effects of any hazardous substance or waste negligently, unlawfully or accidentally released, discharged or deposited upon or into any property or facilities within the city, the fire chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in Subsection A of this section shall be liable to the city for all costs incurred as a result of such supervision or verification.
- C. For the purpose of this section:
1. "Costs incurred by the city" shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; cost of equipment operation; cost of any contract labor and materials;
  2. "Hazardous material" means any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.
- D. An adjustment by a budget amendment to the fire department budget will be made for the cost incurred from overtime and loss of or damage to equipment or apparatus pursuant to this section.
- E. The remedies provided by this section shall be in addition to any other remedies provided by law.

## Public Safety

- F. The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the fire department. (Ord. No. 2142, 1/17/95)
  
- G. The fire chief is authorized to request a report of hazardous materials information from any person, business and/or industry within the city limits and from those persons, businesses and industries outside city limits that have contracts for fire protection from the city fire department. Every person, business, industry or facility having hazardous materials in sufficient quantity according to the Oklahoma Hazards Communications Standard, is hereby required to annually submit a hazardous materials information report to the fire chief between January 1 and March 1 of each year, and to pay a filing fee in the amount reflected by the Master Fee Schedule, which fees shall used for the purchase and/or maintenance of equipment and materials used by the Hazardous Materials office of the fire department. Failure to file said report shall operate to alleviate the fire department from any responsibility to conduct an interior fire attack on a facility until an authorized representative of said facility provides a complete and verified list of chemicals and other hazardous materials and their locations within the structure. In addition, failure of any person, business or industry from submitting the required report within the stated time frame shall constitute a violation of this code punishable under Section 1-108 of the code, and the fire chief shall notify the EPA and State Insurance Commission of said failure to report. Each day of non-compliance after March 1 shall constitute a separate violation punishable under Section 1-108. For purposes of this provision, "hazardous material" shall mean any substance with a sufficient health, detonative, explosive or reactive character or potential and in sufficient quantity or concentration, that it requires reporting to the fire department under the Oklahoma Hazard Communications Standard. (Ord. No.2238)

### SECTION 13-204 RESCUE AND RECOVERY DEFINED.

For purposes of this section, "rescue" is defined as the efforts and equipment associated with the locating and removal of human persons whether alive or dead; "recovery" is defined as the efforts and use of equipment associated with the locating and removal of any private property incidental to an actual on scene rescue operation and as specifically requested by the person, business entity or their agents.

Public Safety

SECTION 13-205 RESCUE AND RECOVERY FEES, CHARGES AND DISPOSITION.

No charge shall be levied for any rescue activities or for any mutual aid assistance rendered to any other fire department or law enforcement agency except as otherwise provided by this code. A fee as set by the Master Fee Schedule is hereby imposed for recovery activities involving private property and shall be paid by the person, business entity or their agents requesting the recovery. Fifty percent (50%) of any funds received for recovery activities shall be deposited into the fire department sales tax fund for repairs, replacement and/or upgrading rescue related equipment; the remaining fifty percent (50%) of said funds shall be deposited into the general fund of the city. (Ord. No. 2165).

ARTICLE B

CALLS OUTSIDE LIMITS

SECTION 13-206 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS.

- A. The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state in furnishing, maintaining and operating fire equipment for outside aid or mutual aid upon such terms and conditions as it may deem to be in the best interest of the contracting parties.
- B. The contract specified in the preceding subsection may be entered into by the city clerk on behalf of the city when furnished satisfactory evidence that the person has in force with a reputable insurance company a policy of insurance providing for the payment of a minimum sum of One Thousand Dollars (\$1,000) to the city for such fire protection. The contract shall be executed by the city clerk only after approval by the fire chief or his deputy who shall endorse his approval on the contract when satisfied that the city can afford such protection to the property covered thereby without foreseeable or hazardous lessening of the fire protection to the property within the city, giving consideration to the location of the property, its accessibility and other facts which might enter into the making of a fire run thereto. (Prior Code, Secs. 10-12 - 10-14)

State Law Reference: Mutual aid, fire contracts outside limits, 11 O.S. Sections 29-106 to 29-109.

## Public Safety

### SECTION 13-207 CONTRACT TERMS, FEES FOR SERVICE.

Any contract entered into by the city with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation or association, or political subdivision to the city for such fire apparatus and personnel and for annual contracts at the rates and charges as set by Master Fee Schedule. All monies received from the calls shall go into the general fund or fire pension fund, all as may be directed by the city council. (Prior Code, Sec. 10-13, in part)

### SECTION 13-208 AUTHORITY TO ANSWER CALLS.

The fire department of the city is hereby authorized and directed to answer calls for its services in connection with a fire within an area enclosed by the outside corporate limits of the city or when property endangered by fire is within the city E911 emergency response area. In the event such a call is answered on a location without an annual contract for fire services, the property owner of the location responded to shall be obligated to pay the charges and fees set forth in the Master Fee Schedule. The fire chief, however, is authorized to refuse to make such fire runs or to prevent the use of fire fighting personnel and equipment when in his judgment it is not expedient to do so on account of fires within the city, broken or insufficient apparatus or equipment, dangerous highways and any other condition which in his opinion makes it necessary to hold firefighting equipment and personnel for protection of property within the city. (Prior Code, Sec. 10-15; Ord. No. 2085, 4/20/92)

### SECTION 13-209 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters of the fire department of the city attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the city. (Prior Code, Sec. 10-16)

### SECTION 13-210 DEPARTMENT CONSIDERED AGENT OF STATE.

The fire department of the city answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the city shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article. (Prior Code, Sec. 10-16.1)

Public Safety

CHAPTER 3

POLICE DEPARTMENT AND SERVICES

ARTICLE A

GENERAL PROVISIONS

Section 13-301	Police department created, chief.
Section 13-302	Duties.
Section 13-303	Emergency duties in other cities.
Section 13-304	Police dogs.

SECTION 13-301 POLICE DEPARTMENT CREATED, CHIEF.

There is a police department, the head of which is the chief of police, or police chief. The police chief has supervision and control of the police department.

State Law Reference: Municipal police department generally, 11 O.S. Sections 34-101 et seq.

SECTION 13-302 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

SECTION 13-303 EMERGENCY DUTIES IN OTHER CITIES.

- A. Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this city, when such service is requested by the mayor or chief of police of the city or town.

## Public Safety

- B. Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the chief of police, and in his absence, the city manager who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this city, shall cause to be furnished the number of officers requested and to arrange their transportation to the requesting municipality.
- C. The city manager or police chief is hereby authorized to request assistance from police departments of other cities or towns in case of an emergency in the city necessitating such assistance. (Prior Code, Secs. 21-14 to 21-16)

### SECTION 13-304 POLICE DOGS.

- A. The use of police dogs by the police department in performing the duties of the department is hereby authorized subject to such rules as may be adopted by the police chief and city manager.
- B. It is unlawful for any person to wilfully or maliciously torment, beat, strike, injure, disable or kill any dog used by the police department of the city in the performance of the functions or duties of such department or to interfere or meddle with any such dog while being used by the department or any officer or member thereof. (Prior Code, Secs. 21-1, 21-2)

State Law Reference: See also state law for police dogs.

## ARTICLE B

### POLICE RESERVE

Section 13-310	Established.
Section 13-311	Rules and regulations.
Section 13-312	Selection and compensation.

### SECTION 13-310 ESTABLISHED.

A reserve police force for the city is hereby authorized and directed for the purpose of assisting the regularly constituted law enforcement officers of the city. The chief of police has authority over the reserve police force and its members. His decisions in all matters in connection therewith shall be final. (Prior Code, Secs. 21-17, 21-19)

Public Safety

SECTION 13-311 RULES AND REGULATIONS.

The police chief shall promulgate rules and regulations for the police auxiliary force. When such rules and regulations are established, they shall be approved by the city manager and shall govern the membership, dues and functions of the reserve police force. (Prior Code, Sec. 21-18)

SECTION 13-312 SELECTION AND COMPENSATION.

- A. The police chief and the city manager shall select members of the reserve police force. The reserve police officer shall meet the requirements established by state law and shall have the authority granted by state law.
  
- B. Members of the reserve police force shall serve without compensation and shall not be considered members of the police department of the city. (Prior Code, Sec. 21-20, 21-21)

ARTICLE C

911 EMERGENCY NUMBER SERVICE

Section 13-320	Purpose.
Section 13-321	Definitions.
Section 13-322	Emergency Telephone Service and Fee
Section 13-323	Collection of Fee
Section 13-324	False Alarm, Complaint; Violations and Penalty

SECTION 13-320 PURPOSE

It is the purpose of this article to establish the telephone number 9-1-1 as the primary emergency telephone number for use throughout the City in order to expedite the response of law enforcement, fire, medical, rescue, and other emergency services to any person requiring such assistance.

SECTION 13-321 DEFINITIONS

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

## Public Safety

(1) *Emergency telephone service* means any telephone system utilizing a three-digit number, 9-1-1, for reporting an emergency to the appropriate public agency providing law enforcement, medical or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel.

(2) *Local exchange telephone company* means any company providing exchange telephone services to any service user in this City.

(3) *Person* means any service user, including but not limited to any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the United States of America, the State, any political subdivision of the State, or any Federal or State agency, department, commission, board, or bureau or any other service user.

(4) *Service user* means any person not otherwise exempt from taxation, who is provided exchange telephone service in this City.

(5) *Tariff rate* means the rate or rates billed by a local exchange telephone company stated in tariffs applicable for such company, as approved by the Oklahoma Corporation Commission, which represent the recurring charges of such local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

(6) *VoIP* means voice over internet protocol.

(7) *VoIP carrier* means a person who offers a dial tone telephone service to a customer under authority of the Federal Communications Commission and who is required to collect a fee for funding of emergency telephone service.

### SECTION 13-322 EMERGENCY TELEPHONE SERVICE AND FEE

A. The City hereby provides for the operation of an emergency telephone service within the City and hereby imposes an emergency telephone fee in accordance

## Public Safety

with state law upon customers and providers of dial tone for all service within the City. The emergency telephone fee shall be imposed only as permitted by State law. If an applicable tariff rate exists for services provided by that carrier with customers located in the City, the City hereby imposes an emergency telephone fee at the rate set forth in the Master Fee Schedule. For any provider of dial tone or telephone service in the City whose charges are not regulated by the Oklahoma Corporation Commission, and whose fee has not been established by State law, the Council hereby imposes a fee upon such providers that is equal to the cost of providing emergency telephone and dispatch services, in the same ratio as the number of customers for that carrier bears to all customers in the City. All local exchange telephone companies having customers in the City shall provide an annual census of customers to the City no later than sixty (60) days after the first day of each calendar year.

B. The City hereby adopts and imposes a fee upon VoIP customers whose businesses or residences are located within the City at the rate set forth in the Master Fee Schedule in accordance with state law. The emergency telephone fee shall be imposed only as permitted by State law. All VoIP carriers having customers in the City shall provide an annual census of customers to the City no later than sixty (60) days after the first day of each calendar year.

C. All wireless carriers having customers whose businesses or residences are located within the City according to the records of the wireless carrier shall provide to the City a census of customers located or residing in the City upon request.

D. Every billed service user shall be liable for any fee imposed pursuant to this article until it has been paid to the local exchange telephone company or other provider of dial tone. Fees imposed pursuant to the authority of this article and that are required to be collected by the local exchange telephone company or other provider of dial tone shall be added to and may be stated separately in the billings to the service user.

E. The local exchange telephone company or other provider of dial tone shall have no obligation to take any legal action to enforce the collection of any fee imposed pursuant to authority of this article; however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees and taxes for telephone service, the amount tendered shall be credited to the emergency telephone fee in the same manner as other taxes and fees. The local exchange telephone company or other provider of dial tone shall annually provide the City Treasurer with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the local exchange telephone company or other provider of dial tone to be nonpayment of any fee imposed pursuant to the authority of this article.

## Public Safety

F. Any fee imposed pursuant to the authority provided by this article shall be collected insofar as practicable at the same time as, and along with, the charges for telephone service in accordance with the regular billing practice of the telephone company.

### SECTION 13-323 COLLECTION OF FEE

The fee imposed pursuant to authority of this article and the amounts required to be collected are due monthly. The amount of fee collected in one month shall be remitted to the City Treasurer no later than 30 days after the close of the month in which such fees were collected. On or before the last day of each month, a return for the preceding month shall be filed with the City Treasurer in such form as the City Treasurer shall require. The local exchange telephone company or other dial-tone provider required to file the return shall deliver the return together with a remittance of the amount of the fee payable to the City Treasurer for deposit into a special revenue fund. The local exchange telephone company or other provider of dial tone shall maintain records of the amount of any fee collected in accordance with the provisions of this article. Such records shall be maintained for a period of three years from the time the fee is collected unless a shorter holding period is authorized by state law. From every remittance to the City Treasurer made on or before the date when the same becomes due, the local exchange telephone company or other provider of dial tone required to remit the same shall be entitled to deduct and retain, as an administrative fee, an amount not exceeding three percent thereof.

### SECTION 13-324 FALSE ALARM, COMPLAINT; VIOLATIONS AND PENALTY

No person shall call the number 9-1-1 for the purpose of making a false alarm or complaint or reporting false information which could result in the dispatch of emergency services from any public agency. Any person violating the provisions of this section, upon conviction, shall be guilty of an offense punishable under Section 1-108 of the Code.”

Public Safety

CHAPTER 4

CIVIL EMERGENCY MANAGEMENT

Section 13-401	Purpose of civil emergency management organization.
Section 13-402	Definitions.
Section 13-403	Co-directors of civil emergency management.
Section 13-404	Co-directors—planning, training and function.
Section 13-405	Co-directors' general powers during emergencies.
Section 13-406	Other functions.
Section 13-407	Authorization and termination of emergency powers.
Section 13-408	Proclamation of state of emergency.
Section 13-409	Mayor's emergency powers.
Section 13-410	Riots.

SECTION 13-401 PURPOSE OF CIVIL EMERGENCY MANAGEMENT ORGANIZATION.

The purpose of this chapter is to create a civil emergency management organization for the city to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the city. The duty of the civil emergency management organization shall be the protection of the lives and health of the citizens of the city and of property and property rights, both public and private, and to perform all functions necessary and incident thereto. (Prior Code Sec. 8-1; Ord. 2302)

SECTION 13-402 DEFINITIONS.

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

“Civil Emergency Management” shall mean the preparation for and the carrying out of all emergency functions other than functions for which primary responsibility is assigned elsewhere by Federal, State or local law or ordinance, to protect the public peace, health and safety and to preserve lives and property in the City during an emergency or catastrophe in or near the City and involving imminent or actual peril to life and property in the City. The functions include admission, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communication service, streets and sewer service, utility service, general engineering service, radio-logical service, plant protection service supply service, mutual aid, mobile support, evacuation, public shelter use and management, warning, and all other functions

## Public Safety

necessary or incidental to the preparation for and the carrying out of the foregoing functions.

“Co-Directors” shall mean the Co-Directors of the Civil Emergency Management Organization.

“Curfew” shall mean a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises, excepting persons officially designated to duty with reference to the emergency.

“Disaster” shall mean any occurrence or catastrophe resulting in or imminently threatening substantial damage or injury to persons or property in the City whether such occurrence is caused by an act of nature or of man, including an enemy of the United States.

“Disorderly” shall mean a course of conduct by a person which:

- (A) Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:
  - (1) Engaging in fighting or in violent, tumultuous, or threatening behavior; or
  - (2) Making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or
  - (4) Dispersing any lawful procession or meeting of persons, not being a peace officer of this City and without lawful authority; or

Creating a hazardous or physically offensive condition which serves no legitimate purpose; or

Engages with at least one other person in a course of disorderly conduct as defined in Subparagraph A above which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an orderly to disperse, made by a peace officer to the participants.

“State of emergency” shall mean an emergency and shall be deemed to exist whenever, by reason of any disaster, such proper authority proclaims same to exist as provided in this chapter, and such state of emergency shall

## Public Safety

continue until terminated by proclamation of proper authority as provided by this chapter. (Ord. 2302)

### SECTION 14-403 CO-DIRECTORS – Generally.

The Chief of Police and Fire Chief of the City are hereby designated as Co-Directors. The Co-Directors shall serve as executive heads of the Civil Emergency Management Organization. The Co-Directors shall perform such other duties pertaining to safety as may be assigned by the City Manager.

### SECTION 13-404 CO-DIRECTORS - PLANNING, TRAINING AND FUNCTIONS.

Prior to an emergency, and within the limits of any funds appropriated or received by grant therefore, the Co-Directors shall:

- A. Prepare an operational plan of the departments of City government which shall provide a coordinated assignment of activities and responsibilities to each department in the event of an disaster or state of emergency as provided in this chapter.
- B. Establish necessary emergency operation centers.
- C. Establish public warning systems and acquire and cause to be installed such devises as may be necessary to implement such systems.
- D. Establish and carry out recruiting and training program for purposes of developing qualified civil emergency management volunteer works.
- E. Plan supervise, and conduct drills and exercises under simulated disaster conditions.
- F. Plan and develop mutual aid arrangements for reciprocal civil emergency management assistance consistent with State and Federal plans of civil emergency management.
- G. Plan and develop a public shelter system to include identification, marking and stocking of public shelters and shelter use and management training. (Ord. 2302)

## Public Safety

### SECTION 13-405 CO-DIRECTORS' GENERAL POWERS DURING EMERGENCIES.

If an actual emergency is proclaimed by the City Manager of the City Council, as provided in this chapter, the Co-Directors, with the approval of the City Manager of City Council as provided in this chapter, may exercise the power to enforce all rules and regulations relating to civil emergency management during such emergency.

If the Co-Directors are acting under the authority of the City Manager as an agent of the Governor of this State, then the Co-Directors may take control of all means of transportation and communications, all stocks of fuel, food, clothing, medicine and supplies and all facilities including buildings, and plants, and exercise all power necessary to secure the safety and protection of the civilian population, to the extent necessary as provided by law.

### SECTION 13-406 OTHER FUNCTIONS.

The Co-Directors shall properly coordinate the activities of the Civil Emergency Management. They are specifically charged in such emergency with the collection, evaluation and dissemination of information to all agencies both public and private participating in the City's Civil Emergency Management or cooperating in any such emergency.

The Co-Directors shall have the power to recommend appropriate action, but they shall not otherwise exercise control over the participating agencies.

The Co-Directors shall recommend to the City Council the allocation of any funds received from the Federal or State Governments or from any other source to alleviate distress and aid in restoring normal conditions. (Ord. 2302)

### SECTION 13-407 AUTHORIZATION AND TERMINATION OF EMERGENCY POWERS.

The emergency powers conferred in this article shall be effective immediately upon the issuance of a proclamation of the existence of emergency:

- (A) by a proper officer or agency of the State as provided by law; or
- (B) by resolution of the City Council if the Council finds that the disaster causing the emergency is local to the City and its environs and is locally controllable, and it is so noted in the resolution.

If the urgency of the situation requires, the City Manager is authorized to declare the existence of emergency until such time as the City Council may meet and determine that a state of emergency exists. The exercise of the emergency powers conferred in this

## Public Safety

article is limited to the duration of emergency as determined according to law and by the provisions of this chapter.

During the period of such local emergency the exercise of emergency powers shall be in conformity with all applicable provisions of the City Charter.

Locally proclaimed states of emergency shall be terminated upon adoption by the City Council of a resolution of termination not in conflict with State laws. (Ord. 2302)

### SECTION 13-408 PROCLAMATION OF STATE OF EMERGENCY.

The Mayor, after finding that a public disorder, disaster or riot exists which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected. The proclamation of a state of emergency and other proclamations issued pursuant to this section shall be in writing and shall be signed by the Mayor and filed with the City Clerk.

The Mayor shall give as much public notice as practical through the news media of the issuance of proclamations pursuant to this section.

The state of emergency shall cease to exist upon the issuance of a proclamation of the mayor declaring its termination; provided that the Mayor shall terminate the proclamation when order has been restored in the area affected. (Ord. 2302)

### SECTION 13-409 MAYOR'S EMERGENCY POWERS.

- (A) The Mayor, during the existence of a state of emergency, by proclamation, may in the area affected by public disorder, disaster or riot at the time the proclamation is issued, prohibit:
1. Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Mayor to be a period of curfew;
  2. A designated number of persons from assembling or gathering on the public streets, parks or other areas either public or private;
  3. The manufacture, transfer, use, possession or transportation of a Molotov Cocktail or any other devise, instrument, or object designed to explode or produce uncontained combustion;
  4. The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container

## Public Safety

of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

5. The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;
6. The sale, purchase or dispensing of alcoholic beverages (including 3.2 beer);
7. The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;
8. The use of certain streets, highways or public ways by the public; and
9. Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property, or the public peace.

In imposing the restrictions provided for in this section, the Mayor may impose them for such times, upon such conditions, with such exceptions and in such areas he from time to time deems necessary.

### SECTION 13-410 RIOTS.

No three (3) or more persons shall assemble together or act in concert to do any act with force or violence against the peace, or to the terror of others or make any movement or preparation therefore. No person who is present at the meeting or assembly shall fail to endeavor to prevent the commission or perpetration of such an act.

Public Safety

CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501	Complete record required.
Section 13-502	Disposition of unclaimed property.
Section 13-503	Property found by a private person.
Section 13-504	Recovery by owner.

SECTION 13-501 COMPLETE RECORD REQUIRED.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

State Law Reference: Disposition of personal property by police chief, procedures, application to destroy, 11 O.S. Section 34-104; Uniform unclaimed property disposition act, 60 O.S. Section 655; relating to finders of lost goods, 15 O.S. Sections 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. Sections 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. Sections 1261 et seq.; alcoholic beverages seized in violation of law, 37 O.S. Section 539.

Charter Reference: See Sec. 16 of Article IV on sale of abandoned equipment and property.

SECTION 13-502 DISPOSITION OF UNCLAIMED PROPERTY.

Any unclaimed personal property, other than animals, which remains in the possession of the chief of police, unclaimed, or the ownership of which is not to him satisfactorily established, for a period of more than thirty (30) days, shall be sold, or disposed of in the manner required by law, except such personal property as in the opinion of the city manager can be more advantageously used by some department or office of the city government.

## Public Safety

### SECTION 13-503 PROPERTY FOUND BY A PRIVATE PERSON.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the chief of police shall sell the property in the manner required by law as if it had been found by a public official or employee, or on instruction by the city manager deliver it to some department or office of the city government for its use.

### SECTION 13-504 RECOVERY BY OWNER.

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the city council.



PART 14

STREETS AND PUBLIC WORKS

CHAPTER 1

USE AND OBSTRUCTION OF STREETS

Section 14-101	Trees and shrubbery to be trimmed.
Section 14-102	Unlawful to injure trees and shrubbery.
Section 14-103	Unlawful to obstruct sidewalks, streets with merchandise, exceptions, permits.
Section 14-104	Unlawful to obstruct unduly sidewalks and streets.
Section 14-105	Unlawful to deposit trash upon streets or sidewalks.
Section 14-106	Owner or occupant not to permit sidewalk or sidewalk area to become a hazard.
Section 14-107	Street not to be obstructed so as to interfere with drainage.
Section 14-108	Duty to keep sidewalk and gutter clean, good repair.
Section 14-109	Drainage of polluting substances into streets, alleys or sidewalks prohibited.
Section 14-110	Penalty.

CHAPTER 2

CUTTING STREETS AND SIDEWALKS

Section 14-201	Excavations on streets or sidewalks.
Section 14-202	Permits.
Section 14-203	Cutting of pavement.
Section 14-204	Warning signals.
Section 14-205	Removal of danger signals.
Section 14-206	Penalty.

CHAPTER 3

PUBLIC WORKS ENGINEERING DESIGN AND CONSTRUCTION SPECIFICATIONS

Section 14-301	Specifications and criteria adopted.
Section 14-301A	Engineering Design Criteria

CHAPTER 4

STORM-WATER MANAGEMENT PROGRAM

Section 14-401	Purpose and Intent
Section 14-402	Definitions and Abbreviation

## Street, Sidewalks & Public Works

Section 14-403	Applicability
Section 14-404	Responsibility for Administration
Section 14-405	Ultimate Responsibility
Section 14-406	Watercourse Protection
Section 14-407	Notification of Spills
Section 14-408	Illicit Discharge Prohibitions
Section 14-409	Prohibition of Illicit Connections
Section 14-410	Construction Activities
Section 14-411	Request for Variance
Section 14-412	Monitoring of Discharge
Section 14-413	Penalties and Administrative Remedies
Section 14-414	Storm Water Management Fee
Section 14-415	Post-Construction Stormwater Impacts; Minimization Regulations and Requirements; Compliance Procedures

Street, Sidewalks & Public Works

CHAPTER 1

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Section 14-108	Duty to keep sidewalk and gutter clean, good repair.
Section 14-109	Drainage of polluting substances into streets, alleys or sidewalks prohibited.
Section 14-110	Penalty.

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

- A. The owner of any premises abutting on any street of this city 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 the view or 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 fourteen (14) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.
- B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in 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 city punishable under Section 1-108 of the code. 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.
- C. In order to protect the public welfare and safety, the city manager may effect immediate removal of any object found in violation of this section or

Street, Sidewalks & Public Works

abate any such obstruction. Any costs for such removal or abatement shall be borne by the owner or occupier of the property. (Prior Code, Sec. 24-3, in part)

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the city provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery. (New)

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, STREETS WITH MERCHANDISE, EXCEPTIONS, PERMITS.

- A. It is unlawful for any person to place upon or permit to be placed upon the sidewalks, parkways, public property, streets and alleys of the city any goods, wares, articles of merchandise or any automobile, other device, goods or obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade or solicitation except as provided herein.
- B. The city manager may, subject to Section 14-104, permit the use of public streets or alleys for special events for promotion of matters of community interest which may include display or sale of merchandise in accordance with such regulations as the city may require. An applicant shall file an application with the city clerk at least thirty (30) days prior to the date of such event and shall provide such information and comply with such regulations as are required by the city.
- C. The city manager may, subject to Section 14-104, permit the use of public sidewalks by dealers or merchants for the sale, display or storage of goods and merchandise deemed to be in the city's best interest or at special events for promotion of matters of community interest. The city manager shall hear request for such approval and shall be guided in the decision to grant permits according to his best judgment and pursuant to the following:
  - 1. No area as determined by the city manager may be granted approval for use of public sidewalks for a period or at a frequency greater than as follows:
    - (I) 72 hour permit: Once per 30 days; or
    - (ii) Annual permit: Once per year; provided that any annual permit is limited and available only for the provision of edible food and/or beverages

## Street, Sidewalks & Public Works

to be consumed on site where seating is provided by the vendor.

2. Application for sidewalk permits shall be submitted for approval no later than fifteen (15) days prior to the requested date of use; and
  3. No permit shall be granted until the applicant has paid the fee required therefor as provided by the Master Fee Schedule; and
  4. Such other information or requirements shall be provided as may be required by the city.
- D. Any permit granted pursuant to this section may not become effective until the applicant furnishes liability insurance in such an amount as shall be deemed necessary by the city, conditioned to protect and save harmless the city from all claims for personal injury and property damage resulting the use of such streets and sidewalks by the public.
- E. Any violation of this section shall, upon conviction, constitute a misdemeanor punishable under Section 1-108 of this code.

### SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

- A. It is unlawful for any person to use or obstruct the streets, sidewalks or other public places of the city in any manner so as to interfere unduly with traffic, pedestrian traffic or to prevent access or to create a hazard, or to use or obstruct the streets and alleys of the city in any manner so as to interfere unduly with lawful traffic and parking thereon.
- B. In order to protect the public welfare and safety, the city may effect immediate removal of any object found in violation of this section. Any costs for such removal shall be borne by the owner or occupier of the grounds fronted thereon or at the expense of the person owning or placing the encroachment thereupon. Each day such blockage or obstruction remains shall constitute a new and separate violation. (Prior Code, Sec. 24-2)

### SECTION 14-105 UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.

It is unlawful for any person to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the city any paper, rubbish, grass, weeds, tree trimmings,

## Street, Sidewalks & Public Works

dirt, trash, crates, boxes or other refuse of any kind.

### SECTION 14-106 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

### SECTION 14-107 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

### SECTION 14-108 DUTY TO KEEP SIDEWALK AND GUTTER CLEAN, GOOD REPAIR.

It is the duty of the occupant of any lot or piece of ground abutting upon any street where there is a sidewalk or gutter on the street to keep such sidewalk or gutter clean and to remove therefrom all materials, snow or ice, trash, weeds, refuse, rubbish or hazards of any kind and to keep the sidewalk and gutter in good repair. If there is no such occupant of any such lot other than the owner, it is the duty of the owner to do the same.

### SECTION 14-109 DRAINAGE OF POLLUTING SUBSTANCES INTO STREETS, ALLEYS OR SIDEWALKS PROHIBITED.

It is unlawful for any residence or business to allow drainage of a polluting substance or to allow drainage of water which may become a hazard into any street, alley or sidewalk. A polluting substance is one so defined under Section 926.1 of Title 82 of the Oklahoma Statutes.

### SECTION 14-110 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.

Street, Sidewalks & Public Works

CHAPTER 2

CUTTING STREETS AND SIDEWALKS

Section 14-201	Excavations on streets or sidewalks.
Section 14-202	Permits.
Section 14-203	Cutting of pavement.
Section 14-204	Warning signals.
Section 14-205	Removal of danger signals.
Section 14-206	Penalty.

SECTION 14-201 EXCAVATIONS ON STREETS OR SIDEWALKS.

It is unlawful for any person to cut, alter, excavate, or change in any manner for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley or any sidewalk in the city without first securing a permit from the city to make such cut, alteration, or change; provided this requirement shall not apply to any person repairing or replacing a sidewalk under a sidewalk permit, provided such person changes only the sidewalk.

SECTION 14-202 PERMITS.

- A. Any person desiring to cut, alter, mutilate, or change in any manner for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley, shall apply to the building inspector of the city for a permit therefor, and pay to the city clerk the permit fee required as set by the Master Fee Schedule.
- B. Upon the payment of the fee and after approval by the city manager or his designee and compliance by the applicant with city requirements, the building inspector shall issue to such applicant a permit in accordance with the application therefor.

SECTION 14-203 CUTTING OF PAVEMENT.

Before removing pavement for the installation or repair of subsurface utilities, all sides of the proposed cut shall be sawed with an approved concrete saw to a depth as required by the city. Where it is necessary to cut paving for emergency repairs, paving may be removed without sawing, provided any damaged sections of paving are removed prior to making of repair. If it is further necessary to remove additional paving, the sawing process shall be repeated, covering the outer edges of the pavement to be replaced and the replacement of all paving cut shall be done by the applicant at his cost, but under the

## Street, Sidewalks & Public Works

direct supervision of the city.

### SECTION 14-204 WARNING SIGNALS.

It is the duty of any person doing any type of constructing or excavating work upon or adjacent to any street, alley, sidewalk, or public ground in the city to maintain substantial guard rails and barriers around such work or excavation in such a manner as to protect pedestrians, animals, and vehicles using such street, alley, or walk, in conformance with the uniform traffic code adopted by the city. Similar barriers shall be placed around any materials or equipment with which contact would be dangerous to pedestrians, animals or vehicles. It is the duty of all such persons to display and maintain warning lights during non-daylight times such work, excavation or obstruction exists. Such lights shall be of a type approved by the city, and shall be placed on or sufficiently near such place in a number and manner sufficient to warn the traveling public from any direction. It is an offense for any person to fail to provide such safeguards, and each day of such omission shall constitute a separate offense. Subsequent offenses by the same person or business shall subject the person or business to the maximum penalty prescribed

### SECTION 14-205 REMOVAL OF DANGER SIGNALS.

It is unlawful for any person to remove or destroy any barrier or danger signal placed or erected under the provisions of this code, unless such act is done at the direction of the person in charge of such work or the city.

### SECTION 14-206 PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in Section 1-108 of this code. (Prior Code, Sec. 19-22)

Street, Sidewalks & Public Works

CHAPTER 3

PUBLIC WORKS ENGINEERING DESIGN AND CONSTRUCTION SPECIFICATIONS

Section 14-301/A Specifications and criteria adopted.

SECTION 14-301 SPECIFICATIONS AND CRITERIA ADOPTED.

- A. The "Engineering Design Criteria and Construction Specifications" attached as Attachment A to Ordinance No. 2140, and as amended from time to time, are hereby adopted and incorporated herein by reference and shall be controlling and applicable upon all engineering design and construction of privately or publicly financed public works projects in the city.
- B. The Engineering Design Criteria consists of the following chapters:
  - 1. General;
  - 2. Design Criteria for Water Mains;
  - 3. Design Criteria for Sanitary Sewers;
  - 4. Design Criteria for Streets;
  - 5. Stormwater Drainage Criteria;
  - 6. Soil Erosion and Sedimentation Control.

The Construction Specifications contain the following divisions:

- I. General Specifications;
- II. Water and Sewer Material Specifications;
- III. Water and Sewer Construction Specifications;
- IV. Streets and Drainage Specifications.

(Ord. No. 2140, 1/17/95)

Street, Sidewalks & Public Works

CHAPTER 4

STORMWATER MANAGEMENT PROGRAM

Section 14-401	Purpose and Intent
Section 14-402	Definitions and Abbreviation
Section 14-403	Applicability
Section 14-404	Responsibility for Administration
Section 14-405	Ultimate Responsibility
Section 14-406	Watercourse Protection
Section 14-407	Notification of Spills
Section 14-408	Illicit Discharge Prohibitions
Section 14-409	Prohibition of Illicit Connections
Section 14-410	Construction Activities
Section 14-411	Request for Variance
Section 14-412	Monitoring of Discharge
Section 14-413	Penalties and Administrative Remedies
Section 14-414	Storm Water Management Fee
Section 14-415	Post-Construction Stormwater Impacts; Minimization Regulations and Requirements; Compliance Procedures

SECTION 14-401

PURPOSE AND INTENT

The purpose of this chapter is to regulate non-storm water discharges to the City of Sapulpa storm water drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) and the Oklahoma Pollutant Discharge Elimination System (OPDES) permit requirements. The objectives of this chapter are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any person;
2. To control the introduction to the municipal separate storm sewer system of spills, dumping, or the disposal of materials other than storm water;
3. To prohibit illicit connections and illicit discharges to the municipal separate storm sewer system;
4. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this chapter;

## Street, Sidewalks & Public Works

5. To establish procedures for enforcement of this chapter;
6. To establish abatement and remediation procedures for this chapter; and
7. To establish penalties for noncompliance with this chapter.

### SECTION 14-402                      DEFINITIONS & ABBREVIATIONS

For the purposes of this chapter, the following shall mean:

**Accelerated Erosion.** Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action;

**Applicant.** A property owner or agent of a property owner who has filed an application for a permit;

**Authorized Enforcement Agency.** The City of Sapulpa or its designated representative;

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage;

**Building.** Temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property;

**Channel.** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water;

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto;

**Clearing.** Any activity that removes the vegetative surface cover;

**Conservation.** The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use;

## Street, Sidewalks & Public Works

**Conservation and Wildlife Sanctuary.** Land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals, and plant-life and includes a forest reserve;

**Conservation Easement.** A legal document which provides permanent, property-specific protection for natural features on private land through legal agreements to restrict the management and use of affected areas;

**Construction Activity.** Activities include but are not limited to clearing, grubbing, grading, regrading, land filling, excavating, berming, and diking of land, and includes land disturbance activities for the purpose of constructing a structure at some time;

**Construction Site.** A site where construction activities occur;

**Contaminated Site.** Property or lands that, for reasons of public health and safety, are unsafe for development as a result of past human activities, particularly those activities that have left a chemical or radioactive residue. Also, a site which has been identified as a former industrial or waste disposal site, where the presence of toxic chemicals and/or gas pose an unreasonable risk of injury to health, property, and/or the environment;

**Contamination.** The introduction of materials including, but not limited to pesticides, herbicides, septic leaks, or other toxic substances into a natural system;

**Contractor.** Any person, firm, association, syndicate, partnership, realtor, or corporation engaged in the business of accepting orders or contracts, either as a general contractor or subcontractor, for construction of model homes and other residential dwellings for sale the public and/or licensed by the state of Oklahoma as a contractor;

**Dedication.** The deliberate appropriation of property by its owner for general public use;

**Detention.** The temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants;

**Detention Facility.** A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates;

**Developer.** A person who undertakes land disturbance activities;

**Development.** A change in the use of any land, building, or structure for any purpose, and shall include the carrying out of building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure;

## Street, Sidewalks & Public Works

**Discharge.** To cause or allow to throw, drain, release, dump, spill, empty, emit, or pour any liquids, pollutants or other materials into the municipal separate storm sewer system;

**Drainage Easement.** A legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes;

**Drainage Way.** Any channel that conveys surface runoff throughout a site;

**Dry Weather.** A period of at least seventy-two (72) hours in which there has been no measurable rainfall;

**Dry Weather Field Screening.** Inspection and/or testing of outfalls conducted during dry weather to evaluate outfalls for pollutants;

**Environmental Administrator.** The City of Sapulpa Environmental Administrator or his/her designee(s);

**EPA.** The United States Environmental Protection Agency;

**Erosion.** The mobilization of soil as a result of loss of vegetative cover, scouring by runoff, or associated with slope instability;

**Erosion Control.** A measure that prevents erosion;

**Grading.** Excavation or fill of material, including the resulting conditions thereof;

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed;

**Hotspot.** An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water;

**Illicit Discharge.** Any direct or indirect non-storm water discharge to the storm water drainage system, except as exempted in section 14-408 (3) of this chapter;

**Illicit Connections.** An illicit connection is defined as either of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm water drainage system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm water drainage system and any connections to the storm water drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

## Street, Sidewalks & Public Works

any drain or conveyance connected from a commercial or industrial land use to the storm water drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency;

**Impervious Surface.** Those surfaces such as concrete, asphalt, brick, metal, or any other material that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways). The previous examples are not an exhaustive listing of all types of impervious surfaces;

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14);

**Industrial Storm Water Permit.** A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies;

**Infiltration.** The process of percolating storm water into the subsoil;

**Infiltration Facility.** Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade;

**Jurisdictional Wetland.** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation;

**Land Disturbance Activity.** Activities include but are not limited to clearing, grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse. Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface;

**Landowner.** The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land;

**Maintenance Agreement.** A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices;

**Municipal Separate Storm Sewer System (MS4).** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by the City and are designed or used for collecting or conveying storm water;

## Street, Sidewalks & Public Works

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis;

**Nonpoint Source Pollution.** Pollution discharged over a wide land area, not from one specific location. These are forms of diffuse pollution caused by sediment, nutrients, organic and toxic substances originating from land-use activities, which are carried to lakes, rivers and streams by surface runoff;

**Non-Storm Water Discharge.** Any discharge to the storm water drainage system that is not composed entirely of storm water;

**ODEQ.** The Oklahoma Department of Environmental Quality;

**Off-Site Facility.** A storm water management measure located outside the subject property boundary described in the permit application for land development activity;

**OKR10 Permit.** The Oklahoma Department of Environmental Quality General Permit OKR10 for storm water discharges from construction activities within the state of Oklahoma;

**On-Site Facility.** A storm water management measure located within the subject property boundary described in the permit application for land development activity;

**OPDES.** Oklahoma Pollutant Discharge Elimination System;

**Outfall.** The place where a sewer, drain, or stream discharges; the outlet or structure through which reclaimed water or treated effluent is finally discharged to a receiving water body;

**Perimeter Control.** A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin;

**Permittee.** Owner of the land or an agent of the landowner to whom a permit is issued;

**Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent;

**Phasing.** Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next;

**Plat.** A map showing the location, boundaries and ownership of individual properties, planned and developed as a single project;

## Street, Sidewalks & Public Works

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; floatables; pesticides, insecticides, herbicides, and fertilizers; hazardous substances and wastes; sewage; fecal coliform; pathogens; dissolved and particulate metals; animal wastes; sediment, wastes and residues that result from constructing a building or structure and/or altering premises; and noxious or offensive matter of any kind;

**Pond.** A small body of standing water, naturally or artificially formed with a depth not to exceed six (6) feet in depth and having an area of less than one (1) acre;

**PPM.** Parts per million;

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips;

**Public Utility.** A private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation, or communication, to the public;

**Recharge.** The replenishment of underground water reserves;

**Redevelopment.** Any construction, alteration or improvement in areas where existing land use is high density commercial, industrial, institutional or multi-family residential;

**Right-of-Way.** An area of land that is legally described in a registered deed for the provision of public access;

**Riparian Habitat.** Areas adjacent to rivers and streams with a differing density, diversity, and productivity of plant and animal species relative to nearby uplands;

**Sediment.** The course particles (such as sand, silt and gravel) and organic particulates transported by storm runoff and streamflow. Also, solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface either above or below water level;

**Sediment and Erosion Control Permit.** A permit designed to review, evaluate, modify, or any other action necessary to ensure sediment and erosion control on a construction site;

**Sediment and Erosion Control Plan.** A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a construction site;

## Street, Sidewalks & Public Works

**Sediment Control.** Measures that prevent eroded sediment from leaving a site;

**Site.** A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation;

**Site Plan.** A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use;

**Slope.** The degree of deviation of a surface from the horizontal expressed in percentage or degrees;

**Stabilization.** The use of practices that prevent exposed soil from eroding;

**Start of Construction.** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages;

**Stop Work Order.** An order issued which requires that all construction activity on a site be stopped;

**Storm Water Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures;

**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation;

**Storm Water Management.** The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates;

**Storm Water Retrofit.** A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site;

**Storm Water Runoff.** Flow on the surface of the ground, resulting from precipitation;

## Street, Sidewalks & Public Works

**Storm Water Treatment Practices (STPs).** Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies;

**Structure.** Anything constructed or erected occupying more than 200 square feet of area, the use of which requires location on the ground or attachment to something located on the ground but not including pavements, curbs, walks or open air surfaced areas or moving vehicles;

**Summary Abatement.** Action taken by the City of Sapulpa or its agents to abate a violation without prior notice to the property owner or other interested parties;

**SWP3.** A storm water pollution prevention plan developed in compliance with ODEQ permit requirements;

**Unstable Slopes.** Slopes which are or may be subject to erosion such as mass movement, slumping, landslides, mudflows or rock falls. Also, slope or land which has a potential to collapse or slide if development occurs on, or adjacent to, such an area;

**Variance.** A relaxation of the terms of an ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship;

**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility;

**Watercourse.** A natural or artificial channel or conduit through which water flows;

**Waterway.** A channel that directs surface runoff to a watercourse or to the public storm drain;

**Watershed.** The land area that drains water, sediment, dissolved materials and other matter to a common receiving body or outlet such as a stream, river or lake. The term is not restricted to surface water runoff and includes interactions with subsurface water;

**Zoning.** Categorizing the use or activity of land, buildings, structures or activities permitted in delineated areas; and

**Zoning Code.** A set of local government regulations and requirements that govern the use, placement, spacing and size of buildings and lots (as well as other types of land uses) within specific areas designated as zones primarily dedicated to certain land use types or patterns within the city limits.

## Street, Sidewalks & Public Works

### SECTION 14-403            APPLICABILITY

This chapter shall apply to all water entering the storm water drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### SECTION 14-404            RESPONSIBILITY FOR ADMINISTRATION

The Environmental Administrator shall administer, implement, and enforce the provisions of this chapter.

### SECTION 14-405            ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

### SECTION 14-406            WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

### SECTION 14-407            NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water or the storm water drainage system, said person shall notify the City of Sapulpa. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Environmental Administrator in person or by phone or facsimile no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Street, Sidewalks & Public Works

SECTION 14-408

ILLCIT DISCHARGE PROHIBITIONS

1. No person shall discharge or cause to be discharged into the municipal storm water drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any unlawful discharge is prohibited.

2. It is unlawful for any residence or business to allow drainage of a polluting substance or to allow drainage of water which may become a hazard into any street, alley or sidewalk. A polluting substance is one so defined under Section 926.1 of Title 82 of the Oklahoma Statutes.

3. The following discharges are exempt from discharge prohibitions established by this section unless the Environmental Administrator determines that the type of discharge, whether singly or in combination with others, is causing contamination of surface water, storm water or groundwater; causes overload or damage to the municipal separate storm sewer system or has the potential to endanger public health and safety; or is causing the City of Sapulpa to violate its NPDES or OPDES permit for storm water discharges:

- a. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, individual residential car washing, non-commercial or charity washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated), fire hydrant flushings, fire fighting activities, and any other water source not containing pollutants;
- b. Discharges specified in writing by the Environmental Administrator as being necessary to protect public health and safety;
- c. Dye testing (using non-toxic dye) is an allowable discharge, but requires a verbal or written notification to the Environmental Administrator prior to the time of the test; and
- d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full

## Street, Sidewalks & Public Works

compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

### SECTION 14-409                      PROHIBITION OF ILLICIT CONNECTIONS

1. The construction, use, maintenance or continued existence of illicit connections to the storm water drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

2. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

### SECTION 14-410                      CONSTRUCTION ACTIVITIES

1. **General Performance Standards.** Any person subject to a construction activity NPDES and/or OPDES storm water discharge permit shall comply with all provisions of such permit(s). Proof of compliance with said permit(s) may be required in a form acceptable to the Environmental Administrator prior to the allowing of discharges to the MS4. All construction activities including but not limited to the development, excavation, clearing, grading, regrading, paving, land filling, berming, and diking of land shall be conducted in such a manner as to minimize erosion and prevent the discharge of pollutants, including but not limited to rock, sand, soil, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste into the City of Sapulpa municipal separate storm sewer system. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural BMPs for controlling erosion and preventing the discharge of pollutants to the MS4. All construction site storm water runoff control BMPs and post-construction storm water runoff BMPs shall comply with the current *City of Sapulpa Engineering Design Criteria and Standard Specifications*.

2. **Responsible Person.** The person with overall responsibility of the construction, such as the general contractor, shall be jointly responsible with the person at whose direction the construction is being conducted for compliance with subsection (1) of this section.

3. **Record Keeping.** The person or persons responsible shall retain, and make available to the Environmental Administrator, for inspection and copying, all records and information required to be retained under this section or order issued hereunder. These records shall remain available for a period of at least three (3) years after expiration of the applicable permit. This period shall be automatically extended for the duration of any

## Street, Sidewalks & Public Works

litigation concerning compliance with this section, or where the person or persons responsible have been specifically notified of a longer retention period by the Environmental Administrator.

4. **Permitting Purpose.** The purpose of permitting is to obtain and review proposed sediment and erosion control plans for any construction activities.

5. **Sediment and Erosion Control Permit.**

- a. **Applicability.** Unless specifically exempted, a sediment and erosion control permit, as defined and regulated by this section, shall be obtained from the Environmental Administrator for any construction activities causing land disturbance. The sediment and erosion control permit must be obtained prior to commencement of any construction activities including, but not limited to any development, excavation, clearing, grading, regrading, land filling, berming, and diking of land.
- b. **Exemptions.** A sediment and erosion control permit shall not be required for the following: customary and incidental routine grounds maintenance, landscaping, and home gardening; construction activities related to bona fide agricultural, ranching, and farming operations which constitute the principal use of a tract of ground in the City of Sapulpa and are under the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry; construction activities occurring at oil and gas exploration and production related industries and pipeline operations that are under the jurisdiction of the Oklahoma Corporation Commission; and construction activities occurring on Indian Country lands (as defined in 18 USC Section 1151).
- c. **Application for Sediment and Erosion Control Permit.** For each sediment and erosion control permit a written application from the owner of the site, or his/her authorized representative, shall be provided to the Environmental Administrator in the form and with the content prescribed in this section, and shall be accompanied by a minimum of three (3) copies of a sediment and erosion control plan with the content prescribed in this section, and the required sediment and erosion control permit fee as set forth in the Master Fee Schedule. The permit application shall include the following information:

### Street, Sidewalks & Public Works

- 1) Name, address, and telephone number of the legal owner of the property for which the sediment and erosion control permit is requested;
  - 2) Name, address, and telephone number of applicant, if different from the property owner;
  - 3) Name(s), address(es), and telephone number(s) of any and all contractors, subcontractors or persons actually doing the land disturbing or land filling activities;
  - 4) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of any required vicinity map;
  - 5) Name(s), address(es), and telephone number(s) of the person(s) responsible for preparation of the sediment and erosion control plan and any required reports;
  - 6) Legal description of the site and the address of the site (if a valid address has been assigned and/or accepted by the City of Sapulpa);
  - 7) Size of the construction site, measured in acres;
  - 8) Proposed start date of the project;
  - 9) Proposed completion date of the project;
  - 10) Date of the application; and
  - 11) Signature(s) of the owner(s) of the site or an authorized representative.
- d. Sediment and Erosion Control Plan Requirements. These plans shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed construction activities

## Street, Sidewalks & Public Works

on water resources, and the best management practices and other measures proposed to minimize soil erosion and prevent off-site sedimentation. All sediment and erosion control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. All construction activities including but not limited to the development, excavation, clearing, grading, regrading, landfilling, berming, and diking of land shall be performed in strict accordance with the approved plan.

- 1) For construction sites less than one acre that are not part of a larger common plan of development or sale that is one acre or more, the following information shall be included in any plan:
  - a) A project narrative describing the nature of the construction activity;
  - b) A description of any surrounding watercourses, water bodies and other significant geographical features;
  - c) Legal description of the site and the address of the site (if a valid address has been assigned and/or accepted by the City of Sapulpa);
  - d) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed;
  - e) A description of, and specifications for, sediment and erosion control measures to minimize on-site erosion and prevent off-site sedimentation during the construction process, including provisions to preserve topsoil and limit disturbance. Minimum control measures must include the proper installation and maintenance of silt screen around the perimeter of the construction site. The applicant may propose the use of any sediment and erosion control measures in a plan provided such measures are proven to be as or more effective than the measures contained in this section and the current *City of*

Street, Sidewalks & Public Works

*Sapulpa Engineering Design Criteria and Standard Specifications;*

- f) A chronological schedule describing when the sediment and erosion control measures will be implemented during the construction process;
  
- g) A description of temporary and permanent stabilization measures. The plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of site are stabilized. Stabilization practices may include but are not limited to the establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased except:
  - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by adverse climatological conditions (i.e., snow, ice, heavy rains, or drought) stabilization measures shall be initiated as soon as practicable; and
  
  - (2) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site; and
  
- h) The Environmental Administrator may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to

## Street, Sidewalks & Public Works

ensure compliance with the provisions of this section or the preservation of public health and safety.

- 3) For construction sites greater than or equal to one acre and for construction sites that are less than one acre if the construction site is part of a larger common plan of development or sale that is one acre or more, sediment and erosion control plans shall be prepared by or under the direction of a registered professional engineer licensed by the State of Oklahoma. Any required sediment and erosion control plans shall comply with good engineering practices and shall be approved and stamped by a registered professional engineer licensed by the State of Oklahoma. In addition the following information shall be included in any plan:
  - a) A project narrative describing the nature of the construction activity;
  - b) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographical features, roads and other significant structures, and showing suitable contours for the topography. An indication of the scale used (this map shall be at a scale no smaller than 1 inch = 100 feet) and an arrow indicating north shall be included on the map;
  - c) Legal description of the site and the address of the site (if a valid address has been assigned and/or accepted by the City of Sapulpa);
  - d) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed;
  - e) A chronological schedule and description of construction activities that disturb soils of the site (e.g., clearing, grubbing, excavation, grading, utilities and infrastructure installation);

## Street, Sidewalks & Public Works

- f) A description of, and specifications for, sediment and erosion control measures to minimize on-site erosion and prevent off-site sedimentation during the construction process, including provisions to preserve topsoil and limit disturbance. Minimum control measures include the proper installation and maintenance of silt screen around the perimeter of the construction site; the proper installation and maintenance of straw bales around all storm sewer inlets; the proper installation and maintenance of straw bales to minimize erosion on all slopes greater than 3 horizontal to 1 vertical (3:1) where land disturbing activity is planned; and stabilized gravel construction site entrances/exits to prevent tracking or flowing of sediment onto public right-of-ways. The applicant may propose the use of any sediment and erosion control measures in a plan provided such measures are proven to be as or more effective than the measures contained in this section and the current *City of Sapulpa Engineering Design Criteria and Standard Specifications*;
  
- g) A chronological schedule describing when the sediment and erosion control measures will be implemented during the construction process;
  
- h) A description of temporary and permanent stabilization measures. The plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of site are stabilized. Stabilization practices may include but are not limited to the establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased except:

## Street, Sidewalks & Public Works

- (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by adverse climatological conditions (i.e., snow, ice, heavy rains, or drought) stabilization measures shall be initiated as soon as practicable; and
  - (2) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site;
    - i) A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed;
    - j) A copy of all required state and federal storm water discharge permits (NPDES filed with EPA; OPDES filed with ODEQ) for the construction site shall be provided to the Environmental Administrator. If an OKR10 permit is required by ODEQ for storm water discharges from a construction site, then the following documents shall be provided to the Environmental Administrator: a copy of the notice of intent submitted to ODEQ for the OKR10 permit, a copy of all storm water pollution prevention plans developed for the construction site, and a copy of the authorization to discharge storm water issued by ODEQ; and
    - k) The Environmental Administrator may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this section or the preservation of public health and safety.
- e. Permit Application Review. The Environmental Administrator shall review each application for a sediment and erosion control permit to determine its conformance with the provisions of this section. Within

## Street, Sidewalks & Public Works

fifteen (15) business days after receiving a complete application, the Environmental Administrator shall:

- (1) Approve the permit application;
- 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this section, and issue the permit subject to these conditions; or
- 3) Disapprove the permit application, indicating the reason(s) for disapproval.

f. **Permit Disapproval.** If the Environmental Administrator determines that the sediment and erosion control plan does not meet the requirements of this section, then a sediment and erosion control permit shall not be issued. The sediment and erosion control plan must be resubmitted and must be approved by the Environmental Administrator before the land disturbance activity begins.

g. **Conditions of Approval.** In granting any sediment and erosion control permit pursuant to this section, the Environmental Administrator may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:

- 1) The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities;
- 2) Adequate control of dust by watering, or other control methods acceptable to the Environmental Administrator, and in conformance with applicable air pollution ordinances;

## Street, Sidewalks & Public Works

- 3) Improvements of any existing grading ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this section and the current *City of Sapulpa Engineering Design Criteria and Standard Specifications*; and
  - 4) Sediment traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision may be requested to install additional safety related devices.
- h. **Permit Authorization.** The issuance of a sediment and erosion control permit shall constitute an authorization to do only that work described in the permit, or shown on the approved sediment and erosion control plan and specifications, all in strict compliance with the requirements of this section, unless each and every modification or waiver is specifically listed and given specific approval by the Environmental Administrator.
- i. **Permit Duration.** The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit. Permits issued under this section shall be valid for the period during which the proposed land disturbing or filling activities and soil storage takes place or is scheduled to take place, whichever is shorter, but in no event shall such a permit be valid for more than one (1) year after cessation of construction activity.
- j. **Responsibility of Permittee.** The permittee shall maintain a copy of the sediment and erosion control permit, approved plans and reports required under the sediment and erosion control permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved sediment and erosion control plan and also conform to the following:
- 1) **General.** Notwithstanding other conditions or provisions of the sediment and erosion control permit, or the minimum standards set forth in this section, the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage any adjoining public street, sidewalk, alley or any other public or

## Street, Sidewalks & Public Works

private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result; and

- 2) **Public Ways.** The permittee shall be responsible for the prompt removal of, and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare, incident to the construction activity, or during transit to and from the construction site.
- k. **Liability.** The permittee is responsible for safely and legally completing the project. Neither the issuance of a sediment and erosion control permit under the provisions of this section, nor the compliance with the provisions hereto or with any condition imposed by the City of Sapulpa, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the City of Sapulpa for damages to persons or property.
- l. **Action upon Noncompliance.**
- 1) In the event work does not conform to the sediment and erosion control permit or to the plans and specifications or to any conditions imposed by the City of Sapulpa, notice to comply shall be given to the permittee in writing. The notice shall set forth a notification and compliance period of at least fifteen (15) days for the permittee to comply with the requirements of the notice, except that when an imminent hazard exists the Environmental Administrator may require that corrective work begin immediately. The notification and compliance period will begin on the day the notice is mailed to the permittee or the day the notice is posted on the property that is not conforming to the permit requirements, except that when an imminent hazard exists the Environmental Administrator may order an immediate summary abatement action to abate the violation. At the time of mailing of notice, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. Said notice shall further advise that, should the permittee fail to comply with the requirements of the notice by the established deadline, the work necessary to achieve compliance may be done by the City of Sapulpa or a designated

## Street, Sidewalks & Public Works

contractor and the expense thereof shall be charged to the permittee. Issuance of a notice to comply shall not be a prerequisite to taking any other enforcement action.

- 2) If the City of Sapulpa finds any existing conditions not as stated in the application or approved plans, the Environmental Administrator may issue a stop-work order requiring that all construction activities halt when a construction site is in violation of this section. The stop-work order may apply to all construction activity on the subject property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the City of Sapulpa. The stop-work order may order a work stoppage on all construction activity on buildings or structures and appurtenances thereto, including but not limited to building, electrical, plumbing, mechanical, street work, storm sewers, sanitary sewers, gas lines, and all utilities including but not limited to gas, electric, telephone and cable television. The Environmental Administrator may also suspend or revoke any sediment and erosion control, site preparation, grading, erosion control, earth change, construction, or any other permit when any part of this section is violated.
  - 3) The violation of any provision of this section, upon conviction, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or thirty days in jail, or both, plus court costs as set by the city. Each day or any portion of a day during which any violation of this section shall continue shall constitute a separate offense.
  - 4) Other actions described in the Penalties and Administrative Remedies section of this chapter may be taken by the City of Sapulpa, including but not limited to suspension of MS4 access, water supply severance, injunctive relief, abatement, remediation, and restoration of lands. The permittee shall be responsible for the costs incurred by the City of Sapulpa. Failure to pay will result in the City of Sapulpa seeking recovery of costs and damages pursuant to the conditions set forth in this chapter.
- m. **Changes to Plans.** All proposals to modify the approved sediment and erosion control plans must be submitted in writing to the Environmental Administrator. No grading or any type of work in connection with any

## Street, Sidewalks & Public Works

proposed modification shall be initiated without prior written approval of the Environmental Administrator.

- e. **Inspection and Supervision.** The City of Sapulpa shall conduct construction site inspections upon receiving a complaint of violation of this section and as needed to evaluate compliance with this section. The permittee shall notify the Environmental Administrator when there are any departures from the approved sediment and erosion control plan and at the following stages:
- 1) Upon completion of installation of perimeter sediment and erosion controls;
  - 2) At least twenty-four (24) hours but not more than seventy-two (72) hours (exclusive of Saturdays, Sundays, and holidays) prior to commencing initial grading or land disturbing activities;
  - 3) When construction and land disturbing activities are halted for a period of thirty (30) days or more;
  - 4) At least twenty-four (24) hours but not more than seventy-two (72) hours (exclusive of Saturdays, Sundays, and holidays) prior to when construction or land disturbing activities shall recommence after being halted for a period of thirty (30) days or more;
  - 5) Upon submitting a notice of termination to ODEQ in compliance with any OKR10 permit requirements; and
  - 6) Upon completion of final grading, permanent drainage and erosion control facilities including established ground covers and planting, and all other work of the permit.
- o. **Maintenance During and After Construction.** For any property on which grading or other work has been done pursuant to a sediment and erosion control permit granted under the provisions of this section, the permittee or owner or an agent of the owner shall inspect all sediment and erosion control measures and other protective measures identified in the sediment and

## Street, Sidewalks & Public Works

erosion control plan at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater and shall maintain and repair all sediment and erosion control measures, graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active. After construction is complete, the owner or their agent shall continue to regularly inspect the vegetation until adequate turf establishment or other suitable vegetative cover is established.

### SECTION 14-411

### REQUEST FOR VARIANCE.

1. The City Council shall hear and render judgment on requests for variances from the requirements of this chapter.
2. The variance request must be received by the Environmental Administrator within fifteen (15) days from the date of the Notice of Violation.
3. The Environmental Administrator shall maintain a record of all actions involving a request for variance and shall report variance decisions to ODEQ and EPA upon request.
4. Upon consideration of the factors involved and the intent of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
5. Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.

### SECTION 14-412

### MONITORING OF DISCHARGES

1. The Environmental Administrator shall be permitted to enter facilities, premises, watercourses and waterways subject to regulation under this chapter for the purpose of observing, measuring, sampling, testing and inspecting as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

## Street, Sidewalks & Public Works

2. Facility operators shall allow the Environmental Administrator ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES or OPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law. Any permits, pollution prevention plans, or other documents regarding a facility's storm water discharge shall be made available to the Environmental Administrator when requested.
3. The Environmental Administrator shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The Environmental Administrator has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Environmental Administrator and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Environmental Administrator access to a permitted facility is a violation of a storm water discharge permit and of this chapter. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
7. If the Environmental Administrator has been refused access to any part of the premises from which storm water is discharged, and the City of Sapulpa is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of

Street, Sidewalks & Public Works

Sapulpa may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 14-413

PENALTIES AND ADMINISTRATIVE ENFORCEMENT  
REMEDIES

The following enforcement provisions are intended to encourage compliance with this chapter.

1. **Investigation.** The Environmental Administrator or authorized representative may investigate any premises where there is to believe that there may be failure to comply with the requirements of this ordinance.
  
2. **Notice of Violations.** Whenever the Environmental Administrator determines that a violation of this ordinance has occurred or is occurring, the Environmental Administrator may issue a notice of violation (NOV) to the person or industry. This NOV shall include the nature of the violation and provide a reasonable time for correction. The Environmental Administrator may require, within fifteen (15) days of the receipt of this NOV, an explanation of the violation and a plan for the satisfactory correction and prevention, including specific required actions. The explanation and plan shall be submitted by the violator to the Environmental Administrator in writing. Submission of this plan shall in no way relieve the person or industry of liability for any violation(s) occurring before or after receipt of the NOV. Issuance of a NOV shall not preclude any other enforcement action.
  
3. **Administrative Orders.**
  - A. **Consent Orders.** The Environmental Administrator is empowered to enter consent orders, assurances of voluntary compliance, or other similar documents establishing a consensus with any person or industry for noncompliance. Such an order shall include specific action to be taken by the violator to correct the noncompliance within a time period specified in the order. Consent orders shall be judicially enforceable.

## Street, Sidewalks & Public Works

B. **Compliance Orders.** When the Environmental Administrator finds that a person or industry has violated or continues to violate this ordinance or orders issued hereunder, the Environmental Administrator may issue an order to the violator directing that compliance be obtained within a specified time period. If compliance is not achieved within the time period, water service or sewer service, or both services may be discontinued, unless adequate BMPs or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements addressing noncompliance, including additional self-monitoring. A compliance order shall not extend the deadline for compliance established by a federal standard or requirement, nor shall a compliance order release the violator from liability for any violation, including any continuing violation. Issuance of a compliance order shall not preclude any other enforcement action.

C. **Cease and Desist Orders.** When the Environmental Administrator finds that a person or industry is violating provisions of this ordinance, or any order issued hereunder, or that past violations are likely to recur, the Environmental Administrator may issue an order directing the violator to cease and desist all such violations or activities likely to cause a recurrence, and to:

1. Immediately comply with all requirements, and
2. Take such appropriate remedial or preventive actions as may be necessary to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

D. Issuance of a cease and desist order shall not preclude other action against the violator.

E. Administrative orders may be revised by the Environmental Administrator at anytime in order to insure compliance with this ordinance.

Street, Sidewalks & Public Works

4. **Administrative Fines.**

A. When the Environmental Administrator finds that a user has violated or continues to violate any provision of the ordinance, or order issued hereunder, the Environmental Administrator, upon good cause shown, may impose an administrative fine against such user in an amount not to exceed One Thousand Dollars (\$1,000.00). Such fines may be assessed on a per violation, per day basis.

B. Notice of an administrative fine shall be served personally on the user or by certified mail, return receipt requested. Payment of the fine shall be received by the Environmental Administrator within fifteen (15) days after such notice is served.

C. Failure to submit payment for an administrative fine within fifteen (15) days shall be considered a violation of this ordinance.

D. Issuance of an administrative fine shall not preclude any other action against the user.

5. **Cost Recovery of Expenses Incurred for Violation of this Ordinance.**

Notwithstanding any other provision of this ordinance, the Environmental Administrator may require any person and or industry found to have violated any provision of this ordinance, or orders issued hereunder, to reimburse the City for any goods or services used to remove pollutants from the City's MS4, prevent further discharge of pollutants into the MS4, and shall become liable to the City for any expense, loss, or damages experienced by the City as a result of a violation. The City may pursue its right of action to recover all such costs, by utilizing any and all reasonable methods, including installment payment administered by the Finance Department. The City may recover the costs incurred by adding them to the utility bill of the violator or filing a lien on the subject property.

6. **Water Supply Severance.** Whenever a person has violated, or continues to violate any provision of this ordinance, or orders issued hereunder, water service may be severed. Service shall only recommence at the violator's expense, after the violator has satisfactorily demonstrated an ability to comply, and actual compliance.

## Street, Sidewalks & Public Works

7. **Appeals.** Any person aggrieved by any NOV, administrative fine or order issued by the Environmental Administrator pursuant to this Section may appeal the action as provided in this subsection.

A. The initiation of an appeal shall be in writing and filed with the Environmental Administrator no later than fifteen (15) days after service of notice of the action appealed from. The written notice of appeal shall specify the action appealed, detail why the action is in error, and specify provision of ordinances or statutes supporting the person's appeal.

B. Upon receipt of a notice of appeal by the Environmental Administrator, the Environmental Administrator shall conduct any necessary investigation into the basis of the appeal and hold a hearing within thirty (30) days of receipt. However, upon review of the notice of appeal, if the Environmental Administrator determines that the basis of the appeal is patently frivolous or filed only for purposes of delay, then the Environmental Administrator may deny the appeal without a hearing. Upon the Environmental Administrator's denial without a hearing, the appellant shall be notified in writing of the denial and the grounds for denial.

C. At the conclusion of a hearing on an appeal, if the appeal is sustained in favor of the appellant, the Environmental Administrator may modify or withdraw the notice, fine or order. If the Environmental Administrator fails to act on the appeal within thirty (30) days of concluding the hearing, the appeal shall be deemed denied. Any ruling, requirements, decisions or actions of the Environmental Administrator on appeal shall be final and binding, unless appealed to the City Council.

D. Any person aggrieved by an appeal decision of the Environmental Administrator may perfect an appeal to the City Council by filing a written notice of appeal with the City Clerk and the Environmental Administrator within fifteen (15) days from the date of the action by the Environmental Administrator. Such notice shall specify grounds for the appeal. A hearing on the appeal shall be commenced by the Council no later than thirty (30) days from the date the notice of appeal was filed with the City Clerk. The City Council shall have jurisdiction to affirm, modify, reverse or remand the action of the Environmental Administrator upon good cause shown. Any rulings, requirements, or decision of the Council shall be final.

## Street, Sidewalks & Public Works

8. **Injunctive Relief.** Whenever a person or industrial facility has violated or continues to violate the provisions of this ordinance, or orders issued hereunder, the Director, with the advice and counsel of the City Attorney and the approval of the Manager, may petition the district court for the issuance of an injunction, which restrains or compels the activities on the part of the person or industry. A petition for injunctive relief shall not preclude any other action against a person or industrial facility.
  
9. **Criminal Prosecution.** It shall be unlawful and a misdemeanor offense for any person to violate any of the provisions of this ordinance, or any order issued hereunder. Any person convicted of a violation of this ordinance, or any order issued pursuant to this ordinance, shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than Five hundred & no/100 dollars (\$500.00), excluding costs, fees and assessments, or by imprisonment in the City Jail for a period not exceeding ten (10) days, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense.
  
10. **Remedies Nonexclusive.** The provisions of Sections 55.13 A and B of this ordinance shall not be exclusive remedies. The City reserves the right to take any combination of actions against a violator of this ordinance. These actions may be taken concurrently. The City may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

### SECTION 14-414

### STORMWATER UTILITY FEE

1. In order to provide revenue to fund the costs associated with a stormwater management program, there is hereby established a Stormwater Utility Fee as set forth in the Master Fee Schedule.
  
2. All revenues collected from the Stormwater Utility Fee shall be deposited to the Stormwater Management Fund.

## Street, Sidewalks & Public Works

3. The Stormwater Management Fund shall be used for the following purposes:
  - a. Costs of development, administration, and implementation of the stormwater management program including operation costs, capital expenses, salaries and consulting fees;
  - b. Public education and outreach;
  - c. Stormwater pollution prevention activities;
  - d. Illicit discharge detection and elimination;
  - e. Inspection, monitoring, surveillance, and enforcement activities;
  - f. Abatement, remediation, and restoration activities;
  - g. Field sampling and testing equipment, supplies, and services;
  - h. Laboratory testing equipment, supplies, and services;
  - i. Engineering and GIS equipment, supplies, and services;
  - j. Storm sewer system development, upgrades, and repairs;
  - k. Retrofitting developed areas for pollution control;
  - l. The acquisition by gift, purchase, or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain the municipal storm sewer system; and
  - m. Other equipment, supplies, and activities which are reasonably required.

## Street, Sidewalks & Public Works

### SECTION 14-415 POST-CONSTRUCTION STORMWATER IMPACTS; MINIMIZATION REGULATIONS AND REQUIREMENTS; COMPLIANCE PROCEDURES

The following post-construction stormwater impact provisions are intended to encourage compliance with this chapter.

1. The purpose of this section is to address the design, construction, operation, and maintenance requirements of stormwater drainage systems within the City of Sapulpa to reduce or eliminate post-development adverse stormwater quality and quantity impacts to the municipal separate stormwater system (MS4).
2. Development design, construction, and post-construction operations and maintenance of stormwater drainage systems shall be performed in such a manner so that adverse stormwater quality and quantity impacts to stormwater drainage systems and receiving streams both on the subject property and on offsite properties are avoided, reduced, or eliminated. Adverse stormwater quality and quantity effects for the purposes of this section includes increased flood elevations, increased velocity of floodwaters, erosion, siltation, sedimentation, reduced base flow, pollution, or degradation of water quality.
3. Stormwater drainage systems for the purposes of this section include any facility, structure, improvement, development, equipment, property or interest therein, including structural and nonstructural elements, which are made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying, filtering, treating, infiltrating and controlling stormwater. This includes, but is not limited to detention facilities, retention facilities, sediment basins, ponds, lakes, engineered open channels, natural channels, floodplains, creeks, storm sewers, conduits, pipes, borrow ditches, swales, roadways, infiltration systems, rain gardens, and bio-retention filters.
4. Every development shall be provided with a stormwater drainage system designed by an Engineer registered in the State of Oklahoma, adequate to serve the development, and otherwise shall meet approval requirements of the officials having jurisdiction. The design shall meet City of Sapulpa Engineering Design Criteria Manual and other City of Sapulpa criteria and codes where applicable.

## Street, Sidewalks & Public Works

5. The stormwater drainage system shall be designed so that property owners located downstream from and upstream from the development shall not be injuriously affected by the construction, operation, or maintenance of such system.
6. Proof of Compliance.
  - (a) If a proposed development will disturb an existing wetland, the developer shall provide to the city a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations as established in the federal Clean Water Act.
  - (b) If the Environmental Administrator obtains credible information regarding threatened or pending regulatory enforcement action related to an environmental condition of the property to be developed, or an environmental impact related to the development plan, then the Environmental Administrator may require the developer to provide to the City written statements from such governmental agencies as the Environmental Administrator may designate as having related jurisdiction based on the nature of the threatened enforcement action or environmental impact. Said statements shall verify that the development plan fully complies with environmental regulations within the jurisdiction of the writing agency. If the developer, after a diligent effort, is unable to obtain such written verifications from one (1) or more of the designated agencies, the developer shall at least provide to the City a written verification from said agency that the City's approval of the development plan will not interfere with a threatened or pending environmental enforcement action of said agency. All required written statements shall be provided to the Environmental Administrator prior to the scheduling of the hearing for the project development plan.
7. Construction of the development including stormwater drainage systems shall be performed in compliance with Section 14-410 requirements, City of Sapulpa Engineering Design Criteria requirements, and other City of Sapulpa construction criteria and code requirements where applicable.
8. Operations responsibility of the development stormwater drainage system shall be detailed in the covenants language on platted developments, on easement language for stormwater drainage systems in dedicated easements, or shall be borne by the property owner for stormwater drainage systems on private property.

## Street, Sidewalks & Public Works

9. Maintenance responsibility of the development stormwater drainage system shall be detailed in the covenants language on platted developments, on easement language for stormwater drainage systems in dedicated easements, or shall be borne by the property owner for stormwater drainage systems on private property.
10. In the event that the owner or responsible party fails to properly operate or maintain the stormwater drainage system such that negative stormwater quality or quantity impacts to stormwater drainage systems and or receiving streams either on the subject property or on offsite properties occurs or is imminent, the City of Sapulpa, Oklahoma, or its designated contractor may enter the property to perform required operations or maintenance, and the cost shall be paid by the owner or responsible party.”



## Traffic & Vehicles

### PART 15

#### TRAFFIC AND VEHICLES

##### CHAPTER 1

##### GENERAL PROVISIONS

Section 15-101	Citation of chapter.
Section 15-102	Traffic code controlling.
Section 15-103	Definitions.
Section 15-104	Adoption of state traffic code.
Section 15-105	Penalty.

##### CHAPTER 2

##### ENFORCEMENT AND GENERAL PROVISIONS

Section 15-201	Enforcement of traffic laws; establishment of traffic control division.
Section 15-202	Direction of traffic by hand or voice.
Section 15-203	Direction of traffic by unauthorized persons.
Section 15-204	Obedience to police and fire officials.
Section 15-205	Emergency and experimental regulations.
Section 15-206	Push carts, riding animals, or driving animal-drawn vehicles to comply with code.
Section 15-207	Use of coasters, rollerskates, and similar devices restricted.
Section 15-208	Public officers and employees to obey traffic regulations.
Section 15-209	Persons working on streets, exceptions.
Section 15-210	Maintenance and construction zones.
Section 15-211	Authorized emergency vehicles.
Section 15-212	Operation of vehicles on approach of authorized emergency vehicles.
Section 15-213	Following emergency vehicles prohibited.
Section 15-214	Crossing fire hose.
Section 15-215	Possession of valid driver's license required.
Section 15-216	Operation of vehicle on invalid license prohibited.
Section 15-217	Unlawful to operate vehicle without state vehicle license.
Section 15-218	Permitting unauthorized person to drive prohibited.
Section 15-219	Accidents, duty to stop, leaving scene of accident.
Section 15-220	Issuance of citation tags.
Section 15-221	Disposition and records of traffic citations and complaints.
Section 15-222	When copies of citations shall be deemed a lawful

## Traffic & Vehicles

	complaint.
Section 15-223	Failure to obey citation.
Section 15-224	Failure to comply with traffic citations attached to parked vehicle.
Section 15-225	Presumption in reference to illegal parking.
Section 15-226	Illegal cancellation of traffic citations.
Section 15-227	Court records; abstract to be sent to State Department of Public Safety.
Section 15-228	Insurance or certificate required.

## CHAPTER 3

### VEHICLE EQUIPMENT, INSPECTION

Section 15-301	Certain vehicles prohibited; vehicles injurious to streets.
Section 15-302	Obstructive and dangerous vehicles.
Section 15-303	Equipment.
Section 15-304	Mufflers, cut-outs, vehicles and cycles.
Section 15-305	Weight, height, length, and load.
Section 15-306	Inspection of vehicles.

## CHAPTER 4

### SPEED REGULATIONS

Section 15-401	Speed limits generally; exceptions.
Section 15-402	School zones.
Section 15-403	Speed never to exceed that which is reasonable or prudent for existing conditions; specific limits.
Section 15-404	Minimum speed requirements; exception.
Section 15-405	Obedience to maximum and minimum speed limits.
Section 15-406	Penalty.

## CHAPTER 5

### DRIVING, OVERTAKING, PASSING

Section 15-501	Changing lanes.
Section 15-502	Driving on right side of roadway required; exceptions.
Section 15-503	When overtaking on the right is permitted.
Section 15-504	Overtaking a vehicle on the left.
Section 15-505	Limitations on overtaking on the left; exception.
Section 15-506	Passing vehicles proceeding in opposite directions.

## Traffic & Vehicles

Section 15-507	One-way roadways and rotary traffic islands.
Section 15-508	Following too closely.
Section 15-509	No passing zones.
Section 15-510	Driving through funeral or other procession prohibited; exceptions.
Section 15-511	Drivers in a procession.
Section 15-512	Funeral processions to be identified.
Section 15-513	Overtaking and passing in school zones.
Section 15-514	Overtaking and passing school bus.
Section 15-515	School bus requirements; lights; signs; painting.
Section 15-516	Driving of vehicles on sidewalk prohibited; exception.
Section 15-517	Limitations on backing vehicle.
Section 15-518	Limitation on use of motorcycles, bicycles and motor scooters.
Section 15-519	Required motorcycle equipment, head gear.
Section 15-520	Clinging to vehicles prohibited.
Section 15-521	Entering and leaving controlled access highways.
Section 15-522	Reckless driving.
Section 15-523	Careless driving or stopping.
Section 15-524	Full time and attention required.
Section 15-525	Requirement of any person driving a vehicle on a public way to operate same in a careful and prudent manner.
Section 15-526	Speed contest prohibited.
Section 15-527	Permits required for parades and processions.
Section 15-528	Driving through safety zone.
Section 15-529	Starting parked vehicle.
Section 15-530	Opening and closing vehicle doors.
Section 15-531	Obstructions to driver's view or driving mechanism.
Section 15-532	Boarding or alighting from vehicles.
Section 15-533	Unlawful riding.
Section 15-534	Railroad trains not to block streets.
Section 15-535	Service drives.
Section 15-536	Truck driving and route restrictions.
Section 15-537	Loads on vehicles.
Section 15-538	Vehicle approaching or entering intersection.
Section 15-539	Vehicle turning left at intersection.
Section 15-540	Vehicle approaching a "Yield Right-of-Way" sign.
Section 15-541	Vehicle entering through highway.
Section 15-542	Vehicles facing stop, slow, warning or caution signal.
Section 15-543	Through streets.
Section 15-544	Intersections where stop or yield required.
Section 15-545	Stop or yield sign construction and placement.
Section 15-546	Vehicle entering stop intersection.

## Traffic & Vehicles

Section 15-547	Vehicle entering yield intersection.
Section 15-548	Vehicle entering highway from private road or driveway.
Section 15-549	Vehicles entering traffic from parking.
Section 15-550	Emerging from the alley, driveway, or building.
Section 15-551	Stop when traffic obstructed.
Section 15-552	Obedience to signal indicating approach of train.
Section 15-553	Certain vehicles to stop at all railroad grade crossings.
Section 15-554	Seat belts and child passenger restraints required.

## CHAPTER 6

### TRAFFIC CONTROL DEVICES

Section 15-601	Authority to install traffic control devices.
Section 15-602	Traffic control devices; uniform requirements.
Section 15-603	Obedience to official traffic control devices.
Section 15-604	When official traffic control devices required for enforcement purposes.
Section 15-605	Traffic control signal legend.
Section 15-606	Pedestrians; signal indicators; regulations.
Section 15-607	Flashing signals.
Section 15-608	Pedestrian-activated school crossing signals.
Section 15-609	Unauthorized traffic control devices prohibited.
Section 15-610	Defacement of traffic control devices.
Section 15-611	Play streets, authority to establish.
Section 15-612	Play streets, restriction on use.
Section 15-613	Designation of crosswalks and safety zones.
Section 15-614	Traffic lanes.
Section 15-615	Corner cutting prohibited to avoid devices.

## CHAPTER 7

### STOPPING, STANDING AND PARKING GENERALLY

Section 15-701	Illegal parking declared public nuisance.
Section 15-702	Application of standing or parking regulations.
Section 15-703	Parking time limits may be established, signs.
Section 15-704	Parking more than seventy-two (72) hours.
Section 15-705	Brakes; motor not to be left running.
Section 15-706	Signs or markings indicating angle parking.
Section 15-707	Obedience to angle-parking signs or markings.
Section 15-708	Parking in spaces marked off.
Section 15-709	Permits for loading or unloading at an angle to the curb.

## Traffic & Vehicles

Section 15-710	Hazardous or congested places; stopping, standing, parking.
Section 15-711	Stopping, standing or parking prohibited in specified places.
Section 15-712	Blocking of intersection or crosswalk prohibited.
Section 15-713	Standing or parking on one-way roadway.
Section 15-714	Standing or parking on left side of one-way streets.
Section 15-715	Parking adjacent to schools.
Section 15-716	Parked vehicles not to extend too far into street.
Section 15-717	Parking prohibited on narrow streets.
Section 15-718	Parking in alleys, blocking driveways.
Section 15-719	Entry on private property; trespass; evidence; burden of proof.
Section 15-720	Truck parking prohibited in certain areas.
Section 15-721	Parking prohibited for trucks transporting hazardous materials.
Section 15-722	Double parking.
Section 15-723	Parking for certain purposes prohibited.
Section 15-724	Method of parking, standing or parking close to curb.
Section 15-725	Negligent parking.
Section 15-726	Right-of-way to parallel parking space.
Section 15-727	Handicapped parking, enforcement on public or private property.
Section 15-728	Recreational vehicle parking.
Section 15-729	Penalty for illegal parking.
Section 15-730	Two hour free parking.
Section 15-731	Immobilization authorized, procedures.

## CHAPTER 8

### LOADING

Section 15-801	Definitions.
Section 15-802	Curb loading zones, designation.
Section 15-803	Loading zones to be used only for designated purpose.
Section 15-804	Stopping, standing or parking in passenger curb loading zone.
Section 15-805	Stopping, standing or parking in commercial curb loading zone.
Section 15-806	Designation of public carrier stops and stands.
Section 15-807	Use of bus and taxicab stands restricted.
Section 15-808	Stopping, standing and parking of buses and taxis.

## Traffic & Vehicles

### CHAPTER 9

#### TURNING MOVEMENTS

Section 15-901	Turning markers or indicators.
Section 15-902	Designation of restricted turns.
Section 15-903	Obedience to no-turn signs.
Section 15-904	U-Turns.
Section 15-905	Position and method of turning.
Section 15-906	Turning movements and required signals.
Section 15-907	Means of giving turn signals.
Section 15-908	Method of giving hand and arm signals.
Section 15-909	Turns into or from alleys.

### CHAPTER 10

#### PEDESTRIANS

Section 15-1001	Pedestrians subject to traffic control signals.
Section 15-1002	Pedestrian's right-of-way at crosswalks.
Section 15-1003	Pedestrians to use right half of crosswalk.
Section 15-1004	Crossing at right angles.
Section 15-1005	When pedestrians shall yield.
Section 15-1006	Pedestrians walking along roadways.
Section 15-1007	Pedestrians prohibited from soliciting rides, business or donations from vehicle occupants.
Section 15-1008	Drivers to exercise due care.
Section 15-1009	Crossing prohibited.
Section 15-1010	Obedience of pedestrians to railroad signals.

### CHAPTER 11

#### BICYCLES

Section 15-1101	Application of bicycle regulations.
Section 15-1102	Application of traffic laws to bicycles.
Section 15-1103	Obedience to traffic control devices.
Section 15-1104	Riding on bicycles.
Section 15-1105	Riding on roadways and bicycle paths.
Section 15-1106	Speed of bicycle.
Section 15-1107	Emerging from alley or driveway.
Section 15-1108	Carrying articles.
Section 15-1109	Parking.

## Traffic & Vehicles

- Section 15-1110 Riding on sidewalks.
- Section 15-1111 Lamps and equipment on bicycles.

### CHAPTER 12

(RESERVED)

### CHAPTER 13

#### IMPOUNDMENT OF VEHICLES

- Section 15-1301 Purpose and effect of impoundment provisions.
- Section 15-1302 Place of impoundment.
- Section 15-1303 Duration of impoundment.
- Section 15-1304 Police granted authority to impound vehicles.
- Section 15-1305 Disabled vehicles.
- Section 15-1306 Vehicles on bridge.
- Section 15-1307 Arrest and detention of driver of vehicle.
- Section 15-1308 Vehicle constitutes traffic hazard.
- Section 15-1309 Illegal trespass by vehicle.
- Section 15-1310 Vehicles parked overtime.
- Section 15-1311 Vehicles blocking fire exits or hydrants.
- Section 15-1312 Vehicles parked in intersection.
- Section 15-1313 Stolen vehicles; recovery by police.
- Section 15-1314 Vehicles with outstanding traffic citations.

### CHAPTER 14

#### PENALTIES

- Section 15-1401 Obedience to traffic code.
- Section 15-1402 Penalties, specific and general.

Traffic & Vehicles

CHAPTER 1

GENERAL PROVISIONS

Section 15-101	Citation of chapter.
Section 15-102	Traffic code controlling.
Section 15-103	Definitions.
Section 15-104	Adoption of state traffic code.
Section 15-105	Penalty.

SECTION 15-101                      CITATION OF CHAPTER.

This chapter and all amendments hereto may be cited or referred to as the "Traffic Code, City of Sapulpa" and may so appear upon all official documents, records or instruments. (Prior Code, Chapter 17)

SECTION 15-102                      TRAFFIC CODE CONTROLLING.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of city streets, alleys, thoroughfares, parks, parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned property or land, including streets and other ways that form the boundary line of the city, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest. (Prior Code, Chapter 17)

SECTION 15-103                      DEFINITIONS.

As used herein:

1. "Alley" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;
2. "Ambulance" means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons;
3. "Bicycle" means a device having one (1), two (2) or three (3) tandem wheels propelled by human power upon which any person may ride, ;
4. "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

## Traffic & Vehicles

5. "Business district" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;

6. "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

7. "Commercial vehicles" means every vehicle designed, maintained, or used primarily for the transportation of property;

8. "Center lane" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

9. "Cross walk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

10. "Double park" means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway;

11. "Driver or operator" means a person who drives or is in actual physical control of a vehicle;

12. "Emergency" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic;

13. "Emergency vehicle" means vehicles of the fire department, police vehicles

## Traffic & Vehicles

and ambulances;

14. "Highway", see street;
15. "Intersection" means:
  - a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or
  - b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such streets shall be regarded as separate intersections;
16. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
17. "Limited access highway", see controlled access highway;
18. "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;
19. "Limit lines" means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;
20. "Motor cycle, motor scooter, and motor bicycle" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;
21. "Motor vehicle" means every vehicle which is self-propelled;
22. "Official time" shall mean whenever certain hours are named herein they shall mean Central Standard Time, or Daylight Savings Time, as may be in current use in the city;

## Traffic & Vehicles

23. "Official traffic control device" means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

24. "Park or parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is in an authorized place;

25. "Pedestrian" means any person afoot;

26. "Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;

27. "Private road or roadway" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

28. "Public parking lot" means a parking lot or right of way dedicated to public use or owned by the state or a political subdivision thereof;

29. "Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;

30. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

31. "Residence district" means the territory contiguous to and including a highway not comprising a business district;

32. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

33. "Roadway" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively;

34. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by

## Traffic & Vehicles

adequate signs as to be plainly visible at all times, while set apart as a safety zone;

35. "School zone" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

36. "Sidewalk" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for use of pedestrians;

37. "Stand" or "standing" means any stopping of a vehicle whether occupied or not;

38. "Stop", when required, shall mean the complete cessation from movement;

39. "Stop or stopping", when prohibited, means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal;

40. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

41. "Through street or highway" means a street, or boulevard or highway or portion thereof at the entrances to which:

- a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and
- b. Stop signs are erected as provided in this part;

42. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

43. "Traffic control devices or signals" mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic;

44. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

45. "U-turn" means a turn by which a vehicle reverses its course of travel on the same street; and

## Traffic & Vehicles

46. "Vehicle" means every device in, upon, or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic code, 47 O.S. Sections 1-101 et seq.

### SECTION 15-104                    ADOPTION OF STATE TRAFFIC CODE.

The provisions of the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, and all subsequent amendments thereto, are hereby adopted and incorporated herein by reference to the city traffic code, and are enforceable by the city within the city limits and on city-owned land as fully as if set out at length herein.

State Law Reference: State Rules of the Road, 47 O.S. Sections 10-101 et seq.; State Motor Vehicle Code, 47 O.S. Sections 1-101 et seq.

### SECTION 15-105                    PENALTY.

Any violation of the city's traffic code is punishable as provided in Section 1-108 of this code.

## Traffic & Vehicles

### CHAPTER 2

#### ENFORCEMENT AND GENERAL PROVISIONS

Section 15-201	Enforcement of traffic laws; establishment of traffic control division.
Section 15-202	Direction of traffic by hand or voice.
Section 15-203	Direction of traffic by unauthorized persons.
Section 15-204	Obedience to police and fire officials.
Section 15-205	Emergency and experimental regulations.
Section 15-206	Push carts, riding animals, or driving animal-drawn vehicles to comply with code.
Section 15-207	Use of coasters, rollerskates, and similar devices restricted.
Section 15-208	Public officers and employees to obey traffic regulations.
Section 15-209	Persons working on streets, exceptions.
Section 15-210	Maintenance and construction zones.
Section 15-211	Authorized emergency vehicles.
Section 15-212	Operation of vehicles on approach of authorized emergency vehicles.
Section 15-213	Following emergency vehicles prohibited.
Section 15-214	Crossing fire hose.
Section 15-215	Possession of valid driver's license required.
Section 15-216	Operation of vehicle on invalid license prohibited.
Section 15-217	Unlawful to operate vehicle without state vehicle license.
Section 15-218	Permitting unauthorized person to drive prohibited.
Section 15-219	Accidents, duty to stop, leaving scene of accident.
Section 15-220	Issuance of citation tags.
Section 15-221	Disposition and records of traffic citations and complaints.
Section 15-222	When copies of citations shall be deemed a lawful complaint.
Section 15-223	Failure to obey citation.
Section 15-224	Failure to comply with traffic citations attached to parked vehicle.
Section 15-225	Presumption in reference to illegal parking.
Section 15-226	Illegal cancellation of traffic citations.
Section 15-227	Court records; abstract to be sent to State Department of Public Safety.
Section 15-228	Insurance or certificate required.

SECTION 15-201                      ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISION.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this city and all the state vehicle

## Traffic & Vehicles

laws applicable to street traffic in this city. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this part and any other traffic ordinances of this city. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident. (Prior Code, Chapter 17)

### SECTION 15-202                      DIRECTION OF TRAFFIC BY HAND OR VOICE.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity. (Prior Code, Chapter 17)

### SECTION 15-203                      DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present. (Prior Code, Chapter 17)

### SECTION 15-204                      OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Prior Code, Chapter 17)

### SECTION 15-205                      EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The city manager, subject to any directions which the city council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The city manager may have traffic control devices tested under actual conditions of traffic. (Prior Code, Chapter 17)

## Traffic & Vehicles

### SECTION 15-206                    PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle, except those provisions of this part which by their very nature can have no application. (Prior Code, Chapter 17)

State Law Reference: Similar provisions; 47 O.S. Section 11-104.

### SECTION 15-207                    USE OF COASTERS, ROLLERSKATES, AND SIMILAR DEVICES RESTRICTED.

No person upon rollerskates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway. This section shall not apply upon any street while set aside as a play street as authorized by ordinances of this city. (Prior Code, Chapter 17)

### SECTION 15-208                    PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this part shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any state, county, city, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this part, except as otherwise permitted in this part by state statute. This part shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty. (Prior Code, Chapter 17)

State Law Reference: Municipal drivers to obey state Rules of the Road, 47 O.S. Section 16-103.

### SECTION 15-209                    PERSONS WORKING ON STREETS, EXCEPTIONS.

Unless specifically made applicable, the provisions of this part, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flagpersons. The provisions of this part shall apply to any of the persons and vehicles exempted by this section when traveling to and from such work. (Prior Code, Chapter 17)

### SECTION 15-210                    MAINTENANCE AND CONSTRUCTION ZONES.

## Traffic & Vehicles

- A. City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the city manager, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.
- B. When any street has been closed to traffic under the provisions of Subsection A of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such traffic control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or 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 city personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. (Prior Code, Chapter 17)

### SECTION 15-211

### AUTHORIZED EMERGENCY VEHICLES.

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.
- B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm:
  - 1. Park or stand, irrespective of the provisions of this part;
  - 2. Proceed past a red or stop signal or stop sign, but only after slowing

## Traffic & Vehicles

down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Prior Code, Chapter 17)

State Law Reference: Emergency vehicle driving rules, 47 O.S. Section 11-106.

### SECTION 15-212                      OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Prior Code, Chapter 17)

State Law Reference: Authorized emergency vehicles and their equipment, 47 O.S. Sections 11-106, 11-405, and 12-218; approach of emergency vehicles, 47 O.S. Section 11-405.

### SECTION 15-213                      FOLLOWING EMERGENCY VEHICLES PROHIBITED.

## Traffic & Vehicles

The driver of any vehicle other than one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than five hundred (500) feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

### SECTION 15-214                      CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-1109.

### SECTION 15-215                      POSSESSION OF VALID DRIVER'S LICENSE REQUIRED.

- A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.
  
- B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him with respect to the type of, or special mechanical control devices required on a motor vehicle or any other restriction applicable to the licensee as the state may determine. (Prior Code, Chapter 17)

State Law Reference: Driver's licenses, 47 O.S. Section 6-101.

### SECTION 15-216                      OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED.

No person shall operate a motor vehicle when his privilege to do so is cancelled, suspended, revoked or denied. Any person convicted of violating this section shall be punished by a fine as provided in Section 1-108 of this code. Each act of driving on the streets or highways as prohibited by this section shall constitute a separate offense. (Prior Code, Chapter 17)

## Traffic & Vehicles

### SECTION 15-217                    UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE.

It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law. (Prior Code, Chapter 17)

### SECTION 15-218                    PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle. (Prior Code, Chapter 17)

### SECTION 15-219                    ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.

- A. The driver of any vehicle involved in an accident resulting in injury to or death of any person 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 Five Hundred Dollars (\$500.00) 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.

## Traffic & Vehicles

- 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 punished as provided in Section 1-108 of this code. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 10-108.

### SECTION 15-220

### ISSUANCE OF CITATION TAGS.

- A. Police officers are hereby authorized to give notice to persons violating provisions of this part by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.
- B. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.
- C. The city manager may require that the police officers use citation tags furnished by the city clerk and that such tags are serially numbered, and may regulate the use and handling of the citation tags. (Prior Code, Chapter 17)

### SECTION 15-221

### DISPOSITION AND RECORDS OF TRAFFIC CITATIONS AND COMPLAINTS.

- A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of this traffic ordinance, shall deposit the original and a duplicate copy of the citation to an immediate superior officer who shall cause the original to be delivered to the municipal court of the city and the duplicate copy to the central records section of police department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the city clerk together with such book when all traffic citations therein have been issued.
- B. Upon the filing of such original citation in the municipal court of this city the citation may be disposed of by the city attorney, by trial in the court or by other official action by a judge of the court, including the

## Traffic & Vehicles

settlement of bail or the payment of a fine, or may be dismissed by the judge, if in his opinion, the actions complained of do not constitute a violation of traffic ordinances.

- C. The chief of police shall require the return to him of each traffic citation and all copies thereof except that copy required to be retained in the book as provided herein, which has been spoiled or upon which an entry has been made, and has not been issued to an alleged violator.
- D. The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department, a record of the disposition of the charge by the municipal court of the city.
- E. The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the municipal court of the city, all the traffic fines which are delivered to the police department for service and of the final disposition of the warrant.
- F. It is unlawful and official misconduct for any member of the police department or other officer of public employ to dispose of, alter, or deface any traffic citation or any copy thereof or the record of issuance of any traffic citation, complaint or warrant in any manner other than is required in this section. (Prior Code, Chapter 17)

### SECTION 15-222

### WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event the form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter. (Prior Code, Chapter 17)

### SECTION 15-223

### 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. (Prior Code, Chapter 17)

## Traffic & Vehicles

### SECTION 15-224

### FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section. (Prior Code, Chapter 17)

### SECTION 15-225

### PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

- A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.
- B. The presumption in Subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed. (Prior Code, Chapter 17)

### SECTION 15-226

### ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter. (Prior Code, Chapter 17)

### SECTION 15-227

### COURT RECORDS: ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

- A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every

## Traffic & Vehicles

conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

- B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.
- C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture. (Prior Code, Chapter 17)

### SECTION 15-228

### INSURANCE OR CERTIFICATE REQUIRED.

- A. The owner of a motor vehicle registered in this state and operating the vehicle within the city's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.
- B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:
  - 1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
  - 2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;

## Traffic & Vehicles

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:

a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy;

3. "Security" means:

a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;

b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47

## Traffic & Vehicles

of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

- D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the state 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.

Traffic & Vehicles

CHAPTER 3

VEHICLE EQUIPMENT, INSPECTION

Section 15-301	Certain vehicles prohibited; vehicles injurious to streets.
Section 15-302	Obstructive and dangerous vehicles.
Section 15-303	Equipment.
Section 15-304	Mufflers, cut-outs, vehicles and cycles.
Section 15-305	Weight, height, length, and load.
Section 15-306	Inspection of vehicles.

SECTION 15-301                      CERTAIN VEHICLES PROHIBITED; VEHICLES INJURIOUS TO STREETS.

No vehicle or object which injures or is likely to injure the surface of a street, shall be driven or moved on any street. (Prior Code, Chapter 17)

State Law Reference: Required equipment of vehicles, 47 O.S. Sections 12-101 et seq.

SECTION 15-302                      OBSTRUCTIVE AND DANGEROUS VEHICLES.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit. (Prior Code, Chapter 17)

SECTION 15-303                      EQUIPMENT.

Every vehicle operated upon the streets of the city shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the city which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the city. (Prior Code, Chapter 17)

State Law Reference: For state law relating to equipment, see 47 O.S. Sections 12-201 et seq.

SECTION 15-304                      MUFFLERS, CUT-OUTS, VEHICLES AND CYCLES.

A. No motor vehicles with an internal combustion engine shall be operated within the city unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler cut-out or exhaust or vacuum whistle shall be used on any motor

## Traffic & Vehicles

vehicle while operating within the city, except that exhaust whistles may be used on authorized emergency vehicles.

B. It is unlawful for any person to operate a motorcycle or motor scooter which is not equipped with a muffler or other noise reduction control device. (Prior Code, Chapter 17)

### SECTION 15-305

### WEIGHT, HEIGHT, LENGTH, AND LOAD.

No person shall drive or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the city as hereinafter provided.

- A. No structure or object greater than 14 feet in overall width or 15.9 feet in overall height, including any vehicle or equipment utilized in moving same, or greater than 90 feet in overall length as a single unit, shall be moved upon any street until a mover's permit has been issued by the city. No structure or object requiring a mover's permit shall be moved upon any street during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, nor at any time on holidays recognized by the city, nor at any time upon Dewey Avenue between Mission Street and Wickham Road, or upon Main Street between Line Avenue and Taft Avenue, unless granted specific written permission by the city manager or chief of police, or their designees as part of a mover's permit.
- B. Prior to moving any structure or object requiring a mover's permit, an application for same must be filed with the Urban Development Department of the city. Said application shall include a copy of the mover's current and valid liability insurance certificate in an amount adequate to cover damages to persons, public/private property and utilities that may be damaged as a result of such movement with minimum limits of \$1,000,000.00 per occurrence. Applications for a mover's permit can be made on a per load or annual basis as herein provided.
- C. Per load permit. An application for a mover's permit on a per load basis shall provide an accurate description of the overall width, height and length of the structure or object to be moved, as well as the equipment utilized in transporting same and shall designate an approved route of transport and approximate time of movement. Within one business day of receiving a completed application, the city shall, if appropriate, issue a mover's permit to the applicant upon receipt of a fee as provided by the Master Fee Schedule.
- The issued mover's permit shall be displayed in a conspicuous location on

## Traffic & Vehicles

the vehicle or other conveyance performing the transport through the city. Prior to commencing movement through the city, the applicant shall notify the chief of police of the intention to commence transport at least one hour prior to movement through the city. No movement granted by a mover's permit shall commence until clearance is granted to do so by the chief of police.

- D. Annual permit. An application for a mover's permit on an annual basis shall provide a general description of the overall width, height and length of the structures or objects to be moved, as well as the equipment utilized in transporting same and shall designate an approved contemplated route of transport and approximate times of movement. Within seven business days of receiving a completed application, the city shall, if appropriate, issue an annual mover's permit to the applicant upon receipt of a fee as provided by the Master Fee Schedule. The issued mover's permit shall be displayed in a conspicuous location on the vehicle or other conveyance performing the transport through the city. Prior to commencing movement through the city, the applicant shall notify the chief of police of the intention to commence transport at least one hour prior to movement through the city. No movement granted by a mover's permit shall commence until clearance is granted to do so by the chief of police.
- E. Any person, firm, business or corporation failing to comply with the requirements of this section shall be deemed guilty of committing an offense punishable as provided by Section 1-108 of the code.

State Law Reference: For state law relating to size, weight, and load, see 47 O.S. Sections 14-101 et seq.

• Cross Reference: See also Sec. 15-539 on failure to secure loads, 15-538 on truck routes and 15-720 on truck parking.

### SECTION 15-306

### INSPECTION OF VEHICLES.

- A. No person shall drive or move on any road, street, or highway of this city any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this city, or any combination thereof, unless the vehicle is:
1. In good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants; and

## Traffic & Vehicles

2. Bearing a valid official inspection sticker issued by an official inspection station licensed by the State Department of Public Safety.

The provisions of this section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

B. Any person who violates the provisions of this section shall upon conviction thereof be subject to a fine as provided in Section 1-108 of this code. (Prior Code, Chapter 17)

Traffic & Vehicles

CHAPTER 4

SPEED REGULATIONS

Section 15-401	Speed limits generally; exceptions.
Section 15-402	School zones.
Section 15-403	Speed never to exceed that which is reasonable or prudent for existing conditions; specific limits.
Section 15-404	Minimum speed requirements; exception.
Section 15-405	Obedience to maximum and minimum speed limits.
Section 15-406	Penalty.

SECTION 15-401                      SPEED LIMITS GENERALLY; EXCEPTIONS.

- A. No vehicle shall be driven at a greater speed than twenty-five (25) miles per hour upon any street or highway within the city except:
  - 1. Emergency vehicles being lawfully driven as provided in this code;
  - 2. When a different speed limit is otherwise designated and posted; or
  - 3. When a different speed limit is established in this code.
- B. The city manager, subject to such direction as the city council may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when he does so, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.
- C. The city council by motion or resolution, or the state transportation department as regards state and United States highways, may reduce or increase this speed limit. When so done, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit. (Prior Code, Chapter 17)

State Law Reference: Basic and minimum speed rules, 47 O.S. Sections 11-801, 11-804.

SECTION 15-402                      SCHOOL ZONES.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted. (Prior Code, Chapter 17)

## Traffic & Vehicles

State Law Reference: Local authority to set speed limits, 47 O.S. Sections 15-102, 11-803, 22.1.

SECTION 15-403                    SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS; SPECIFIC LIMITS.

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration among other things, the conditions of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead. (Prior Code, Chapter 17)

SECTION 15-404                    MINIMUM SPEED REQUIREMENTS; EXCEPTION.

No vehicle shall be driven at such an unreasonably slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable. (Prior Code, Chapter 17)

SECTION 15-405                    OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS.

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs. (Prior Code, Chapter 17)

SECTION 15-406                    PENALTY.

Any violation of the city's traffic code is punishable as provided in Section 1-108 of this code.

## Traffic & Vehicles

### CHAPTER 5

#### DRIVING, OVERTAKING, PASSING

Section 15-501	Changing lanes.
Section 15-502	Driving on right side of roadway required; exceptions.
Section 15-503	When overtaking on the right is permitted.
Section 15-504	Overtaking a vehicle on the left.
Section 15-505	Limitations on overtaking on the left; exception.
Section 15-506	Passing vehicles proceeding in opposite directions.
Section 15-507	One-way roadways and rotary traffic islands.
Section 15-508	Following too closely.
Section 15-509	No passing zones.
Section 15-510	Driving through funeral or other procession prohibited; exceptions.
Section 15-511	Drivers in a procession.
Section 15-512	Funeral processions to be identified.
Section 15-513	Overtaking and passing in school zones.
Section 15-514	Overtaking and passing school bus.
Section 15-515	School bus requirements; lights; signs; painting.
Section 15-516	Driving of vehicles on sidewalk prohibited; exception.
Section 15-517	Limitations on backing vehicle.
Section 15-518	Limitation on use of motorcycles, bicycles and motor scooters.
Section 15-519	Required motorcycle equipment, head gear.
Section 15-520	Clinging to vehicles prohibited.
Section 15-521	Entering and leaving controlled access highways.
Section 15-522	Reckless driving.
Section 15-523	Careless driving or stopping.
Section 15-524	Full time and attention required.
Section 15-525	Requirement of any person driving a vehicle on a public way to operate same in a careful and prudent manner.
Section 15-526	Speed contest prohibited.
Section 15-527	Permits required for parades and processions.
Section 15-528	Driving through safety zone.
Section 15-529	Starting parked vehicle.
Section 15-530	Opening and closing vehicle doors.
Section 15-531	Obstructions to driver's view or driving mechanism.
Section 15-532	Boarding or alighting from vehicles.
Section 15-533	Unlawful riding.
Section 15-534	Railroad trains not to block streets.
Section 15-535	Service drives.
Section 15-536	Truck driving and route restrictions.
Section 15-537	Loads on vehicles.

## Traffic & Vehicles

Section 15-538	Vehicle approaching or entering intersection.
Section 15-539	Vehicle turning left at intersection.
Section 15-540	Vehicle approaching a "Yield Right-of-Way" sign.
Section 15-541	Vehicle entering through highway.
Section 15-542	Vehicles facing stop, slow, warning or caution signal.
Section 15-543	Through streets.
Section 15-544	Intersections where stop or yield required.
Section 15-545	Stop or yield sign construction and placement.
Section 15-546	Vehicle entering stop intersection.
Section 15-547	Vehicle entering yield intersection.
Section 15-548	Vehicle entering highway from private road or driveway.
Section 15-549	Vehicles entering traffic from parking.
Section 15-550	Emerging from the alley, driveway, or building.
Section 15-551	Stop when traffic obstructed.
Section 15-552	Obedience to signal indicating approach of train.
Section 15-553	Certain vehicles to stop at all railroad grade crossings.
Section 15-554	Seat belts and child passenger restraints required.

### SECTION 15-501

### CHANGING LANES.

- A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.
- B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.
- C. Upon a roadway which has been divided into three (3) and five (5) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

## Traffic & Vehicles

- D. Official signs may be erected directing slow- moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign. (Prior Code, Chapter 17)

### SECTION 15-502

### DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS.

- A. Upon all roadways of sufficient width a vehicle shall be driven to the right of the center of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
  2. When the right half of a roadway is closed to traffic while under construction or repair;
  3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and
  4. Upon a roadway designated and signposted for one-way traffic.
- B. All vehicles shall keep to the right roadway on all streets or highways which are divided into two (2) roadways.
- C. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

### SECTION 15-503

### WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
1. When the vehicle overtaken is making or about to make a left turn;

## Traffic & Vehicles

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. (Prior Code, Chapter 17)

### SECTION 15-504                    OVERTAKING A VEHICLE ON THE LEFT.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaken vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Prior Code, Chapter 17)

### SECTION 15-505                    LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTION.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

## Traffic & Vehicles

2. When approaching within one hundred (100) feet of any bridge, viaduct or tunnel or when approaching within three hundred (300) feet of or traversing any intersection or railroad grade crossing.

### SECTION 15-506                    PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width for not more than one line of traffic in each direction each driver shall give to the other at least one-half ( $\frac{1}{2}$ ) the main-traveled portion of the roadway as nearly as possible. (Prior Code, Chapter 17)

### SECTION 15-507                    ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

- A. The city manager, subject to any directions given by the city council by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.
- B. Whenever the city manager designates any street or alley or part thereof as a one-way street or alley, the city manager shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
- D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.
- E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-308.

### SECTION 15-508                    FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is

## Traffic & Vehicles

reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-310.

### SECTION 15-509                      NO PASSING ZONES.

- A. The State Department of Transportation, as regards state and federal highways, and the city manager as regards all other streets, are hereby authorized to determine those portions of any highway where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.
- B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length. (Prior Code, Chapter 17)

### SECTION 15-510                      DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. (Prior Code, Chapter 17)

State Law Reference: Local powers to regulate processions, 47 O.S. Section 15-102.

### SECTION 15-511                      DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Prior Code, Chapter 17)

### SECTION 15-512                      FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified as such by the lighting of headlights or such identifying insignia as may be determined and designated by the police department. (Prior Code, Chapter 17)

## Traffic & Vehicles

### SECTION 15-513                    OVERTAKING AND PASSING IN SCHOOL ZONES.

- A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.
- B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement. (Prior Code, Chapter 17)

### SECTION 15-514                    OVERTAKING AND PASSING SCHOOL BUS.

- A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.
- B. The driver of any vehicle when passing a school bus shall use due caution for the safety of school children and other occupants of the school bus.
- C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-705.

### SECTION 15-515                    SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING.

- A. The provisions of Section 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.
- B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated. (Prior Code, Chapter

Traffic & Vehicles

17)

State Law Reference: Similar provisions, 47 O.S. Section 11-307.

SECTION 15-516            DRIVING OF VEHICLES ON SIDEWALK PROHIBITED;  
EXCEPTION.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway. (Prior Code, Chapter 17)

SECTION 15-517            LIMITATIONS ON BACKING VEHICLE.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an intersection. (Prior Code, Chapter 17)

SECTION 15-518            LIMITATION ON USE OF MOTORCYCLES, BICYCLES AND  
MOTOR SCOOTERS.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the city.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold on to any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only upon the permanent and regular seat attached thereto.

## Traffic & Vehicles

- E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.
- F. No person under the age of sixteen (16) shall operate any motorcycle, motor bicycle, or motor scooter within the city between the hours of 10:00 P.M. and 5:00 A.M. (Prior Code, Chapter 17)

### SECTION 15-519                      REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR.

- A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:
  - 1. Handle bars which do not exceed twelve (12) inches in height, measured from the crown or point of attachment;
  - 2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;
  - 3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply the brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake;
  - 4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided;
  - 5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;
  - 6. One lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the vehicle is proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half ( $\frac{1}{2}$ ) hour after sunset to one-half ( $\frac{1}{2}$ ) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead; and

## Traffic & Vehicles

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this section unless the person is equipped with and wearing on the head a crash helmet of the type and design manufactured for use by the operators of such vehicles. All crash helmets shall consist of lining, padding and chin straps and be of the type as not to distort the view of the driver.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle. (Prior Code, Chapter 17)

### SECTION 15-520

### CLINGING TO VEHICLES PROHIBITED.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway. (Prior Code, Chapter 17)

### SECTION 15-521

### ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority. (Prior Code, Chapter 17)

### SECTION 15-522

### RECKLESS DRIVING.

Any person who drives any vehicle in such a manner as to endanger a life, man, person, or property, is guilty of reckless driving, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

### SECTION 15-523

### CARELESS DRIVING OR STOPPING.

It is unlawful for any person to drive, use or operate any vehicle:

1. In a careless manner;

## Traffic & Vehicles

2. In a negligent manner; or
3. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.

### SECTION 15-524                    FULL TIME AND ATTENTION REQUIRED.

The operator of every vehicle while driving upon the streets and highways of the city shall devote full time and attention to such driving. (Prior Code, Chapter 17)

### SECTION 15-525                    REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the public way and any other conditions then existing. (Prior Code, Chapter 17)

### SECTION 15-526                    SPEED CONTEST PROHIBITED.

- A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.
- B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.
- C. When three (3) or more persons assemble to witness or participate in an unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense. (Prior Code, Chapter 17)

### SECTION 15-527                    PERMITS REQUIRED FOR PARADES AND PROCESSIONS.

No funeral, procession, or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the military forces of the United States and the military forces of this state, shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. (Prior Code, Chapter 17)

State Law Reference: Local powers to regulate processions, 47 O.S. Section 15-102.

Traffic & Vehicles

SECTION 15-528                    DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island. (Prior Code, Chapter 17)

SECTION 15-529                    STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (Prior Code, Chapter 17)

SECTION 15-530                    OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-1105.

SECTION 15-531                    OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM.

- A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle. (Prior Code, Chapter 17)

SECTION 15-532                    BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion. (Prior Code, Chapter 17)

SECTION 15-533                    UNLAWFUL RIDING.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Prior Code, Chapter 17)

## Traffic & Vehicles

### SECTION 15-534

### RAILROAD TRAINS NOT TO BLOCK STREETS.

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. This section shall not apply in case of engine failure or train accidents within the city limits. (Prior Code, Chapter 17)

### SECTION 15-535

### SERVICE DRIVES.

It is unlawful for any person to operate any vehicle through a service drive situated at a street intersection within the city unless the operator of such vehicle transacts business on the premises where such service drive is located.

### SECTION 15-536

### TRUCK DRIVING AND ROUTE RESTRICTIONS.

The city manager, subject to such directions as the city council may give, may prescribe routes through the city for the use of trucks in general, trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the city. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, shall not use those streets or thoroughfares upon which such vehicles are prohibited or shall keep on such routes as are designated, and shall not deviate therefrom except in case of an emergency. However, such prohibited vehicles may use streets or thoroughfares when necessary when engaged in an intra-city activity or when necessary for the purpose of making pickups and deliveries in the vicinity of any such designated street. The city manager may, pursuant to such directions as the city council may give, issue permits in writing as exception to designated routes, and, upon payment of fees prescribed by the city council, issue such permits. A copy of the designation of truck routes and restrictions shall be maintained as a public record in the office of the city clerk and a copy at the police department. Failure to comply with or violate any of the provisions hereof shall be deemed an offense. (Prior Code, Chapter 17; Ord. No. 2146, 3/6/95)

Cross Reference: See also Section 15-720 on truck parking.

### SECTION 15-537

### LOADS ON VEHICLES.

- A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

## Traffic & Vehicles

- B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle. (Prior Code, Chapter 17)

### SECTION 15-538                    VEHICLE APPROACHING OR ENTERING INTERSECTION.

- A. When two (2) vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however, the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.
- B. The right-of-way rule declared in Subsection A of this section is modified as through highways as otherwise stated in this chapter. (Prior Code, Chapter 17)

State Law Reference: Right-of-way at intersections, 47 O.S. Section 11-401.

### SECTION 15-539                    VEHICLE TURNING LEFT AT INTERSECTION.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

### SECTION 15-540                    VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN.

The driver of a vehicle approaching a "Yield Right-of- Way" sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of- way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard. (Prior Code, Chapter 17)

## Traffic & Vehicles

State Law Reference: Similar provisions, 47 O.S. Section 11-403.

### SECTION 15-541                    VEHICLE ENTERING THROUGH HIGHWAY.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard. (Prior Code, Chapter 17)

### SECTION 15-542                    VEHICLES FACING STOP, SLOW, WARNING OR CAUTION SIGNAL.

If two (2) or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection. (Prior Code, Chapter 17)

### SECTION 15-543                    THROUGH STREETS.

- A. The city manager, subject to such direction as the city council may give, may designate any street or part of a street a through street.
- B. Whenever the city manager designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.
- C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the city manager if deemed desirable. (Prior Code, Chapter 17)

### SECTION 15-544                    INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

The city manager, subject to any directions given by the council by motion or resolution, is hereby authorized to determine and designate intersections upon other than

## Traffic & Vehicles

through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or
2. Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required.

### SECTION 15-545                      STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT.

Every stop or yield sign erected pursuant to this chapter shall bear the word "Stop" or "Yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalk on the near side of the intersection or if there is no crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

### SECTION 15-546                      VEHICLE ENTERING STOP INTERSECTION.

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is no marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed and the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding. (Prior Code, Chapter 17)

### SECTION 15-547                      VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and drivers of all other vehicles approaching the intersection shall yield to the vehicle so

## Traffic & Vehicles

proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the driver shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. (Prior Code, Chapter 17)

### SECTION 15-548                      VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-404.

### SECTION 15-549                      VEHICLES ENTERING TRAFFIC FROM PARKING.

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists. (Prior Code, Chapter 17)

### SECTION 15-550                      EMERGING FROM THE ALLEY, DRIVE WAY, OR BUILDING.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-704.

### SECTION 15-551                      STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross walk unless there is sufficient

## Traffic & Vehicles

space on the other side of the intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Prior Code, Chapter 17)

### SECTION 15-552                    OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
  3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
  4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Prior Code, Chapter 17)

### SECTION 15-553                    CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS.

- A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when

## Traffic & Vehicles

it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

- B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed. (Prior Code, Chapter 17)

### SECTION 15-554

### SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED.

- A. Every operator and front seat passenger of a passenger car operated in this city shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section, "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.
- B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.
- C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this city shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:
  - 1. A nonresident driver transporting a child in this state;

## Traffic & Vehicles

2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provision of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for damages. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

- D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this section. Any person convicted of violating subsection A of this section shall be punished by a maximum fine of Ten Dollars (\$10.00) and court costs.

Traffic & Vehicles

CHAPTER 6

TRAFFIC CONTROL DEVICES

Section 15-601	Authority to install traffic control devices.
Section 15-602	Traffic control devices; uniform requirements.
Section 15-603	Obedience to official traffic control devices.
Section 15-604	When official traffic control devices required for enforcement purposes.
Section 15-605	Traffic control signal legend.
Section 15-606	Pedestrians; signal indicators; regulations.
Section 15-607	Flashing signals.
Section 15-608	Pedestrian-activated school crossing signals.
Section 15-609	Unauthorized traffic control devices prohibited.
Section 15-610	Defacement of traffic control devices.
Section 15-611	Play streets, authority to establish.
Section 15-612	Play streets, restriction on use.
Section 15-613	Designation of crosswalks and safety zones.
Section 15-614	Traffic lanes.
Section 15-615	Corner cutting prohibited to avoid devices.

SECTION 15-601                      AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

The city manager, subject to any directions given by the city council by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic. (Prior Code, Chapter 17)

Cross-Reference: For state law relating to traffic control devices, see 47 O.S. Sections 11-201 et seq.

SECTION 15-602                      TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS.

- A. All traffic control signs, signals, and devices shall conform to the Manual of Uniform Traffic Control Devices approved by the State Department of Public Safety.
- B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the city. All traffic control devices erected and not inconsistent

## Traffic & Vehicles

with the provisions of state law or this chapter shall be official traffic control devices. (Prior Code, Chapter 17)

### SECTION 15-603                    OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this part. (Prior Code, Chapter 17)

State Law Reference: Drivers to obey traffic devices, 47 O.S. Section 11-201.

### SECTION 15-604                    WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. If a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place. (Prior Code, Chapter 17)

### SECTION 15-605                    TRAFFIC CONTROL SIGNAL LEGEND.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone, "Go":
  - a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and
  - b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "walk" signal indicator is operating;
2. Steady yellow or amber alone, "caution":
  - a. The showing of such signal color following green shall constitute a warning

## Traffic & Vehicles

that the "red" or "stop" signal will be exhibited immediately thereafter; and

- b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the "caution" signal first flashes that a stop cannot be made in safety, in which event vehicles may proceed cautiously through the intersection and clear the same before the "red" signal flashes;
3. Red alone, "stop":
    - a. Vehicular traffic facing the signal shall stop before entering the crosswalk and shall remain standing until green or "go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and
    - b. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so, by a pedestrian "walk" signal;
  4. Steady red with green arrow:
    - a. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and
    - b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal; and
  5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed.

## Traffic & Vehicles

State Law Reference: Similar provisions, 47 O.S. Section 11-202.

### SECTION 15-606                    PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS.

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

1. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.

### SECTION 15-607                    FLASHING SIGNALS.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red." When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "Flashing Yellow." When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This section shall not apply at railroad grade crossings. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

### SECTION 15-608                    PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. "Flashing yellow":

a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such

## Traffic & Vehicles

signal only with caution; and

- b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;
2. "Steady yellow alone":
    - a. Vehicular traffic facing the signal is thereby warned that the red of "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited; and
    - b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;
3. "Steady red":
    - a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;
    - b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and
4. "Steady red and steady yellow combined":
    - a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and
    - b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles.

State Law Reference: Similar provisions, 47 O.S. Section 11-203.

SECTION 15-609

UNAUTHORIZED TRAFFIC CONTROL DEVICES  
PROHIBITED.

## Traffic & Vehicles

- A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.
- B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.
- C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.
- D. Every prohibited sign, signal, marking or device may be removed without notice. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-206.

### SECTION 15-610

### DEFACEMENT OF TRAFFIC CONTROL DEVICES.

- A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injure, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or an inscription, shield or insignia thereon, or any part thereof.
- B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:
  - 1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or
  - 2. Any officer, agent independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

### SECTION 15-611

### PLAY STREETS, AUTHORITY TO ESTABLISH.

The city manager, subject to any directions given by the city council shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping to protect the same. (Prior Code, Chapter 17)

Traffic & Vehicles

SECTION 15-612                    PLAY STREETS, RESTRICTION ON USE.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Prior Code, Chapter 17)

SECTION 15-613                    DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

The city manager, subject to any directions given by the city council may:

- I.        Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary; and
2.        Establish safety zones or islands of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

SECTION 15-614                    TRAFFIC LANES.

- A.        The city manager, subject to any directions given by the city council may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.
- B.        Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

SECTION 15-615                    CORNER CUTTING PROHIBITED TO AVOID DEVICES.

No driver shall drive through a service station driveway or other driveway or private property so as to avoid the use of a street or traffic control device.

Traffic & Vehicles

CHAPTER 7

STOPPING, STANDING AND PARKING GENERALLY

Section 15-701	Illegal parking declared public nuisance.
Section 15-702	Application of standing or parking regulations.
Section 15-703	Parking time limits may be established, signs.
Section 15-704	Parking more than forty-eight (48) hours.
Section 15-705	Brakes; motor not to be left running.
Section 15-706	Signs or markings indicating angle parking.
Section 15-707	Obedience to angle-parking signs or markings.
Section 15-708	Parking in spaces marked off.
Section 15-709	Permits for loading or unloading at an angle to the curb.
Section 15-710	Hazardous or congested places; stopping, standing, parking.
Section 15-711	Stopping, standing or parking prohibited in specified places.
Section 15-712	Blocking of intersection or crosswalk prohibited.
Section 15-713	Standing or parking on one-way roadway.
Section 15-714	Standing or parking on left side of one-way streets.
Section 15-715	Parking adjacent to schools.
Section 15-716	Parked vehicles not to extend too far into street.
Section 15-717	Parking prohibited on narrow streets.
Section 15-718	Parking in alleys, blocking driveways.
Section 15-719	Entry on private property; trespass; evidence; burden of proof.
Section 15-720	Truck parking prohibited in certain areas.
Section 15-721	Parking prohibited for trucks transporting hazardous materials.
Section 15-722	Double parking.
Section 15-723	Parking for certain purposes prohibited.
Section 15-724	Method of parking, standing or parking close to curb.
Section 15-725	Negligent parking.
Section 15-726	Right-of-way to parallel parking space.
Section 15-727	Handicapped parking, enforcement on public or private property.
Section 15-728	Recreational vehicle parking.
Section 15-729	Penalty for illegal parking.
Section 15-730	Two hour free parking.
Section 15-731	Immobilization authorized, procedures.

SECTION 15-701

ILLEGAL PARKING DECLARED PUBLIC NUISANCE.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the

## Traffic & Vehicles

owner or operator of such vehicle. (Prior Code, Chapter 17)

### SECTION 15-702            APPLICATION OF STANDING OR PARKING REGULATIONS.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Prior Code, Chapter 17)

### SECTION 15-703            PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS.

The city manager, subject to any directions given by the city council by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation. (Prior Code, Chapter 17)

### SECTION 15-704            PARKING MORE THAN SEVENTY-TWO (72) HOURS.

No person shall park a vehicle on any street for a period of time longer than seventy-two (72) hours. The parking of a vehicle for more than seventy-two (72) hours shall constitute prima facie evidence of abandonment of the vehicle. This section applies to any vehicle, including but not limited to any junk, nonoperating or partially dismantled vehicle. (Prior Code, Sec. 17-137)

### SECTION 15-705            BRAKES; MOTOR NOT TO BE LEFT RUNNING.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked. (Prior Code, Chapter 17)

### SECTION 15-706            SIGNS OR MARKINGS INDICATING ANGLE PARKING.

The city manager, subject to any directions given by the city council by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-1004(c).

### SECTION 15-707            OBEDIENCE TO ANGLE-PARKING SIGNS OR MARKINGS.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Prior Code, Chapter 17)

Traffic & Vehicles

SECTION 15-708                    PARKING IN SPACES MARKED OFF.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space. (Prior Code, Chapter 17)

SECTION 15-709                    PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB.

- A.     The city manager is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The city manager may revoke such permits at any time.
  
- B.     It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (Prior Code, Chapter 17)

SECTION 15-710                    HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING.

- A.     The city manager is hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.
  
- B.     When official signs are erected at hazardous or congested places, as authorized in Subsection A of this section, no person shall violate such signs. (Prior Code, Chapter 17)

SECTION 15-711                    STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

- A.     No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:
  - 1.     On a sidewalk, sidewalk area, or between the sidewalk and the street;
  
  - 2.     In front of a public or private driveway;

## Traffic & Vehicles

3. Within an intersection;
  4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;
  5. On a crosswalk;
  6. Within twenty (20) feet of a crosswalk at an intersection;
  7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
  8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;
  9. Within fifty (50) feet of the nearest rail of a railroad crossing;
  10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;
  11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;
  12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
  14. At any place where official signs prohibit stopping or parking.
- B. No person shall move a vehicle not lawfully under his control into any prohibited area or an unlawful distance away from a curb. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

### SECTION 15-712

### BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient

## Traffic & Vehicles

space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Prior Code, Chapter 17)

### SECTION 15-713            STANDING OR PARKING ON ONE-WAY ROADWAY.

- A. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.
- B. The city council may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. (Prior Code, Chapter 17)

### SECTION 15-714            STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS.

The city manager may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such signs. (Prior Code, Chapter 17)

### SECTION 15-715            PARKING ADJACENT TO SCHOOLS.

- A. The city manager may have signs erected indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- B. No person shall park a vehicle in violation of any such signs.

### SECTION 15-716            PARKED VEHICLES NOT TO EXTEND TOO FAR INTO STREET.

No vehicle shall be parked at an angle on a street so that it or its load will extend more than fifteen (15) feet from the curb or edge of the roadway towards the center of the roadway. No vehicle shall be parked parallel to the curb or edge of the roadway so that it or its load shall extend more than nine (9) feet from the curb or edge toward the center of the roadway. (Prior Code, Chapter 17)

### SECTION 15-717            PARKING PROHIBITED ON NARROW STREETS.

## Traffic & Vehicles

- A. The city manager is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When such signs are so erected and in place, no person shall park a vehicle upon any such street in violation of any such sign. (Prior Code, Chapter 17)

### SECTION 15-718                      PARKING IN ALLEYS, BLOCKING DRIVEWAYS.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property. (Prior Code, Chapter 17)

### SECTION 15-719                      ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF.

- A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.
- B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given. (Prior Code, Chapter 17)

### SECTION 15-720                      TRUCK PARKING PROHIBITED IN CERTAIN AREAS.

It is unlawful and an offense for any person, firm or corporation to park any truck of over one ton capacity on any public street in a residential district except for the time necessary to load or unload materials or equipment which, because of the size or weight of the load, requires a truck of this capacity. (Prior Code, Chapter 17)

Cross Reference: See also Sec. 15-538 truck routes and Sec. 15-305 on weight restrictions.

### SECTION 15-721                      PARKING PROHIBITED FOR TRUCKS TRANSPORTING HAZARDOUS MATERIALS.

## Traffic & Vehicles

It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the city's fire prevention code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the city. However, the trucks and vehicles restricted in this section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquefied petroleum gases for a period not to exceed one and one-half (1½) hours during any twenty-four (24) hour period.

### SECTION 15-722                      DOUBLE PARKING.

- A. No driver shall double park or double stop a vehicle under the following conditions:
  - 1. Within fifty (50) feet of an intersection except alley intersections, or within ten (10) feet of an alley intersection;
  - 2. Opposite a double parked or double stopped vehicle across the street;
  - 3. When such double parking or double stopping would or does block or interfere materially with the normal movement of traffic;
  - 4. When parking space adjacent to the curb is available;
  - 5. When directed by a police officer to move on; or
  - 6. In any position other than parallel to the curb and within two (2) feet of the adjacent vehicle parked next to the curb.
- B. A driver may double park or double stop a vehicle only as authorized in this section. There must be a licensed driver in any vehicle while it is double parked or double stopped.
- C. A driver may double stop for the purpose of, but only while actually engaged in, the expeditious loading or unloading of passengers, subject, however, to all the general conditions herein above set out.
- D. A driver may double park for the purpose of, but only while actually engaged in, the expeditious loading or unloading of merchandise, subject, however, to all the general conditions herein above set out. No such vehicle shall be double parked longer than ten (10) minutes.

### SECTION 15-723                      PARKING FOR CERTAIN PURPOSES PROHIBITED.

## Traffic & Vehicles

No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;
2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or
3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated by an emergency.

### SECTION 15-724                      METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb. (Prior Code, Chapter 17)

State Law Reference: Parking rules, 47 O.S. Section 11-1004.

### SECTION 15-725                      NEGLIGENT PARKING.

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

1. In a careless manner;
2. In such a manner as to endanger a life, limb, person or property; or
3. In such a manner as to endanger or interfere in the lawful traffic or use of the street.

### SECTION 15-726                      RIGHT-OF-WAY TO PARALLEL PARKING SPACE.

- A. The driver of any vehicle intending to occupy a parallel parking space where backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

## Traffic & Vehicles

- B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space, where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space. (Prior Code, Chapter 17)

### SECTION 15-727                      HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY.

- A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.
- B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-108 of this code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. Section 15-112.

### SECTION 15-728                      RECREATIONAL VEHICLE PARKING AND OUTSIDE PARKING, STORAGE OF VEHICLES.

- A. "Recreational vehicle" for the purpose of this section means, but is not limited to, motorized homes, camping trailers, pickup campers, travel trailers, boats and boat trailers. "Vehicle" means automobile, trailer, truck, tractor, bus or commercial vehicle.
- B. The parking of a recreational vehicle on a public street is regulated as follows:
  - 1. A recreational vehicle shall not be parked on any public street in a manner that would constitute a traffic hazard or would block the driveway entrance to any abutting property;
  - 2. A recreational vehicle may be temporarily parked on a public street in a manner not in violation of the above paragraph for the purpose of loading and unloading and in order to accommodate the cleaning and upkeep of the property upon which they are

## Traffic & Vehicles

normally stored. Any such temporary parking event may not exceed twenty-four (24) hours in length and may not occur more frequently than once per week.

- C. In order to protect the public welfare and safety of the general public, the city may effect immediate removal of any recreational vehicle found in violation of this section. Any costs attended to removal of same shall be borne by the owner or occupier of the grounds fronted thereon, or at the expense of the person placing the encroachment thereupon. Each day such illegal parking remains shall constitute a new and separate violation.
- D. The outside parking or storage, or storage in the open, in residential districts as defined in the city's zoning regulations of vehicles, materials, merchandise, supplies or equipment not usually or customarily used or needed in connection with the occupancy of residential property for residential purposes for a period of longer than ninety-six (96) hours is prohibited.
- E. Allowing a vehicle to remain in the open on public right of way or private property in a fixed position for thirty (30) days or more, and thereby creating a condition constituting a fire, health or safety hazard, is prohibited. At least ten (10) days' notice shall be given to the person having custody and control over the vehicle prior to issuance of a citation for violation of this subsection. (Prior Code, Secs. 17-135 et seq., Ord.No. 2063, 6/3/91)

### SECTION 15-728

### PENALTY FOR ILLEGAL PARKING.

- A. Illegal parking is declared a public nuisance. Any vehicle in violation of any regulation pertaining to parking within the city, or to standing or parking on a street or public thoroughfare, is hereby declared and constituted a public nuisance. Each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.
- B. Any person convicted of a violation of any of the provisions of the parking violations shall be punished as provided in Section 1-108 of this code. However, for violations of time limitations only, established as provided herein, the penalty shall be as set by the city council by motion or resolution. The fine shall be paid in accordance with the violation notice.
- C. The parking violation shall be placed on the windshield of the vehicle improperly parked, placed, standing or stopped.
- D. It is unlawful to remove or alter the chalk or other mark used by parking

## Traffic & Vehicles

enforcement personnel to identify vehicles which have parked in marked spaces beyond the prescribed period.

- E. Any vehicle with outstanding fines against it may be impounded by the city and may be retained by the city pending payment of all fines, towing and storage charges. The city shall have a possessor lien against any vehicle which is found to have outstanding fines against it until such fines are paid. The lien may be foreclosed pursuant to the procedures provided for in Title 42, Sections 91 through 96 of the Oklahoma Statutes. (Prior Code, Chapter 17)

### SECTION 15-730

### TWO HOUR FREE PARKING.

- A. The following two hour parking limitations apply:

1. The parking time for motor or other vehicles in certain designated parking spaces in and upon the public streets, highways and thoroughfares located and situated between the west side of Elm Street on the east, west side of Main Street on the west, south side of Hobson Street on the north, and the north side of Lee Street on the south (hereinafter referred to as "the designated area"), all within the corporate limits of the city, or in any combination of such designated parking spaces on either side of any two (2) consecutive or adjacent blocks of the public streets, highways or thoroughfares, is limited to one hundred twenty (120) minutes;

2. Notwithstanding Subsection A, paragraph 1 above, the city council shall retain the prerogative of providing by resolution for metered parking in designated parking spaces upon the public streets, highways, and thoroughfares located and situated within the corporate limits of the city; and

3. Any vehicle in violation at the metered parking as above provided shall be subject to the same penalties and provisions as are provided in the remaining subsections of Section 15-730.

- B. As used herein, vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon any public street, highway or thoroughfare, except devices moved by human power or used exclusively upon stationary rails or tracks.

- C. In order to facilitate the orderly and safe flow and movement of traffic in and upon the public streets, highways and thoroughfares and to protect the persons and property of those using the same from unusual or undue danger and hazard. the city manager of the city or his designee is hereby authorized and empowered to establish, designate and mark off, or cause the

## Traffic & Vehicles

establishment, designation and marking off, of such individual parking spaces in and upon the public streets, highways and thoroughfares in the designated area for the parking of motor and other vehicles, the parking spaces to be laid out and designated with lines painted or durably marked on the surfaces of the public streets, highways and thoroughfares, and to erect and maintain on the public streets, highways and thoroughfares appropriate signs clearly reflecting the words "Free 2 hour parking", the lettering on such signs to be in conformity with applicable requirements of law. No prohibition or limitation of time designated or established pursuant to the provisions of the section shall be effective until such signs have been posted in accordance with the provisions hereof at the time of any alleged violation. The signs shall be posted at least once in each block in the designated area and on each side of the street.

- D. It is hereby prohibited and it shall be unlawful and an offense of the driver, operator or owner, or for the owner to suffer or permit the driver or operator, of a vehicle to stop, stand or park such vehicle in any such designated parking space in and upon any of the public streets, highways or thoroughfares, or in any such combination of the designated parking spaces on either side of any two (2) consecutive or adjacent blocks of any public streets, highways or thoroughfares in the designated area, from the hour of 8:00 A.M. to the hour of 5:00 P.M. of any day, except Sundays and legal holidays, for a longer period than one hundred twenty (120) minutes, when such signs are erected and in place. Such legal holidays shall be New Year's Day, Martin Luther King Day, Memorial Day (fourth Monday in May), Independence Day, Labor Day (first Monday in September), Columbus Day (second Monday in October), Veteran's Day, Thanksgiving Day, day after Thanksgiving, Christmas Eve, and Christmas Day.
- E. Whenever any vehicle is found in the same position within any such designated parking space, or whenever any vehicle is found to be stopped, standing or parked on either side of any two (2) consecutive or adjacent blocks of any public streets, highways or thoroughfares within the designated area, for a period of time longer than one hundred twenty (120) minutes, such fact shall be prima facie evidence that such vehicle has been so stopped, standing and parked beyond such period of one hundred twenty (120) minutes, and that the person who so stopped, stood or parked such vehicles was the person in whose name such vehicle was then and there registered.
- F. It shall be the duty of the personnel of the city, as shall be designated by the city manager, to enforce the provisions of this section.

## Traffic & Vehicles

- G. The designated city personnel, upon finding a vehicle in violation hereof may place upon the vehicle an overparking citation.
- H. Each one hundred twenty (120) minutes of continued violation shall constitute a separate offense for which an overparking citation may be issued. A violation of commercial loading zone shall be deemed to occur, and an offense committed, immediately upon the presence of a vehicle stopping, standing {sanding}, or parking in a designated commercial loading zone except for the loading or unloading of freight.
- I. From and after the effective date of this chapter, each and every offense under the terms of this chapter shall be punishable by a fine of Five Dollars (\$5.00).
- J. Payment for the overparking violations may be made on the day the overparking citation(s) is issued by depositing the appropriate amount of the citation in the designated depositories as provided by the city or at the municipal court clerk's office. Any person failing to pay for such overparking violation within five (5) days of the date of issuance shall be punished under the general penalty provisions established by Section 1-108 of this code. (Ord. No. 2121, 3/7/94)

### SECTION 15-731

### IMMOBILIZATION AUTHORIZED. PROCEDURES.

- A. The personnel designated by the city manager of the city to enforce Chapter 7, Section 15-731 of the city code shall be directed to immobilize those vehicles, as defined in Chapter 7, Section 15-731, of the city code, which shall have an outstanding total of three (3) or more overparking citations or three (3) or more reserved parking citations or a combination of three (3) or more such citations. After a vehicle has three (3) or more parking citations credited to its license plate number, the owner or operator of the vehicle shall be notified that the vehicle may be immobilized by attaching a notice of the immobilization to the windshield of the automobile or by mailing a copy of the notice of the immobilization to the last known address of the owner of the automobile. The notice of the immobilization may be made a part of the overparking citation by including language on the face of the citation in a conspicuous place which shall read as follows: "You are hereby notified that upon receipt of a total of three (3) parking violations this vehicle shall be subject to immediate immobilization or removal as authorized by the codes of the City of Sapulpa";
- B. Immobilization shall be accomplished by installing on or attaching to such vehicle a device designed to restrict the normal movement of such vehicle

## Traffic & Vehicles

or by any other means whatsoever. The device shall not be installed or attached on such vehicle unless it is parked upon any public right-of-way or property and a minimum of five (5) calendar days has elapsed since the mailing or windshield-affixed notification referred to in the previous paragraph;

- C. After a vehicle has received a total of three (3) citations and it has been determined that the vehicle has not been removed from its present location for a period of more than six (6) hours, the vehicle may be either immobilized immediately or removed from its present location;
- D. The fee for release from such immobilization shall be Twenty-five Dollars (\$25.00). Such fee shall be in addition to any fines due and owing for overparking citations. Release of such vehicle shall be accomplished within one hour after having been contacted by the owner, driver, or person in charge of the vehicle, and after receipt of payment for fines and fees; and
- E. If the owner, driver, or person in charge of the vehicle can furnish title or other satisfactory proof that the vehicle so immobilized was registered to an owner other than the present owner at the time the overparking citations were incurred, the vehicle shall be released within one hour after proof is satisfactorily provided and without receipt of payment for fines and fees. (Ord. No. 2121, 3/7/94)

## Traffic & Vehicles

### CHAPTER 8

#### LOADING

Section 15-801	Definitions.
Section 15-802	Curb loading zones, designation.
Section 15-803	Loading zones to be used only for designated purpose.
Section 15-804	Stopping, standing or parking in passenger curb loading zone.
Section 15-805	Stopping, standing or parking in commercial curb loading zone.
Section 15-806	Designation of public carrier stops and stands.
Section 15-807	Use of bus and taxicab stands restricted.
Section 15-808	Stopping, standing and parking of buses and taxis.

#### SECTION 15-801            DEFINITIONS.

As used in this chapter:

1. "Commercial vehicle" means:
  - a. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag;
  - b. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the city at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle;
2. "Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale; and
3. "Passenger loading zones" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles.

#### SECTION 15-802            CURB LOADING ZONES, DESIGNATION.

- A. The city manager, subject to any directions given by the city council by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs

## Traffic & Vehicles

indicating the zones and stating the hours during which the provisions of this section are applicable.

- B. No person shall stand or park a vehicle in violation of signs erected in accordance with this section.
- C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the city an amount of money estimated by the city council to be adequate to reimburse the city for all costs of establishing and signing the same. (Prior Code, Chapter 17)

### SECTION 15-803                    LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law. (Prior Code, Chapter 17)

### SECTION 15-804                    STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period not to exceed three (3) minutes. (Prior Code, Chapter 17)

### SECTION 15-805                    STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE.

- A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.
- B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone. (Prior Code,

## Traffic & Vehicles

### Chapter 17)

#### SECTION 15-806                    DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS.

The city manager may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs.

#### SECTION 15-807                    USE OF BUS AND TAXICAB STANDS RESTRICTED.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone. (Prior Code, Chapter 17)

#### SECTION 15-808                    STOPPING, STANDING AND PARKING OF BUSES AND TAXIS.

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand except in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (Prior Code, Chapter 17)

Traffic & Vehicles

CHAPTER 9

TURNING MOVEMENTS

Section 15-901	Turning markers or indicators.
Section 15-902	Designation of restricted turns.
Section 15-903	Obedience to no-turn signs.
Section 15-904	U-Turns.
Section 15-905	Position and method of turning.
Section 15-906	Turning movements and required signals.
Section 15-907	Means of giving turn signals.
Section 15-908	Method of giving hand and arm signals.
Section 15-909	Turns into or from alleys.

SECTION 15-901                      TURNING MARKERS OR INDICATORS.

- A.    The city manager, subject to any directions given by the city council by motion or resolution, is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.
  
- B.    When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Prior Code, Chapter 17)

SECTION 15-902                      DESIGNATION OF RESTRICTED TURNS.

The city manager is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted. (Prior Code, Chapter 17)

SECTION 15-903                      OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign. (Prior Code, Chapter 17)

SECTION 15-904                      U-TURNS.

## Traffic & Vehicles

- A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the city at the following locations:
1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;
  2. Where a police officer is directing traffic except at the latter's direction; or
  3. At any other location where an official "no-U- turn" has been placed and is maintained.
- B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner:
1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the turn is completed, proceeding to make the turn across the intersection;
  2. In one continuous movement without stopping or backing the vehicle;
  3. By yielding the right-of-way at all times to all vehicles until such turn is completed; and
  4. Without constituting a hazard to or interfering with any other vehicle.

### SECTION 15-905

### POSITION AND METHOD OF TURNING.

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or
3. Left turns, on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways the driver of a vehicle

## Traffic & Vehicles

intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered.

State Law Reference: Similar provisions, 47 O.S. Section 11-601.

### SECTION 15-906                      TURNING MOVEMENTS AND REQUIRED SIGNALS.

- A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.
- B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or stopping.
- C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

### SECTION 15-907                      MEANS OF GIVING TURN SIGNALS.

- A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma Department of Public Safety, except as provided in Subsection B of this section.
- B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:
  - 1. The body or cab of a vehicle or the load of any vehicle projects twenty-four (24) inches or more to the left of the center of the steering wheel;
  - 2. Under any condition where a hand and arm signal would not be visible both

## Traffic & Vehicles

to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post.

### SECTION 15-908                    METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;
2. Right turn - hand and arm extended upward; and
3. Stop or decrease speed - hand and arm extended downward with palm to the rear.

### SECTION 15-909                    TURNS INTO OR FROM ALLEYS.

- A. No vehicles shall turn left when proceeding into or proceeding out of an alley except when necessary to enter a one-way street, and no vehicle shall cross any street or highway when proceeding into or proceeding out of any alley except as provided in Subsection B of this section.
- B. Left turns may be made when proceeding out of an alley if a traffic survey conducted by the traffic engineer shows that such turn may be made safely and official signs are erected authorizing such turns.
- C. The foregoing provisions of this section shall not apply to bus terminals used by licensed and authorized bus lines. (Prior Code, Chapter 17)

Traffic & Vehicles

CHAPTER 10

PEDESTRIANS

Section 15-1001	Pedestrians subject to traffic control signals.
Section 15-1002	Pedestrian's right-of-way at crosswalks.
Section 15-1003	Pedestrians to use right half of cross walk.
Section 15-1004	Crossing at right angles.
Section 15-1005	When pedestrians shall yield.
Section 15-1006	Pedestrians walking along roadways.
Section 15-1007	Pedestrians prohibited from soliciting rides, business or donations from vehicle occupants.
Section 15-1008	Drivers to exercise due care.
Section 15-1009	Crossing prohibited.
Section 15-1010	Obedience of pedestrians to railroad signals.

SECTION 15-1001                      PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians shall be subject to traffic control signals as provided for in this code of ordinances, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (Prior Code, Chapter 17)

State Law Reference: Pedestrian rights and duties, 47 O.S. Sections 11-501 to 11-507.

SECTION 15-1002                      PEDESTRIAN'S RIGHT-OF-WAY AT CROSSWALKS.

- A.        When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:
1.        The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or
  2.        The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

- B.        No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

## Traffic & Vehicles

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle. (Prior Code, Chapter 17)

### SECTION 15-1003                    PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk. (Prior Code, Chapter 17)

### SECTION 15-1004                    CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk. (Prior Code, Chapter 17)

### SECTION 15-1005                    WHEN PEDESTRIANS SHALL YIELD.

- A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
- C. The provisions of this section are not applicable where pedestrian crossings are prohibited. (Prior Code, Chapter 17)

### SECTION 15-1006                    PEDESTRIANS WALKING ALONG ROADWAYS.

- A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles. (Prior Code, Chapter 17)

### SECTION 15-1007                    PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS.

## Traffic & Vehicles

- A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.
- B. No person shall:
  - 1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;
  - 2. Sell or attempt to sell anything to any person in any vehicle;
  - 3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or
  - 4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

### SECTION 15-1008                      DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway. (Prior Code, Chapter 17)

### SECTION 15-1009                      CROSSING PROHIBITED.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk. (Prior Code, Chapter 17)

### SECTION 15-1010                      OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Prior Code, Chapter 17)

## CHAPTER 11

### BICYCLES

Section 15-1101                      Application of bicycle regulations.

## Traffic & Vehicles

Section 15-1102	Application of traffic laws to bicycles.
Section 15-1103	Obedience to traffic control devices.
Section 15-1104	Riding on bicycles.
Section 15-1105	Riding on roadways and bicycle paths.
Section 15-1106	Speed of bicycle.
Section 15-1107	Emerging from alley or driveway.
Section 15-1108	Carrying articles.
Section 15-1109	Parking.
Section 15-1110	Riding on sidewalks.
Section 15-1111	Lamps and equipment on bicycles.

### SECTION 15-1101                    APPLICATION OF BICYCLE REGULATIONS.

The provisions of this chapter shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter. (Prior Code, Chapter 17)

State Law Reference: Similar provisions, 47 O.S. Sections 11-1201 et seq.

### SECTION 15-1102                    APPLICATION OF TRAFFIC LAWS TO BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons. (Prior Code, Chapter 17)

### SECTION 15-1103                    OBEDIENCE TO TRAFFIC CONTROL DEVICES.

- A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected indicating no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians. (Prior Code, Chapter 17)

### SECTION 15-1104                    RIDING ON BICYCLES.

- A. No person operating a bicycle shall ride other than astride a permanent and

## Traffic & Vehicles

regular seat attached thereto.

- B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Prior Code, Chapter 17)

### SECTION 15-1105            RIDING ON ROADWAYS AND BICYCLE PATHS.

- A. Every person operating a bicycle upon a roadway shall ride as near to the right hand side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction.
- B. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and shall not use the roadway. (Prior Code, Chapter 17)

### SECTION 15-1106            SPEED OF BICYCLE.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Prior Code, Chapter 17)

### SECTION 15-1107            EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways. (Prior Code, Chapter 17)

### SECTION 15-1108            CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handle bars. (Prior Code, Chapter 17)

### SECTION 15-1109            PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic. (Prior

## Traffic & Vehicles

Code, Chapter 17)

### SECTION 15-1110            RIDING ON SIDEWALKS.

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. The city council by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.
- C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Prior Code, Chapter 17)

### SECTION 15-1111            LAMPS AND EQUIPMENT ON BICYCLES.

- A. Bicycles in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from five hundred (500) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.
- B. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet.
- C. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.
- D. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (Prior Code, Chapter 17)

Traffic & Vehicles

CHAPTER 12

(RESERVED)

Traffic & Vehicles

CHAPTER 13

IMPOUNDMENT OF VEHICLES

Section 15-1301	Purpose and effect of impoundment provisions.
Section 15-1302	Place of impoundment.
Section 15-1303	Duration of impoundment.
Section 15-1304	Police granted authority to impound vehicles.
Section 15-1305	Disabled vehicles.
Section 15-1306	Vehicles on bridge.
Section 15-1307	Arrest and detention of driver of vehicle.
Section 15-1308	Vehicle constitutes traffic hazard.
Section 15-1309	Illegal trespass by vehicle.
Section 15-1310	Vehicles parked overtime.
Section 15-1311	Vehicles blocking fire exits or hydrants.
Section 15-1312	Vehicles parked in intersection.
Section 15-1313	Stolen vehicles; recovery by police.
Section 15-1314	Vehicles with outstanding traffic citations.

SECTION 15-1301                      PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles. (Prior Code, Chapter 17)

State Law Reference: Grounds for removal of vehicles on highways by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

SECTION 15-1302                      PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the city and to no other place. (Prior Code, Chapter 17)

SECTION 15-1303                      DURATION OF IMPOUNDMENT.

## Traffic & Vehicles

- A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.
- B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle. (Prior Code, Chapter 17)

### SECTION 15-1304            POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter. (Prior Code, Chapter 17)

### SECTION 15-1305            DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

### SECTION 15-1306            VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded. (Prior Code, Chapter 17)

### SECTION 15-1307            ARREST AND DETENTION OF DRIVER OF VEHICLE.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded.

### SECTION 15-1308            VEHICLE CONSTITUTES TRAFFIC HAZARD.

## Traffic & Vehicles

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded. (Prior Code, Chapter 17)

### SECTION 15-1309            ILLEGAL TRESPASS BY VEHICLE.

- A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.
- B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.
- C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage. (Prior Code, Chapter 17)

### SECTION 15-1310            VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code, regarding more than forty- eight (48) hours, shall be impounded. (Prior Code, Chapter 17)

### SECTION 15-1311            VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded. (Prior Code, Chapter 17)

### SECTION 15-1312            VEHICLES PARKED IN INTERSECTION.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing. (Prior Code, Chapter 17)

## Traffic & Vehicles

### SECTION 15-1313      STOLEN VEHICLES; RECOVERY BY POLICE.

- A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle shall be removed to the nearest authorized place of 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 shall be impounded. (Prior Code, Chapter 17)

### SECTION 15-1314      VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.

Any vehicle for which citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part. (Prior Code, Chapter 17)

Traffic & Vehicles

CHAPTER 14

PENALTIES

Section 15-1401           Obedience to traffic code.  
Section 15-1402           Penalties, specific and general.

SECTION 15-1401           OBEDIENCE TO TRAFFIC CODE.

- A.    It is an offense against the city for any person to do any act forbidden or to fail to perform any act required by this part.
- B.    It is an offense against the city for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this part.
- C.    It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this part. (Prior Code, Chapter 17)

SECTION 15-1402           PENALTIES, SPECIFIC AND GENERAL.

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the city, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and upon conviction thereof shall be punished as provided in Section 1-108 of this code.



PART 16  
TRANSPORTATION  
  
(RESERVED)



PART 17

UTILITIES

CHAPTER 1

WATER AND SEWER GENERALLY

Section 17-101	Water and sewer as public utilities.
Section 17-102	Excreta disposal facilities required.
Section 17-103	Sewer connections for specified dwellings or structures, required.
Section 17-104	Permits Required; Fees; Inspection; Approval; Development Districts Created; Expansion and Development Fees Assessed.
Section 17-105	Compliance with city plumbing code, by persons outside city connected with city water or sewer systems, required.
Section 17-106	Contract.
Section 17-107	Effect of noncompliance; right of entry of plumbing inspector.
Section 17-108	Restrictions on use of water during emergencies; authority of mayor.
Section 17-109	Proclamation; generally.
Section 17-110	Violations.
Section 17-111	Unauthorized connections and raising, lowering, of water or sewer pipe lines.
Section 17-112	Tampering with water meters; unauthorized use of water.
Section 17-113	Fire Protection Service

CHAPTER 2

RATES AND CHARGES

ARTICLE A

WATER

Section 17-201	Definitions.
Section 17-202	Rates within city.
Section 17-203	Rates outside city.
Section 17-204	Schedules of minimum charges.
Section 17-205	Multiple use buildings.
Section 17-206	Connection charges.
Section 17-207	Cut-on and cut-off charges.
Section 17-208	Deposits.
Section 17-209	Payment of bills; penalty for delinquency.
Section 17-210	Monthly bookkeeping charge.

Utilities

ARTICLE B

SEWER

Section 17-221	Definitions.
Section 17-222	Schedule.
Section 17-223	Manner of determining charges.
Section 17-224	Collection.

CHAPTER 3

ARTICLE A

SEWER USE REGULATIONS

Section 17-301	General provisions.
Section 17-302	General sewer use requirements.
Section 17-303	Pretreatment of wastewater.
Section 17-304	Wastewater discharge permit eligibility.
Section 17-305	Wastewater discharge permit issuance process.
Section 17-306	Reporting requirements.
Section 17-307	Compliance monitoring.
Section 17-308	Confidential information.
Section 17-309	Publication of significantly violating industrial users.
Section 17-310	Administrative enforcement remedies.
Section 17-311	Judicial enforcement remedies.
Section 17-312	Supplemental enforcement action.
Section 17-313	Affirmative defenses to discharge violations.
Section 17-314	Miscellaneous provisions.

ARTICLE B

SANITARY SEWER REGULATIONS

Section 17-315	Permits and fees.
Section 17-316	State Permit Exemptions.
Section 17-317	Sanitary Sewer / Responsibility of Property Owners.
Section 17-318	Sanitary Sewer / Prohibited Connections.
Section 17-319	Sanitary Sewer / Disconnect Order.
Section 17-320	Sanitary Sewer / Termination of Service.
Section 17-321	Sanitary Sewer / Re-connection of Service.

## Utilities

Section 17-322	Sanitary Sewer / Abatement of Nuisance.
Section 17-323	Sanitary Sewer / Access and Entry.
Section 17-324	Sanitary Sewer / Optional Penalty.
Section 17-325	Sanitary Sewer / Optional Abatement Procedure.

## CHAPTER 4

### SEPTIC TANKS

Section 17-401	License required; fee; term.
Section 17-402	Examination, certificate and bond required of applicants; exception as to icensed plumbers.
Section 17-403	Permit for installation required; fee.
Section 17-404	Inspection and approval of system; discontinuance or refusal of water service to premises with defective system.
Section 17-405	Minimum construction, requirements for private sewage systems.
Section 17-406	Haulers; disposal requirements; fees.

## CHAPTER 5

### REFUSE COLLECTION

#### ARTICLE A

#### COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND TRASH

Section 17-501	Definitions.
Section 17-502	Reservation of rights by city.
Section 17-503	Containers required.
Section 17-504	Depositing garbage or trash not in containers for collection.
Section 17-505	Unauthorized collection, removal or transportation.
Section 17-506	Unlawful accumulations.
Section 17-507	Tampering with containers.
Section 17-508	Contracts for collection and removal.
Section 17-509	Vehicles; place of disposal.
Section 17-510	Frequency of collections.
Section 17-511	Rates and charges; billing.
Section 17-512	Enforcement.

Utilities

ARTICLE B

COLLECTION AND CONTROL OF SOLID WASTE

Section 17-521	Definitions.
Section 17-522	Waste collector's license.
Section 17-523	License application, requirements, issuance, denial.
Section 17-524	Waste management restrictions.
Section 17-525	Solid waste manifest, required.
Section 17-526	Falsification of solid waste manifest, failure to provide, penalty.
Section 17-527	Disposal.
Section 17-528	Impoundment of vehicles.
Section 17-529	Special orders of city manager.

ARTICLE C

SAPULPA CONVENIENCE STATION USE REGULATIONS

Section 17-530	Definitions.
Section 17-531	Sapulpa convenience station fees.
Section 17-532	Requirements for vehicles used for hauling.
Section 17-533	Acceptable waste and material.
Section 17-534	Unacceptable waste/banned waste.
Section 17-535	Proof of residency.
Section 17-536	Refuse from outside of the City of Sapulpa.
Section 17-537	Recycling
Section 17-538	Littering, unlawful dumping
Section 17-539	Hazards associated with convenience station operations.
Section 17-540	Scavenging unlawful.
Section 17-541	Rules and regulations.
Section 17-542	Prohibitions

CHAPTER 6

WATER DISTRICT

Section 17-601	Definitions.
Section 17-602	Established and described.
Section 17-603	Extension of police, powers of city.
Section 17-604	Applicability of health regulations.

## Utilities

Section 17-605	Caretaker.
Section 17-606	Rules and regulations generally.
Section 17-607	Additional rules and regulations; extension of district.
Section 17-608	Burials and interments.
Section 17-609	Pollution generally.
Section 17-610	Violations and penalty.

Utilities

CHAPTER 1

WATER AND SEWER GENERALLY

Section 17-101	Water and sewer as public utilities.
Section 17-102	Excreta disposal facilities required.
Section 17-103	Sewer connections for specified dwellings or structures, required.
Section 17-104	Permits Required; Fees; Inspection; Approval; Development Districts Created; Expansion and Development Fees Assessed.
Section 17-105	Compliance with city plumbing code, by persons outside city connected with city water or sewer systems, required.
Section 17-106	Contract.
Section 17-107	Effect of noncompliance; right of entry of plumbing inspector.
Section 17-108	Restrictions on use of water during emergencies; authority of mayor.
Section 17-109	Proclamation; generally.
Section 17-110	Violations.
Section 17-111	Unauthorized connections and raising, lowering, of water or sewer pipe lines.
Section 17-112	Tampering with water meters; unauthorized use of water.
Section 17-113	Fire Protection Service

SECTION 17-101                      WATER AND SEWER AS PUBLIC UTILITIES.

The water and sewer services of the city are operated as public utilities and are subject to such rules, regulations and rates as are adopted from time to time.

SECTION 17-102                      EXCRETA DISPOSAL FACILITIES REQUIRED.

- A. Every residence and building equipped with toilet facilities in which humans reside, or are employed or congregate, shall be required to have a sanitary method for the disposal of human excreta, namely, one or more sanitary water closets, or sanitary pit privies. The toilets required by this section shall be the sanitary water closet type when located within one hundred fifty (150) feet of a sanitary sewer, and accessible thereto, and the sanitary pit privy type when not so located.
  
- B. It shall be unlawful for any person owning or occupying property within the city to permit the disposal of human excreta on any property owned or occupied by such person except in a sanitary water closet or a sanitary pit privy of sufficient capacity to accommodate the occupants thereof at all

## Utilities

times, and which shall be kept and maintained under the supervision of the designated city official.

- C. The term "sanitary pit privy," as used in this section shall be construed to mean a privy which is built, rebuilt or constructed so as to conform to the specifications approved by the state health department, as per Bulletin D-1, as amended. (Prior Code, Sec. 30-2; Ord. No. 659, Secs. 1, 3, 4.)

### SECTION 17-103 SEWER CONNECTIONS FOR SPECIFIED DWELLINGS OR STRUCTURES, REQUIRED.

Each dwelling or structure in the city used for human habitation or occupancy shall have plumbing installed therein for disposal of human waste and if within one hundred fifty (150) feet of a sanitary sewer line of the city, measured from its lot lines, shall be connected to such sanitary sewer system; provided, that persons owning or occupying such dwellings or structures within one hundred fifty (150) feet of the sewer extensions constructed.

### SECTION 17-104 PERMITS REQUIRED; FEES; INSPECTION; APPROVAL; DEVELOPMENT DISTRICTS CREATED; EXPANSION AND DEVELOPMENT FEES ASSESSED.

- A. Permits and connection fees to city sewer system. A permit is hereby required for each sewer tap or connection to the sewerage system of the city. The fee therefore is hereby fixed at the sum of \$500.00 for each residential sewer tap and the sum of \$1,000.00 for each commercial tap, the same to be paid at the time a building permit is issued by the designated official of the city. Each sewer tap shall conform to the regulations of the city and prior to its use must be inspected and approved by the designated official of the city
- B. Creation of Sewer Expansion Development Districts: Districts Defined. To address future growth and development, four (4) sewer expansion development districts are hereby created to provide a mechanism for the City to fund a program to allow extension of sanitary sewer service to those districts in relation to the growth experienced by each district. The four sewer expansion development districts are: (1) the North District; (2) the Northeast District; (3) the Southwest District; and (4) the Southeast District. The geographical boundaries and area location of each such district is as designated on the map entitled "Wastewater System Improvements Program - Basin Boundaries" and attached hereto as exhibit "A" and incorporated by reference herein. For purposes of calculating the sewer extension fee and sewer development fee provided for herein, a property owner shall be deemed to be located within the basin to whose sanitary sewers the property is connected, or to which it would be

## Utilities

connected if gravity flow systems that follow the course of the natural drainage were constructed, whichever results in the greater fee.

C.

D. Establishment of a Sewer System Extension Fee. In order to compensate the City for the capital costs associated with extending sanitary sewer service, there is hereby imposed a sewer extension fee on new development occurring in the four sewer development expansion districts in the amount detailed in subparagraph e. The sewer extension fee shall be paid by the owner or developer of the land under new construction as provided in subparagraph f. For purposes of this section, "new development" means: (i) the construction of any commercial or industrial structure or business or (ii) the construction of any residential structure or subdivision.

E. Establishment of a Sewer System Development Fee. In order to compensate the City for the capital costs associated with existing sewer treatment capacity which will be required by new sewer service users and to raise the funds necessary to expand existing sewer treatment capacity, there is hereby imposed a sewer system development fee on new development occurring in the four sewer development expansion districts in the amount detailed in subparagraph e. The sewer system development fee shall be paid by the owner or developer of the land under new construction as provided in subparagraph f. For purposes of this section, "new development" means: (i) the construction of any commercial or industrial structure or business or (ii) the construction of any residential structure or subdivision.

F. Calculation of Sewer System Extension Fee and Sewer System Development Fee.

- (1) The owner, developer or builder of a new development in a sewer expansion district shall pay a sewer system extension fee and a sewer system development fee on a per acre basis or per equivalent living unit ("Eq. L. U.") basis, whichever is greater, as follows:

<u>Expansion District</u>	<u>Extension Fee: per Acre / per Eq. L. U.</u>	<u>Development Fee: per Acre / per Eq. L. U.</u>
Nickel Creek Basin	\$1,905 / \$1,025	\$860 / \$415
Polecat Creek East Basin	\$1,420 / \$705	\$860 / \$415
Polecat Creek West Basin	\$1,485 / \$650	\$860 / \$415
Elementary School East Basin	\$1,000 / \$500	\$860 / \$415
Elementary School West Basin	\$1,000 / \$500	\$860 / \$415
Anderson Creek Basin	\$2,155 / \$1,030	\$860 / \$415
Pretty Water Basin	\$1,420 / \$665	\$860 / \$415

## Utilities

Frankoma Basin	\$1,000 / \$500	\$860 / \$415
Indian Mission North Basin	\$2,300 / \$1,060	\$860 / \$415
Indian Mission West Basin	\$1,695 / \$770	\$860 / \$415
Biven Creek Basin	\$1,170 / \$545	\$860 / \$415
Southeast Basin	\$1,320 / \$590	\$860 / \$415

[The costs provided above shall be adjusted to the current Engineering News Record, Construction Cost Index (ENR CCI) at the time of payment. As a baseline value, the current ENR CCI is 6223.97.]

“Equivalent living unit” shall be defined to mean:

<u>Use</u>	<u>Eq. L. U.</u>
Single-family residence, whether site built or manufactured, having no more than one kitchen....	1.0 per unit
Efficiency or studio apartments....	0.6 per unit
Apartments of two or more bedrooms....	1.0 per unit
Mobile home or travel courts....	1.0 per space
Transient rental units (hotels, motels, etc) managers quarters....	1.0 per unit
Plus rental units without cooking facilities....	0.3 per unit
Plus rental units with cooking facilities....	0.4 per unit
Bars, restaurants, and other food service establishments, capacity 0 to 20 persons....	1.5 per group
Plus for each additional 20 persons capacity fraction....	1.0 per group
Drive-ins....	0.25 per car stall
Service stations....	1.0
Plus for each wash rack....	1.0

## Utilities

Laundromats....	0.5 per washing machine
Churches and non-profit fellowship halls....	1.0
Plus residence or regular dining facilities, each....	1.0
School, capacity 0-50....	1.0
Plus each additional 40 students or fraction....	1.0
Plus shower facilities....	Aggregate capacity rate
Plus cafeteria....	Aggregate capacity rate

Commercial office or industrial uses  
(not listed elsewhere):

### Water meter size

3/4" ....	1.0
1"....	1.9
1 1/2"....	4.4
2" ....	8.1
3"....	19
4"....	35
6"....	84
8"....	154
10"...	250
12"....	368

## Utilities

Where uses involve sprinkler systems, fire suppression systems, or any other special application which requires water use which is not roughly proportional to sewer use, the city manager is authorized to enter into an agreement with the owner for a lower Eq. L. U., so long as the fee so established is based upon the water meter size which would be necessary in the absence of the special application. For meter sizes not specified, the next larger size shall be used.

- (2) If the city extends service to an area within an expansion district with an existing or internal sewer system, each individual existing connection is considered a new sewer connection for purposes of calculating the appropriate connection fees imposed by subsection a.
- (3) Residential structures which have been within the corporate limits of the city for a period time as set below, as of November 1, 2000, but which have not been using the city sanitary sewer system shall receive a credit toward the connection fee established under subsection a, at the time the owner of the residence applies for a sewer tap, as follows:
  - (i). Single family houses of ten (10) years or more; 40% credit of the applicable fee;
  - (ii) Single family houses of more than 9 years but less than 10 years; credit of 30% of the applicable fee;
  - (iii) Single family houses of more than 8 years but less than 9 years; credit of 20% of the applicable fee;
  - (iv) Single family houses of more than 7 years but less than 8 years; credit of 10% of the applicable fee;
  - (v) Any house which is 7 years old or less as of November 1, 2000; no credit.
- (4) All other nonresidential structures which have been within the corporate limits of the city for a period of time as set below, as of November 1, 2000, but which have not been using the city sanitary sewer service system, shall receive a credit toward the connection fee established by subsection a, at the time the owner of the structure applies for a sewer tap, as follows:
  - (i) Structures for eight years or more; 30% credit of the applicable fee;
  - (ii) Structures for more than 7 years but less than 8 years; credit of 20% of the applicable system extension fee;
  - (iii) Structures for more than 6 years but less than 7 years; credit of 15% of the applicable system extension fee;
  - (iv) Structures for more than 5 years but less than 6 years; credit of 10% of the applicable system extension fee;
  - (v) Any structure of 5 years or less as of November 1, 2000; no credit.

## Utilities

Provided that the credits described above must be utilized within three (3) years of the time sewer is available to the area in which the residence or structure is located; failure to utilize the credit within three years of sewer becoming available shall result in the absolute loss of the credit. For purposes of this section, sewer shall be deemed available to an area in which a residence is located whenever such public sewer is located within three hundred feet of the exterior perimeter of any portion of the subdivision in which the residence is located; in addition, sewer shall be deemed available to an area in which a structure is located whenever such public sewer is located within five hundred feet of the exterior perimeter of any property line enclosing the area upon which the structure is located.

F. Procedure for installation and connection to extended city sewer system: deposits and payments by owner or developer.

- (1) Whenever it is the desire of the owner of property to install a sewerage system and to connect such system to the city's sanitary sewerage system, the owner shall first apply to the city, through its city manager, for a commitment to extend the city sewer system to the property to be sewerred. If the request for an extension of the city sewer system to the property is approved by the city manager, or if the city sewer system is already extended to the area to be sewerred, the applicant shall enter into a written contract with the city upon terms as may be required by the city manager concerning the extension, construction, operation and maintenance of the system.
- (2) The owner or developer receiving permission for the installation of a sewerage system under this article shall deposit with the city a sum equal to the city's engineering cost, inspection fee and other amounts which may be due the city, including estimated right of way acquisition costs.
- (3) The city shall require any developer, owner or builder to pay into an enterprise fund of the city the charges set forth in subparagraph f (2) and the charges set forth in subparagraph (e) as the system extension fee, which charges are in compensation for the proportionate costs of the construction of any sewer extension, whether constructed or to be constructed as related areas develop. The city will hold the funds so received in escrow and the interest earnings will be added to the fund. This fund may then be used by the city to pay all or any portion of the capital construction costs, including right-of-way acquisition and engineering fees for future extension of the sewerage system or expansion of the sewage treatment capacity of the system within any area inside the fence line of the city. The fund may also be used to meet the debt service requirements of any bond issue generating capital for

## Utilities

extension of the city sewer system or expansion of the sewage treatment capacity of the city sewer system. The city will deposit all funds received from the system development fee into a separate escrow account which may be used only for expansion of the sewage treatment capacity of the sewer system of the city . The payment of system extension fee and system development fee shall be made in the manner as required by the city manager and approved by the city as part of the contract referenced in subparagraph 1 of subsection (F)."

(Prior Code, Sec. 30-3.2; Ord. No. 2333.)

### SECTION 17-105 COMPLIANCE WITH CITY PLUMBING CODE BY PERSONS OUTSIDE CITY CONNECTED WITH CITY WATER OF SEWER SYSTEMS; REQUIRED.

Before persons whose property or premises are located outside of the city are permitted to connect such property with the water system of the city or the sanitary sewer system of the city, the premises to be served shall be so equipped and constructed as to comply with the plumbing code, and the building code, so far as applicable, of the city. The plumbing rules and regulations of the city shall apply with full force and effect to such premises and the same shall be maintained and operated in such a manner as to meet the requirements thereof. (Prior Code, Sec. 30-3; Ord. No. 915, Sec. 1.)

### SECTION 17-106 CONTRACT.

Prior to connection with either the water system or sewer system of the city, the owner of any premises mentioned in the preceding section shall enter into a water and sanitary sewer connection contract with the city upon a form designated and approved by the city as the "water and sanitary sewer connection contract." The water superintendent of the city is authorized to execute such contracts on behalf of the city with persons desiring to obtain water or sewer connections with the city. (Prior Code, Sec. 30-4; Ord. No. 915, Sec. 2.)

### SECTION 17-107 EFFECT OF NONCOMPLIANCE; RIGHT OF ENTRY OF PLUMBING INSPECTOR.

Upon violation of any of the rules and regulations of the city as prescribed by the plumbing code of the city or other provisions of this code or other ordinances applicable to the construction and maintenance of buildings and improvements with regard to plumbing, where located outside of the city, the proper officers of the city are hereby authorized and directed to discontinue the water service or the connection with the sanitary sewer system serving such premises and shall not reopen such connections

## Utilities

until full compliance with such provisions of this code and other ordinances and regulations is performed. The plumbing inspector or building inspector of the city shall have the right and authority to enter upon such premises for the purpose of inspection thereof. (Prior Code, Sec. 30-5; Ord. No. 915, Sec. 3.)

### SECTION 17-108 RESTRICTIONS ON USE OF WATER DURING EMERGENCIES; AUTHORITY OF MAYOR.

Whenever an emergency exists by reason of a shortage of water, limited distribution facilities or of any other circumstances which make it necessary to conserve water, the mayor of the city is hereby authorized to restrict or prohibit the use of water from the water supply of the city for watering, sprinkling or irrigation of plants, shrubs, trees, grass and things of like nature, for washing automobiles and for any other use not strictly necessary to maintain and protect the public health and safety. Such restrictions upon the use of water may prohibit it entirely for such purposes or may restrict it during certain periods of the day or week for so long as necessary. (Prior Code, Sec. 30-6; Ord. No. 833, Sec. 1.)

### SECTION 17-109 PROCLAMATION; GENERALLY.

The restrictions mentioned in the preceding section shall be put into effect by the issuance of a proclamation by the mayor which shall set forth such restrictions. Such proclamation shall be published in one issue of a newspaper of general circulation in the city and shall be effective from and after publication. (Prior Code, Sec. 30-7; Ord. No. 833, Sec. 2.)

### SECTION 17-110 VIOLATIONS.

Violation of the restrictions upon the use of water as set forth in the proclamation provided for by Section 17-109 shall be punished as provided in Section 1-108 of this code. Each day of such violation shall constitute a separate offense. (Prior Code, Sec. 30-8; Ord. No. 833, Sec. 3.)

### SECTION 17-111 UNAUTHORIZED CONNECTIONS AND RAISING, LOWERING, OF WATER OR SEWER PIPE LINES.

- A. It shall be a misdemeanor for any person except a duly authorized officer or employee of the city to make any break, tap or connection with any water pipe line or sewer pipe line belonging to the city unless permission be granted him to do so by the proper officials of the city.
- B. It shall be a misdemeanor for any person to raise, lower or alter the position of any water pipe line or sewer pipe line belong to the city unless

## Utilities

permission be granted him to do so by the proper officials of the city.  
(Prior Code, Sec. 30-9)

### SECTION 17-112 TAMPERING WITH WATER METERS; UNAUTHORIZED USE OF WATER.

- A. It shall be unlawful for any person other than an employee of the city water department to remove, tamper with or in any way disturb any water meter or water connection belonging to the city. In the event of an emergency, which presents a possibility of physical damage to real or personal property, in that event the property owner or a licensed plumber may disconnect water service to the property so affected. The property owner or licensed plumber shall inform the city water department of the emergency action taken within twenty-four (24) hours of the event.
- B. It shall be unlawful for any person to turn on or cause to be turned on or used or permit to be used water from any connection belonging to the city where such person has not complied with the applicable provisions of this chapter and other ordinances, or water rules and regulations of the city where the water has been turned off by the city. In addition to any other penalty, any person violating this section shall be subject to an administrative fee as reflected by the Master Fee Schedule to be imposed upon the appropriate water account which must be satisfied before service shall be re-instated by the city.

### SECTION 17-113 FIRE PROTECTION SERVICE.

- A. Any individual or business entity desiring water service for the purpose of providing residential and/or commercial fire protection shall make application for such service to the City Water Utility Department by completing and signing a standard application form as for other water service connections. Installation of such service shall be accomplished by a qualified contractor on behalf of the applicant and the City.
- B. Services to be used for fire protection shall not be connected to any fixtures that will be used for other purposes and in no case shall any connection be made upon any service line, tank or other fixture installed for fire protection for any purpose except the fire service or through any pipes, tank or other fixtures reserved for fire protection be permitted for any purpose except the fighting of fires.
- C. To protect against water being drawn from a fire service for any purpose other than the fighting of fires, the City Water Utility Department shall

## Utilities

approve any connection for such service prior to connection. In addition, the City shall not approve any such connection unless and until the individual or business entity has installed a back-flow preventer and flow meter and paid the costs associated with such installation as set forth in the Master Fee Schedule as provided in Section 17.17-206 thereof.

- D. All valves and hydrants required to be installed and/or sealed under the provisions of this section shall be subject to frequent inspection by the City Water Utility Department, whose agents are hereby given the right of access as necessary to inspect such services and hydrants.
- E. Upon discovery of any unauthorized connection, the City Water Utility Department shall notify the owner, lessee or occupant of the premises being served; said owner, lessee or occupant shall be responsible for all water used and/or lost through such improper connection and shall pay the appropriate charges for such use as determined by the City Utility Department. Failure to pay said charges when due shall result in disconnection of water service by the City to the fire lines and/or hydrants until satisfaction of all such fees. Upon discovery that any seal, valve or hydrant has been broken, displaced or removed for any cause, either inadvertently or for fire fighting purposes, it shall be the duty of the owner, lessee and/or occupant to immediately notify the City Utility Department.
- F. Notwithstanding the provisions contained in this section for fire protection service, or for other metered service, including water furnished to any fire hydrant or other equipment used, or which may be used for fire connection service, it is understood that the City cannot guarantee any minimum quantities of water or pressure of water to be furnished to any of such hydrants or outlets, and the City shall not be liable in any manner for any loss or claim by reason of the quantity of water, or pressure of the same to be furnished to such hydrant or outlet.

Utilities

CHAPTER 2

RATES AND CHARGES

ARTICLE A

WATER

Section 17-201	Definitions.
Section 17-202	Rates within city.
Section 17-203	Rates outside city.
Section 17-204	Schedules of minimum charges.
Section 17-205	Multiple use buildings.
Section 17-206	Connection charges.
Section 17-207	Cut-on and cut-off charges.
Section 17-208	Deposits.
Section 17-209	Payment of bills; penalty for delinquency.
Section 17-210	Monthly bookkeeping charge.

ARTICLE B

SEWER

Section 17-221	Definitions.
Section 17-222	Schedule.
Section 17-223	Manner of determining charges.
Section 17-224	Collection.

ARTICLE A

WATER

SECTION 17-201 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Combined domestic and commercial users" mean users of water in a residence or apartment in which is also conducted a business or commercial enterprise;
2. "Domestic users" mean water consumers who use water for human needs and consumption;

## Utilities

3. "Industrial users" mean persons, businesses or industries whose principal consumption of water is for business or industrial purposes;

4. "Minimum charge" means a charge for water service through a meter which is not cut off and any amount of water less than one thousand (1,000) gallons is used; and

5. "Multiple dwelling" means a place of residence designed or constructed to contain two (2) or more separate family living units under one roof. (Prior Code, Sec. 30-20.1)

### SECTION 17-202 RATES WITHIN CITY.

There shall be a schedule of rates and charges as provided in the Master Fee Schedule to users of water located within the corporate limits of the city, receiving water through the mains of the city, and the water department of the city is directed to make such charges, the same to be computed upon a monthly basis upon water measured by meters for this purpose.

### SECTION 17-203 RATES OUTSIDE CITY.

There shall be a schedule of rates and charges as provided in the Master fee Schedule to users of water located outside the corporate limits of the city, receiving water through the mains of the city, and the water department of the city is directed to make such charges, the same to be computed upon a monthly basis upon water measured by meters for such purpose.

State Law Reference: For state law as to authority of city with regard to sale, etc., of water outside corporate limits, see 11 O.S., 37-120 et seq.

### SECTION 17-204 SCHEDULES OF MINIMUM CHARGES.

The minimum charge fixed in the two (2) preceding sections is based upon the use of water through a five-eighths (5/8) inch water connection. Such minimum rate for the first one thousand (1,000) gallons shall increase, both inside and outside the corporate limits of the city according to a schedule as set by the Master Fee Schedule.

### SECTION 17-205 MULTIPLE USE BUILDINGS.

Where water is metered through one meter to any premises occupied and used as a duplex, apartment house or other multiple-family dwelling unit, or where such premises are used for combined domestic and commercial use, or where water is metered through one meter to serve one or more trailers in a mobile home park, the

## Utilities

minimum charge shall be set by the city per dwelling unit if such premises are located within the corporate limits of the city and per dwelling unit if such premises are located outside the corporate limits of the city, with the remainder of the charges to be as fixed in the applicable rate schedule. (Prior Code, Sec. 30-20.5; Ord. No. 1365, Sec. 5; Ord. No. 1538, Sec. 1.)

### SECTION 17-206 CONNECTION CHARGES.

For connecting a consumer to the water system of the city, the certain connection charges are fixed as provided in the Master Fee Schedule. In addition, the following connection charges are fixed:

1. For tapping main and installing a three-fourths (3/4) inch service line to the property of the consumer and setting a five-eighths (5/8) inch meter for consumer inside the city a charge as set by the Master Fee Schedule, and for such service to a consumer outside of the city, the charge shall be in such amount as to include all labor, material and the operation of any equipment needed and an additional charge of ten percent (10%) thereof for administrative cost; and

2. For tapping water main and installing an adequate service line, according to the size of the meter, where such meter is larger than five-eighths (5/8) inch, the charge for all consumers shall be in such amount as to include all labor, material and the operation of any equipment needed and an additional charge of ten percent (10%) thereof for administrative cost with a minimum charge to be paid in the amount set by the city council by motion or resolution. (Prior Code, Sec. 30-20.6; Ord. No. 1365, Sec. 6; Ord. No. 1534, Sec. 2; Ord. No. 1641, Sec. 2; Ord. No. 1709, Sec. 1; Ord. No. 1710, Secs. 1, 2; Ord. No. 1870, 6/18/84).

### SECTION 17-207 CUT-ON AND CUT-OFF CHARGES.

Any water consumer who desires the water service on any premise to be turned on or off shall be charged for such service within the incorporated limits of the city and for such service outside of the incorporated limits of the city. Such charges are set by the Master Fee Schedule to the code. The rates shall be applicable only to services provided during regular business hours, specifically: 8:00 A.M. to 5:00 P.M. Monday through Friday, excluding holidays; the rates for the services at all other times shall be double those set out above, and shall be provided during the nonbusiness hours solely in the discretion of the city. (Prior Code, Sec. 30-20.7; Ord. No. 1365, Sec. 7; Ord. No. 1534, Sec. 3; Ord. No. 1870, 6/18/84)

### SECTION 17-208 DEPOSITS.

Any person who desires to use water from the water supply system of the city

## Utilities

shall make application and sign a contract for such service and shall be required to make a reasonable deposit to guarantee payment for such service, the amount to be fixed by the city manager upon the basis of an amount equal to the estimated water bill for sixty (60) days for the particular place served, and such water shall not be installed unless such deposit is made. The city manager may waive such deposit requirement based upon specific criteria approved by the city council. The deposit so required shall be refunded either whenever service is discontinued, and all applicable water bills are paid in full or upon a continuous record of prompt payment of bills for a period of five (5) years. (Prior Code, Sec. 30-21; Ord. No. 674, Sec. 1; Ord. No. 1465, Sec. 1.)

### SECTION 17-209 PAYMENT OF BILLS; PENALTY FOR DELINQUENCY.

In the event of the failure of any person to make payment of all charges for water service and/or sewer service and/or garbage service assessed against him, as shown by a bill mailed, on or before the due date stated on such bill, such charges shall then become delinquent and a penalty of ten percent (10%) of the total amount due shall be added thereto, and such consumer shall be required to pay the amount of the bill together with such penalty; provided further, however, that such 10% penalty shall not be applied to any person who qualifies for a fixed income exemption under the rules established by the City utility department and as approved by the City Manager. In addition, a charge as set forth in the Master Fee Schedule will be assessed for the shutting off and turning on the water after service has been discontinued, as may be done by the City as provided by state law, and no water will be turned on after being shut off until the bill, penalty and other charges have been paid in full. The failure of any consumer to receive a statement of the amount of the charge due from him shall not constitute an excuse for the neglect, failure or refusal to pay the charge assessed against him when the same is due. (Prior Code, Sec. 30-22; Ord. No. 2385.)

### SECTION 17-210 MONTHLY BOOKKEEPING CHARGE.

A monthly bookkeeping charge as indicated by the Master Fee Schedule is hereby levied against the city water utility deposit accounts where a customer has discontinued water utility service and has not closed his account. If the event the account is less than the minimum charge, the bookkeeping charge shall be reduced to the amount remaining in the account. No charge shall be levied until after twelve (12) months from the date service is discontinued, but such charge shall be mandatory each month thereafter. (Prior Code, Sec. 30-22.1; Ord. No. 1436, Sec. 1.)

Utilities

ARTICLE B

SEWER

SECTION 17-221 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Commercial use" means any use other than for a dwelling, and such term includes multiple family dwellings to which the water service is not separately metered and rooming houses of more than two (2) rooms for rent;

2. "Dwelling" means a housing unit occupied by a single family to which the water service is separately metered, or occupied by a single family with not more than two (2) separate rooms for rent;

3. "Public buildings" mean buildings of the state, the city and the county and public school buildings; and

4. "Sewage" means any substance or material placed in the sanitary sewers of the city.

(Prior Code, Sec. 30-23; Ord. No. 815, Sec. 2.)

SECTION 17-222 SCHEDULE.

For the purpose of providing funds for the maintenance of the sanitary sewer system of the city and other purposes in connection with the municipal functions of the city, the following conditions and schedule of monthly fees and charges for the disposal of sewage through the sanitary sewer system of the city are hereby fixed:

1. There are two (2) classes of sewer services established, namely:
  - a. Service to customers with premises occupied or intended to be occupied by persons for dwelling and living purposes, which service shall be classified as residential sewer service; and
  - b. Service to all other customers, which service shall be classified as commercial sewer service. Hospitals and nursing homes are classified as commercial customers;

## Utilities

2. Each apartment building or other structure having separate living units, with separate kitchen and bathroom facilities for each living unit, which structure is not separately metered as to water supplied to each living unit, shall pay the minimum residential charge for each apartment or separate living unit in the structure and shall pay the residential gallonage charge for each one thousand (1,000) gallons of water furnished through the master meter to the apartment building or structure;

3. Each residential sewer customer within the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water furnished to such customer, as shown by the water meter serving such customer;

4. Each residential sewer customer outside the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water furnished to such customer, as shown by the water meter serving such customer;

5. Each commercial sewer customer within the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water furnished to such customer, as shown by the water meter serving such customer;

6. Each commercial sewer outside the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water up to five hundred thousand (500,000) gallons and a charge for each one thousand (1,000) gallons of water over five hundred thousand (500,000) gallons of water furnished to such customer, as shown by the water meter serving such customer. (Prior Code, Sec. 30-24; Ord. No. 815, Sec. 3; Ord. No. 934, Sec. 1; Ord. No. 1154, Sec. 1; Ord. No. 1368, Sec. 1; Ord. No. 1824, Sec. 1; Ord. No. 1951; Ord. No. 1979; Ord. No. 2006; Ord. No. 2034, 2/5/90)

### SECTION 17-223 MANNER OF DETERMINING CHARGES.

For the purpose of determining the amount of sewage for the purpose of fixing the charges specified by this article, the amount of water metered to commercial users, less the amount of water which the user may show is consumed and not deposited into the sewer system, shall be the basis upon which the sewer service charge is made. (Prior Code, Sec. 30-25; Ord. No. 815, Sec. 4.)

## Utilities

### SECTION 17-224 COLLECTION.

The charges for the use of the sanitary sewers shall be billed to each user monthly upon the statement for water and other services, and the city water department is authorized and directed not to accept payment for water or the service unless such payment is accompanied by the sewer service fee. (Prior Code, Sec. 30-26; Ord. No. 815, Sec. 5.)

## Utilities

### Total Industrial Mass Allocation

Pollutant	Daily Maximum (lbs/day)	Monthly Average (lbs/day)
Arsenic	5.171	5.076
Cadmium	0.08	0.0598
Chromium	1.12	1.0796
Copper	0.956	0.565
Lead	0.35	0.214
Mercury	0.33	0.0257
Nickel	7.675	7.681
Silver	8.13	8.1
Zinc	6.012	4.5

The sum of the industrial allocations applies at the point where the industrial waste is discharged to the POTW. All limits for metallic substances are based on total metals. After technical evaluation, the City Manager may impose more stringent limits by permit if needed. Such modification would be subject to the appellate processes presented in Section I of this Code.

#### C. City's Right of Revision

The City of Sapulpa reserves the right to establish, by ordinance or in discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 17-301 and the general specific prohibitions in section 17-302 of this Code.

#### D. Federal Categorical Pretreatment Standards

The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405<sup>4</sup>471 are hereby incorporated.

Upon promulgation of a Federal Categorical Pretreatment Standard for a particular industrial subcategory, if the discharge limitations defined in those regulations are more stringent than imposed under this ordinance, the Categorical Standards shall govern and apply. It is incumbent upon the User to assure compliance, proper categorization, and notification of intent and to make timely application for permit to discharge.

Utilities

CHAPTER 3

ARTICLE A

Section 17-301	General provisions.
Section 17-302	General sewer use requirements.
Section 17-303	Pretreatment of wastewater.
Section 17-304	Wastewater discharge permit eligibility.
Section 17-305	Wastewater discharge permit issuance process.
Section 17-306	Reporting requirements.
Section 17-307	Compliance monitoring.
Section 17-308	Confidential information.
Section 17-309	Publication of significantly violating industrial users.
Section 17-310	Administrative enforcement remedies.
Section 17-311	Judicial enforcement remedies.
Section 17-312	Supplemental enforcement action.
Section 17-313	Affirmative defenses to discharge violations.
Section 17-314	Miscellaneous provisions.

ARTICLE B

SANITARY SEWER REGULATIONS

Section 17-315	Permits and fees.
Section 17-316	State Permit Exemptions.
Section 17-317	Sanitary Sewer / Responsibility of Property Owners.
Section 17-318	Sanitary Sewer / Prohibited Connections.
Section 17-319	Sanitary Sewer / Disconnect Order.
Section 17-320	Sanitary Sewer / Termination of Service.
Section 17-321	Sanitary Sewer / Re-connection of Service.
Section 17-322	Sanitary Sewer / Abatement of Nuisance.
Section 17-323	Sanitary Sewer / Access and Entry.
Section 17-324	Sanitary Sewer / Optional Penalty.
Section 17-325	Sanitary Sewer / Optional Abatement Procedure.

ARTICLE A

SECTION 17-301 GENERAL PROVISIONS.

A. Purpose and Policy

## Utilities

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Sapulpa and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment regulations (40 CFR Part 403). The objectives of this ordinance are to:

1. Prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW.
2. Prevent the introduction of pollutants into the POTW which will pass through the POTW inadequately treated, into the receiving waters or otherwise be incompatible with the POTW.
3. Ensure that the quality of the wastewater treatment plant sludge quality is maintained at a level which allows reuse and/or disposal in compliance with applicable statutes and regulations.
4. Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.
5. Enable the City of Sapulpa to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.
6. Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This ordinance shall apply to all industrial users of the POTW. The article authorizes the issuance of industrial wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### B. Administration

Except as otherwise provided herein, the City Manager shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel.

### C. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as

## Utilities

used in this ordinance, shall have the meanings hereinafter designated.

1. Act or "The Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
2. Approval Authority. The administrator of The U.S. Environmental Protection Agency (EPA) Region VI, Dallas, TX or its authorized designee and/or agent.
3. Authorized Representative of the Industrial User. If the industrial user is authorized representative a corporation, shall mean:
  - a. A principal executive officer, president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions.
  - b. A manager of one or more manufacturing, production, or operational facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty six million dollars (\$26,000,000) in second-quarter 1980 dollars if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - c. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.
  - d. If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee.
  - e. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and written authorization is submitted to the City of Sapulpa.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)).

## Utilities

5. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
6. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
7. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
8. Control Authority. The POTW if the POTW's submission for its pretreatment program has been approved by the U.S. EPA.
9. Daily Average Discharge Limit. The maximum allowable concentration of a pollutant in a composite sample obtained from an industry during an operational day.
10. Domestic Sewage. Shall mean water-carried wastes normally discharging into the sanitary sewers of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm, surface water and industrial wastes.
11. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
12. Existing Source. Any source of discharge, the construction or operation commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
13. Garbage. Solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
14. Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
15. Indirect Discharge or Discharge. The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Act.

## Utilities

16. Industrial User or User. A source of indirect discharge or a permitted discharger.
17. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the City of Sapulpa's treatment process or operations which contributes to violation of any requirement of the City's NPDES Permit including an increase in the magnitude or duration of the violation. The term includes prevention of sewage sludge use or disposal by the City of Sapulpa in accordance with Section 405 of Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (including Title II commonly referred to as the Resource and Recovery Act (RCRA));, the Clean Air Act, the Toxic Substance Control Act; the Marine Protection, Research and Sanctuaries Act, or more stringent State of Oklahoma criteria (including those contained in any State of Oklahoma Sludge Management Plan prepared pursuant to Title VI of SWDA) applicable to the method of disposal or use employed by the City of Sapulpa.
18. City Manager. The person designated by the City of Sapulpa to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article or his duly authorized representative or agent.
19. Medical Waste. Isolation wastes, infectious agents, sharps, human blood and blood byproducts, pathological waste, body parts, fomites, etiologic agents, contaminated bedding, surgical waste, potentially contaminated laboratory waste and dialysis waste.
20. Milligram per Liter (mg/l). An expression of concentration relating the weight of a pollutant per volume of sample. One milligram per liter is equivalent to 8.34 pounds per million gallons.
21. Monitoring. The performance of wastewater flow measurements, wastewater sampling, sample analysis, and like procedures necessary to determine wastewater discharge compliance and/or to verify the flow or strength of wastewater.
22. New Source.
  - (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

## Utilities

- (i) The building, structure, facility or installation is constructed at a site which no other source is located; or
  - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (iii) The production or wastewater generating process of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility installation meeting the criteria of subsections (i), (ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under the paragraph has commenced if the owner or operator has:
- (1) Begun, or caused to begin as part of a continuous on site construction program:
    - (i) Any placement, assembly, or installation of facilities or equipment; or,
    - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or,
    - (iii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contractual obligation under this paragraph.

## Utilities

23. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
24. Normal Domestic Sewage. Sewage of the City of Sapulpa in which the average concentration of suspended materials and five-day BOD is established at two-hundred fifty milligrams per liter (250 mg/l).
25. Operational Day. The period of time during a twenty-four (24) hour period during which the facility is operating and consequently discharging wastewater.
26. Pass Through. A discharge which exits the treatment plant into waters of the United States in quantities or concentration which, either from one user or in conjunction with several users of the sewer system, is a cause of violation of any requirement of the treatment plant's NPDES permit including an increase in the magnitude or duration of the violation.
27. Person. An individual, partnership, co-partnership, firm, company corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assignees. This definition includes all Federal, State or local governmental entities.
28. PH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
29. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial waste, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).
30. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited herein.
31. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
32. Pretreatment Standards or Standards. Prohibitive discharge standards, categorical pretreatment standards, and local limits.

## Utilities

33. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 112.1 of this ordinance.
34. Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City of Sapulpa. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial waste and any conveyances which convey wastewater to a treatment plant.
35. Sanitary Sewer. A sewer that conveys sewage or wastewater, and into which storm, surface and ground waters are not intentionally admitted.
36. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
37. Sewer Service Charge. The charge made on all users of the sanitary sewer system whose wastes do not exceed in strength the concentration values established in this ordinance.
38. Sewer System. All facilities for collecting, pumping, treating and disposing of wastewaters and shall include wastewater treatment facilities.
39. Significant Industrial User. Except as provided in paragraph MM (3) of this section, the term Significant Industrial User shall apply to:
  - (a) Industrial users subject to categorical pretreatment standards;
  - (b) Any other industrial user that;
    - (i). Discharges an average of 25,000 gallons per day or more of industrial process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
    - (ii). Contributes an industrial process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
    - (iii). Is designated as a significant industrial user by the City of Sapulpa on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (f) (6)).

## Utilities

- (c). Upon finding that an industrial user meeting the criteria in paragraph NN (a) or NN (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City Manager may at any time, on his own initiative or in response to a petition received from an industrial user and in accordance with 40 CFR 403.8 (f) (6), determine that such industrial user is not a significant industrial user.
40. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 112.1 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
  41. Standard Industrial Classification Code (SIC). Classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
  42. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting there from, including snowmelt.
  43. Surcharge. The charge in addition to the sewer service charge, which is made on those industrial users whose wastes are greater in strength than the concentration values established as representative of normal domestic sewage.
  44. Suspended Solids. The total suspended matter that floats on surface of or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
  45. Toxic Pollutant. One of the 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 (33 U.S.C. 1317) of the Act.
  46. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
  47. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
  48. Shall. The action described as "shall....." means the action is mandatory.
  49. May. The action described as "may....." means the action is permissible.

## Utilities

The use of the singular shall be construed to include the plural and plural shall include the singular as indicated by the context of its use.

### D. Abbreviations/Acronyms.

Abbreviations and Acronyms shall be interpreted to have the meanings and usage prevalent in the in the industrial pretreatment program. If industry usage will conflict, the industry term shall be fully spelled out to avoid confusion.

Use of upper or lower case shall not change the meaning as described here.

The following abbreviations shall have the designated meanings/usage:

- A. BOD. Biochemical Oxygen Demand
- B. CFR. Code of Federal Regulations
- C. COD. Chemical Oxygen Demand
- D. EPA. U. S. Environmental Protection Agency
- E. GPD. Gallons per day
- F. L. Liter
- G. mg. Milligrams
- H. mg/l. Milligrams/Liter
- I. NPDES. National Pollutant Discharge Elimination System
- J. O & M. Operation and Maintenance
- K. POTW. Publicly Owned Treatment Works
- L. RCRA. Resource Conservation and Recovery Act
- M. SWDA. Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- N. TSS. Total Suspended Solids
- O. USC. United States Code
- P. s.u.. Standard Units, the measurement used to identify the strength of an .acidic or basic solution.

## Utilities

### SECTION 17-302 GENERAL SEWER USE REQUIREMENTS

#### A. Prohibited Discharge Standards

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW.

1. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 deg. centigrade) using test methods specified in 40 CFR 261.21.
2. Any industrial wastewater having a pH of less than 6.0 s.u. or, greater than 10.5 s.u., if in the opinion of the City Manager it can be deleterious or damaging to the treatment processes or otherwise causing corrosive or structural damage to the POTW or equipment, or endangering City personnel. The City Manager may establish stricter pH limits for those industries which have a potential to be in violation of this discharge standard.
3. Solids or viscous substances in quantities capable of causing obstruction to the flow in sanitary sewers or otherwise interfering with the proper operation of the sewerage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, whole blood, paunch, manure, hair and fleshing, entrails, lime slurry, lime residue, slops, chemical residues, paint residues, fiberglass or bulk solids.
4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD), etc), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
5. Any wastewater or vapor having a temperature greater than 150 degrees F (65 deg. C), or will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 deg. C).
6. Free or emulsified oil and grease exceeding on analysis an average of three hundred milligrams per liter (300 mg/l) of either free of

## Utilities

emulsified oil and grease or both or a combination of same, if, in the opinion of the City Manager, it appears probable that such wastes:

- a. Can deposit grease or oil in the sanitary sewer lines in such manner as to clog the sanitary sewers.
  - b. Can overload the industrial user's skimming and grease handling equipment.
  - c. Are not amenable to biological oxidation and will therefore pass through to the receiving waters without being affected by normal wastewater treatment processes.
  - d. Can have deleterious effects on the treatment process due to the excessive quantities.
7. Any pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  8. Any trucked in waste, except as provided in Section 17-303(D).
  9. Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to; create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
  10. Any substance which either singly or by interaction with other waste, are capable of:
    1. Forming solids in concentrations exceeding limits established herein.
    2. Creating a condition deleterious to structures or treatment processes.
    3. Requiring unusual facilities, attention or expense to handle.
  11. Any wastewater containing radioactive materials exceeding the existing standard of the Oklahoma State Department of Health, unless they comply with the Atomic Energy Commission Act of 1954 (68 O.D. 919) as amended and Part 20, Subpart D - Waste Disposal, Section 20.303, of the Regulations issued by the Nuclear Regulatory Commission (formerly the Atomic Energy Commission), or amendments thereto.
  12. Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
  13. Any wastewater causing the treatment plant's effluent to fail toxicity testing.
  14. Any waste containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

## Utilities

15. Any water or wastes which contain wax, grease, oil, plastic, or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees F (0 deg. C) to 150 degrees F (65 deg. C).
16. Any wastewater or wastes which contain materials which exert or cause;
  - a. Unusual concentrations of solids or composition, such as total suspended solids or inert nature (such as Fuller's Earth) and/or total dissolved solids (such as sodium chloride, calcium chloride, or sodium sulfate),
  - b. Excessive discoloration.
  - c. Unusual biochemical oxygen demand or an immediate oxygen demand.
  - d. High hydrogen sulfide content.
  - e. Unusual flow and/or concentration.
17. Any wastewater containing toxic substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters, unless they are pretreated to a concentration acceptable to the City of Sapulpa.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

### B. Specific Pollutant Limitations

The City will have the authority to establish maximum allowable discharge loadings for each industrial user. In no case will the sum of the industrial allocations exceed the loadings established in the following tables.

## Utilities

### E. Special Agreement

The City of Sapulpa reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.15

### F. Dilution

No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

### G. Storm Water

Storm water, surface water, ground water, and roof runoff shall not be discharged to the POTW, unless specifically authorized by the City Manager.

### H. Additional Discharge Requirements

1. The City Manager may require review and acceptance prior to the discharge into the public sanitary sewers of any wastes or waters having;
  - a. A five (5) day, twenty degree (20 deg.) centigrade biochemical oxygen demand (BOD) greater than two hundred fifty milligrams per liter (250 mg/l).
  - b. Suspended solids containing greater than two hundred fifty milligrams per liter (250 mg/l).
  - c. The potential to be a prohibited discharge.
2. Industrial users discharging wastes which exhibit none of the characteristics of wastes prohibited in this ordinance, other than excessive BOD or suspended solids, but have an average concentration during a twenty-four (24) hour period of BOD or

## Utilities

suspended solids content in excess of "normal domestic sewage" may be required to pretreat the industrial wastes to meet the requirements of "normal domestic sewage"; however, such wastes may be accepted for treatment if all the following requirements are met:

- a. The wastes will not cause damage to the sanitary sewer collection system.
  - b. The wastes will not impair the wastewater treatment process.
  - c. The discharger of the wastes is surcharged over and above the published sewer rates if deemed appropriate by the City Manager.
3. All Industrial Users shall promptly notify the City Manager in advance of any substantial change in the volume or character of pollutants in their discharge including the listed or characteristic hazardous waste for which the Industrial User has submitted initial notification required by Section 17-306 (I) of this Code.
  4. When the volume of a single toxic industrial waste discharge, or the combined toxic industrial waste discharges of a group of industries within a single contributory area, is so large as to raise a question of the ultimate concentration of the toxic substances entering a treatment plant or a receiving stream, the City Manager shall impose separate or special concentration limits upon the discharge to insure:
    - a. That the concentration of the toxic substance in the wastewater shall not exceed those concentrations in the influent of any wastewater treatment plant which are toxic to biological wastewater treatment processes, or which adversely affect sludge digestion, or "sludge quality", or any biochemical, biological or other wastewater treatment process,
    - b. That in no instance will the combined concentrations of any toxic substances in the effluent of any wastewater treatment plant exceed the discharge stream limitations as published by the State's regulatory agency.
  5. When wastewater containing any of the aforementioned materials is discharged into the sanitary sewer and is not properly pretreated or otherwise corrected, the City Manager may:
    - a. Reject the wastes and terminate the service to the industrial user.

## Utilities

- b. Require control of the quantities and rates of discharge of such wastes with flow regulating devices,
- c. Require payment of surcharges for the excessive cost of treatment, provided that such wastes are amenable to treatment by existing wastewater treatment plant facilities.

## SECTION 17-303

## PRETREATMENT OF WASTEWATER

### A. Pretreatment Facilities

1. Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 17-302 above within the time limitations specified by the EPA, the State, or the City Manager, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the City of Sapulpa shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review, and shall be acceptable to the City of Sapulpa before construction of the facility. The review of such plans and operating procedures in no way relieve the industrial use from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City of Sapulpa under the provisions of this ordinance.
2. Grease, oil and sand traps or interceptors shall be provided for the proper handling of liquid wastes containing pollutants in excessive amounts, flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the City Manager and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All installed grease, oil and sand interceptors shall be maintained in continuously efficient operation by the owner at his expense. The use of hot water, enzymes, chemicals, other agents or devices for the purpose of causing the oil, grease, or sand to pass

## Utilities

through the interceptor and/or the facility provided is prohibited. Materials removed from these facilities shall be either utilized by the industrial user or disposed of at designated approved locations.

### B. Accidental Discharge/Slug Control Plans

The City Manager may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 17-302 of this Code.
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures may include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### C. Tenant Responsibility

Where an owner of a property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

### D. Hauled Wastewater

1. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager, provided such wastes do not violate Section 2 of this ordinance or any other requirement established or adopted by the City of Sapulpa.
2. Fees for dumping septic waste may be established as part of the industrial user fee system as authorized in Section 17-314.

## Utilities

### E. Vandalism

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any persons found in violation of this requirement shall be subject to the sanctions set out in Sections 17-310 to 17-312 below.

## SECTION 17-304 WASTEWATER DISCHARGE PERMIT ELIGIBILITY

### A. Wastewater Survey

1. When requested by the City Manager all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be grounds for terminating service to the industrial user and shall be considered a violation of this ordinance.
2. The City Manager or his representatives shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance is being met and whether the industrial user is complying with all the requirements thereof. The industrial user shall allow the City Manager or his representative's ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

### B. Wastewater Discharge Permit Requirement

1. It shall be unlawful for any significant industrial user to discharge wastewater into the POTW without a valid wastewater discharge permit issued by the City Manager. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 17-310 to 17-312. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal pretreatment standards or requirements or with any other requirements of Federal, State and local law.
2. The City Manager may require certain other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of the ordinance.

## Utilities

### C. Wastewater Discharge Permitting - Existing Connections

Any significant industrial user which began discharging industrial waste into the POTW prior to the effective date of this ordinance, not currently permitted, and who wishes to continue such discharges in the future, shall within 120 days after said date, apply to the City of Sapulpa for a wastewater discharge permit in accordance with Section 17-304 (E) below, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the City Manager.

### D. Wastewater Discharge Permitting - New Connections

Any significant industrial user proposing to begin or recommence discharging industrial waste into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. The industrial wastewater permit must be applied for in accordance with Section 17-304(E) below. The City Manager may require the application for the wastewater discharge permit to be filed at least 90 days prior to discharging.

### E. Wastewater Discharge Permit Application Contents

In order to be considered for an industrial wastewater discharge permit the information required by Section 17-306 (A)(2) of this Code must be submitted. The City Manager shall approve a form to be used as a permit application. In addition, the following information may be requested:

1. Description of the activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility.
2. Number and type of employees, hours of operation, and proposed or actual hours of operation.
3. Each product produced by type, amount, process or processes, and rate of production.
4. Type and amount of raw materials processed (average and maximum per day).
5. The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
6. Time, type and duration of discharge(s).
7. Any other information as may be deemed necessary by the City Manager to evaluate the wastewater discharge permits application.

## Utilities

Incomplete or inaccurate applications will not be processed and will be returned for revision.

### F. Applications Signatories and Certification

All wastewater discharge permits applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## SECTION 17-305 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

### A. Wastewater Discharge Permit - Duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the City Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

### B. Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:
  - a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.
  - b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City Manager.
  - c. Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall

## Utilities

include an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.

- d. Statements of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements.
  - e. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
2. Wastewater discharge permits may contain, but need not be limited to, the following:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  - b. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
  - c. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - d. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
  - e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
  - f. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
  - g. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
  - h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State and local pretreatment standards,

## Utilities

including those which become effective during the term of the wastewater discharge permit.

- i. Other conditions as deemed appropriate by the City Manger to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### C. Wastewater Discharge Permit Appeals

Any person, including the industrial user, may petition the City of Sapulpa to reconsider the terms of a wastewater discharge permit within 15 days of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provision(s) objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

### D. Wastewater Discharge Permit Modification

The City Manager may modify the wastewater discharge permit for good cause including, but not limited to the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance.
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge poses a threat to the POTW, City Personnel, or the receiving waters.
5. Violation of any terms or conditions of the wastewater discharge permit.
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or any required reporting.
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Part 403.13.
8. To correct typographical or other errors in the wastewater discharge permit.

## Utilities

9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay or hold in abeyance any wastewater discharge permit condition or penalty for lack thereof.

### E. Wastewater Discharge Permit -Transfer

A wastewater discharge permit may be reassigned or transferred to a new owner/operator only if the permittee gives at least 60 days advance notice to the City Manager and the City Manager approves the wastewater discharge permit transfer. The notice to the City Manager must include a written certification by the owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
2. Identifies the specific date on which the transfer is to occur.
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
4. Identifies the contact person assuming responsibility for compliance to wastewater discharge permit requirements.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void on the date of facility transfer.

### F. Wastewater Discharge Permit - Revocation

Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the City of Sapulpa of significant changes to the wastewater prior to a change in discharge.
2. Failure to provide prior notification to the City of Sapulpa of changed condition pursuant to Section 17-306(F).
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
4. Falsifying self-monitoring reports.
5. Tampering with monitoring equipment.

## Utilities

6. Refusing to allow Representatives of the City of Sapulpa access to the facility premises and records.
7. Failure to meet effluent limitations.
8. Failure to pay fines.
9. Failure to pay sewer charges and/or industrial pretreatment fees.
10. Failure to meet compliance schedules.
11. Failure to complete a wastewater survey or the industrial pre-treatment permit application.
12. Failure to provide advance notice of the transfer of a permitted facility.
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be void upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

### G. Wastewater Discharge Permit Re-issuance

Industrial users shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application in accordance with Section 17-304(E) a minimum of 30 days prior to the expiration date of the industrial user's existing wastewater discharge permit.

## SECTION 17-306 REPORTING REQUIREMENTS

### A. Baseline Monitoring Reports

1. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR Part 403.6 (a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City of Sapulpa a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City of Sapulpa a report

## Utilities

which contains the information listed in (a) through (h) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity or pollutants to be discharged.

2. The industrial user shall submit the information required by this section including:
  - a. Identifying Information. The name and address of the facility including the name of the operators and owners.
  - b. Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
  - c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications (SIC codes) of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - d. Flow Measurement. Existing Source: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR part 403.6(e). The City Manager may allow for verifiable estimates of these flows where considerations justified by cost or feasibility.  
  
New Source (for baseline monitoring report only): Supply estimates of the anticipated flow(s) to the POTW from the regulated waste stream(s).
  - e. Measurement of Pollutants.
    - (i) Identify the categorical pretreatment standards applicable to each regulated process.
    - (ii) Existing Source: Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and daily average concentration values shall be reported. The samples shall be representative of a typical

## Utilities

operating day and shall be analyzed in accordance with procedures set out in Section 17-306(J), New Source (for baseline monitoring only): Submit estimates of the concentrations of the regulated pollutants the operator anticipates to be in the regulated waste stream(s) discharged to the POTW.

- (iii) All sampling must be performed in accordance with procedures set out in Section 17-306(K).
- f. Attestation Statement. All baseline monitoring reports must include a signed statement in accordance with Section 4.6 of this ordinance.
- g. Certification. A statement signed by the industrial user's authorized representative, indicating whether pretreatment standards are being met on a consistent basis--and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- h. Compliance Schedule. If additional pretreatment and/or operation and maintenance (O&M) will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such pretreatment and/or O&M.

The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 17-306(B) of this Code.

### B. Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Section 17-306(2)(h). The schedule shall contain progress increments in the form of the dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events as hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the City Manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, (if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event

## Utilities

shall more than nine (9) months elapse between such progress reports to the City Manager.

### C. Report on Compliance with Categorical Pretreatment Standard - 90 Day Report

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City of Sapulpa a report containing the information described in Section 17-306(2)(d-h). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 17-304(F).

### D. Periodic Compliance Reports

1. All significant industrial users shall, at a frequency to be determined by the City Manager, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by any Federal, State or local discharge standard, and the measured or estimated average and maximum daily flows for the reporting period. This report shall include sampling location, sampling technique and chain of custody for all samples taken pursuant to this requirement. The city manager may require significant industrial users to submit additional information regarding either the operation of the facility or other pollutants with the report.
2. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring facilities (sampling locations), shall be kept clean and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sampling results are unrepresentative of its discharge.
3. If an industrial user subject to the reporting requirements in and of this section monitors any regulated pollutant more frequently than required by the POTW, using the procedures prescribed in Section 17-306(K) of this article the results of this monitoring shall be included in the report.

## Utilities

### E. Report of Changed Conditions

Each industrial user is required to notify the City Manager of any planned significant changes to the industrial user's operations which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

1. The City Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 17-304(E).
2. The City Manager may issue a wastewater discharge permit under Section 4 or modify an existing wastewater discharge permit under Section 17-305(D).
3. No industrial user shall implement the planned changed condition(s) until and unless the City Manager has responded to the user's notice.
4. For the purposes of this requirement flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

### F. Reports of Potential Problems

1. In the case of any discharge, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problem to the POTW (including a violation of the prohibited discharge standards in Section 17-302(A) of this Code), it is the responsibility of the industrial user to immediately telephone and notify the City of Sapulpa of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
2. Within five (5) days following such discharge, the industrial user shall, unless waived by the City Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.

## Utilities

3. Failure to notify the City of Sapulpa of potential problem discharges shall be deemed a separate violation of this ordinance.

### G. Reports from Non-significant Industrial Users

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City of Sapulpa as the City Manager may require.

### H. Notice of Violation/Repeat Sampling and Reporting

1. If sampling performed by an Industrial User indicates a violation:
  - a. The user shall notify the Control Authority within 24 hours of becoming aware of the violation, and
  - b. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, and
  - c. The User shall continue to resample as long as results indicate the effluent is in violation of discharge limits or the discharge of industrial waste waster is terminated.
2. The Industrial User is not required to resample if:
  - a. The Control Authority performs sampling at the Industrial User at a frequency of at least once per month, or,
  - b. The Control Authority performs sampling at the user between the time when the User performs its initial sampling and the time when the User receives the results of the sampling.
  - c. The most recent sample analysis indicates the user's effluent is no longer in violation of discharge limits.

### I. Notification of Hazardous Waste Discharge

1. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste under 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following

## Utilities

information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 6.5 above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 17-306(A)(C) and (D) above.

2. Discharges are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous,. Discharge of more than 15 kilograms per calendar month of non-acute hazardous waste or any quantity of acute hazardous waste as specified in 40 CFR Part 261. 30(d) and 261.33(e) requires a one time notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of the hazardous waste generated to the degree it has been determined to be economically practical.

### J. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question,

## Utilities

sampling and analyses must be performed in accordance with procedures approved by the EPA.

### K. Sample Collection

1. Except as specified in (B), below, the industrial user must collect wastewater samples using flow proportional-composite collection techniques. In the event flow proportional sampling is not feasible, the City Manager may authorize the use of time proportional sampling through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab sampling techniques.

### L. Determination of Noncompliance - Grab Samples

The City Manager may use a grab Sample(s) to determine noncompliance with pretreatment standards.

### M. Receipt of Reports

Required reports and permit applications will be deemed to be submitted on the date postmarked. For documents not mailed, or illegibly postmarked, the date of receipt of the document will govern.

### N. Record Retention

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance or any permit or order issued hereunder. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the City Manager.

### O. Fraud and False Statements

Reports and other documents required to be submitted or maintained by this ordinance, or any permit or order issued hereunder, shall be subject to the provisions of 18 U.S.C. Section 1001 regarding fraud or false statements and the provisions of 309c(4) of the Act, as amended, governing false statements, representations, or certification.

## Utilities

### SECTION 17-307 COMPLIANCE MONITORING

#### A. Sampling Locations

All significant industrial users shall provide and maintain, at the industrial user's expense, location(s) adequate to obtain representative samples for the purpose of monitoring compliance with applicable pretreatment standards, permit or orders issued hereunder. The City Manager may require non-significant industrial users to provide sampling locations adequate to monitor for compliance with this ordinance or any permit or orders issued hereunder. All sampling locations shall be accessible to personnel of the City of Sapulpa during the user's entire operational day.

#### B. Sample Chambers

The City Manager may require an industrial user to construct, and maintain, at the industrial user's expense, a sample chamber (s) at a location (s) to be used for the purpose of obtaining compliance monitoring samples by the industrial user and representatives of the City of Sapulpa. Sample chambers shall be accessible to personnel of the City of Sapulpa during the user's entire operational day. The City Manager may require sample chambers to be of such construction as to accommodate sampling equipment, to protect samples from freezing, and to provide adequate security for the POTW's sampling equipment. The industrial user shall submit plans and drawings of any proposed sample chamber to the City Manager for his/her approval prior to installation. If an existing sample chamber is incapable of meeting the requirements of this section, the industrial user shall, at its expense, replace, modify, or relocate said sample chamber as the City Manager directs.

#### C. Inspection and Sampling

Representatives of the City of Sapulpa shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representative's ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City of Sapulpa, the State and the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

## Utilities

2. The City of Sapulpa, the State, and the EPA shall have the right to install on the industrial users property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
3. The City of Sapulpa may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense.
4. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the City Manager and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
5. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this article.

### D. Search Warrants

If the City Manager or his agent has been refused access to a building, structure or property or any part thereof, and if the City Manager has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the City of Sapulpa designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court of the City of Sapulpa shall issue a search and/or seizure warrant describing therein the specific location subject of the search. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the City Manager in the company of a uniformed police officer of the City of Sapulpa. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

### SECTION 17-308 CONFIDENTIAL INFORMATION

Information and data provided to the City of Sapulpa with respect to the nature and frequency of discharge shall be available to the public without restriction. All other information which is submitted to the POTW shall be available to the public at least to the extent provided by 40 CFR Part 2.302.

## Utilities

### SECTION 17-309 PUBLICATION OF SIGNIFICANTLY VIOLATING INDUSTRIAL USERS

The City of Sapulpa shall publish annually, in the largest daily local newspaper, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter taken during a 6-month period equal or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City Manager has determined has caused, alone or in combination with other discharges, interferences or pass through (including the endangering the health of POTW personnel or the general public),
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR Part 403.8(f) (1) (vi) (B) and Section 17-310(F) of this Code.
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic compliance reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations which the City of Sapulpa determines will adversely affect the operation of the local pretreatment program.

## Utilities

### SECTION 17-310 ADMINISTRATIVE ENFORCEMENT REMEDIES

#### A. Notification of Violation

When the City Manager finds that any industrial user has violated or is in violation of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon the industrial user a written Notice of Violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the industrial user to the City Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City of Sapulpa to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

#### B. Consent Orders

The City Manager is hereby empowered to enter into Consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such order will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections D and E below and shall be judicially enforceable.

#### C. Show Cause Hearing

The City Manager may order any industrial user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the City Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered mail (return receipt requested) at least 7 days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the industrial user.

#### D. Compliance Orders

When the City Manager finds that an industrial user has violated or continues to violate this ordinance, wastewater discharge permits or orders issued hereunder,

## Utilities

or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time period. If the user does not come into compliance within this time period, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

### E. Cease and Desist Orders

When the City Manager finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur the City Manager may issue an order to the industrial user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking other action against the user.

### F. Administrative Fines

1. Notwithstanding any other section of this ordinance, any user that is found to have violated any provision of this ordinance, its wastewater discharge permit, orders issued hereunder, or any other pretreatment standard or requirement may be fined an amount not to exceed one thousand dollars (\$1,000). Such fines shall be assessed on a per violation, per day basis.
2. Such fines must be paid within thirty (30) days from the receipt of the notice.
3. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property.
4. Any user desiring to dispute such fines must follow the procedures set out in section (I), below.

## Utilities

5. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

### G. Emergency Suspensions

The City Manager may immediately suspend a user's discharge permit (after informal notice to the user) whenever suspension is necessary in order to stop an actual or threatened discharge permit which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

1. Any user notified of a suspension of its discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City Manager that the period of endangerment has passed, unless the termination proceedings set forth in Section 17-310(H) are initiated against the user.
2. Any user responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager, prior to the date of any show cause or termination hearing under Sections 17-310(C) and (H).

Nothing in this section shall be interpreted as requiring a hearing, to any emergency suspension under this section.

### H. Termination of Discharge

In addition to those provisions in Section 17-305(F) of this Code, any user that violates the following conditions is subject to discharge termination.

1. Violation of wastewater discharge permit conditions.
2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

## Utilities

4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
5. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 17-310(C) of this Code why the proposed action should not be taken.

### I. Appeals

#### 1. City Manager

Any person affected or aggrieved by any administrative notice or order which has been entered in connection with the enforcement of any provisions of this ordinance or of any rule or regulation adopted pursuant thereto, shall be granted a hearing before the City Manager. Such a person shall file, with the office of the City Manager, a request, stating the grounds for the hearing, within fifteen (15) days after the notice or order was served upon the person. Upon receipt of the request, the City Manager shall set a time and place for the hearing and shall give the petitioner written notice. At such hearing, the petitioner shall be given an opportunity to show why the City Manager's notice or order should be modified or withdrawn. The hearing shall be held within fifteen (15) days after the request is filed in the City Managers offices unless the petitioner requests and shows good cause for postponement. The City Manager shall be the sole judge of whether good cause is shown. After the hearing, the City Manager may sustain, modify or withdraw the notice or order. The decision of the City Manager shall be final unless a written notice for appeal to the Board of Commissioners of the City of Sapulpa is filed with the City Clerk within fifteen (15) days of said decision.

#### 2. Board of Commissioners

Appeals from any final order of the City Manager may be made to the Board of Commissioners of the City of Sapulpa. A notice of appeal, specifying the grounds for such appeal, must be filed with the City Clerk's office within fifteen (15) days after service on the petitioner of the City Manager's decision. All such appeals shall be perfected when the notice of appeal is filed. Hearing on the appeal shall be de novo before the Board of Commissioners at its second regular meeting following the filing of the notice of appeal.

## Utilities

The proceedings of any hearing held pursuant to this section, including the findings and decisions of the City Manager and Board of Commissioners, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Manager.

### SECTION 17-311 JUDICIAL ENFORCEMENT REMEDIES

#### A. Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City Manager may petition the Court for the issuance of a preliminary or permanent injunction (or both as may be appropriate) which restrains or compels the activities on the part of the industrial user. The City Manager shall have such remedies to collect fees as are available to collect other sewer service charges. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

#### B. Civil Penalties

1. Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the City of Sapulpa for a maximum civil penalty of one thousand dollars (\$1,000) per violation per day.
2. The City of Sapulpa may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Sapulpa.
3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances.

#### C. Remedies Nonexclusive

The provisions in Sections 17-309 and 17-310 are not exclusive remedies. The City of Sapulpa reserves the right to take any, all, or any combination of these actions against a noncompliant user. Further, the City of Sapulpa is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

## Utilities

### SECTION 17-312 SUPPLEMENTAL ENFORCEMENT ACTION

#### A. Performance Bonds

The City Manager may decline to issue a wastewater discharge permit to any user which has failed to comply with the provisions of this Code, any order, or a previous wastewater discharge permit issued hereunder, unless the user first files a satisfactory bond payable to the City of Sapulpa, in a sum not to exceed a value determined by the City Manager to be necessary to achieve consistent compliance.

#### B. Liability Insurance

The City Manager may decline to issue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

#### C. Water Supply Severance

Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

### SECTION 17-313 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

#### A. Upset

1. Definition. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. Effect of an upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) are met.
3. Conditions necessary for a demonstration of upset. An industrial user who wishes to establish the affirmative defense of upset shall

## Utilities

demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and the industrial user can identify the cause(s) of the upset.
  - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
  - c. The industrial user has submitted the following information to the POTW within 24 hours of becoming aware of the upset (if this information is provided orally. A written submission must be provided within five days):
    - i. A description of the indirect discharge and cause of noncompliance.
    - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
    - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
4. Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of a upset shall have the burden of proof.
  5. Judicial Review. Industrial users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with a pretreatment standard.
  6. User responsibility in case of upset. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

### B. General/Specific Prohibitions

An industrial user shall have an affirmation defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 17-302 of this Code if it can prove that it did not know or have reason to

## Utilities

know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference.
2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### C. Bypass

1. Definitions (pursuant to a "septic sewer bypass")
  - a. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
  - b. "Severe property damage" means substantial damage to the property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Bypass not violating applicable pretreatment standards and requirements.

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (1) and (2) of this section.

3. Notice
  - a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the bypass.
  - b. An industrial user shall submit oral notice of unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause;

## Utilities

the duration of the bypass, including exact dates and times, and, if bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

### 4. Prohibition of bypass

- a. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:
  - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
  - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during the normal periods of downtime. This conditions is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
  - (iii) The industrial user submitted notices as required under paragraph (3) of this section.
- b. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (4) (a) of this section.

## SECTION 17-314 MISCELLANEOUS PROVISIONS

### A. Pretreatment Charges and Fees

The City of Sapulpa may adopt reasonable charges and fees for reimbursement of costs of operating and maintaining the City's Pretreatment Program which may includes

1. Fees for wastewater discharge permit applications including the cost of review and processing such applications.
2. Fees for monitoring, inspecting, and surveillance procedures including the cost of collection and analyzing an industrial user's

## Utilities

discharge, and reviewing monitoring reports submitted by industrial user.

3. Fees for filing appeals.
4. Other fees as the City of Sapulpa may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City of Sapulpa.

### B. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force.

### C. Conflicts

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

## ARTICLE B

### SANITARY SEWER REGULATIONS

#### SECTION 17-315 PERMITS AND FEES.

There is hereby imposed a required industrial pretreatment permit and fee upon designated users of the city wastewater system as reflected by the Master Fee Schedule.

#### SECTION 17-316 STATE PERMIT EXEMPTIONS.

A. DEFINITIONS. The following terms shall have the ascribed meaning as used in this section:

1. *DEQ* means the Oklahoma State Department of Environmental Quality, its successors, designees and assigns.
2. *Municipal systems* means sanitary sewage collection systems constructed, operated or maintained by a municipality or trust for the benefit of such a municipality.
3. *Sewage collection systems* includes gravity sewage collection lines not exceeding 500 feet in length nor larger than twelve inches in diameter and

## Utilities

except systems constructed in whole or in part with funds from EPA and/or administered by DEQ.

### B. MUNICIPAL SYSTEMS.

#### 1. *Purpose.*

The purpose of this subsection is to qualify for exemptions from the Department of Environmental Quality construction permit requirement for wastewater collection systems, pursuant to Chapter 656 of the Oklahoma Administrative Code, entitled "*Water Pollution Control Construction Standards*", adopted by the Board of Environmental Quality on September 28, 1999. Gravity sewage construction lines not exceeding 500 feet in length nor larger than twelve inches in diameter is the only system eligible for the exemption from the requirements of issuance of state construction permits, provided all systems constructed in whole or in part with funds from the United States EPA and/or with funds administered by the DEQ shall not be exempt from the requirement of obtaining a state construction permit.

#### 2. *System and Connection Requirements.*

All municipal systems and connections thereto must be constructed in compliance with the applicable regulations, rules and requirements of the DEQ or the regulations, rules and requirements regulations of the City, whichever standard is more stringent.

#### 3. *Approval Required.*

All sewer line extensions to sewage treatment plants, lift stations, and interceptor lines must be approved by the designated City representative prior to actual construction.

#### 4. *Approval Withheld.*

Approval shall be withheld if the sewage treatment plant, lift station or interceptor line to which the sewer line extension is to attach has reached or, with the addition of the proposed sewer line extension, would reach treatment or hydraulic capacities. Further, approval shall also be withheld if the sewer line extension does not meet or exceed the standards of the DEQ and the City, or may be withheld for any other reason.

#### 5. *Review and Approval of Plans and Specifications for sewage collection systems.*

## Utilities

Prior to construction, plans and specifications for sewage collection systems must be reviewed, approved and signed by a professional engineer licensed by the State of Oklahoma and designated by the designated City representative as being in responsible charge of connections to the sewage collection systems for the municipality. All approved plans and specifications must be signed by said designated professional engineer indicating approval to proceed with construction in accordance with the approved plans and specifications. No sewage collection system construction shall proceed until plans and specifications have been reviewed and approved in this manner.

### 6. *Listing of Projects.*

The designated City representative must supply DEQ with one copy of all such approved plans and specifications together with a listing of all approved projects quarterly. The listing shall include the name, location and date of approval of each such project.

### 7. *Inspection.*

The City's engineer shall inspect each approved project and shall prohibit commencement of any sewage collection systems construction or connection prior to approval of plans and specifications in accordance with this division.

### 8. *System Operation.*

The City shall operate its wastewater system in compliance with the applicable rules of DEQ.

### 9. *System Capacity Exception.*

Should any proposed City sewer line extension bring a connected lift station, interceptor line or sewage treatment plant to its design capacity, the construction or connection of the proposed sewer line extension may still be allowed, to the extent approved by DEQ, under the following circumstances:

- (a) The City must apply, in writing, to the DEQ for a variance allowing the specified construction to proceed within the area.
- (b) The application must detail what the City will do to ensure that the construction or connection will not worsen problems or treatment capacity, flow or bypassing of sewage.

## Utilities

- (c) The application must include timetables for correcting any stated problems, prior to the connection of any additional loadings or flows, as a result of the construction for which approval is sought.
- (d) The application, if approved, will become a condition of any permit issued for such construction by the DEQ.
- (e) Approval of construction in an area at design capacity, which has not received such a variance from the DEQ, will result in revocation of the City's overall sewer line permit exemption status, as provided by the rules and regulations of DEQ.

### SECTION 17-317 SANITARY SEWER / RESPONSIBILITY OF PROPERTY OWNERS.

To minimize groundwater infiltration and inflow to the public sewer system that may overload and inhibit wastewater treatment, the City hereby requires that all property owners utilizing the sewage system of the city of Sapulpa be responsible for the maintenance of all connections, lines, and fixtures in a manner sufficiently watertight so as not to allow, and cause such to be, leakage out of or seepage into said connections, lines, and fixtures from the place of discharge to the place of connection to the public sewage system main. At the discretion of the City of Sapulpa, such connections, lines, and fixtures shall be subject to inspection and testing by the City of Sapulpa, or its designated agent.

### SECTION 17-318 SANITARY SEWER / PROHIBITED CONNECTIONS.

No person shall henceforth make connection of roof down-spout or leaders, interior or exterior foundation drains, clean-outs, sump pumps, cellar, yard, and area drains, cooling water discharges, drains from springs or swampy areas, or other sources of surface, storm or ground water to a structure sewer or structure drain which is connected, either directly or indirectly, to the sanitary sewer system.

### SECTION 17-319 SANITARY SEWER / DISCONNECT ORDER.

The Director of the Department of Public Works or his designated agent may issue a disconnect order directing the owner of the real estate or structure to disconnect private infiltration or inflow waters from the sanitary sewer system. The order shall be effective not less than 30 days from its date of issuance. The order may state a deadline for compliance but such deadline shall, in no event, be more than three (3) months after issuance of the order.

## Utilities

### SECTION 17-320 SANITARY SEWER / TERMINATION OF SERVICE.

The City of Sapulpa, Department of Public Works, may order the termination of sanitary sewer service and/or water service to any real estate or structure if the owner has refused to allow access and entry or has failed or refused to comply with the disconnect order requiring that the private infiltration or inflow waters be prevented from entering the sanitary sewer system. The termination shall be effective 30 days after the service upon the owner. Service of the order shall be in person or by restricted delivery mail.

### SECTION 17-321 SANITARY SEWER / RE-CONNECTION OF SERVICE.

Sanitary sewer service disconnected under the provisions of this chapter shall not be reconnected until sources of infiltration or inflow have been disconnected. The cost of disconnection and re-connection shall be the burden and responsibility of the owner or lessee.

### SECTION 17-322 SANITARY SEWER / ABATEMENT OF NUISANCE.

In addition to or in lieu of termination of service and/or prosecution in Municipal Court, the Department of Public Works may maintain a civil action by injunction, in the name of the City Council of Sapulpa, Oklahoma, to abate and temporarily or permanently enjoin the continuation of the private infiltration/inflow and/or as a nuisance, in any court of competent jurisdiction.

### SECTION 17-323 SANITARY SEWER / ACCESS AND ENTRY.

(A) Access: Representatives of the Department of Public Works shall have the right to make an inspection of any parcel of real estate and/or structure for the purpose of determining compliance with this chapter. Inspections shall be done at a reasonable hour of the day.

(B) Notice: If the structure or real estate to be inspected is occupied, the representative shall first present proper credentials and request entry. If the structure or real estate is unoccupied, he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the structure or real estate and request entry.

(C) Search Warrants: If, after proper request, entry or access is refused, the Department of Public Works may compel such access by application to a court of competent jurisdiction for a search warrant in compliance with the provisions of Section 15 of the Oklahoma Bill of Rights and the Fourth and Fourteenth Amendments of the United States Constitution relating to unreasonable searches and seizures.

## Utilities

### SECTION 17-324 SANITARY SEWER / OPTIONAL PENALTY.

If property owner is unable or refuses to comply with Section 17-305 (repair or disconnection of infiltration and inflow source), the City may, at its discretion, contract with a plumbing contractor of the City's Choice to make the required repair/replacement/disconnection to remove the infiltration and inflow source. The cost of the abatement may include but not be limited to: repair of the defect; repair of streets, alleys, curbs, and parking. The cost of such action will be filed as a lien on the property.

If the affected utility account is in the name of the property owner, a charge of not less than \$25.00 per month shall be added to the utility bill of the property owner for that address until the lien amount is paid in full. If the account is closed or transferred to a different owner, the amount of the outstanding balance on the lien shall become due in full immediately.

If the utility account is not in the name of the owner of the property, the full amount of the costs of repair shall become due and owing upon filing of the lien and shall be collected as a debt due the City by any and all legal means, including foreclosure of the lien.

Upon receipt by the City of the total cost of repairs, a lien release shall be issued and filed."

### SECTION 17-325 SANITARY SEWER / OPTIONAL ABATEMENT PROCEDURE.

If property owner is unable or refuses to comply with Section 17-305 (repair or disconnection of infiltration and inflow source), the City may, at its discretion, contract with a plumbing contractor of the City's Choice to make the required repair/replacement/disconnection to remove the infiltration and inflow source. The cost of the abatement may include but not be limited to: repair of the defect; repair of streets, alleys, curbs, and parking. The cost of such action will be filed as a lien on the property. A charge of not less than \$25.00 per month will be added to the utility bill of the property owner or utility user of that address until paid in full. Lien release will be issued on receipt of total cost."

Utilities

CHAPTER 4

SEPTIC TANKS

Section 17-401	License required; fee; term.
Section 17-402	Examination, certificate and bond required of applicants; exception as to licensed plumbers.
Section 17-403	Permit for installation required; fee.
Section 17-404	Inspection and approval of system; discontinuance or refusal of water service to premises with defective system.
Section 17-405	Minimum construction, requirements for private sewage systems.
Section 17-406	Haulers; disposal requirements.
Section 17-407	Storm Water Haulers; Disposal Requirements; Fees

SECTION 17-401 LICENSE REQUIRED; FEE; TERM.

Before any person shall engage in the business of installing or repairing septic tank systems within the city, a license shall be obtained by a such person from the city clerk. The fee for the issuance of such license shall be the sum as set by the Master FeeSchedule, which shall entitle the holder thereof to engage in such business for a period of one year from the date of such license. (Prior Code, Sec. 30-37; Ord. No. 1079, Sec. 1.)

SECTION 17-402 EXAMINATION, CERTIFICATE AND BOND REQUIRED OF APPLICANTS; EXCEPTION AS TO LICENSED PLUMBERS.

In order to obtain a license for the purposes set forth in this chapter, a person shall first take and pass an examination given by the city-county sanitarian upon a form prescribed by the director of the city-county health department, and shall present to the city clerk a certificate issued by such department showing he is qualified to perform such work, and shall also obtain and file with the city clerk a bond in the penal sum as set by the city executed by a surety company authorized to do business in the state conditioned for the payment of damages and injury resulting from negligent or improper construction or repair of septic tanks by the licensee; provided, that a plumber licensed to do business in the city may perform the work of installing or repairing septic tanks within the city without the license provided for in this chapter and without furnishing the bond required by this section. (Prior Code, Sec. 30-38; Ord. No. 1079, Sec. 2.)

SECTION 17-403 PERMIT FOR INSTALLATION REQUIRED; FEE.

A. Before a septic tank system is connected to a residence or other structure

## Utilities

for human use and occupation connected with the water system of the city, either within or without the city, a permit for such installation shall be obtained from the director of the city-county health department, or his authorized representative. The failure to obtain such permit shall be grounds for the discontinuance of water service to the occupied residence or structure.

- B. The fee for the permit for installation of such septic tanks is hereby fixed at the sum as set by the Master Fee Schedule, and the same shall be paid to the city clerk prior to the issuance thereof. (Prior Code, Sec. 30-39; Ord. No. 1079; Sec. 3; Ord. No. 1091, Sec. 1.)

### SECTION 17-404 INSPECTION AND APPROVAL OF SYSTEM; DISCONTINUANCE OR REFUSAL OF WATER SERVICE TO PREMISES WITH DEFECTIVE SYSTEM.

After the issuance of the permit for the installation of the septic tank system mentioned in this chapter, it shall be the duty of the director of the city-county health department and city building inspector to inspect the plans of the proposed construction, the location and other conditions existing, and upon completion of the work, such director shall approve the septic tank system prior to any use being made thereof. Where any defective or dangerous condition exists by reason of such construction, the city is authorized to discontinue or refuse water service to the building or structure served by such septic tank system. (Prior Code, Sec. 30-40; Ord. No. 1079, Sec. 4.)

### SECTION 17-405 MINIMUM CONSTRUCTION, REQUIREMENTS FOR PRIVATE SEWAGE SYSTEMS.

- A. No private sewage disposal system shall hereafter be constructed in the city unless the same shall comply with the minimum requirements of the bureau of sanitary engineering of the state board of health.
- B. The method of sewage disposal for new construction within the city shall not include pit privies, but may include septic tanks, open sand filters or other methods approved by the state health department. The failure or inability to make provisions for such approved methods of sewage disposal shall justify the refusal of a building permit for such new construction. (Prior Code, Sec. 30-41; Ord. No. 1079, Secs. 5, 6.)

### SECTION 17-406 HAULERS; DISPOSAL REQUIREMENTS; FEES.

- A. The City of Sapulpa Regional Wastewater Treatment Plant shall accept domestic septic wastewater from haulers, providing, the service is being

## Utilities

provided to a residence or commercial customer located within Creek County or the Sapulpa Municipal Authority service area. No industrial waste will be accepted.

- B. Every operator of a motor vehicle licensed to collect waste shall maintain a septic wastewater manifest, which shall be completed as appropriate, be a true, current and legible record of the domestic waste collected, removed, transported and disposed of at the Sapulpa Regional Wastewater Treatment Plant.
- C. Each septic wastewater manifest required by this section shall be maintained on the form provided by the City of Sapulpa. The City Manager may approve alternative forms if in his/her opinion the relevant information is contained upon such alternate forms.
- D. Each septic waste hauler shall retain a copy of the manifest for a period of no less than (3) years from the date of the completion of the manifest.  
Manifests shall be maintained in records retrievable by vehicle, and in chronological order. Records shall be surrendered to the City Manager or the Industrial Pretreatment Coordinator upon written request.
- E. Each septic waste hauler shall establish and maintain an account with the City of Sapulpa Utility Collections Department to which all charges will be made for disposal of waste at the facility.  
No payment will be received at the treatment facility.
- F. If in the opinion of the Superintendent of Wastewater Treatment the septic waste hauler, or their employee, is not complying with treatment plant requirements for the disposal of septic wastewater the septic waste haulers access to the facility will be denied.

### SECTION 17-407

### STORM WATER HAULERS; DISPOSAL REQUIREMENTS; FEES

- A. The City Regional Wastewater Treatment Plant shall accept for disposal from haulers commercial non-hazardous storm water. The disposal of wastes from this

## Utilities

source is restricted to storm water collection basins and leach field collection systems. Wastes from commercial sources must be certified by the owner of the system as to "Not contain industrial process wastes." All such haulers are deemed Significant Industries ("SIU") and are required to pay to the City an annual permit fee and monthly service fee as set forth in the Master Fee Schedule prior to disposing of said storm water.

- B. Each such hauler shall sign for a copy of and agree to be bound by the "Conditions for Dumping Non-Hazardous Storm Water" to be provided by the Superintendent of the wastewater treatment plant, or his designated representative. Failure to comply with said conditions shall result in the revocation of said hauler's dumping privileges.
- C. Each hauler shall desiring to dump such storm water shall open and maintain an account with the City Utility Collections Department and pay a deposit fee as set forth in the Master Fee Schedule. In addition, there shall be a fee as set forth in the Master Fee Schedule for each load of storm water dumped pursuant to this section.
- D. Each hauler shall be required to maintain a manifest on a form as supplied by the City.

Utilities

CHAPTER 5

REFUSE COLLECTION

ARTICLE A

COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE

Section 17-501	Definitions.
Section 17-502	Reservation of rights by city.
Section 17-503	Containers required.
Section 17-504	Depositing garbage or trash not in containers for collection.
Section 17-505	Unauthorized collection, removal or transportation.
Section 17-506	Unlawful accumulations.
Section 17-507	Tampering with containers.
Section 17-508	Contracts for collection and removal.
Section 17-509	Vehicles; place of disposal.
Section 17-510	Frequency of collections.
Section 17-511	Rates and charges; billing.
Section 17-512	Enforcement of article.

ARTICLE B

COLLECTION AND CONTROL OF SOLID WASTE

Section 17-521	
Section 17-522	Waste collector's license.
Section 17-523	License application, requirements, issuance, denial.
Section 17-524	Waste management restrictions.
Section 17-525	Solid waste manifest, required.
Section 17-526	Falsification of solid waste manifest, failure to provide, penalty.
Section 17-527	Disposal.
Section 17-528	Impoundment of vehicles.
Section 17-529	Special orders of city manager.

ARTICLE C

SAPULPA CONVENIENCE STATION USE REGULATIONS

Section 17-530	Definitions.
Section 17-531	Sapulpa convenience station fees.
Section 17-532	Requirements for vehicles used for hauling.
Section 17-533	Acceptable waste and material.

## Utilities

Section 17-534	Unacceptable waste/banned waste.
Section 17-535	Proof of residency.
Section 17-536	Refuse from outside of the City of Sapulpa.
Section 17-537	Recycling
Section 17-538	Littering, unlawful dumping
Section 17-539	Hazards associated with convenience station operations.
Section 17-540	Scavenging unlawful.
Section 17-541	Rules and regulations.
Section 17-542	Prohibitions

## ARTICLE A

### COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE

#### SECTION 17-501 DEFINITIONS.

For the purpose of this article, the following words shall have the following meanings:

1. "Garbage" means every accumulation of animal or vegetable matter, or both, likely to decay or usually discarded as waste matter from kitchens, dining rooms, hotels, restaurants, boardinghouses and dwelling houses of every kind, and such term shall include such waste animal or vegetable matter from public institutions, businesses, stores, markets, or other establishments; and
2. "Trash" means any accumulation of broken or discarded boxes, paper, straw, sawdust, ashes, iron or other metal, clothing and other similar waste matter, other than garbage as defined above, usually discarded by business establishments or occupants of dwellings and living quarters; provided, that waste building materials accumulated from the remodeling or repairing of buildings or dwellings shall not be considered trash for the purpose of collection.

#### SECTION 17-502 RESERVATION OF RIGHTS BY CITY.

The city hereby reserves unto itself the exclusive right and privilege of the collection, removal and disposition of all garbage and trash within the city, either by contracting with a suitable person for the collection and removal thereof or by the collection and removal thereof by employees of the city, either method to be at the discretion of the city council.

## Utilities

### SECTION 17-503 CONTAINERS REQUIRED; PLACEMENT.

- A. It is hereby made the duty of every owner, occupant, tenant or lessee occupying a business establishment, dwelling house or apartment, and every person in charge of a hotel or other living quarters in the city, to place all household generated garbage and trash securely within in collection carts/containers provided by the city.
- B. Collection carts/containers and any yard waste shall only be placed at curbside on designated neighborhood collection days and thereafter shall be set back and remain at least twenty-five (25) feet from curbside. No residential collection cart/container shall be placed at curbside any earlier than 6 p.m. the day before collection and shall be removed from curbside the same day of collection. Curbside means that portion of the right-of-way adjacent to a paved or traveled road or street. On collection days, collection carts/containers shall be placed no more than three feet from curbside and as close as practical without interfering with or endangering the movement of vehicles and/or pedestrians and otherwise placed within the sanitation collector's view. The city or it's agent may refuse to collect any non-conforming container or any container that is improperly placed at curbside or that does not meet any of the requirements of this chapter.
- C. Any permanent structure placed in the city's right-of-way or easement shall be immediately removed. Any permanent structure outside the city's right-of-way or easement existing as of July 20, 1999 and which completely conceals the presence of the collection carts/containers within said structure shall be allowed to remain where located. Any other existing permanent structure and all permanent structures built after July 20, 1999 shall be located at least twenty-five feet from curbside. Permanent structure means any structure with a minimum of two inch concrete, brick or similar hard surfaced base material affixed to the ground and with brick, wood, or similar rigid materials for wall enclosures.
- D. The owner, person having control, or occupant of any premises in the city who fails, neglects or refuses to use or deposit garbage or trash into the collection carts/containers provided for by this chapter, or who fails or refuses or neglects to pay without just cause any uncontested bills for service rendered under this chapter for a period of ten days after notice of such failure, neglect or refusal, or who violates any of the provisions of this article is guilty of an offense punishable under Section 1-108 of the code. (Prior Code, Sec. 22-6; Ord. No. 2288, Sec. 1.)

## Utilities

### SECTION 17-504 DEPOSITING GARBAGE OR TRASH NOT IN CONTAINERS FOR COLLECTION.

It shall be unlawful for any person to deposit upon the streets, alleys, parking or on private property any garbage or trash for collection unless the same is placed in a container as required by this chapter, except that yard waste consisting of leaves, grass clippings etc. may be placed at curbside in plastic bags, appropriately secured, or two 2 foot by 4 foot secured bundles, the collective weight of which is 50 pounds or less. (Prior Code, Sec. 22-7; Ord. No. 2288, Sec. 1)

### SECTION 17-505 UNAUTHORIZED COLLECTION, REMOVAL OR TRANSPORTATION.

It shall be unlawful for any person, except as duly authorized under the terms of this article, to collect or remove any garbage or trash as defined herein and to transport, haul or carry the same over the streets and alleys of this city. (Prior Code, Sec. 22-8; Ord. No. 739, Sec. 5.)

### SECTION 17-506 UNLAWFUL ACCUMULATIONS.

It shall be unlawful for any owner, occupant or other person to charge of any lot, tract of ground or other premises in the city to allow garbage or trash to accumulate thereon and to permit water or other putrid substances whether animal or vegetable, to so accumulate, so as to cause an offensive odor to be emitted therefrom or to cause a condition dangerous to the health of any person. (Prior Code, Sec. 22-9; Ord. No. 739, Sec. 6.)

### SECTION 17-507 TAMPERING WITH CONTAINERS.

It shall be unlawful for any person not duly authorized as provided in this article, to tamper with, overturn, remove or destroy any garbage or trash container of a residence, business or other establishment in this city. (Prior Code, Sec. 22-10; Ord. No. 739, Sec. 7)

### SECTION 17-508 CONTRACTS FOR COLLECTION AND REMOVAL.

The city council of the city may contract with some suitable person for the collection and removal of garbage and trash upon such terms and conditions as may under the terms of this article be deemed for the best interests of this city; provided, that any party so contracting with the city shall furnish to the city clerk a bond in a sum set by the city, conditioned upon the faithful performance of such contract, and shall further furnish and deposit with the city clerk a policy of contractor's liability insurance in an amount set by the city, and policies of public liability and property damage insurance covering the vehicles to be used by him in an amount set by the city, such policies of insurance to be

## Utilities

in companies accepted to the city clerk; and, provided further, that unless such a contract is duly entered into, the city shall have the right to provide for the collection and removal of garbage and trash by its own employees. (Prior Code, Sec. 22-11; Ord. No. 739, Sec. 8.)

### SECTION 17-509 VEHICLES; PLACE OF DISPOSAL.

- A. All vehicles used in the collection, removal and disposal of garbage and trash shall be so constructed as to prevent such waste matter from spilling, blowing or falling off while being transported, and all garbage and trash shall be removed to and dumped at the place designated therefor by the city manager.
- B. The vehicles mentioned in this section shall at all times be subject to inspection by any person duly authorized to enforce the provisions of this article and if found to be defective or unfit for such service shall not be used therefor until such defect is remedied and the use of the vehicle approved by such official. (Prior Code, Sec. 22-12; Ord. No. 739, Sec. 9.)

### SECTION 17-510 FREQUENCY OF COLLECTIONS.

Collections of garbage and trash shall be made not less than once a week from all residences in the city and not less than twice a week from all business establishments; provided, that collection of garbage and trash either from residences or business establishments shall be made at shorter intervals where necessary for sanitary purposes and when required by the city manager. (Prior Code, Sec. 22-13; Ord. No. 739, Sec. 10; Ord. No. 742, Sec. 3)

### SECTION 17-511 RATES AND CHARGES; BILLING.

Rates and charges for the refuse collection services shall be as set by the Master Fee Schedule.

### SECTION 17-512 ENFORCEMENT.

The city manager shall be charged with the enforcement of the terms of this article, and for such purpose he is authorized to designate such other employees of the city as shall be necessary to assist in the enforcement hereof; provided, that nothing in this section shall in any way abrogate the duty of other officers of the city to enforce this article.

Utilities

ARTICLE B

COLLECTION AND CONTROL OF SOLID WASTE

SECTION 17-521 DEFINITIONS.

As used in this article, and any rules and regulations promulgated hereunder, the following terms shall have the following meanings:

1. "Collectable residential solid waste" means solid waste, except non-collectable solid waste, generated from any unit used as a place of habitation with facilities for living, sleeping, cooking and eating;
2. "Commercial solid waste" means all solid waste emanating from all units having zoning classification other than low or medium intensity residential uses;
3. "Commercial waste collector" means any person who collects, removes, or transports commercial solid waste as defined herein;
4. "Construction and demolition waste collector" means any person who collects, removes, transports, or disposes of waste or large bulky items, such as brush, tree cuttings, lumber, concrete, bricks, plumbing fixtures, plastics and other waste generated by construction and demolition activities;
5. "Garbage" means such accumulation of animal or vegetable matter, or both, that is the refuse matter from any place where such putrescible wastes are prepared for food for immediate consumption and shall include all waste containing organic matter that was intended to be used as food or has resulted from the preparation of food;
6. "Hazardous waste" means any portion of solid waste which is defined as hazardous under Title 42 U.s.C., Chapter 82 et seq., as amended and Section 1-2001 et seq., of Title 63 of the Oklahoma Statutes as amended, including any material that is harmful, toxic or dangerous to handle by collectors or transport for disposal;
7. "Hazardous waste collector" means any person who collects, removes, or transports wastes which are flammable, explosive, corrosive, toxic, infectious or are otherwise classified as hazardous or controlled industrial waste under federal, state or municipal laws, ordinances, rules or regulations;
8. "Non-collectable solid waste" includes hazardous wastes, large bulky objects (such as automobile frames, large trees or limbs and materials that may cause damage to collection equipment or personal injury to collectors), dirt, rocks or debris resulting from

## Utilities

construction projects, body waste, animal excretion or any article or substance soiled by human or animal excretion that has not been wrapped and tightly sealed in containers prior to placement for collection;

9. "Person" means every natural person, firm, partnership, association or corporation;

10. "Residential waste collector" means any person who collects, removes, or transports residential solid waste;

11. "Solid waste" means all putrescible and non-putrescible refuse in solid or semi-solid form;

12. "Trash and rubbish" means the normal accumulation of non-putrescible solid wastes by families or commercial establishments of matter other than garbage that is a threat to public health or offensive to sight or smell; and

13. "Vehicle" means any truck, trailer, semi-trailer or other equipment used to collect, remove, transport or dispose of solid waste, and over any public way, street, avenue, road, alley or highway.

(Prior Code, Sec. 22-36; Ord. No. 2035, 2/5/90)

### SECTION 17-522 WASTE COLLECTOR'S LICENSE.

- A. No person, except as otherwise provided in this article, shall engage in the business, trade, avocation, operation or occupation of collection, removal, or transportation of solid waste, including hazardous waste, within the jurisdiction and control of the city, unless such person possesses a valid waste collector's license issued pursuant to the provisions of this article.
- B. It shall be unlawful and an offense for any commercial waste collector, construction and demolition waste collector, hazardous waste collector, or residential waste collector to be engaged in the business, trade, avocation, operation, or occupation of collection, removal, or transportation of solid waste or hazardous waste within the city, without first being in possession of a valid and effective waste collector's license, issued by the city clerk of the city.
- C. Every person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 22-37; Ord. No. 2035, 2/5/90)

## Utilities

### SECTION 17-523 LICENSE APPLICATION, REQUIREMENTS, ISSUANCE, DENIAL.

- A. The waste collector's license, as referenced above, shall be issued by the office of the city clerk of the city. Prior to the issuance of the waste collector's license, application for a waste collection compliance permit shall be made to and approved by the Northeast Oklahoma Solid Waste Management Authority which may charge a fee in an amount not to exceed the sum set by the city council by motion or resolution for the processing thereof. Applications for such permit shall include the following information:
1. Name and home address of the applicant;
  2. Business name and address;
  3. Business and home telephone number;
  4. Make, model and year of each truck;
  5. Color of cab and packer or truck bed;
  6. Packer or truck bed capacity;
  7. Current state safety inspection number;
  8. An attached schedule of all waste collection services, indicating type of solid waste collected, site, or area if residential, of collection;
  9. Landfills used;
  10. Name of liability insurance company and policy number;
  11. Information regarding rates, frequency of pickups and other limitations on service; and
  12. Any other information deemed necessary by the Northeast Oklahoma Solid Waste Management Authority or the city.
- B. At the time of the application, the applicant shall secure and present to the Northeast Oklahoma Solid Waste Management Authority a Certificate of Insurance upon a form provided by the Northeast Oklahoma Solid Waste Management Authority and then issued by an insurance company licensed to do business in the state, providing liability insurance coverage for each vehicle in an amount not less than Two Hundred Fifty Thousand Dollars

## Utilities

(\$250,000.00) for bodily injury to or death of one person in any one occurrence, respectively, and property damage insurance in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) arising out of damage to or destruction of property of others in any one occurrence. The policy must run concurrently with the waste collector's license. All certificates of insurance shall contain statements that at least ten (10) days' written notice of cancellation shall be given by the insurer to the Northeast Oklahoma Solid Waste Management Authority. If any waste collector licensee shall fail within the ten (10) days to provide another policy of like kind, then the license provided for herein shall terminate and shall be of no further effect.

- C. Upon presentment of the Northeast Oklahoma Solid Waste Management Authority waste collection compliance permit, and payment of the fee set forth below, waste collector's license shall be issued, but for a period not to exceed one year, and will expire at the end of such fiscal year for which such license is issued. The fee may be pro-rated on a monthly basis where less than twelve (12) months remain in the fiscal year at the time of the application. For collectors under contract with the city, multi-year licenses whose period of effect are co-terminus with the contracts, may be permitted. For such contract the fee shall be the sum set by the city per year times the number of years covered by the term of the license.
- D. Otherwise, the annual fee for the waste collector's license shall be in the amount set by the city, and shall be payable to the city clerk of the city, in advance of issuance of the waste collector's license. Should the city clerk determine to deny a license, or revoke same under authority of this article, notice thereof shall be provided to the applicant/licensee containing such proposed denial or revocation and the reasons therefore. Revocation of any license issued under this article shall not be effective until the expiration of ten (10) days from the date of serving notice upon licensee of such revocation, absent an emergency situation. Any applicant denied a license, or licensee whose license is revoked, may appeal such denial or revocation to the city commission of the city. Appeal from denial of application for license or revocation of same shall occur upon written notice requesting same addressed to the city clerk within ten (10) days of the denial of the application for license or, as pertains to the revocation of such license, within the ten (10) days preceding the effective date of such revocation as above provided. In the event a licensee shall request an appeal before the city commission regarding revocation of such license, the effective date of the revocation shall be stayed pending determination by the city commission of the city. (Prior Code, Sec. 22-38; Ord. No. 2035, 2/5/90)

Utilities

SECTION 17-524 WASTE MANAGEMENT RESTRICTIONS.

- A. Waste collectors who in the course of their business provide containers for the collection of solid waste shall display information on each container, such as a business name, trade name or license number, which shall sufficiently identify the licensee providing waste collection services to the establishment using the waste container. Characters, letters and numbers displaying the foregoing information shall be at least two (2) inches tall, one-half (1/2) inch wide and applied in such a way so as to become permanent. Characters shall be no lower than twelve (12) inches from the bottom of the container and shall be in a contrasting color to the container so as to be clearly visible. Containers shall be constructed in such a way as to prevent leakage, spillage or blowing debris from escaping in order to secure the public health and safety.
- B. No person shall collect any solid waste inside the corporate limits of the city within six hundred (600) feet of any residential building unless it is after 6:00 A.M. and before 10:00 P.M.
- C. Any vehicle used in the collection, removal, transportation or disposal of solid waste shall:
  - 1. Be maintained in such a manner as will prevent any solid waste from spilling, falling or blowing out of the vehicle on to any public way, street, avenue, alley, highway, road, or any other public or private place, except when being loaded or unloaded;
  - 2. Bear a numbered windshield decal annually issued by the city clerk, designed to have a distinct color which shall change annually, decals shall be affixed to the upper left hand corner of the windshield, all expired or otherwise invalid decals shall be immediately removed;
  - 3. Be parked at least one hundred (100) feet from any residential building, if parked over six (6) consecutive hours while containing a partial load of solid waste;
  - 4. Be required to be reasonably clean and sanitized if the vehicle is declared to be a health hazard by the Creek County Health Department; and
  - 5. Comply with all other requirements and restrictions imposed pursuant to the rules and regulations of solid waste management adopted by the city commission of the city.
- D. Every licensed waste collector shall maintain a full, true, current and legible list of all residential and non-residential customers and clients that are

## Utilities

provided waste collection services, which shall include an itemization of the customer's names, service address, waste container size or sizes, the frequency of service measured in days per week, and an indication of the type of customer, i.e., residential, commercial, office or industrial. Upon written notice from the director of the Northeast Oklahoma Solid Waste Management Authority or the city manager of the city, waste collectors shall permit authorized designees of the city and agents of the Northeast Oklahoma Solid Waste Authority reasonable access to customer lists at the offices of the waste collector. It is the purpose of such examination to verify the accuracy of reports provided to the Trust by the haulers. Such lists are not to be reproduced or removed from the premises.

- E. Any vehicle used in the collection, removal, transportation or disposal of solid waste within the jurisdiction and control of the city shall be subject to reasonable inspections initiated to insure compliance with this section and conducted by duly authorized inspectors of the city, Creek County Health Department or the city police department.
- F. No person shall collect, remove or transport solid waste, including hazardous waste, in a manner so as to scatter or spill such waste, either at the point of collection or while transporting the same or disposal unless such waste is immediately retrieved and removed in its entirety. Immediately after collection, containers which have been used to store solid waste shall be closed, with each lid or cover being reasonably secured. In the event of spillage of hazardous waste as defined herein, the person responsible for transport of such hazardous waste shall immediately notify the hazardous materials section of the city fire department. (Prior Code, Sec. 22-39; Ord. No. 2035, 2/5/90)

### SECTION 17-525 SOLID WASTE MANIFEST, REQUIRED.

- A. Every operator of a motor vehicle licensed to a waste collector shall maintain a daily solid waste manifest, which shall be full, true, current and legible record of all residential waste collected, removed, transported or disposed of during each day such vehicle is operated.
- B. Each solid waste manifest required by this section shall be maintained on a form provided by the city clerk and the Northeast Oklahoma Solid Waste Management Authority; the forms to be utilized for residential and non-residential shall be those attached to the Ordinance 2035, made a part hereof and marked Exhibit "A" and "B", respectively. The city clerk may approve alternative forms if in his or her opinion the relevant information is contained upon such alternative forms.

## Utilities

- C. Every operator of a motor vehicle licensed to a waste collector shall have an accurate and current daily solid waste manifest in his immediate possession at all times and shall display same on demand of any officer of the city or the Northeast Oklahoma Solid Waste Management Authority who shall show written evidence of authority to examine same.
- D. Each waste collector shall, on a monthly basis, forward to the Northeast Oklahoma Solid Waste Management Authority, postage prepaid, a report on the forms provide by the Northeast Oklahoma Solid Waste Management Authority.
- E. Each waste collector shall retain each operator's daily solid waste manifest for a period no less than five (5) years from the date the manifest was completed. Manifests shall be retained separately for each vehicle, in chronological order and shall be surrendered to the city manager or the director of Northeast Oklahoma Solid Waste Management Authority upon written notice. (Prior Code, Sec. 22-40; Ord. No. 2035, 2/5/90)

### SECTION 17-526 FALSIFICATION OF SOLID WASTE MANIFEST, FAILURE TO PROVIDE, PENALTY.

- A. It shall be unlawful and an offense for any person to willfully and knowingly prepare or execute a false solid waste manifest; or to induce or coerce any other person to prepare or execute a false solid waste manifest, or for any waste collector to fail or refuse to provide the solid waste manifest or access thereto as called for in this article.
- B. Every person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code.
- C. In addition to the penalty provided for in Subsection B above, any violation of this section shall be deemed just cause for the cancellation, suspension, or revocation of the person's waste collector's license. (Prior Code, Sec. 22-41; Ord. No. 2035, 2/5/90)

### SECTION 17-527 DISPOSAL.

Waste collectors shall, upon ninety (90) days written notice to the waste collector, provide for disposal of all collectable residential solid waste and commercial solid waste at disposal sites authorized, created and operated, in accordance with the procedures and provisions of the Oklahoma Solid Waste Management Act, as amended, Sections 2251 et seq. of Title 63 of the Oklahoma Statutes, by the Northeast Oklahoma Solid Waste Management Authority. Waste haulers shall maintain written evidence of such disposal. (Prior Code, Sec. 22-42; Ord. No. 2035, 2/5/90)

## Utilities

### SECTION 17-528    IMPOUNDMENT OF VEHICLES.

- A. It shall be unlawful and a public nuisance for any person, owner or operator to park, drive or permit to be parked or permit to be driven on any public way, street, avenue, alley, road or other public property while engaging in the business, trade, avocation, operation, or occupation of collection, removal, transportation, or disposal of solid waste without first having been issued a waste collector's license or while such a waste collector's license is under a period of suspension or revocation. Any vehicle used in violation of the provisions of this section is hereby declared to be a public nuisance and after notice set forth herein may be impounded or caused to be impounded by any police officer or other duly authorized person.
- B. Before impoundment of a vehicle as provided herein, written notice shall first be given to the owner of such vehicle that impoundment is contemplated, the grounds therefore and the place to which the vehicle will be removed. The owner of the vehicle shall be given five (5) working days to show cause in writing, filed with the city clerk as to why his vehicle should not be impounded. Within five (5) working days the city clerk shall notify the owner in writing, by mail as to whether impoundment has or has not been ordered and stating or restating the grounds therefore.
- C. The charge for towing or removal of any vehicle under this section, including storage charges, shall be based upon the actual expenses incurred in such towing and storage.
- D. Any vehicle impounded pursuant to this section shall be released upon the owner obtaining the license provided for herein or the execution of a written assurance that the vehicle will not be used in violation of this chapter and the payment of all towing and storage charges.
- E. Any vehicle impounded and stored under the terms of this article and which is not claimed and removed by the owner thereof upon the expiration of sixty (60) day period of time may be sold in accordance with surplus property provisions of the city and Section 91 of Title 42 of the Oklahoma Statutes. (Prior Code, Sec. 22-43; Ord. No. 2035, 2/5/90)

### SECTION 17-529                    SPECIAL ORDERS OF CITY MANAGER.

- A. The city manager of the city is hereby authorized and directed to develop and promulgate rules and regulations governing the collection of solid waste within the city. Application for an acceptance of a license shall be deemed to constitute the licensee's acceptance of the provisions of this article as well as any rules and regulations promulgated pursuant hereto. Failure to adhere

## Utilities

to the provisions of this article, or any rules and regulations promulgated pursuant hereto, shall constitute grounds for denial or revocation of the license.

- B. The rules and regulations shall, subsequent to development and promulgation, be adopted, amended, or repealed by the city commission of the city. (Prior Code, Sec. 22-44; Ord. No. 2035, 2/5/90)

## ARTICLE C

### SAPULPA CONVENIENCE STATION USE REGULATIONS

Section 17-530	Definitions.
Section 17-531	Sapulpa convenience station fees.
Section 17-532	Requirements for vehicles used for hauling.
Section 17-533	Acceptable waste and material.
Section 17-534	Unacceptable waste/banned waste.
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Section 17-537	Recycling
Section 17-538	Littering, unlawful dumping
Section 17-539	Hazards associated with convenience station operations.
Section 17-540	Scavenging unlawful.
Section 17-541	Rules and regulations.
Section 17-542	Prohibitions

#### SECTION 17-530

#### DEFINITIONS.

1. "Commercial Waste Collector", means any party or person being compensated for their service, including but not limited to private collection services or any trash business operating for profit while engaged in the act of collection of solid waste and/or hauling/ transporting such waste.

2. "Construction/Demolition Waste", means the waste building materials, packaging and rubble resulting from personal construction, remodeling, and repair at residences, that does not include pavements, bricks, stones, blocks, concrete and waste building materials from commercial buildings and other large structures. Non-inert wastes and asbestos wastes are not considered to be demolition waste.

3. "Convenience Station", means the area, which acts as a temporary holding place for bulk items too large to be picked up by the contracted waste hauler for the City.

## Utilities

It is a facility for the temporary deposit of items, prior to being transported to a processing facility or final disposal site by the contracted waste hauler for the City.

4. "Disposal", means-the -storage, treatment, utilization, processing of, final disposition of solid waste, specifically including discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

5. "Environmentally Unsound", means any persistent or continuous condition resulting from the methods of operation or design that impairs the quality of the environment when compared to the surrounding background environment or violates any Federal, State, County or Municipal standard.

6. "Hazardous Waste", means any refuse, sludge or other material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquid or gaseous form, which because of its quantity, concentrations, or chemical, physical or infectious characteristics, may pose a substantial present or potential hazard to human health or the environment, when improperly treated, stored, transported, or disposed of; or otherwise managed. Categories of hazardous waste materials, include, but are not limited to, explosives, flammables, oxidizers and reactive wastes, poisons, irritants and corrosives.

7. "Household Waste", means any solid waste, bulky waste, delivered from households, single and multiple residences, which because of their size or weight require special handling, other than through the normal contracted waste hauler.

8. "Heavy Brush", means solid waste consisting of trees, shrubs, limbs and trimmings which are greater than three inches in diameter, tree trunks, root balls and other large plant matter.

9. "Non-inert Wastes and Asbestos Wastes", means any material that contains more than one percent asbestos by weight and that can be crumbled, pulverized or reduced to powder when dry, by hand pressure or otherwise could become airborne.

10. "Scavenge or Scavenging", means removal of items from the transfer station after such items have been placed for delivery to a hauler.

11. "Yard Waste", means solid waste solely consisting of vegetative matter generated in the maintenance of gardens, yards, lawns or landscaped residential areas such as: leaves, weeds, dead flowers, pruning, brush, branches, grass clippings, stumps, wood shavings, and Christmas trees.

## Utilities

### SECTION 17-531

### SAPULPA CONVENIENCE STATION FEES.

The City of Sapulpa Public Works Department operates a "Convenience Station" located at 816 West Dewey, where residents can dispose of items too large for the bulk trash pick up service, contracted by the City; there is hereby assessed and imposed certain fees, as set forth in the Master Fee Schedule for services rendered by the Public Works Department, to residents of the City of Sapulpa during the normal course of business.

There shall be charged, assessed and collected from all users of the City's "Convenience Station", a fee for refuse disposal services. Said fees shall be payable in cash at the convenience station; since scales are not available to determine precise tonnage of each load, estimated fees will be assessed based on the amount of material brought for disposal and the size of the vehicle used for transporting. There will be a minimum fee for all loads, the only exception for payment of a fee, will be with the presentation of an appropriate "Pride Day" coupon for a specified clean up day, sponsored by the City of Sapulpa and the Chamber of Commerce.

### SECTION 17-532

### REQUIREMENTS FOR VEHICLES USED FOR HAULING.

Pursuant to City of Sapulpa Code, Section 17-509, A., all vehicles used in the collection, removal, hauling, and disposal of refuse to the convenience station, or through the city, must be covered or carried in vehicles so constructed as to prevent such waste matter from spilling, blowing, falling or littering while being transported. All loads must be secured to prevent littering; violation of this regulation shall be a violation of the City of Sapulpa's adopted codes.

### SECTION 17-533

### ACCEPTABLE WASTE AND MATERIAL

A. All solid waste delivered to the convenience station must be in secured plastic bags, boxed or bundled. Bulky solid waste white goods, generally weighing more than fifty pounds including, but not limited to the following; washers, dryers, dish washers, etc., must be unloaded by the resident, as directed by the Le Dump attendant. Recycling regulations require separation of materials into designated dumpsters and holding areas. Persons not obeying the directions of such signs and attendant; may be prohibited from subsequent entry and use of the convenience station.

B. The following items are considered to be acceptable solid waste; yard and garden waste, household furniture, appliances such as washer, dryer, dishwasher, refrigerators previously stripped of their compressors. Microwaves, water heaters, stoves, trash compactors, tree trimmings, limited construction/demolition debris such as plywood and wallboard, television sets, computers, bicycles, lawnmowers, weed eaters, crockery, household utensils.

## Utilities

### SECTION 17-534 UNACCEPTABLE WASTE/BANNED WASTE.

A. Any person delivering-unacceptable waste, including-waste generated outside the City limits, or waste found in a load of other acceptable waste, shall be the grounds for the attendant to designate the entire load as unacceptable waste. Independent commercial waste haulers, receiving a profit from their hauling service are not allowed to use the City of Sapulpa's Convenience site for disposal of collected trash.

B. The following items are considered to be unacceptable solid waste, that can not be deposited; all putrescible waste, including food waste, any type of tire, electric motors, dead animals, air conditioners, batteries, gas tanks, refrigerators, freezers, roof shingles from a contractor or resident, household garbage, explosives, smoldering ashes, herbicides, pesticides, pressurized tanks, gas or propane tanks, automobile or boat parts, small engines, appliances with a motor, petroleum products or empty containers of same, paints, oils, fluids, chemicals or empty containers of same, food waste, and containers of same. Concrete, bricks, rocks, sand, etc. are not accepted. No auto scraps or auto metals that held fluids such as but not limited to auto batteries, air conditioners, differentials, gas tanks, oil filters, oil pans, radiators, shocks and struts or torque converters.

C. It shall be prohibited and forbidden to deposit any commercial waste. Independent trash haulers picking up trash from outside the waste management pickup area, can not deposit trash.

D. It shall be prohibited and forbidden to deposit any hazardous waste, medical waste, sludge, septic tank waste, asbestos material, or agricultural waste.

E. The list of unacceptable waste/banned waste is not considered to be all and inclusive, the City of Sapulpa reserves the right to leave the final decision to the discretion of the attendant.

### SECTION 17-535 PROOF OF RESIDENCY.

Drivers of vehicles or passengers MUST be a resident or property owner in the City of Sapulpa. Proof such as identification providing residence, or ownership of property or business within the City of Sapulpa. Driver's license, utility bill (with garbage charge indicated), vehicle registration, property tax bill, or other acceptable documentation MUST be presented to the attendant prior to using the convenience station. Anyone refusing to provide the requested information will be denied use of the facility.

## Utilities

### SECTION 17-536                      REFUSE FROM OUTSIDE OF THE CITY OF SAPULPA.

No person shall place, deposit, or dump, or cause to be placed, deposited or dumped, in or upon the City-owned convenience station, any solid waste *originating* from outside the City of Sapulpa.

### SECTION 17-537                      RECYCLING.

Newspaper, mixed waste paper (junk mail, magazines, catalogs) plastic, cardboard, green glass, clear glass, brown glass, plastic containers, laundry detergent bottles, bleach bottles and fabric softener bottles, cans and aluminum or tin containers, milk and water bottles or jugs, phone books and shredded office paper are encouraged to be deposited at The Met Recycling Center, 21 East Taft, Sapulpa, at no charge.

### SECTION 17-538                      LITTERING, UNLAWFUL DUMPING.

It shall be unlawful and an offense for any person to place, dump, throw away, drop, discard, cast or deposit, or in any manner leave or abandon any solid waste/trash outside of the entrance gate to Le Dump, during and/or after posted working hours.

It shall be unlawful and an offense for any person to place, dump, throw away, drop, discard, cast or deposit, or in any manner leave or abandon any solid waste/trash on property owned by another person, or upon any public property, right of way of any kind, or private land, including but not limited to any street, road, or park, owned or operated by the City of Sapulpa.

Violation of this regulation shall be a violation of the City of Sapulpa's adopted codes, Part 8, Health & Sanitation, Chapter 1, Section 8-101 through Section 8-112.

### SECTION 17-539                      HAZARDS ASSOCIATED WITH CONVENIENCE STATION OPERATIONS.

Any person entering upon the City-operated convenience station, for any purpose, shall be conclusively presumed to know and appreciate the hazard and potential extent of the damage that accompanies the accumulation of scrap wood, glass, nails, brush, and trash of every description. Every person entering upon the City-operated convenience station, shall be conclusively presumed to have assumed the risk of injury connected with, or resulting from, such hazards and danger, and by his or her actions in entering upon such site, in consideration of the permission granted by the City of Sapulpa to enter upon such site, every person shall covenant and be deemed to have covenanted not to sue, and to indemnify, save harmless and defend the City of Sapulpa and its' agent, attendant, officer and employee from and against any and all claims of any nature whatsoever, for injury or damage to person or property, whether real or asserted, arising out of, or resulting from, the entry by such person upon any City-operated site.

## Utilities

### SECTION 17-540                    SCAVENGING UNLAWFUL.

It shall be unlawful for any person to enter upon the City-operated convenience station, for the purpose of uncontrolled and unauthorized removal of any material at any point in the station site, but; shall not mean the searching for and retrieval of articles and/or items of value inadvertently placed at the site.

### SECTION 17-541                    RULES AND REGULATIONS.

The City Manager of the City of Sapulpa is hereby authorized and directed to develop and promulgate rules and regulations governing the deposit of solid waste, and other acceptable items within the city-operated convenience station. Such fees, rules and regulations are necessary to operate an orderly, safe and efficient convenience station.

The schedule of fees, rules and regulations shall, subsequent to development and promulgation, be adopted, amended, or repealed by the City Council of the City of Sapulpa.

### SECTION 17-542                    PROHIBITIONS.

No person shall violate any regulation prescribed by this code, regulating the use of the City-owned convenience station, or fail to obey any posted sign giving notice of any regulation maintained at such site. Stake trucks, dump trucks, double axle trailers, and/or trailers over ten (10) feet in length are prohibited and forbidden access for the purpose of depositing any and all solid waste. Violation of any regulation set forth in this code, shall be a violation of the City of Sapulpa's adopted codes.

Utilities

CHAPTER 6

WATER DISTRICT

Section 17-601	Definitions.
Section 17-602	Established and described.
Section 17-603	Extension of police, powers of city.
Section 17-604	Applicability of health regulations.
Section 17-605	Caretaker.
Section 17-606	Rules and regulations generally.
Section 17-607	Additional rules and regulations; extension of district.
Section 17-608	Burials and interments.
Section 17-609	Pollution generally.
Section 17-610	Violations and penalty.

State Law Reference: For state law as to water districts generally, see 11 O.S., 298 et seq.

SECTION 17-601 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Centerline" means the centerline of the watercourse as defined and described in this section;
2. "High water line" means the margin of the city reservoirs when the surface thereof is at the following elevations on the following reservoirs:
  - a. Sapulpa Lake Reservoir, seven hundred and twenty-three (723) feet above sea level;
  - b. Middle Dam Reservoir, six hundred and eighty-four (684) feet above sea level;
  - c. Pump Station Reservoir, six hundred and seventy-two (672) feet above sea level;
  - d. Pretty Water Reservoir, seven hundred and thirty-four (734) feet above sea level; and
  - e. Lake Sahoma Reservoir, seven hundred and twelve (712) feet above sea level; according to U. S. C. & G. datum;

## Utilities

3. "Linear distance" of a structure or object from a reservoir, or from a watercourse, means the shortest horizontal distance from the nearest point of the structure or object to the high water line of such reservoir or centerline of a watercourse;

4. "Reservoirs" mean the city reservoirs, maintained as a water supply by the city, or to any tributary which serves as a source of the city reservoirs; and

5. "Watercourses" mean every spring, pond, stream, ditch, gutter or other channel of every kind, the waters of which when running, whether continuously or occasionally, eventually flow or may flow into the city reservoirs.

(Prior Code, Sec. 30-27; Ord. No. 764, Secs. 5 to 8.)

### SECTION 17-602 ESTABLISHED AND DESCRIBED.

Under and by virtue of the authority granted by Sections 298 and 299 of Title 11 of the Oklahoma Statutes, there is hereby created and established a water district in the county, designated as the Sapulpa Water District, which shall embrace all the land in the county and state within the following metes and bounds:

Beginning at a point which point is 300 feet east 1700 feet north of the SW corner Section 34 Township 18 N Range 11 E thence N 69° 55 feet W a distance of 3300 feet; thence S 33° 10 feet W a distance of 1800 feet; thence S 23° 40 feet W a distance of 2100 feet; thence S 41° 50 feet W a distance of 2800 feet; thence S 23° 55 feet W a distance of 2450 feet; thence S 63° 10 feet W a distance of 1750 feet; thence N 71° 25 feet W a distance of 2880 feet; thence S 61° 10 feet W a distance of 3790 feet; thence S 77° 45 feet W a distance of 1000 feet; thence N 34° 35 feet W a distance of 2350 feet; thence N 5° 10 feet E a distance of 3200 feet; thence West a distance of 900 feet; thence N 76° 10 feet W a distance of 3250 feet; thence N 9° 40 feet W a distance of 2150 feet; thence N 69° 50 feet W a distance of 2820 feet; thence N 53° 20 feet W a distance of 2400 feet; thence N 70° 0 feet W a distance of 3650 feet; thence S 71° 25 feet W a distance of 900 feet; thence N 78° 45 feet W a distance of 1000 feet; thence N 55° 40 feet W a distance of 3350 feet; thence N 30° 0 feet W a distance of 1500 feet; thence N 21° 10 feet W a distance of 1600 feet; thence N 25° 25 feet E a distance of 950 feet; thence N 42° 50 feet E a distance of 2000 feet; thence N 7° 30 feet E a distance of 1520 feet; thence N 36° 0 feet W a distance of 850 feet; thence N 56° 45 feet W a distance of 1900 feet; thence N 31° 10 feet W a distance of 1100 feet; thence N 5° 15 feet E a distance of 1000 feet; thence N 27° 15 feet E a distance of 1000 feet; thence N 45° 30 feet W a distance of 2000 feet; thence N 27° 10 feet W a distance of 2800 feet; thence N 64° 20 feet W a distance of 1400 feet; thence N 44° 20 feet W a distance of 1750 feet; thence S 61° 10 feet W a distance of 1200 feet; thence S 44° 30 feet W a distance of 1400 feet; thence West a distance of 600 feet; thence N 6° 0 feet W a distance of 1290 feet; thence N 35° 0 feet W a distance of 1600 feet; thence N 13° 40 feet W a distance of 900 feet; thence N 2° 35 feet W a distance of 4150

## Utilities

feet; thence N 45° 0 feet E a distance of 500 feet; thence N 81° 30 feet E a distance of 1200 feet; thence N 13° 35 feet E a distance of 990 feet; thence N 7° 12 feet W a distance of 9650 feet; thence N 22° 3 feet E a distance of 1100 feet; thence N 62° 30 feet E a distance of 900 feet; thence N 72° 15 feet E a distance of 1600 feet; thence N 81° 10 feet E a distance of 4300 feet; thence N 56° 5 feet E a distance of 1350 feet; thence N 41° 25 feet E a distance of 3280 feet; thence S 89° 10 feet E a distance of 1200 feet; thence S 48° 45 feet E a distance of 6300 feet; thence S 61° 40 feet E a distance of 1550 feet; thence S 85° 30 feet E a distance of 3950 feet; thence N 72° 35 feet E a distance of 1550 feet; thence N 54° 30 feet E a distance of 2100 feet; thence N 80° 20 feet E a distance of 900 feet; thence S 64° 30 feet E a distance of 1050 feet; thence S 39° 15 feet E a distance of 650 feet; thence S 63° 15 feet E a distance of 850 feet; thence S 32° 15 feet E a distance of 1220 feet; thence S 26° 40 feet E a distance of 3000 feet; thence S 64° 15 feet E a distance of 700 feet; thence N 88° 0 feet E a distance of 2500 feet; thence S 79° 25 feet E a distance of 1900 feet; thence S 55° 0 feet E a distance of 1300 feet; thence S 10° 45 feet E a distance of 950 feet; thence S 28° 0 feet W a distance of 700 feet; thence S 34° 50 feet W a distance of 2450 feet; thence S 4° 5 feet E a distance of 1900 feet; thence S 37° 45 feet E a distance of 1950 feet; thence S 51° 35 feet E a distance of 1220 feet; thence S 68° 45 feet E a distance of 1700 feet; thence 49° 0 feet E a distance of 1000 feet; thence S 30° 0 feet E a distance of 3750 feet; thence S 76° 35 feet E a distance of 1000 feet; thence N 84° 45 feet E a distance of 2700 feet; thence N 87° 0 feet E a distance of 4810 feet; thence S 79° 0 feet E a distance of 1500 feet; thence S 88° 0 feet E a distance of 1500 feet; thence S 12° 0 feet E a distance of 3400 feet; thence S 41° 0 feet E a distance of 1300 feet; thence S 12° 15 feet W a distance of 1410 feet; thence S 21° 0 feet W a distance of 1580 feet; thence S 79° 40 feet W a distance of 700 feet; thence S 89° 45 feet W a distance of 1900 feet; thence S 69° 30 feet W a distance of 1490 feet; thence N 83° 0 feet W a distance of 1490 feet; thence N 59° 35 feet W a distance of 1300 feet; thence N 85° 15 feet W a distance of 1800 feet; thence S 77° 10 feet W a distance of 1700 feet; thence S 48° 10 feet W a distance of 3500 feet; thence S 38° 35 feet E a distance of 3300 feet; thence S 8° 0 feet E a distance of 850 feet; thence S 1° 15 feet W a distance of 3210 feet; thence S 49° 55 feet E a distance of 4300 feet; thence S 8° 10 feet E a distance of 2800 feet to the point of beginning as here first described. (Prior Code, Sec. 30-28; Ord. No. 764, Sec. 1.)

### SECTION 17-603 EXTENSION OF POLICE POWERS OF CITY.

As authorized by the laws of the state, the police power of the city is hereby extended over all lands embraced within the water district described by this chapter, and it is hereby declared that the jurisdiction of the city, the city council thereof, the courts and all proper officers of the city, in the fullest degree conformable to law, extends over and applies to the entire water district described by this chapter for the protection of the health of the inhabitants and the purity of the water supply of the city. (Prior Code, Sec. 30-29; Ord. No. 764, Sec. 2.)

## Utilities

### SECTION 17-604 APPLICABILITY OF HEALTH REGULATIONS.

All the rules and regulations of the state, county and city boards of health or health departments, and of the state commissioner of health, and of the county and city health officers respectively, now in force, are hereby extended over and shall apply and have full force and effect within the water district established and described by this chapter; and all such rules and regulations that may lawfully be made in the future shall extend over and have the same effect within such water district as within the city. (Prior Code, Sec. 30-30; Ord. No. 764, Sec. 3.)

### SECTION 17-605 CARETAKER.

The city manager is hereby authorized to appoint a caretaker, whose duty it shall be to maintain complete oversight and inspection of the water district established and described by this chapter and the watershed of the city's reservoirs and shall note any violation of the rules and regulations and, also, any cases of sickness existing within such water district or upon such watershed and make report thereof to the city manager, and he shall perform such other duties as may be required of him. The salary of such caretaker shall be fixed by the city council. (Prior Code, Sec.30-31; Ord. No. 764, Sec. 4.)

### SECTION 17-606 RULES AND REGULATIONS GENERALLY.

The following rules and regulations of the state commissioner of health are hereby ordained and declared to be in force and effect within the water district established by this chapter:

1. Rule 1. No human excrement or compost containing human excrement or the content of any privy, cesspool, septic tank or other receptacle for the reception or storage of human excrement shall be deposited or discharged into or upon the ground in such water district at a point within six hundred sixty (660) feet of the high water line of a city water reservoir or within three hundred thirty (330) feet of the center of a watercourse in such district unless the natural drainage from such point is not into a water reservoir or watercourse. No privy, cesspool, septic tank, sewer or other receptacle for reception or storage of human excrement shall be erected or located within six hundred sixty (660) feet of the high water line of a city water reservoir or within three hundred thirty (330) feet from the center of any watercourse within such district unless the natural drainage therefrom is not into such reservoir or watercourse. However, a septic system approved by the Oklahoma State Department of Health may be located no closer than one hundred (100) feet of the high water line of a city water reservoir or one hundred (100) feet of the center of a watercourse in such water district;

2. Rule 2. No house slop, sink waste, water which has been used for washing or cooking, or other polluted water shall be discharged into the city reservoirs, or into any

## Utilities

watercourse within such water district; and no slop, sink waste, water which has been used for washing or cooking, or other polluted water shall be discharged into or upon the ground in such water district within six hundred sixty (660) feet of the high water line of the city reservoirs, or within three hundred thirty (330) feet of the center line of any watercourse as defined and described in this chapter. However, a septic system approved by the Oklahoma State Department of Health may be located no closer than one hundred (100) feet of the high water line of a city water reservoir or one hundred (100) feet of the center of a water course in such water district;

3. Rule 3. No garbage, manure or putrescible matter whatsoever shall be put into the city reservoirs or into any watercourse as defined in this chapter; and no garbage, manure or putrescible matter whatsoever shall be put upon the ground in such water district, within six hundred sixty (660) feet of the high water line of the city reservoirs, or within three hundred thirty (330) feet of the center line of any watercourse as defined in this chapter;

4. Rule 4. No stable, pig sty, hen house, barn house, hog yard, hitching or standing place for horses, cattle or animals, or other place where animal manure is deposited or accumulated, shall be located, constructed or maintained in such water district, any part of which is within six hundred sixty feet (660) feet of the high water line of such reservoirs, or within three hundred thirty (330) feet of the center line of any watercourse; except, that the construction and use of buildings, animal lots and pasture land may be permitted only by permission granted in writing by authorized representatives of the city upon the recommendation of local health authorities. Such use shall be permitted only so long as changing conditions in the opinion of local health authorities do not create a health menace;

5. Rule 5. No refuse, industrial waste or other waste products or polluting liquids, or other substances of a nature poisonous or injurious whether to human beings or animals, or of such nature as would impart an objectionable taste or odor to any water into which it might be discharged and no putrescible matter whatsoever shall be discharged directly into or at any place from which it may flow or be washed or carried into such reservoirs, or into any watercourse as defined in this chapter;

6. Rule 6. No system of sewers or other works for the collection, conveyance, disposal or purification of domestic or manufacturing wastes, or drainage or any other putrescible matter whatsoever shall, except in accordance with plans first approved in writing by the state health department, be constructed or maintained at any place within the water district established by this chapter;

7. Rule 7. No private or separate sewers shall be constructed or maintained in such water district having an outlet upon or in the ground within six hundred sixty (660) feet of the high water line of the city reservoirs, or within three hundred thirty (330) feet of the centerline of any watercourse;

## Utilities

8. Rule 8. No public or private hospital, or other place intended for the reception or treatment of persons afflicted with a contagious or infectious disease shall, until the location and construction thereof have been approved in writing by the state board of health, be located or constructed at any place within the water district established by this chapter. No public or private hospital or other place intended for the reception or treatment of persons afflicted with a contagious or infectious disease shall be maintained any place within such water district unless all the provisions required by the state board of health for the purification or disposal of sewage, drainage or other polluting or organic matter, which may be discharged therefrom, have been complied with and unless all orders issued from time to time by the state board of health, in relation to the purification and disposal of sewage, drainage and other polluting or organic matter, which may be discharged therefrom, are fully complied with;

9. Rule 9. No persons shall bathe in or wade or seine, or drive or put any animal into the city reservoirs, or bathe or wade in any watercourse;

10. Rule 10. No human habitation, cottage, tent, camping site or residence of any kind, temporary or permanent, shall hereafter be built, set up and occupied by persons within six hundred sixty (660) feet of the high water line of the city reservoirs or within three hundred thirty (330) feet of the center line of any watercourse, except at such place the natural drainage of which is not into any such reservoirs or watercourses; provided, however, that the city under the supervision of its duly constituted health officer may construct or maintain such structures within the prohibited territory as may be necessary for the protection of such reservoirs from contamination and pollution and the enforcement of the provisions of this code and other ordinances of the city and statutes of the state, relating to such water reservoirs;

11. Rule 11. No manufacturing establishment at which more than five (5) persons are employed, and no slaughterhouse or rendering establishment shall be located upon the watershed of the city reservoirs, unless the state board of health be first notified regarding such manufacturing establishment and consents thereto and issues a permit therefor;

12. Rule 12. It is hereby made the duty of all persons having any knowledge of the existence of any contagious or infectious disease, or of any nuisance or violation of the law or of these rules within the limits of the water district established by this chapter, to immediately report the same to the city health officer, who shall at once take such action as the case may require;

13. Rule 13. No gasoline drips or waste oil drips or drain pipe drips shall be allowed to be placed or used within such water district of the city, and all drips that might be located within such district shall be removed or placed in condition that they do not drain within such water district;

## Utilities

14. Rule 14. No owner or occupant of land within the water district established by this chapter shall permit the carcass or any part of any dead animal to remain on the land under his control within such district. It shall be the duty of all owners or occupants of land within such district to immediately remove all dead animals from or upon their premises to points not less than six hundred sixty (660) feet from the high water mark of any reservoir or within three hundred thirty (330) feet of the center line of any watercourse, or of any lake, pond, stream, ditch, watercourse or other body of water, the water of which flows, or may flow, directly or ultimately, into the city reservoirs; and

15. Rule 15. There shall be no camping within the water district established by this chapter within a distance of six hundred sixty (660) feet of the high water mark of any reservoir or within three hundred thirty (330) feet of the center line of any watercourse.

### SECTION 17-607 ADDITIONAL RULES AND REGULATIONS; EXTENSION OF DISTRICT.

The city council of the city may from time to time promulgate such additional rules and regulations as may be deemed advisable, by resolution duly published and served as provided by law, and may by ordinance extend, modify or change the metes and bounds of the water district established and described by this chapter so as to embrace any additional lands directly or indirectly flowing or shedding into the city's reservoir basin. (Prior Code, Sec. 30-33; Ord. No. 764, Sec. 9.)

### SECTION 17-608 BURIALS AND INTERMENTS.

No burials or interments shall be made in the water district established by this chapter, in any cemetery that may be within such water district or in any other place within such water district. (Prior Code, Sec. 30-34; Ord. No. 764, Sec. 11.)

### SECTION 17-609 POLLUTION GENERALLY.

No person shall permit or cause any waste matter from oil or gas wells, or any salt water, or other substance of any nature whatsoever that would pollute the water of the city reservoirs, to flow across, over or under any land in the water district established by this chapter in such a manner that such waste matter, salt water or other substance will flow directly or ultimately into the city reservoirs, or into any reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the city reservoirs. (Prior Code, Sec. 30-35; Ord. No. 764, Sec. 12.)

## Utilities

### SECTION 17-610 VIOLATIONS AND PENALTY.

Any violation of any of the provisions of this chapter or of any of the rules and regulations set forth herein, or that may hereafter be promulgated for the water district established by this chapter, shall be punishable as prescribed by Section 1-108 of this code. Each day's violation of any of the sections or provisions of this chapter, or of such rules and regulations, shall constitute a separate offense. (Prior Code, Sec. 30-36; Ord. No. 764, Sec. 13.)



## Master Fee Schedule

### APPENDIX A

#### MASTER FEE SCHEDULE

Section 1.1-108	General penalty.
Section 2.2-402	Special assessment certification fee.
Section 2.2-609	Record copying fee.
Section 2.2-610	Record mechanical reproduction fee.
Section 2.2-611	Record search fee.
Section 2.2-612	Record prepayment fee.
Section 3.3-102	Annual alcoholic beverage occupation/business taxes.
Section 3.3-104	Code compliance certification fee.
Section 3.3-203	Retail dealers in nonintoxicating beverages license fee.
Section 4.4-105	Annual animal license fees.
Section 4.4-110	Animal impoundment, reclamation, and adoption fees.
Section 4.4-111	Commercial animal establishment application fee.
Section 4.4-112	Outside animal agency fees.
Section 4.4-118	Hobbyist exemption permit fee.
Section 5.5-102	Building permit and inspection fees.
Section 5.5-202	Plumbing permit and inspection fees.
Section 5.5-203	Plumbing contractor license fee.
Section 5.5-302	Electrical permit and inspection fee.
Section 5.5-303	Electrical contractor license fee.
Section 5.5-601	Building movement permit fee.
Section 5.5-702	Mechanical permit and inspection fee.
Section 5.5-703	Mechanical contractors license fee.
Section 5.5-802	Swimming pool permit fee.
Section 5.5-1404	Burglary alarm user permit fee.
Section 5.5-1406	Alarm response fees.
Section 5.5-1407	Alarm reinstatement fees.
Section 6.6-129	Witness fees.
Section 6.6-130	Administrative court fee.
Section 6.6-131	Court fines, costs and bonds.
Section 7.7-101	Returned item fee.
Section 7.7-301	Telephone exchange fee.
Section 7.7-501	Utility fee.
Section 9.9-101	Occupational license fee.
Section 9.9-206	License application fee.
Section 9.9-210	License fee
Section 9.9-215	Renewal fee.

## Master Fee Schedule

Section 9.9-302	Amusement or coin-operated device fee.
Section 9.9-306	Operation without decal fee.
Section 9.9-408	Taxicab license fee.
Section 9.9-413	Taxicab operator license fee.
Section 9.9-417	Taxicab operator license replacement fee.
Section 9.9-606	Youth recreational facility application fee.
Section 9.9-611	Youth recreational facility license fee.
Section 9.9-707	Massage license fees
Section 9.9-802	Wholesale fireworks license fees
Section 9.9-803	Retail fireworks license fees
Section 9.9-1008	Peddlers and Solicitors application fee.
Section 9.9-1010	Approved License Fee.
Section 10.10-327	Firework sales permit fee.
Section 11.11-107	Park and recreational activity fees.
Section 11.11-308	Cemetery service fees.
Section 11.11-334	Lot or grave space price schedule.
Section 11.11-373	Internment fees.
Section 11.11-402(B)(3)	Camping permit fee.
Section 11.11-408	Boat permit fee.
Section 11.11-415	Hunting permit fees.
Section 11.11-428	Fishing permit fees.
Section 11.11-505	Green fees.
Section 12.12-203	Miscellaneous Planning and Administration Fees.
Section 12.12-304(D)	Alternative compliance fee.
Section 12.12-416	Plat review filing and lot split fees.
Section 12.12-514(B)	Development permit fees.
Section 12.12-439	Park and Recreation development fees.
Section 12.12-617	Gated community registration fee.
Section 13.13.111	Controlled Burn Permit.
Section 13.13-203(A)	Hazardous materials cleanup fees.
Section 13.13-203 (G)	Hazardous materials report fee.
Section 13.13-205	Rescue and recovery fees.
Section 13.13-207/13-208	Outside fire run fees.
Section 13.13-322(A)(B)	Emergency Telephone Fees.
Section 14.14-103	Sidewalk Sale Permit Fees
Section 14.14-202	Paving or curb cut permit fees.
Section 14.14-410	Sediment/Erosion control permit fee.
Section 14.14-414	Stormwater Management fee.
Section 15.15-305	Oversize load permit fee.
Section 15.15-730	Two hour parking violation fees
Section 15.15-731	Parking fees and immobilization fees.
Section 17.17-104	Sewer connection permit fee.
Section 17.17-112	Tampering fee.

## Master Fee Schedule

Section 17.17-202	Water rates within city
Section 17.17-203	Water rates outside city
Section 17.17-204	Schedule of minimum charges
Section 17.17-206	Water connection charges
Section 17.17-207	Requested cut-on and cut-off charges
Section 17.17-209	Delinquent cut-off charge
Section 17.17-210	Monthly bookkeeping charge
Section 17.17-222	Sewage disposal charges
Section 17.17-302	Pretreatment permit fees
Section 17.17-401	Septic tank license fee.
Section 17.17-403	Septic tank installation permit fee.
Section 17.17-407	Stormwater hauler fees.
Section 17.17-511	Refuse collection rates and charges
Section 17.17-531	Convenience Station fees and charges

### SECTION 1.1-108                      GENERAL PENALTY.

The general penalty charge referenced in Section 1-108 is unless otherwise provided by state law or a specific part of the city code, a \$200.00 fine, plus court costs as set by the city. In addition, the city may make application in the prosecution of any offense for an increased or enhanced penalty upon filing of a separate information or complaint by the city attorney, in which case said offense shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or thirty days in jail, or both, plus court costs.

### SECTION 2.2-402                      SPECIAL ASSESSMENT CERTIFICATION FEE.

The fee referenced in Section 2-402 is \$10.00 per certification.

### SECTION 2.2-609                      RECORD COPYING FEE.

The fee referenced in Section 2-609 is \$ 0.25 (cents) per page.

### SECTION 2.2-610                      RECORD MECHANICAL REPRODUCTION FEE.

The fee referenced in Section 2-610 is the actual cost to the city of the reproduction, including cost of labor, materials and equipment.

### SECTION 2.2-611                      RECORD SEARCH FEE.

The fee referenced in Section 2-611 is the actual cost to the city of producing the record, including the cost of labor, materials and equipment.

Master Fee Schedule

SECTION 2.2-612                    RECORD PREPAYMENT FEE.

The fee referenced in Section 2-612 is the amount sufficient to cover an estimate of the cost of copying, mechanical reproduction and/or searching for the record.

SECTION 3.3-102                    ANNUAL ALCOHOLIC BEVERAGE  
OCCUPATION/BUSINESS TAXES.

The fees referenced in Section 3-102(A) are as follows:

- |     |                              |   |
|-----|------------------------------|---|
| 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                   | \$ 500.00;                                |
| 7.  | Class B Wholesaler           | \$ 625.00;                                |
| 8.  | Retail Package Store         | \$ 905.00;                                |
| 9.  | Mixed beverage establishment | \$1,005.00 initial;<br>\$ 905.00 renewal; |
| 10. | Caterer                      | \$1,005.00 initial;<br>\$ 905.00 renewal; |
| 11. | Special event, per day       | \$ 55.00.                                 |

SECTION 3.3-104                    CODE COMPLIANCE CERTIFICATION FEE.

The fee referenced in Section 3-104 is \$25.00.

SECTION 3.3-203                    RETAIL DEALERS IN NONINTOXICATING BEVERAGES  
LICENSE FEE.

The fees referenced in Section 3-203 are \$20.00 annually for consumption on or off

## Master Fee Schedule

premises and \$10.00 annually for consumption off premises only; no prorated charges or refunds allowed.

### SECTION 4.4-105 ANNUAL ANIMAL LICENSE FEES.

The fees referenced in Section 4-105 are as follows: Three Dollars (\$3.00) annually for each dog or cat. A three (3) year license for a dog or cat may be obtained for Nine Dollars (\$9.00). The owner of a dog or cat permanently identified by tattoo or microchip may license the animal for a period of three (3) years for the annual one (1) year fee of Three Dollars (\$3.00). The fee for applying for a lost tag is 50 cents (\$.50).

### SECTION 4.4-110 ANIMAL IMPOUNDMENT, RECLAMATION, AND ADOPTION FEES.

The fees referenced in Section 4-110(D) are:

1. An impoundment fee of Fifteen Dollars (\$15.00) for all small animals;
2. An impoundment fee of Fifty-Eight (\$58.00) for all large animals;
3. A daily fee for each day, which begins at 12:01 a.m., or part of a day, of Five Dollars (\$5.00).

The fees referenced in Section 4-110(E) (3) are:

#### Adoption Fees:

Dogs and cats over four (4) months of age - \$10.00  
Puppies and kittens under (4) months of age - \$7.00  
All other animals - \$5.00

#### Sterilization and Vaccination costs:

Rabies vaccination and sterilization: Actual and/or contractual cost.

Treatment Costs: Actual cost of treating animal.

### SECTION 4.4-111 COMMERCIAL ANIMAL ESTABLISHMENT APPLICATION FEE.

The fees referenced in Section 4-111 are as follows:

Master Fee Schedule

Type B permit: Twenty Dollars (\$20.00) annually;  
Application processing fee: Twenty Dollars (\$20.00).

SECTION 4.4-114      OUTSIDE ANIMAL AGENCY FEES.

The fees referenced in Section 4-114 are:

1. A fee of Three Dollars (\$3.00) per day or part thereof for each animal impounded;
2. A fee of One Dollar (\$1.00) per animal for euthanasia, burning and disposal.

SECTION 4.4-118      HOBBYIST EXEMPTION PERMIT FEE.

The fee referenced in Section 4-111 is a fee of Twenty-five (\$25.00) for the initial permit and Ten Dollars (\$10.00) for each subsequent renewal.

SECTION 5.5-102    BUILDING PERMIT AND INSPECTION FEES.

The fees referenced in Section 5-102 are as follows:

Building Permit Fees:

New residential and modular homes:	\$35.00 plus \$5.00 per 100 sq. ft.
Residential addition and/or remodel:	\$35.00 plus \$5.00 per 100 sq. ft.
Accessory building:	\$35.00 plus \$5.00 per 100 sq. ft.
Carport, residential driveway, porch or patio with roof:	\$30.00
New commercial including non-government or institution:	\$100.00 plus \$7.50 per 100 sq. ft.
Commercial addition or remodel:	\$52.00 plus \$5.50 per 100 sq. ft.
Swimming pools (in, above and on ground), hot tubs and spas if re-	

### Master Fee Schedule

quiring water supply or drainage:	\$50.00
Signs:	\$50.00
Billboard (outdoor advertising):	\$150.00 for less than 250 sq. ft; \$300.00 for 250 sq. ft and greater
Demolition:	\$40.00 plus \$10.00 for each 10' in height
Right of Way permit:	\$25.00
Sidewalk repair/replacement	\$25.00
Earth change:	\$30.00
House moving permit:	\$102.00
Any work begun without permit or required inspection subject to double fee amount.	

#### Building Inspection Fees:

Residential footing:	\$32.00 per inspection
Residential slab:	\$32.00 per inspection
Residential frame:	\$32.00 per inspection
Residential final:	\$32.00 per inspection
Residential reinspection (all trades):	\$32.00 per inspection:
Commercial footing:	\$40.00 per inspection
Commercial slab:	\$40.00 per inspection
Commercial frame:	\$40.00 per inspection
Commercial partial wall:	\$40.00 per inspection

### Master Fee Schedule

Commercial partial ceiling:	\$40.00 per inspection
Commercial final:	\$40.00 per inspection
Commercial reinspection (all trades):	\$40.00 per inspection
Any after 5 pm inspection or weekend inspection:	\$102.00

### SECTION 5.5-202 PLUMBING PERMIT AND INSPECTION FEES.

The permit and inspection fees referenced in Section 5-202 are as follows:

#### Residential Plumbing Permit Fees:

First 5 fixtures:	\$5.00 each plus \$2.50 each additional fixture
Sprinkler system:	\$22.00.
Back flow preventer:	\$22.00
Repair permit:	\$22.00
Sewer tap:	\$500.00

#### Residential Plumbing Inspection Fees:

Rough in, top out, final:	\$22.00 each
Sewer tap inspection:	\$27.00
Gas pipe inspection:	\$24.00
Water line inspection:	\$32.00
Reinspection:	\$32.00 each
All other inspections:	\$22.00 each

## Master Fee Schedule

Any inspection after 5:00  
p.m. or on weekends: \$102.00

### Commercial Plumbing Permit Fees:

First 5 fixtures:	\$7.00 each plus \$3.50 for each additional fixture
Back flow preventer:	\$37.00
Fire sprinkler system:	\$37.00
Lawn sprinkler system:	\$37.00
Grease trap:	\$37.00
Repair permit:	\$37.00
Water Service:	\$37.00
Sewer Tap:	\$1000.00

### Inspection Fees:

Rough in, top out, final:	\$37.00 each
Sewer tap inspection:	\$37.00
Gas piping inspection:	\$37.00
Reinspection:	\$37.00 each
All other inspections:	\$37.00 each
Any inspection after 5:00 p.m. or on weekends:	\$102.00

### SECTION 5.5-203 PLUMBING CONTRACTOR LICENSE FEES.

The fees referenced in Section 5-203 are as follows:

Contractor: \$125.00, with \$15.00 penalty after 30 days

## Master Fee Schedule

### SECTION 5.5-302 ELECTRICAL PERMIT AND INSPECTION FEES.

The fees referenced in Section 5-302 are as follows:

#### Residential Electrical Permit Fees:

Panel:	\$7.00
Appliances:	\$5.00 each
Electric Openings Permit:	\$11.00 plus \$.50 after 5
Vent hood:	\$10.00
Bathroom heater/fan:	\$7.00
HVAC unit:	\$7.00
Transformer:	\$27.00
Fixtures, 1-5:	\$12.00
Fixtures, 6-20:	\$27.00
Fixtures, 21-50:	\$37.00
Fixtures, 51-100:	\$52.00
Demolition permit:	\$37.00
Other permits not listed:	\$27.00

#### Residential Electrical Inspection Fees:

Temporary pole:	\$25.00
Temporary to building:	\$25.00
Permanent service:	\$25.00
Trailer pole:	\$25.00
Rough in, Final:	\$22.00 each

## Master Fee Schedule

Swimming pool inspection:	\$22.00 per inspection
All other electrical insp:	\$22.00 each
Re-inspection:	\$32.00 each
Any inspection after 5:00 p.m. or on weekends:	\$102.00

### Commercial Electrical Permit Fees:

Range:	\$37.00
Hood:	\$37.00
Electric circuit:	\$3.00 each
Electric panel:	\$7.00
Electric Openings:	\$22.00 plus .50 each after 10
Fixtures, 1-5:	\$12.00
Fixtures, 6-20:	\$27.00
Fixtures, 21-50:	\$37.00
Fixtures, 51-100:	\$52.00
HVAC roof top unit:	\$7.00
Transformer:	\$37.00
Motor:	\$37.00
Elevator:	\$37.00
Demolition permit:	\$37.00
Welders:	\$37.00
Generators:	\$37.00

Master Fee Schedule

Electrical sign:	\$37.00
Other permits not listed:	\$37.00

Commercial Electrical Inspection Fees:

Temporary service:	\$37.00
Temporary service to building:	\$37.00
Permanent service:	\$37.00
Any other inspection:	\$37.00 each
Re-inspection:	\$37.00 each
Any inspection after 5:00 p.m. or on weekends:	\$102.00"

SECTION 5.5-303 ELECTRICAL CONTRACTOR LICENSE FEES.

The fees referenced in Section 5-303 are as follows:

Contractor: \$125.00, with \$15.00 penalty after 30 days

SECTION 5.5-601 BUILDING MOVEMENT PERMIT FEE.

The permit fee referenced in Section 5-601 is \$150.00 per structure; the inspection fee referenced is \$50.00 per hour.

SECTION 5.5-702 MECHANICAL PERMIT AND INSPECTION FEES.

The fees referenced in Section 5-702 are as follows:

Residential Mechanical Permit Fees:

Refrigeration units:	\$17.00 per unit
Heating appliances:	\$17.00 per unit

### Master Fee Schedule

Range:	\$17.00 per unit
Hood:	\$17.00 per unit
Dryer:	\$17.00 per unit
Chimney:	\$17.00 per unit
Vents:	\$17.00 per unit
Other permit not listed:	\$17.00 each

### Residential Mechanical Inspection Fees

Rough in, Top Out, Final:	\$22.00 each
Gas piping:	\$24.00 per system
Any other inspection:	\$22.00
Re-inspection:	\$32.00 each
Any inspection after 5:00 p.m. or on weekends:	\$102.00

### Commercial Mechanical Permit Fees:

Boilers:	\$37.00 per unit
Heating appliances:	\$37.00 per unit
Refrigeration units:	\$37.00 per unit
Range:	\$37.00 per unit
Hood:	\$37.00 per unit
Incinerator:	\$37.00 per unit

### Commercial Mechanical Inspection Fees:

Rough in, Top Out, Final:	\$37.00 each
---------------------------	--------------

## Master Fee Schedule

Re-inspection:	\$37.00 each
Any other inspection:	\$37.00 each
Any inspection after 5:00 p.m. or on weekends:	\$102.00

### SECTION 5.5-703 MECHANICAL CONTRACTORS LICENSE FEE.

The fees referenced in Section 5-703 are:

Contractor: \$125.00, with \$15.00 penalty after 30 days

### SECTION 5.5-802 SWIMMING POOL PERMIT FEE.

The fees referenced in Section 5-802 are a \$35.00 permit and \$45.00 inspection charge.

### SECTION 5.5-1404 BURGLARY ALARM USER PERMIT FEES.

The fees referenced in Section 5-1404 for issuing a burglary alarm user's permit shall be \$20.00. The permit fee after expiration shall be \$20.00.

### SECTION 5.5-1406 ALARM RESPONSE FEES.

The fees referenced in Section 5-1406 are:

1. Fourth through fifth alarm response: \$50.00 each;
2. Sixth and any additional response: \$150.00 each

### SECTION 5.5-1407 ALARM REINSTATEMENT FEES.

The fees referenced in Section 5-1407 are:

1. The payment of a reinstatement fee: \$100.00

### SECTION 6.6-129 WITNESS FEES.

The fees referenced in Section 6-129 are \$35.00 per witness per day.

Master Fee Schedule

SECTION 6.6-130                    ADMINISTRATIVE COURT FEE.

The fee referenced in Section 6-130 is \$200.00 plus all required state imposed charges.

SECTION 6.6-131                    COURT COSTS AND FINES.

The fees referenced in Section 6-131 are contained in the bond schedule attached as Appendix B to the city code. In addition, a warrant fee of \$25.00 is also imposed on each warrant issued.

SECTION 7.7-101                    RETURNED ITEM FEE.

The fee referenced in Section 7-101 is \$35.00 per instrument.

SECTION 7.7-301                    TELEPHONE EXCHANGE FEE.

The fee referenced in Section 7-301 is 2% of gross revenue.

SECTION 7.7-501                    UTILITY FEE.

The fee referenced in Section 7-501 is 2% of gross revenue.

SECTION 9.9-101                    OCCUPATIONAL LICENSE FEE.

The fees referenced in Section 9-101 are as follows:

Food Service Establishment:	\$35.00 annually upon production of affidavit from county health department.
Billiard/Pool Hall:	\$50.00 annually
Auctioneer:	\$50.00 annually
Duplicate/Replacement:	\$5.00

SECTION 9.9-206                    LICENSE APPLICATION FEE.

The fee referenced in Section 9-206 is \$50.00 per application.

Master Fee Schedule

SECTION 9.9-210            LICENSE FEE

The fees referenced in Section 9-210 are:

\$50.00            per 30 day license;

\$75.00            per 60 day license;

\$100.00          per 90 day license.

SECTION 9.9-215            RENEWAL FEE.

The fee referenced in Section 9-215 is \$50.00 per renewal license..

SECTION 9.9-304            AMUSEMENT OR COIN-OPERATED DEVICE FEE.

The fee referenced in Section 9-302 is \$37.50 per device, or as allowed by state law, with no proration of the amount referenced as due.

SECTION 9.9-306            OPERATION WITHOUT DECAL FEE.

The fee referenced in Section 9-306 is the charge due under Section 9-304 plus a \$50.00 penalty to be paid at the time of issuance of the necessary decal.

SECTION 9.9-408            TAXICAB LICENSE FEE.

The fee referenced in Section 9-408 is \$25.00 per vehicle, plus a non-refundable application fee of \$10.00 which is due at the time of submitting the application.

SECTION 9.9-413            TAXICAB OPERATOR LICENSE FEE.

The fee referenced in Section 9-413 is \$15.00 plus a non-refundable \$10.00 for processing any application for said license which is due at the time of submitting the application.

SECTION 9.9-416            TAXICAB OPERATOR LICENSE REPLACEMENT FEE.

The fee referenced in Section 9-416 is \$5.00 per replacement.

SECTION 9.9-606            YOUTH RECREATIONAL FACILITY APPLICATION FEE.

The fee referenced in Section 9-606 is \$25.00.

Master Fee Schedule

SECTION 9.9-611            YOUTH RECREATIONAL FACILITY LICENSE FEE.

The fee referenced in Section 9-611 is \$100.00 annually from the date of issuance.

SECTION 9.9-707            MASSAGE LICENSE FEES

The fees referenced in Section 9-704 are as follows:

Application Processing Fee:	\$25.00 per establishment; \$15.00 per person
Annual License Fees:	\$100.00 Massage Establishment \$ 50.00 Outcall Massage Service \$ 25.00 Massage Technician \$ 15.00 Massage Apprentice

SECTION 9.9-802            WHOLESALE FIREWORKS LICENSE FEES

The fee referenced in Section 9-802 is:

January 1 through December 31            \$750.00 per location per year

SECTION 9.9-803            RETAIL FIREWORKS LICENSE FEES

The fee referenced in Section 9-803 is:

June 15 through July 6:            \$500.00 per location each year

December 15 through 31st:            \$500.00 per location each year.

SECTION 9.9-804            FIREWORK DISCHARGE PERMIT

The fee referenced in Section 9-804 is \$20.00 per location.

SECTION 9.9-1008            APPLICATION FEE.

The fee referenced in Section 9-1008 is \$25.00 per application.

Master Fee Schedule

SECTION 9.9-1010      APPROVED LICENSE FEE.

The fees referenced in Section 9-1010 are as follows:

- \$10.00      per 90 day license;
- \$15.00      per 180 day license;
- \$20.00      per annual license.

SECTION 11.11-107      PARK AND RECREATIONAL ACTIVITY FEES.

The fees referenced in Section 11-107 are as follows:

Picnic Shelter Reservation fees:

- Single family or 24 people or less:      \$25.00 sunrise to sunset
- Multiple family or 25 or more people:      \$50.00 sunrise to sunset
- Business or 50 or more people:      \$100.00 sunrise to sunset

Building & Other Rentals:

- BTW Rec. Center:      \$50.00 cleaning deposit which may be returned, plus \$15.00 per hour for gym; \$12.50 per hour for meeting rooms, lounge and kitchen and \$20.00 per hour staff fee for any rental during non-operating hours.
- Sr. Citizen Center:      \$50.00 cleaning deposit which may be returned, plus \$25.00 per hour with a 2-hour minimum and \$20.00 per hour staff fee for any rental during non-operating hours.
- Entire Bldg. Rental:      \$250.00 per day plus \$20.00 per hour staff fee for any rental during non-operating hours.
- Bleacher rentals:      \$50.00 deposit which may be returned plus \$30.00 per day for 3 row set, or \$50.00 per day for 5 row set.
- 8' Banquet Tables:      \$5.00 per table per day
- Folding Chairs:      \$1.00 each per day

Master Fee Schedule

RV space: \$300 per month; \$12.00 per day; \$10.00 per day senior rate.

Sapulpa Aquatics Center Fees.

General Admission Fees: Daily Admission (Ages 4 and up).....\$3.00  
Twilight Swim (Ages 4 and up after 5:30 p.m.).....\$2.00

Group Rentals: (After Hours; All require a 2 hour minimum)

Groups up to 50 people..... \$200.00 per Hr; \$ 400 minimum  
Groups 51-100 people.....\$300.00 per Hr; \$ 600 minimum  
Groups 101-200 people.....\$500.00 per Hr; \$1000 minimum  
Groups 201 or more.....\$1,000.00 per Hr; \$2000 minimum

Youth Learn-To-Swim Lessons:..... \$40.00 / Person

Birthday Party Package: Up to 10 children.....\$150.00  
Up to 30 children.....\$300.00

SECTION 11.11-308 CEMETERY SERVICE FEES.

The fees referenced in Section 11-308 are as follows:

\$75.00 chapel fee for any burial in a city owned cemetery;  
\$150.00 chapel fee for any burial in a non-city owned cemetery.

SECTION 11.11-334 LOT OR GRAVE SPACE PRICE SCHEDULE

The fees referenced in Section 11-334 are \$475.00 per adult space and \$200.00 per child space. In addition, a \$10.00 lot transfer fee is imposed.

SECTION 11.11-371/11-373 INTERMENT FEES.

The fees referenced in Section 11-371 and 11-373 are as follows:

Adult Space Burial: \$425.00 Monday through Friday prior to 4:00 p.m.;  
\$675.00 Saturday, Sunday, city holiday or any day after 4:00 p.m.

Master Fee Schedule

Child Space Burial:	\$400.00 Monday through Friday prior to 4:00 p.m.; \$650.00 Saturday, Sunday, city holiday or any day after 4:00 p.m.
Cremation:	\$200.00 Monday through Friday prior to 4:00 p.m.; \$350.00 Saturday, Sunday, city holiday or any day after 4:00 p.m.
Disinternment:	\$500.00 Monday through Friday prior to 4:00 p.m.; \$1,000.00 Saturday, Sunday, city holiday or any day after 4:00 p.m.
Reinternment:	\$650.00 Monday through Friday prior to 4:00 p.m.; \$750.00 Saturday, Sunday, city holiday or any day after 4:00 p.m."

SECTION 11.11-402(B)(3)      CAMPING PERMIT FEE.

The fees referenced in Section 11-402(B)(3) are \$6.00 per tent campsite per day and \$12.00 per day for each camper and/or recreational vehicle; provided senior citizen discount for camper and/or recreational vehicle of \$10.00 limited to one per campsite.

SECTION 11.11-415      HUNTING PERMIT FEES.

The fee referenced in Section 11-415 for an annual hunting permit is \$10.00 plus tax per year.

SECTION 11.11-428      FISHING PERMIT FEES.

The fees referenced in Section 11-428 are as follows:

General Fishing Permit:	\$10.00 plus tax per year (calendar basis) or \$2.00 plus tax daily
Trout Fishing Permit:	\$15.00 plus tax for season permit \$10.00 plus tax for special permit available to persons 16 years or younger; 65 years or older or with a disability or receiving SSI benefits; or

## Master Fee Schedule

\$5.00 plus tax daily permit (valid on day purchased only); and children 8 years and younger free.

### SECTION 11.11-505      GREEN FEES.

Effective January 1, 2004, the fees referenced in Section 11-505 are as follows:

Monday through Friday:	18 holes at \$17.00 (tax included), plus additional holes played on same day charged at twilight rate.
Saturday, Sunday and city observed holidays:	18 holes at \$20.00 (tax included), plus additional holes played on same day charged at twilight rate.
Twilight play:	18 holes at \$13.00 (tax included), for holes played after 4:00 p.m. between April 1 through September 30 and October 1 through March 30.
Senior rates:	18 holes at \$11.50 (tax included) for citizens 55 years of age or older; senior rate also applicable on weekends and holidays after twilight time.
Junior rates:	18 holes at \$9.00 (tax included) for citizens 16 to 18 years of age; junior rate also applicable on weekends and holidays after twilight time.
Youth rates:	18 holes at \$7.00 (tax included) for citizens 15 years of age and under; youth rate also applicable on weekends and holidays after twilight time.
City employee rate:	18 holes at \$9.00 (tax included) for all full time city employees and active auxiliary police on Monday through Friday, and on weekends and holidays after specified twilight time.
Lifetime permits:	None; however, existing lifetime permits honored.

### Master Fee Schedule

Golf carts:	\$10.50 per person (tax included) per 18 holes weekday rate; \$11.50 per person (tax included) per 18 holes per weekend and holiday rate.
Trail fees:	One-half the cost of applicable golf cart fee provided the owner/driver of the private cart has been issued a valid player's card by the City Golf Course.
Pull carts:	\$3.00 (tax included) for 18 holes.
Other discounts:	As may be authorized by the city manager and superintendent of golf.
Driving Range fees:	Annual Membership: \$300.00 (tax included) Bucket of balls: \$ 3.00 each (tax included)

Ten percent of all driving range revenues shall be deposited into the designated Golf Course Improvement Fund. Other driving range fee specials and discounts are permissible as may be allowed and authorized by the city manager and superintendent of golf.

### SECTION 12.12-203 MISCELLANEOUS PLANNING / ADMINISTRATION FEES.

The fees referenced in Section 12-203 are as follows:

Amendments submitted to a PUD or plat not requiring Planning Commission approval (including site plans, road plans, grading plans, landscape plans etc):	25.00 each
Zoning change applications to SMAPC:	
AG, RE, RS-1, RS-2 or RS-3:	\$150.00 + \$2.00 for each acre over 10; \$300 maximum
RD, RMH-1, RMH-2, RMT, RM-1, RM-2:	\$150.00 + \$5.00 for each acre over 10; \$700.00 maximum
OL, OM, CS, CG, CBD, IR, IL, or IH:	\$350.00 + \$10.00 for each acre over 10; \$800.00 maximum

### Master Fee Schedule

PUD	\$150.00 + \$1.00 for each acre over 10; no maximum
300 foot List:	Actual cost of mailing, plus \$30.00 for notice preparation
Legal Notice Fee:	Actual cost of publication (Check madeld)
Special Exceptions	\$170.00 plus actual cost of mailing and publication
Variances	\$170.00 plus actual cost of mailing and publication
Zoning Change Publication Fee:	Actual cost of publication
Zoning or Floodplain verification letter:	\$10.00
Process Request to Re-open/ Close Street/Easement	\$250.00 each

#### SECTION 12.12-304(D) ALTERNATIVE COMPLIANCE FEE.

The fee referenced in Section 12-304(D) is \$50.00.

#### SECTION 12.12-416 PLAT REVIEW FILING AND LOT SPLIT FEES.

The fees referenced in Section 12-416 are as follows:

The fees referenced in Section 12-416 are as follows:

Sketch plat filing:	\$ 50.00
Preliminary plat filing:	\$100.00
Final plat filing:	\$150.00
PUD:	\$100.00
Engineering Review Fee:	\$500.00
Non-floodplain Commercial Industrial Development:	\$150.00

Master Fee Schedule

Comm. / Indus. additions:	\$ 95.00
Lot split:	\$ 45.00
Site Preparation Permit:	\$ 50.00
Subdivision Road Grading Permit:	\$ 50.00
Sediment/Erosion Control Permit:	\$ 75.00"

SECTION 12.12-439      PARK AND RECREATION DEVELOPMENT FEES.

The fees referenced in Section 12-439 are as follows:

Single family dwelling:	\$75.00, plus \$25.00 per bedroom
Duplex dwelling:	\$150.00, plus \$25.00 per bedroom
Multi-family unit:	\$200.00 per dwelling unit
Mobile/Manufactured home:	\$200.00 per lot or space

SECTION 12.12-514(B)      DEVELOPMENT PERMIT FEE

The fee referenced in Section 12-514 (B) is \$100.00.

SECTION 12.12-617      GATED COMMUNITY REGISTRATION FEE.

The fee referenced in Section 12-617 is \$50.00.

SECTION 13.13-111      CONTROLLED BURN PERMIT

The fee referenced in Section 13.13-111 is as follows:

Non-commercial residential burn:	\$20.00 each
Commercial Pit Burn:	\$200.00 each"

SECTION 13.13-203(A)      HAZARDOUS MATERIALS CLEANUP FEES.

The fees referenced in Section 13-203(A) are the actual cost of cleanup.

Master Fee Schedule

SECTION 13.13-203 (G) HAZARDOUS MATERIALS REPORT FEE.

The fee referenced in Section 13-203(G) is \$35.00 per report.

SECTION 13.13-205 RESCUE AND RECOVERY FEES.

The fee referenced in Section 13-205 is \$700.00 per hour with minimum one hour.

SECTION 13.13-207/13-208 OUTSIDE FIRE RUN FEES.

The fees referenced in Section 13-207 and 13-208 are as follows:

- A. \$675.00 per hour for each piece of apparatus, with minimum one hour billed.

Provided that any outside fire run to property owned by a public agency without a mutual aid agreement with the City shall be charged at a rate of \$250.00 per run.

- B. In lieu of this charge, an owner or resident may contract for services from the fire department on an annual basis as set forth as follows:

Residential Rate:	3,500 sq. ft. and under:	\$125.00
	3,501 sq. ft. to 5,000 sq. ft.:	\$150.00
	5,001 sq. ft. and greater:	\$300.00
Commercial Rate:	2,000 sq. ft. and under:	\$350.00
	2,001 sq. ft. to 5,000 sq. ft.:	\$500.00
	5,001 sq. ft. to 10,000 sq. ft.:	\$1,000.00
	Each additional 5,000 sq. ft.:	\$500.00
Industrial Rate:	2,000 sq. ft. and under:	\$500.00
	2,000 sq. ft to 7,500 sq. ft.:	\$1,000.00
	Each additional 5,000 sq. ft.:	\$500.00

[Rate applicable to each structure on property up to max of \$5,000 per business.]

Mobile Home Park: Each occupied space: \$100.00

Unimproved Land: Single parcel: \$100.00

[Rate provides 2 hours per year of service; excess charged at rate specified in A.]

Master Fee Schedule

Multiple parcels: \$200.00

[Rate provides 4 hours per year of service; excess charged at rate specified in A.]

Churches: Under 10,000 sq. ft.: \$150.00  
Over 10,000 sq. ft.: \$250.00

[Square footage of all structures on property utilized to determine total and rate.]

Oil Leases: \$150.00

[Rate provides 2 hours per year of service; excess charged at rate specified in A.]

Special Occupancies: Sprinkled facilities: \$250.00

[Rate provides 4 hours per year of service; excess charged at rate specified in A.]

Non-sprinkled facilities: \$500.00

[Rate provides 4 hours per year of service; excess charged at rate specified in A.]

SECTION 13.13-322      EMERGENCY TELEPHONE FEES

The fees referenced in Section 13.13-322(A) are as follows:

Existing tariff rate: 5% of the tariff rate or as otherwise authorized by state law

No existing tariff rate: Rate as set by Council Resolution or as otherwise allowed by state law.

The fees referenced in Section 13.13-322(B) are as follows:

Fifty cents per telephone line or as otherwise authorized by state law

SECTION 14.14-103      SIDEWALK SALE PERMIT FEES

The fees referenced in Section 14-103 are as follows:

72 hour permit: \$ 25.00 each  
Annual permit: \$100.00 each

Master Fee Schedule

SECTION 14.14-202      PAVING OR CURB CUT PERMIT FEES.

The fee referenced in Section 14-202 are as follows:

Curb Cut:	\$60.00 (includes tear out and finish inspection)
Driveway Install/Replacement:	\$60.00 (includes tear out and finish inspection)
Street Cut:	\$2.00 per sq. ft. with \$200.00 minimum (includes base and overlay inspection).
Any re-inspection:	\$35.00 each
After 5pm or on Weekends:	\$102.00 each

SECTION 14.14-410      SEDIMENT/EROSION CONTROL PERMIT FEE

The fees referenced in Section 14-410 are as follows:

Sediment & Erosion Control Permit Fees:	\$25.00 less than 1 acre; \$75.00 otherwise.
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SECTION 14.14-414      STORMWATER MANAGEMENT FEES

The fees referenced in Section 14-414 are as follows:

Stormwater Utility Fees:

Single Family Dwelling:	\$3.25 per month each;
Any structure other than single-family dwelling:	The greater of 2.75 per month for each Equivalent Service Unit or \$22.00 per month, but in no event more than \$1,000 per month.

The monthly fees set forth above (e.g. the \$3.25 per month fee, the \$2.75 per month fee, the \$22.00 per month fee and the \$1,000 per month cap shall all be automatically increased by five percent (5%) annually each year for five (5) consecutive years beginning on November 17, 2009.

Master Fee Schedule

SECTION 15.15-305      OVERSIZE LOAD PERMIT FEE.

The fees referenced in Section 15-305 are \$300.00 per annual permit or \$40.00 per load.

SECTION 15.15-730      TWO HOUR PARKING VIOLATION FEES.

The fees referenced in Section 15-730 are as follows:

\$10.00 fee per violation if paid or cash bond posted within 5 business days of issuance;

\$20.00 fee per violation if paid or cash bond posted after 5 business days but within 20 business days of issuance;

\$40.00 fee per violation if paid or cash bond posted after 20 business days of issuance.

SECTION 15.15-731      PARKING FEES AND IMMOBILIZATION FEES.

The fees referenced in Section 15-731 are as follows:

\$5.00 fee for violation of 2 hour free parking;

\$25.00 fee for immobilization charge.

SECTION 17.17-104      SEWER CONNECTION PERMIT FEES.

The fees referenced in Section 17-104 are \$500.00 for each residential tap or connection and \$1000.00 for each commercial or non-residential tap or connection.

SECTION 17.17-112      TAMPERING FEE.

The fee referenced in Section 17-112 is \$100.00 per occurrence.

SECTION 17.17-202      WATER RATES WITHIN CITY

The schedule of monthly rates referenced in Section 17-202 is as follows:

Residential:      Base rate up to 1,000 gal (min. charge).....\$11.16 / 1,000 gal  
Over 1,000 gal..... \$ 4.89 / 1,000 gal

Commercial:      Base rate up to 1,000 gal (min. charge).....\$14.94 / 1,000 gal

Master Fee Schedule

Over 1,000 gal.....\$ 4.89 / 1,000 gal

Bulk Water rate: .....\$ 2.00 / 1,000 gal

Construction meter rate: .....\$700.00 deposit, plus \$5.00 / day rental, plus usage charged at commercial rate for inside city limits; deposit refunded if meter returned in same condition as delivered.

SECTION 17.17-203      WATER RATES OUTSIDE CITY

The schedule of monthly rates referenced in Section 17-203 is as follows:

Residential: Base rate up to 1,000 gal (min. charge)..... \$22.33 / 1,000 gal  
Over 1,000 gal..... \$ 9.77 / 1,000 gal

Commercial: Base rate up to 1,000 gal (min. charge).....\$29.90 / 1,000 gal  
Over 1,000 gal..... \$ 9.77 / 1,000 gal

Bulk Water rate:.....\$1.84 / 1,000 gal

Construction meter rate: .....\$700.00 deposit, plus \$5.00 / day rental, plus usage charged at commercial rate for inside city limits; deposit refunded if meter returned in same condition as delivered.

SECTION 17.17-204      SCHEDULE OF MINIMUM CHARGES

The schedule of minimum charges referenced in Section 17-204 is as follows:  
The minimum charge fixed in Sections 17.17-202 and 17.17-203 is based upon the use of water through a five-eighths inch water connection. An additional minimum charge for larger connections shall apply to all users of water as set forth as follows:

Within city limits:

1"	\$1.13
1 1/2" connection	\$2.63
2" connection	\$4.14
3" connection	\$5.64
4" connection	\$8.65
6" connection	\$13.16

Master Fee Schedule

Outside city limits:

1" connection	\$2.26
1 1/2" connection	\$5.26
2" connection	\$8.27
3" connection	\$11.28
4" connection	\$17.29
6" connection	\$26.31

Bulk Water rate: .....\$1.96 / 1,000 gal

Rural Water District rate.....\$ 1.96 / 1,000 gal

Construction meter rate: .....\$700.00 deposit, plus \$5.00 / day rental, plus usage charged at commercial rate for inside city limits; deposit refunded if meter returned in same condition as delivered.

SECTION 17.17-206      WATER CONNECTION CHARGES

The connection charges referenced in Section 17-206 are as follows:

Installation of a residential 5/8 inch meter:      \$750.00 flat fee, includes all charges for labor, materials and equipment at current FEMA allowed rates.

Installation of a residential meter no larger than 1 inch:      \$1,000.00 flat fee, includes all charges for labor, materials and equipment at current FEMA allowed rates.

Installation of a commercial one inch or two inch meter:      \$1,250.00 flat fee, includes all charges for labor, materials and equipment at current FEMA allowed rates.

## Master Fee Schedule

Installation of a commercial meter larger than two inches:

\$1,250.00 flat fee, includes all charges for labor, materials and equipment at current FEMA allowed rates. Due to high cost, flat fee and actual meter cost shall be paid prior to work being performed by any contractor or city.

Installation of a tap to any residential or commercial line dedicated for fire suppression:

\$1,000.00 flat fee, includes all charges for labor, materials and equipment at current FEMA allowed rates.

Installation of Fire Line Mag Meter:

\$2,000 flat fee, includes all charges for labor, equipment and materials at current FEMA allowed rates.

### SECTION 17.17-207

### REQUESTED CUT-ON AND CUT-OFF CHARGES

The fee referenced in Section 17-207 is \$25.00 per cut-on and/or per cut-off.

### SECTION 17.17-209

### DELINQUENT CUT-OFF CHARGE

The fee referenced in Section 17-209 is \$25.00.

### SECTION 17.17-210

### MONTHLY BOOKKEEPING CHARGE

The fee referenced in Section 17-210 is \$5.00 per month.

### SECTION 17.17-222

### SEWAGE DISPOSAL CHARGES

The fees referenced in Section 17-222 are as follows:

Residential within city: \$17.33 minimum per month, plus \$2.15 per thousand gallons of water use.

Residential outside city: \$34.66 minimum per month, plus \$4.27 per thousand gallons of water use.

Commercial within city: \$34.66 minimum per month, plus \$2.15 per thousand gallons of water use.

Master Fee Schedule

Commercial outside city: \$69.34 minimum per month, plus \$4.27 per thousand gallons of water use up to 500,000; then \$2.09 per thousand gallons over 500,000 gallons of water use.

Sewage district treatment rates: \$ 2.35 per thousand gallons

SECTION 17.17-302      PRETREATMENT PERMIT FEES

The fees referenced in Section 17-302 are as follows:

Categorical significant user:	Undetermined
Non-categorical significant user:	\$500.00 annual permit fee, plus \$250.00 per month
Industrial user:	\$100.00 annual permit fee, plus \$30.00 per month
Septic sewage truck:	\$50.00 per 1,000 gallons any week day; \$100.00 per 1,000 gallons any weekend or holiday"

SECTION 17.17-401      SEPTIC TANK LICENSE FEE.

The fee referenced in Section 17-401 is \$50.00, annually.

The fees referenced in Section 17-401 are

SECTION 17.17-403      SEPTIC TANK INSTALLATION PERMIT FEE.

The fees referenced in Section 17-403 is \$35.00.

SECTION 17.17-407      STORM WATER HAULER FEES

The fees referenced in Section 17-407 are as follows:

Significant Industries:	\$500.00 annual permit, plus \$250.00 per month service fee, plus \$200.00 deposit with utility department and \$50.00 per dump fee or 1 cent per gallon per dump fee, whichever is greater.
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Master Fee Schedule

SECTION 17.17-511 REFUSE COLLECTION RATES AND CHARGES

The fees referenced in Section 17-511 are as follows:

<u>Service Type</u>	<u>Monthly Fee</u>
Residential at curb side or alley:	\$ 9.11
Service outside City limits:	\$15.83
Residential "carry out" service:	\$22.18
Mobile homes and/or trailers:	\$9.11, if occupant pays individually or if service paid by park operator under one billing; otherwise applicable commercial rate.
Duplex dwelling units (1 to 4 units):	\$ 9.11 per unit
Multi-family dwelling units (1 to 4 units):	\$ 9.11 per unit
Special assistance rate:	Determined by the City Manager with the approval of the contractor.
Additional containers:	\$7.32 per container.
Commercial and industrial: (hand collect once per week):	\$13.56

Commercial rate: Per container size according to following chart:

Size	yd	Number of pickups							
		1	2	3	4	5	6	extras	locks
	2	40.67	67.57	90.68	105.18	120.88	138.12	23.70	9.96
	3	53.99	86.89	109.94	140.23	170.56	196.09	26.17	9.96
	4	57.31	105.04	144.61	181.79	221.46	258.93	28.68	9.96
	6	79.63	149.07	205.02	263.32	321.19	377.49	37.41	9.96
	8	98.45	192.35	266.93	344.13	421.49	498.29	47.37	9.96
Hand P/U		13.56							

## Master Fee Schedule

Locks for lids:	\$10.00 per dumpster per month.
Senior citizen discount:	\$1.00 per month upon presentation of legal certification of age 65 or older.
Deposit:	\$81.92 if issued cart is lost, stolen or damaged; refunded if original cart located and/or returned to satisfactory working condition.

### SECTION 17.17-531

### CONVENIENCE STATION FEES AND CHARGES

The fees referenced in Section 17-531 are as follows:

#### **BASE FEES:**

Minimum charge	\$ 5.00
Passenger car	\$10.00
Station wagon, Van	\$15.00
Pickup Truck *short bed (6 ft), no side boards	\$20.00
Pickup Truck *short bed with side boards	\$30.00
Pickup Truck *long bed (8 ft), no side boards	\$25.00
Pickup Truck *long bed with side boards	\$35.00
Single axle trailer	\$20.00

#### **ADDITIONAL FEES:**

Appliances with motor remove, each	\$10.00
Furniture, couch, chair, love seat, each	\$10.00
Stoves, water heaters, each	\$10.00
Mattress, box springs, each	\$10.00
Sofa bed, hide-a-bed, each	\$15.00
Rugs, padding, must be rolled & tied secured (*attendant discretion based on size)	\$10.00 - \$20.00
Televisions, computer monitors, each	\$10.00
Bulky items, each	\$10.00
Assorted household items (*as defined below)	\$10.00

\* assorted household items, lamps, tables bookshelves, lawn furniture dishes, pots/pans, etc. (as designated by the attendant)

\* doors must be removed from refrigerators & furniture must be disassembled



Court Bonds & Fines

APPENDIX B

COURT BONDS & FINES

The following fines, costs and bond amounts are hereby established by the Municipal Court of the city, effective July 6, 2009:

<u>Offense</u>	<u>Fine</u>	<u>Costs</u>	<u>State Fees</u>	<u>Bond Amount</u>
Allow/Encourage Minor Commit Offense:	\$500.00	\$30.00	\$19.00	\$549.00
A.P.C. Drugs or Alcohol:	\$500.00	\$30.00	\$19.00	\$549.00
Assault & Battery:	\$500.00	\$30.00	\$19.00	\$549.00
Assault on Police Officer:	\$500.00	\$30.00	\$19.00	\$549.00
Careless Driving	\$350.00	\$30.00	\$19.00	\$399.00
Unlawful Carry Weapon (other than firearm in vehicle):	\$500.00	\$30.00	\$19.00	\$549.00
Improper Transport of Firearm	\$ 70.00	\$30.00	\$19.00	\$119.00
Commit Crime in presence of Minor:	\$500.00	\$30.00	\$19.00	\$549.00
Contribution to Delinquency	\$500.00	\$30.00	\$19.00	\$549.00
Cruelty to Animals	\$500.00	\$30.00	\$19.00	\$549.00
Defective Vehicle	\$ 35.00	\$30.00	\$19.00	\$ 84.00
Destruction of Private/City Property:	\$350.00	\$30.00	\$19.00	\$399.00
D.U.I. Drugs or Alcohol:	\$500.00	\$30.00	\$19.00	\$549.00
D.U.S., or No DL Issued:	\$350.00	\$30.00	\$19.00	\$399.00
D.W.I. Drugs or Alcohol:	\$500.00	\$30.00	\$19.00	\$549.00
Eluding/Attempt to Elude Police:	\$500.00	\$30.00	\$19.00	\$549.00
Escape/Attempt to Escape:	\$500.00	\$30.00	\$19.00	\$549.00
Failure to Appear:	\$350.00	\$30.00	\$19.00	\$399.00
Failure to Control Minor:	\$500.00	\$30.00	\$19.00	\$549.00
Following Emergency Vehicle:	\$200.00	\$30.00	\$19.00	\$249.00
Furnishing Minor with Tobacco:	\$500.00	\$30.00	\$19.00	\$549.00
Furnishing Minor with Beer/Alcohol	\$500.00	\$30.00	\$19.00	\$549.00
Gambling Offenses:	\$500.00	\$30.00	\$19.00	\$549.00
Gasoline Theft:	\$500.00	\$30.00	\$19.00	\$549.00
Harboring Vicious Animal:	\$500.00	\$30.00	\$19.00	\$549.00
Indecent Exposure:	\$500.00	\$30.00	\$19.00	\$549.00
Interfering with Police Officer:	\$500.00	\$30.00	\$19.00	\$549.00
Leaving Scene of Accident:	\$500.00	\$30.00	\$19.00	\$549.00
Liquor Offenses (after hours):	\$500.00	\$30.00	\$19.00	\$549.00
Minor in Poss. Beer/Alcohol	\$500.00	\$30.00	\$19.00	\$549.00
No Insurance:	\$500.00	\$30.00	\$19.00	\$549.00
Parent Allowing Curfew Offense:	\$350.00	\$30.00	\$19.00	\$399.00
Passing Loading/Unloading School bus:	\$350.00	\$30.00	\$19.00	\$399.00
Passing in School Zone:	\$500.00	\$30.00	\$19.00	\$549.00

### Court Bonds & Fines

Permit Crime/Disorder by Minor:	\$350.00	\$30.00	\$19.00	\$399.00
Petit Larceny:	\$500.00	\$30.00	\$19.00	\$549.00
Possession Drug Paraphernalia:	\$500.00	\$30.00	\$19.00	\$549.00
*Possession of Marijuana:	\$500.00	\$30.00	\$24.00	\$554.00
Prostitution:	\$500.00	\$30.00	\$19.00	\$549.00
Reckless Driving:	\$500.00	\$30.00	\$19.00	\$549.00
Refuse Compel School Attendance:	\$350.00	\$30.00	\$19.00	\$399.00
Resisting Arrest	\$500.00	\$30.00	\$19.00	\$549.00
Selling Beer to Minor:	\$500.00	\$30.00	\$19.00	\$549.00
T.O.C. Beer/Alcohol:	\$500.00	\$30.00	\$19.00	\$549.00
 Library Warrants:	 \$50.00	 \$30.00		 \$ 80.00
 Speeding offenses:				
1-10 over	\$50.00	\$30.00	\$19.00	\$ 99.00
11-15 over	\$100.00	\$30.00	\$19.00	\$149.00
16-20 over	\$150.00	\$30.00	\$19.00	\$199.00
21 plus over	\$200.00	\$30.00	\$19.00	\$249.00
 Speeding in School Zone:				
1-10 over	\$100.00	\$30.00	\$19.00	\$149.00
11 over plus	\$200.00	\$30.00	\$19.00	\$249.00
 Speeding in Construction Zone:				
1-10 over	\$100.00	\$30.00	\$19.00	\$149.00
11 over plus	\$200.00	\$30.00	\$19.00	\$249.00
 Other Traffic Offenses:				
Failure to use Seatbelt:	\$10.00	\$15.00		\$25.00
Failure to Restrain Child:	\$25.00	\$30.00		\$55.00
 Parking Violations:				
Parking in Handicapped Space:	\$100.00	\$30.00		\$130.00
Parking in Fire Lane/Zone	\$100.00	\$30.00		\$130.00
Other violation:	\$10.00	\$30.00		\$ 40.00
 Other city traffic offenses not listed:	\$200.00	\$30.00	\$19.00	\$249.00
 Other city non-traffic offenses not listed:	\$200.00	\$30.00	\$19.00	\$249.00

## Court Bonds & Fines

### COURT DEFERRAL FEES

The following fees are hereby established by the Municipal Court of the city for deferred sentences for the listed offenses, effective July 6, 2009:

<u>Offense</u>	<u>Deferral Fee</u>
A.P.C. Drugs or Alcohol:	\$800.00
Assault & Battery:	\$750.00
Assault on Police Officer:	\$750.00
Careless Driving:	\$550.00
Contribution to Delinquency	\$750.00
Cruelty to Animals	\$750.00
Destruction of Private/City Property:	\$750.00
D.U.I. Drugs or Alcohol:	\$800.00
Interfering with an Officer:	\$750.00
Petit Larceny:	\$750.00
Possession Drug Paraphernalia:	\$800.00
Possession of Marijuana:	\$800.00
Reckless Driving:	\$750.00
Resisting Arrest	\$750.00
T.O.C. Beer/Alcohol:	\$800.00
Other city non-speeding/parking offenses not listed:	\$600.00

Dated June \_\_\_\_\_, 2009.

\_\_\_\_\_  
Municipal Court Judge

