

HOCHATOWN ORDINANCES

(Approved at November 13, 2023 Special Meeting)

ORDINANCE NO. 3

AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, ADOPTING AND ENACTING THE 2023 TOWN OF HOCHATOWN CODE OF ORDINANCES; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE TOWN OF HOCHATOWN; ESTABLISHING PENALTIES; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, MCCURTAIN COUNTY, STATE OF OKLAHOMA:

Section 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled Town of Hochatown Code of Ordinances – 2023 is hereby adopted and enacted for the Town of Hochatown Oklahoma.

Section 2. Ordinance Provisions Adopted.

All of the Ordinance provisions included in the Code are hereby adopted and enacted, and shall be in full effect, whether (a) such provisions are included in the form as originally adopted, (b) are included in amended form, (c) are composed wholly or partially of new material, as authorized by law, or (d) such provisions include material contained in full or adopted by reference.

Section 3. Temporary or Special Ordinances Omitted from Code Remain Effective.

The continuance in effect of any temporary and/or special Ordinances omitted from this Code, shall not be affected by such omission therefrom; the adoption of the Code shall not repeal or amend any such Ordinance or parts of any Ordinance omitted therefrom.

Section 4. Addition and Amendments to Code.

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Board of Trustees of the Town of Hochatown to make the same a part of such Code, shall be deemed to be incorporated in such so that reference to the Hochatown Code of Ordinances,” or any other appropriate title, shall be understood and intended to include such additions and amendments.

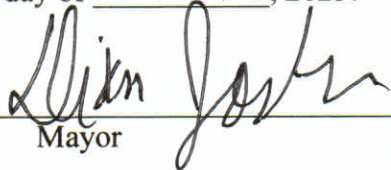
Section 5. Severability.

The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.

Section 6. Emergency.

It being necessary for the health, safety and welfare of the residents of the Town of Hochatown Oklahoma, that the new “Code of Ordinances” be adopted and implemented immediately, an emergency is hereby declared to exist, by reason whereof the provisions of this Ordinance and the “Code of Ordinances” adopted by reference herein, shall become effective immediately upon the passage and approval of this Ordinance, all as required by Law.

PASSED, APPROVED AND ADOPTED This 13 day of November, 2023.



Mayor

ATTEST:



Town Clerk



Table of Contents

TITLE 1: ADMINISTRATION

CHAPTER 1

HOCHATOWN TOWN CODE

SECTION:

1-1-1: Title

1-1-2: Acceptance

1-1-3: Amendments

1-1-4: Jurisdiction

1-1-5: Code Alterations

CHAPTER 2

SAVING CLAUSE

SECTION:

1-2-1: Repeal Of General Ordinances; Exceptions

1-2-2: Court Proceedings

1-2-3: Severability Clause

CHAPTER 3

DEFINITIONS; INTERPRETATION

SECTION:

1-3-1: Construction Of Words; Interpretation

1-3-2: General Definitions

1-3-3: Catchlines

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1: General Penalty

1-4-2: Fines Recoverable By Civil Action

1-4-3: Application of Provisions

1-4-4: Liability of Officers

**CHAPTER 5
CORPORATE LIMITS**

SECTION:

1-5-1: Town Map Designated As Official Map

**CHAPTER 6
ELECTIONS**

**CHAPTER 7
TOWN BOARD OF TRUSTEES AND MAYOR**

SECTION:

1-7-1: General Powers Of Town

1-7-2: Composition; Terms Of Office

1-7-3: Meetings Of Town Board

1-7-4: Rules Of Order And Procedure

1-7-5: Supervisory Duties Of Trustees

1-7-6: Election And Duties Of Mayor

**CHAPTER 8
TOWN OFFICERS AND PERSONNEL**

SECTION:

1-8-1: Appointments And Removals

1-8-2: Bonds Of Officers

1-8-3: Oath Of Office

1-8-4: Salaries And Compensation

1-8-5: Officers Continue Until Successors Elected And Qualify

1-8-6: Appointment Of Personnel In Emergencies

**CHAPTER 9
SPECIFIC TOWN OFFICIALS**

SECTION:

1-9-1: Town Clerk

1-9-2: Town Treasurer

1-9-3: Town Attorney

1-9-4: Health Officer

1-9-5: Town Administrator

**CHAPTER 10
MUNICIPAL COURT**

SECTION:

1-10-1: Scope

1-10-2: Definitions

1-10-3: Municipal Judge

1-10-4: Clerk of the Court; Duties, Bond

1-10-5: Defendant To Pay Costs If Convicted

TITLE 2: BOARDS AND COMMISSIONS

**CHAPTER 1
PLANNING COMMISSION**

SECTION:

2-1-1: Commission Created; Membership

2-1-2: Organization; Meetings

2-1-3: Powers And Duties

2-1-4: Act As Zoning Commission

**CHAPTER 2
ZONING BOARD OF ADJUSTMENT**

SECTION:

2-2-1: Appointment; Terms; Administration

2-2-2: Duties As Zoning Board Of Adjustment

TITLE 3: FINANCE AND TAXATION

**CHAPTER 1
GENERAL FINANCE AND PURCHASING PROCEDURES**

SECTION:

3-1-1: Depositories Designated; Deposit Of Funds

3-1-2: Funds Secured

3-1-3: Collection agencies authorized

3-1-4: Contractual Services Defined For Purchasing

3-1-5: Open market procedure

3-1-6: Bids; Formal Contracts; Procedure.

3-1-7: Disposition Of Surplus Or Obsolete Materials; Bidding

CHAPTER 2

SALES TAX

SECTION:

3-2-1: Sales and Use Tax

CHAPTER 3

TOWN OF HOCHATOWN LODGING TAX ORDINANCE

SECTION:

3-3-1: Citation

3-3-2:- Definitions

3-3-3: Levied Amount; Rooms Provided Free of Charge Subject to Tax.

3-3-4: Exemptions; Acknowledgement Required; Records Required.

3-3-5: Tax to Be Separately Designated on Bills.

3-3-6: Operator Responsible for Collection

3-3-7: Certificates of Registration.

3-3-8: Records Required

3-3-9: Returns.

3-3-10: Payment of Tax.

3-3-11: Delinquent Taxes

3-3-12: Interest on Unpaid/Delinquent Taxes.

3-3-13: Collection by Suit.

3-3-14: Bond Required.

3-3-15: Assessment and Determination of Tax

3-3-16: Refunds

3-3-17: Notices.

- 3-3-18: Remedies Exclusive**
- 3-3-19: Failure to File; Submitting Fraudulent Returns; Failure to Post a Bond; Penalties.**
- 3-3-20: Records Confidential**
- 3-3-21: Use of Funds.**
- 3-3-22: Administration and Enforcement.**
- 3-3-23: Administration of Oaths and Compelling Testimony**
- 3-3-24: Proceedings to Recover Tax**
- 3-3-25: Amendments**
- 3-3-26: Provisions Cumulative**
- 3-3-27: Provisions Severable**
- 3-3-28: Effective Date.**

TITLE 4: BUSINESS AND LICENSE REGULATIONS

CHAPTER 1 OCCUPATIONAL LICENSE FEES

SECTION:

- 4-1-1: License Fees; Sales Tax Permit**
- 4-1-2: Payment Of Fee; License Issuance; Expiration Date**
- 4-1-3: Separate Licenses Required**
- 4-1-4: Display Of License**
- 4-1-5: Duplicate License**
- 4-1-6: Licenses Nontransferable**
- 4-1-7: Exemption; Ex-Service Persons**
- 4-1-8: Revocation Of License**
- 4-1-9: Penalty**

CHAPTER 2 ALCOHOLIC BEVERAGES

SECTION:

- 4-2-1: Definitions**

- 4-2-2: Levy And Payment Of Occupation Tax**
- 4-2-3: Application For License; Conditions**
- 4-2-4: Application For Certificate Of Zoning And Code Compliance**
- 4-2-5: State And Town Licenses Required**
- 4-2-6: General Prohibitions**
- 4-2-7: Restrictions Concerning Underage Persons**
- 4-2-8: Transportation In Vehicles; Exception**
- 4-2-9: (Intentionally Omitted)**
- 4-2-10: Package Stores**
- 4-2-11: Hours Of Operation**
- 4-2-12: Sale Or Delivery Prohibited On Certain Days**

**CHAPTER 3
ITINERANT VENDORS AND SOLICITORS**

SECTION:

- 4-3-1: License And Sales Tax Permit Required; Exceptions**
- 4-3-2: Application For License**
- 4-3-3: Bond Required**
- 4-3-4: Hours Of Sales**
- 4-3-5: Invitation To Go In Private Residences Required**
- 4-3-6: Penalty**

**CHAPTER 4
GARAGE SALES AND FLEA MARKETS**

SECTION:

- 4-4-1: Definition**
- 4-4-2: Permit Required; Fee**
- 4-4-3: Application For Permit**
- 4-4-4: Number And Dates Of Sales**
- 4-4-5: Posting Permit**
- 4-4-6: Signs**

4-4-7: Days And Hours

4-4-8: Exemptions

4-4-9: Penalty

**CHAPTER 5
RETAIL MARIJUANA ESTABLISHMENTS**

SECTION:

4-5-1: Definition Of Terms

4-5-2: Medical Marijuana Licenses

4-5-3: Prohibited Facilities

TITLE 5: HEALTH, SANITATION AND ENVIRONMENT

**CHAPTER 1
GENERAL HEALTH REGULATIONS**

SECTION:

5-1-1: Enforcement By County Health Department

5-1-2: Obstructing Health Officer

5-1-3: Violations

5-1-4: Penalty

**CHAPTER 2
FOOD REGULATIONS**

SECTION:

5-2-1: U.S. Food Service Sanitation Ordinance Adopted

**CHAPTER 3
NUISANCES**

SECTION:

5-3-1: Nuisance Defined; Public and Private Nuisances

5-3-2: Persons Responsible

5-3-3: Time Does Not Legalize

5-3-4: Remedies Against Nuisances

5-3-5: Town Power To Define and Summarily Abate

5-3-6: Certain Public Nuisances Enumerated

- 5-3-7: Summary Abatement of Nuisances**
- 5-3-8: Abatement By Suit in District Court**
- 5-3-9: Health Nuisances; Abatement**
- 5-3-10: Nuisance Unlawful**
- 5-3-11: Storage Of Personalty**
- 5-3-12: Procedures Cumulative**

**CHAPTER 4
WEEDS AND TRASH**

SECTION:

- 5-4-1: Definitions**
- 5-4-2: Accumulations Unlawful**
- 5-4-3: Reports Of Accumulations On Property**
- 5-4-4: Receipt Of Report; Hearing And Notice**
- 5-4-5: Work Done By Employees Or Contract**
- 5-4-6: Determination And Assessment Of Costs**
- 5-4-7: Lien On Property; Civil Remedy**
- 5-4-8: Service Of Notice**
- 5-4-9: Depositing Rubbish**
- 5-4-10: Burning Refuse; Permit**
- 5-4-11: Removal Of Dead Animals**
- 5-4-12: Littering**
- 5-4-13: Garbage Accumulations On Public Or Private Property**
- 5-4-14: Abandoned Ice Boxes, Refrigerators**
- 5-4-15: Penalty**

**CHAPTER 5
FIREWORKS AND EXPLOSIVES**

SECTION:

- 5-5-1: Fireworks Regulated**
- 5-5-2: Storing Or Keeping Explosives**

TITLE 6: POLICE AND PUBLIC SAFETY

**CHAPTER 1
POLICE DEPARTMENT**

SECTION:

6-1-1: Department Created; Chief

6-1-2: Duties Of Department

6-1-3: Police Officers

**CHAPTER 2
EMERGENCY MANAGEMENT**

SECTION:

6-2-1: Organization Created; Purpose And Duties

6-2-2: Department Established

6-2-3: Emergency Manager

6-2-4: Emergency Powers

6-2-5: Compensation Of Members; Nonliability Of Town For Injuries

**CHAPTER 3
OFFENSES AND CRIMES**

ARTICLE A. OFFENSES IN GENERAL

SECTION:

6-3A-1: Attempts To Commit An Offense

6-3A-2: Aiding In An Offense

6-3A-3: Penalty

ARTICLE B. OFFENSES AGAINST PROPERTY

SECTION:

6-3B-1: Petit Larceny

6-3B-2: Injuring Vehicles

6-3B-3: Destruction Of Buildings And Other Property

6-3B-4: Advertisements

6-3B-5: Throwing Or Shooting Objects Or Substances

6-3B-6: Tampering With Or Damaging Public Utilities

6-3B-7: Injuring Plants, Streets And Public Property

6-3B-8: Unlawful Intrusion Upon Land

6-3B-9: Trespassing; Illegal Entrance

6-3B-10: Parking, Placing Objects On Property Of Another

6-3B-11: Interference With Fire Hydrants

ARTICLE C. OFFENSES AGAINST THE PUBLIC AND PERSONS

SECTION:

6-3C-1: Assault And Battery

6-3C-2: Disturbing The Peace

6-3C-3: Insulting Signs, Literature Or Language

6-3C-4: Weapons And Firearms Restrictions

6-3C-5: Loud Noise Or Music; Amplified Sound

ARTICLE D. OFFENSES AGAINST HEALTH, WELFARE AND MORALS

SECTION:

6-3D-1: Alcohol And Drug Related Offenses

6-3D-2: Disorderly House

6-3D-3: Obscenity

6-3D-4: Vagrancy

6-3D-5: Sleeping Or Loitering In Public

6-3D-6: Intentional and Negligent feeding of bears prohibited; violations, penalties

6-3D-7: Youth Access to Tobacco

ARTICLE E. GATHERINGS WHERE MINORS CONSUME ALCOHOLIC BEVERAGES

SECTION:

6-3E-1: Definitions

6-3E-2: Consumption By Minors

6-3E-3: Hosting Or Allowing Gatherings

TITLE 7: MOTOR VEHICLES AND TRAFFIC

CHAPTER 1

STATE TRAFFIC CODE; ADMINISTRATION; GENERAL PROVISIONS

SECTION:

7-1-1: Adoption Of State Traffic Code

7-1-2: Application Of Regulations

7-1-3: Insurance Or Certificate Required

7-1-4: Accidents

7-1-5: Vehicle Equipment Generally

7-1-6: Truck Routes; Vehicle Size And Weight Restrictions

7-1-7: Securing Loads

7-1-8: Opening And Closing Vehicle Doors

7-1-9: Boarding Or Alighting From Vehicles

7-1-10: Unlawful Riding

7-1-11: Authorizing Or Permitting Violations

7-1-12: Pushcarts, Animals And Animal Drawn Vehicles

7-1-13: Maintenance And Construction Zones

7-1-14: Authorized Emergency Vehicles

7-1-15: Following Fire Apparatus; Crossing Fire Hose

7-1-16: Duty Of Police And Firefighters

7-1-17: Eluding Police Officer

7-1-18: Traffic Citations

7-1-19: Penalty For Violations

CHAPTER 2

VEHICLE OPERATION GENERALLY

SECTION:

7-2-1: Operation Of Vehicles Generally

7-2-2: Licensing Requirements; Vehicle Inspection Sticker

7-2-3: Speeding Regulations

7-2-4: Reckless Driving

CHAPTER 3

PARKING REGULATIONS

SECTION:

7-3-1: Parking Prohibited In Certain Places

7-3-2: Parking For Persons With Disabilities

7-3-3: Obstructing Traffic Or Signs

7-3-4: Parking For Certain Purposes Prohibited

7-3-5: Parking More Than Seventy-Two Hours

7-3-6: Parking On Left Side Of Roadway

7-3-7: Parking On Private Property; Impounding Vehicle

7-3-8: Authority To Restrict Parking Time And Prohibit Parking

7-3-9: Parking In Private Parking Spaces Without Permission Of Owner

7-3-10: Parking Within Fire Lanes On Certain Private Property

7-3-11: Limiting Parking To Authorized Emergency Vehicles

7-3-12: Manner Of Parking

7-3-13: Presumption In Prosecutions For Parking Violations

CHAPTER 4

TRAFFIC SIGNALS AND DEVICES

SECTION:

7-4-1: Obedience To Devices

7-4-2: Necessity Of Signs

7-4-3: Interference With Devices, Signs Or Signals

7-4-4: Presumption Of Legality

7-4-5: Ratification Of Existing Devices

7-4-6: Traffic Control Signal Legend

7-4-7: Flashing Signals

7-4-8: Driving Within Traffic Lanes

7-4-9: One-Way Streets And Alleys

7-4-10: Through Streets

7-4-11: Stop And Yield Signs

**CHAPTER 5
BICYCLES**

SECTION:

7-5-1: Application Of Traffic Regulations

7-5-2: Obedience To Traffic Control Devices

7-5-3: Riding Regulations And Restrictions

7-5-4: Lights And Reflectors

**CHAPTER 6
VEHICLE IMPOUNDMENT**

SECTION:

7-6-1: Purpose And Effect

7-6-2: Place Of Impoundment

7-6-3: Duration Of Impoundment

7-6-4: Police Authority To Impound

7-6-5: Inventory Of Impounded Vehicles

TITLE 8: PUBLIC WAYS AND PROPERTY

**CHAPTER 1
STREETS, SIDEWALKS AND PUBLIC WAYS**

SECTION:

8-1-1: Trees And Shrubbery

8-1-2: Obstructing Streets And Sidewalks

8-1-3: Depositing Trash Or Weeds

8-1-4: Washing Vehicles

8-1-5: Water And Fluids From Filling Stations And Other Businesses

8-1-6: Hazardous Sidewalks

8-1-7: Penalty

ARTICLE A. STREET USE PERMIT

SECTION:

8-1A-1: Permit Required

8-1A-2: Application; Required Information

8-1A-3: Hearing On Application; Contents Of Permit

8-1A-4: License Fee

8-1A-5: Revocation Of Permit

8-1A-6: Penalty

CHAPTER 2

PARK AREAS AND FACILITIES

SECTION:

8-2-1: Definitions

8-2-2: Limitation Of Activities

8-2-3: Rules And Regulations

8-2-4: Prohibited Acts

8-2-5: Penalty

TITLE 9: BUILDING REGULATIONS

CHAPTER 1

BUILDING CODE AND REGULATIONS

SECTION:

9-1-1: Building Code Adopted; Amendments; Penalty

9-1-2: Building Official

9-1-3: Building Permit Required; Fee

9-1-4: Penalty; Injunctive Relief

CHAPTER 2

PLUMBING CODE AND REGULATIONS

SECTION:

9-2-1: Plumbing Code Adopted; Amendments

9-2-2: Plumber Registration, Permits And Fees

9-2-3: Plumbing Permits And Inspections

CHAPTER 3

ELECTRICAL CODE AND REGULATIONS

SECTION:

9-3-1: Electrical Equipment Defined

9-3-2: Electrical Code Adopted; Amendments

9-3-3: Electrical Equipment; Compliance; Underwriters' Laboratories, Inc.

9-3-4: Authority To Make Special Rulings

9-3-5: Permit Required; Fee

9-3-6: Inspection Fee

9-3-7: Electrician Registration Required; Bond

9-3-8: Specific Electrical Requirements

CHAPTER 4

FUEL GAS CODE

SECTION:

9-4-1: Fuel Gas Code Adopted; Amendments

CHAPTER 5

FIRE CODE

SECTION:

9-5-1: Fire Code Adopted; Amendments

9-5-2: Limits For Storage Of Flammable Liquids, Gases And Explosives

9-5-3: Modifications; Appeals

9-5-4: Penalty

CHAPTER 6

PROPERTY MAINTENANCE CODE

SECTION:

9-6-1: Property Maintenance Code Adopted; Amendments

TITLE 10: FLOOD CONTROL

**CHAPTER 1
FLOODPLAIN REGULATIONS**

SECTION:

10-1-1: Findings

10-1-2: Purpose

10-1-3: Methods Of Reducing Flood Losses

10-1-4: Definitions

10-1-5: Application And Interpretation; Compliance Required

10-1-6: Basis For Establishing Areas Of Special Flood Hazard

10-1-7: Floodplain Administrator

10-1-8: Development Permit

10-1-9: General Standards For Flood Hazard Reduction

10-1-10: Specific Standards For Flood Hazard Reduction

10-1-11: Standards For Subdivision Proposals

10-1-12: Variances

10-1-13: Warning And Disclaimer Of Liability

TITLE 1: ADMINISTRATION

CHAPTER 1 HOCHATOWN TOWN CODE

SECTION:

1-1-1: Title

1-1-2: Acceptance

1-1-3: Amendments

1-1-4: Jurisdiction

1-1-5: Code Alterations

1-1-1: TITLE:

Upon adoption by the Board of Trustees, this Code is hereby declared to be and shall hereafter constitute the official Town Code of Hochatown. This Code of ordinances shall be known and cited as the HOCHATOWN TOWN CODE and is hereby published by authority of the Board of Trustees and shall be supplemented to incorporate the most recent legislation of the Town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal documents.

1-1-2: ACCEPTANCE:

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of the State as the ordinances of the Town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title.

1-1-3: AMENDMENTS:

Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper

place in each copy of this Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Code.

1-1-4: JURISDICTION:

A. All provisions of this Code and other ordinances of the Town now in effect or adopted in the future are hereby extended to all real property belonging to, or under the control of, the Town outside the corporate limits of the Town, and shall be in full force and effect thereon insofar as they are applicable. All ordinances of the Town which shall go into effect in the future shall also apply to and be in full effect within the boundaries of all outlying real property, insofar as they may be applicable.

B. Any words in any such provision indicating that its effect is limited to the corporate limits of the Town shall be deemed to mean and include also such outlying real property belonging to, or under the control of, the Town, unless the context clearly indicates otherwise.

1-1-5: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Said Code, while in actual possession of officials and other interested persons, shall be and remain the property of the Town and shall be returned to the Office of the Town Clerk when directed so to do by order of the Town Board of Trustees.

**CHAPTER 2
SAVING CLAUSE**

SECTION:

1-2-1: Repeal Of General Ordinances; Exceptions

1-2-2: Court Proceedings

1-2-3: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES; EXCEPTIONS:

A. All general ordinances of the Town passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

1. Ordinances promising or guaranteeing the payment of money for the Town, or authorizing the issuance of any bonds of the Town or any evidence of the Town's indebtedness.

2. Any appropriation ordinance providing for the levy of taxes or prescribing salaries for Town officers and employees.

3. Ordinances relating to boundaries and annexations.

4. Franchise ordinances and other ordinances granting special rights to persons or corporations.

5. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants, or accepting the beneficial interest in any trust.

6. Ordinances establishing, naming or renaming, opening, dedicating, or vacating streets, alleys or other public places; ordinances relating to the grade or alignment of specific streets.

7. Improvement ordinances.

8. Bond ordinances.

9. Ordinances relating to elections.

10. Ordinances relating to the transfer or acceptance of real estate by or from the Town.

11. Any temporary or special ordinance.

B. All such ordinances shall continue in full force and effect to the same extent as if fully set out herein.

1-2-2: COURT PROCEEDINGS:

A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. Extend To All Repeals: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Effect Of Repeal Of Ordinances:

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

2. 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.

D. Currently Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Town herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any ordinance or provision thereof in force at the time of the adoption of this Code.

1-2-3: SEVERABILITY CLAUSE:

A. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein. The Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

B. Further, if any word, phrase, clause, sentence, paragraph or section of this Code shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or sections of this Code.

**CHAPTER 3
DEFINITIONS; INTERPRETATION**

SECTION:

1-3-1: Construction Of Words; Interpretation

1-3-2: General Definitions

1-3-3: Catchlines

1-3-1: CONSTRUCTION OF WORDS; INTERPRETATION:

A. Liberal Construction: All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Mayor and Town Board of Trustees may be fully carried out.

B. Minimum Requirements: In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.

C. Ordinance: The word "ordinance" contained in the ordinances of the Town has been changed in the content of this Code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to Town ordinances is not meant to amend passage and effective dates of such original ordinances.

D. Gender: The use of any gender-based pronoun should not be construed to be gender biased, but is only used for grammatical simplicity.

E. 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, unless it is otherwise declared.

F. May; Shall: The word "may" is permissive and discretionary; the word "shall" is mandatory.

G. Or; And: "Or" may be read "and", and "and" may be read "or", if the sense requires it.

H. Nontechnical And Technical Words: Words and phrases which are not specifically defined shall be construed according to the common and approved 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.

I. 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.

J. Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the Town of Hochatown".

K. Tense: Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.

1-3-2: GENERAL DEFINITIONS:

Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

BOARD OF TRUSTEES OR TOWN BOARD: The Board of Trustees of the Town of Hochatown, Oklahoma.

CODE: The Town Code of the Town of Hochatown, Oklahoma.

COUNTY: McCurtain County, Oklahoma.

LAW: Includes applicable Federal law, provisions of the Constitution and Statutes of the State of Oklahoma, and ordinances of the Town, and, when appropriate, any and all rules and regulations promulgated thereunder.

OS: Oklahoma Statutes, as amended.

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.

STATE: The State of Oklahoma.

STATUTORY REFERENCES: References to Statutes of the State of Oklahoma as they now are or as they may be amended.

TOWN: The Town of Hochatown, County of McCurtain, State of Oklahoma.

1-3-3: CATCHLINES:

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**CHAPTER 4
GENERAL PENALTY**

SECTION:

1-4-1: General Penalty

1-4-2: Fines Recoverable By Civil Action

1-4-3: Application of Provisions

1-4-4: Liability of Officers

1-4-1: GENERAL PENALTY.

A. Penalty Imposed: Except as otherwise provided by State law, whenever in this Code or in any ordinance of the Town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this Code or an ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this Code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding five hundred dollars (\$500.00). Each day or any portion of a day during which any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

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

C. Bail Bonds: The Municipal Bail Bond Schedule is defined and described within the appendix attached to this chapter.

D. Court Costs: Court costs of thirty dollars (\$30.00) shall be collected on all cases as authorized by State law.

E. Technology fee. A municipal court technology fee in the amount provided in the fee schedule is established. The fee shall be in addition to and not in substitution for any and all costs, fees, fines or penalties otherwise provided by law and assessed on every citation disposed of in the municipal court except those that are voided, declined for prosecution, dismissed without costs or the defendant is acquitted. Citations for which fees and costs are specifically limited by law shall also be excluded from assessment of said technology fee. The revenues generated by this fee shall be used solely and exclusively for the acquisition, operation, maintenance, repair, lease and replacement of hardware, software, and peripheral technological equipment used in the operation prosecution and administration of the municipal court of the criminal justice system of the city, which shall include, but is not limited to, computers hardware and software needs of the municipal court; audio, video and other electronic technologies to assist with municipal court proceedings; Digi ticket lease funds; and the maintenance of said municipal court electronics.

1-4-2: 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.

1-4-3: APPLICATION OF PROVISIONS:

A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this Code the same as though it were a part of each and every separate section.

B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the Prosecuting Officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

1-4-4: LIABILITY OF OFFICERS:

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Town Board to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**CHAPTER 5
CORPORATE LIMITS**

SECTION:

1-5-1: Town Map Designated As Official Map

1-5-1: TOWN MAP DESIGNATED AS OFFICIAL MAP:

A. A map depicting the current corporate boundaries of the Town shall be maintained and displayed in the Office of the Town Clerk.

B. This map shall reflect all current Annexation and De-Annexation Ordinances and orders, all plat and/or street vacation orders, and all official street names and shall represent the official map of the corporate boundaries of the Town.

C. This map may be combined with the official Zoning Districts Map. All dedicated streets and alleys shall be shown on this map; vacated streets and alleys shall not be shown on said map, but shall be redrawn by the methods provided by Oklahoma Statutes.

D. This map shall be available for public inspection.

CHAPTER 6
ELECTIONS

Elections shall be conducted in accordance with the Oklahoma Town Meeting Act.

**CHAPTER 7
TOWN BOARD OF TRUSTEES AND MAYOR**

SECTION:

1-7-1: General Powers Of Town

1-7-2: Composition; Terms Of Office

1-7-3: Meetings Of Town Board

1-7-4: Rules Of Order And Procedure

1-7-5: Supervisory Duties Of Trustees

1-7-6: Election And Duties Of Mayor

1-7-1: GENERAL POWERS OF TOWN:

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

B. The powers, rights and authorities of the Town, including the determination of matters of policy, shall be vested in and exercised by the Board of Trustees.

1-7-2: COMPOSITION; TERMS OF OFFICE:

A. Membership; Election At Large: The Board of Trustees shall consist of five (5) members who shall be nominated and elected at large without regard to their place of residence within the corporate limits of the Town.

B. Terms Of Office:

1. The term of office for a Trustee shall be four (4) years beginning at twelve o'clock (12:00) noon on the second Monday following the general Municipal election. The Trustee shall serve until his successor is elected and qualified. The terms of the Trustees shall be staggered so that at one general Municipal election, the following Trustees are elected for four (4) year terms:

- a. Trustees one, three, and five; and
- b. Treasurer.

2. At the next general Municipal election, the following officers are to be elected for four (4) year terms:

- a. Trustees two and four; and
- b. Clerk.

C. Resolution Calling For Election: The resolution of the Board of Trustees calling for a general or special election to fill the Office of Trustee shall state the number of four (4) year terms and the number of unexpired terms, if any, to be filled. The resolution shall direct that the ballot shall state the number of Offices of Trustee to be filled for each term and that the voters shall vote for the number to be filled. Candidates for the Office of Trustee shall file for a specific term, which shall be designated on the declaration of candidacy. Candidates receiving the largest pluralities for each designated term shall be elected.

1-7-3: MEETINGS OF TOWN BOARD:

A. Meetings; Quorum:

- 1. The Board of Trustees shall meet regularly and conduct municipal business in an open and public space providing notice in compliance with State Law.
- 2. Where the day for a meeting falls upon a day which is a legal holiday in the State, the meeting shall be held on the next succeeding day which is not a holiday.
- 3. Special meetings may be called by the Mayor or any three (3) Trustees.
- 4. A majority of all the members of the Board shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

1-7-4: RULES OF ORDER AND PROCEDURE:

A. Determine Rules; Compel Attendance:

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

1-7-5: SUPERVISORY DUTIES OF TRUSTEES:

The Board of Trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the Town, such as streets, water systems and so on, and may give each such Trustee or committee designated an

appropriate title. Each such Trustee or committee so designated shall be subordinate to the Board.

1-7-6: ELECTION AND DUTIES OF MAYOR:

A. Election From Board Members; Term: The Board of Trustees shall elect from among its members a Mayor in accordance with the requirements of the Oklahoma Town Meeting Act.

B. Powers And Duties: The Mayor shall preside at meetings of the Board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. The Mayor shall be recognized as head of the Town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The Mayor shall have all the powers, rights, duties and responsibilities of a Trustee, including the right to vote on questions.

C. Absence Of Mayor; Acting Mayor: During the absence, disability or suspension of the Mayor, the Board shall elect from among its members an Acting Mayor. When a vacancy occurs in the Office of the Mayor, the Board shall elect another Mayor from among its members to serve for the duration of the unexpired term.

**CHAPTER 8
TOWN OFFICERS AND PERSONNEL**

SECTION:

1-8-1: Appointments And Removals

1-8-2: Bonds Of Officers

1-8-3: Oath Of Office

1-8-4: Salaries And Compensation

1-8-5: Officers Continue Until Successors Elected And Qualify

1-8-6: Appointment Of Personnel In Emergencies

1-8-1: APPOINTMENTS AND REMOVALS:

A. Board Authority: The Board of Trustees may appoint such officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, lay off or remove all such personnel for the good of the service.

1-8-2: BONDS OF OFFICERS:

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

1-8-3: OATH OF OFFICE:

A. All officers of the Town, but not employees, are required to take the oath or affirmation of office prescribed by the State Constitution before they enter upon their duties.

B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by State law.

1-8-4: SALARIES AND COMPENSATION:

A. Elective Officers: Compensation, if any, of elective Town officers, including the following, shall be fixed by ordinance:

1. Mayor;

2. Each Trustee;
3. Town Clerk; and
4. Town Treasurer.

B. Employees, Number And Classes:

1. The compensation of all other officers and employees, excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the Board of Trustees, and may be changed at any time in the same manner.

2. Except as the law provides otherwise, the Board of Trustees may determine or regulate the number and classes of officers and employees.

C. Salaries Of Certain Officers Not Changed: In no case shall the salary or emoluments of any Town officer elected or appointed for a definite term, be changed after his election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment, such being prohibited by the Constitution, article 23, section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees.

1-8-5: OFFICERS CONTINUE UNTIL SUCCESSORS ELECTED AND QUALIFY:

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

1-8-6: APPOINTMENT OF PERSONNEL IN EMERGENCIES:

A. The Mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the Town during the existence of the emergency, subject to the approval of the Board of Trustees as soon as an Emergency meeting, special meeting or regular meeting can reasonably be called or held therefor.

B. The Board of Trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency.

C. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the Town.

**CHAPTER 9
SPECIFIC TOWN OFFICIALS**

SECTION:

1-9-1: Town Clerk

1-9-2: Town Treasurer

1-9-3: Town Attorney

1-9-4: Health Officer

1-9-5: Town Administrator

1-9-1: TOWN CLERK:

A. Election; Term: The Town Clerk is an elected official of the Town, elected in accordance with the Oklahoma Town Meeting Act.

B. Duties: The Town Clerk shall:

1. Keep the journal of the proceedings of the Board;
2. Enroll in a book kept for that purpose all ordinances and resolutions passed by the Board;
3. Have custody of documents, records and archives as may be provided by law or ordinance and have custody of the Town Seal;
4. Attest and affix the Seal of the Town to documents as required by law or ordinance; and
5. Have such other powers, duties and functions as may be prescribed by law or ordinance or by the Board.

1-9-2: TOWN TREASURER:

A. Election; Term: The Town Treasurer is an elected official of the Town elected in accordance with the Oklahoma Town Meeting Act.

B. Duties: The Town Treasurer shall:

1. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any monies have been paid;
2. Deposit daily funds received for the Town in depositories as the Board may designate;
3. Attend each regularly scheduled meeting of the Board of Trustees of the Town;

4. Perform such other duties as requested by the Board, including performing work requested by the Board on a daily basis in the operations of the Municipal offices of the Town, with the number of hours per month of such employment to be determined by motion by the Board and periodically reviewed by said Board;

5. Have such other powers, duties, and functions as may be prescribed by law or ordinance.

C. Examination Of Books And Accounts: The Treasurer's books and accounts shall at all times be subject to examination by the Board.

1-9-3: TOWN ATTORNEY:

A. Appointment: The Board of Trustees may appoint a Town Attorney or may secure the services of an attorney or attorneys on a contractual basis when needed.

B. Duties: The Town Attorney, when and if appointed, shall be the legal adviser of the Board, all officers, departments and agencies of the Town government in matters relating to their official powers and duties. The Town Attorney shall represent the Town in proceedings in the courts and shall perform all services incident to his position which may be required by law or ordinance.

1-9-4: HEALTH OFFICER:

The Board of Trustees may appoint a Town Health Officer. The County Health Officer or any qualified personnel of the State Department of Health may perform the duties and functions of a Town Health Officer.

1-9-5: TOWN ADMINISTRATOR:

A. Appointment, Pay, Term, Qualifications, Removal: The Board of Trustees may appoint a Town Administrator. The Board shall appoint him/her for an indefinite term and establish compensation at the time of hiring, by a vote of a majority of all its members. The candidate shall be chosen on the basis of his/her executive and administrative qualifications. At the time of his/her appointment, he/she need not be a resident of the Town or State; but, during his/her tenure of office, he/she shall reside within the Town. The Board may suspend or remove the Town Administrator at any time by a vote of a majority of all its members.

B. Powers And Duties: The Town manager shall be an administrative officer of the Town and head of the administrative branch of the Town government. He/She shall execute the laws and ordinances passed by the Board and administer the government of the Town as proscribed by the Board. He/She shall:

1. Supervise and control, directly or indirectly, all administrative departments, agencies, officers, and employees;

2. Prepare a budget annually, in conjunction with the Town Treasurer and submit it to the Board, be responsible for the administration of the budget after it goes into effect, and recommend to the Board any changes in the budget which he deems desirable

3. Submit to the Board a report as of the end of the fiscal year on the finances and administrative activities of the Town for the preceding year;

4. Keep the Board advised of the financial condition and future needs of the Town, and make such recommendations to the Board on matters of policy and other matters as may seem to him/her desirable;

5. Have such other powers, duties, and functions as the Board may prescribe.

**CHAPTER 10
MUNICIPAL COURT**

SECTION:

1-10-1: Scope

1-10-2: Definitions

1-10-3: Municipal Judge

1-10-4: Clerk of the Court; Duties, Bond

1-10-5: Defendant To Pay Costs If Convicted

1-10-1: SCOPE; EFFECTIVE DATE:

The Town Board of Trustees may establish a Municipal Court of the Town. This chapter shall govern the organization and operation of the Municipal Court.

1-10-2: 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 indicates a different meaning:

CLERK: The Town Clerk or other employee of the Town as shall be designated by the Town Clerk to act as Clerk of the Municipal Court.

COURT: The Municipal Court of the Town.

JUDGE: The Judge of the Municipal Court, including any Acting Judge thereof, so provided for by the Statutes of this State and this chapter

1-10-3: MUNICIPAL JUDGE:

A. Qualifications; Term:

1. There shall be one Judge of the Municipal Court. A Judge must be duly licensed to practice law in the State. The Judge may engage in the practice of law in other courts, but the Judge shall not accept employment inconsistent with his duties as Judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein, or which might become the subject of proceedings therein. The Judge may serve as Judge of other Municipal courts, if such service may be accomplished consistently with his duties as Judge of this court, with the consent of the Town Board.

2. The official term of the Judge shall be two (2) years, expiring on June 30 in each odd numbered year. Each Judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

B. Appointment: The Judge shall be appointed by the Mayor with the consent of the Town Board.

C. Vacancies:

1. A vacancy in the Office of the Judge shall occur if the incumbent:

a. Dies.

b. Resigns.

c. Ceases to possess the qualifications for the office.

d. Is removed by the Town Board of Trustees for causes prescribed by the Constitution and law of the State of Oklahoma.

2. Upon the occurrence of a vacancy in the Office of Judge, the Town Manager shall appoint a successor to complete the unexpired term.

D. Compensation: The salary of the Judge shall be established upon recommendation of the Mayor to, and approval of, the Town Board.

E. Acting Judge. There may be appointed, for each judge of the court, an alternate acting judge, possessed of the same qualification as the judge. The Acting Judge's appointment shall be for the same term and made in the same manner as the judge. He/She shall sit as Acting Judge of the court in any case if the judge is:

1. Absent from the court;

2. Unable to act as judge;

3. Disqualified from acting as judge in the case.

1-10-4: CLERK OF THE COURT; DUTIES, BOND:

A. Disposition Of Funds: The Town Clerk as Clerk of the Municipal Court shall pay to the Treasurer, on the first and the fifteenth day of each month, all monies so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All monies paid to the Treasurer shall be placed in the General Fund, or in such other fund as the Town Board 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.

B. Surety Bond: The Clerk of the court shall give bond, in the form provided by 11 Oklahoma Statutes section 27-111, in the sum of one thousand dollars (\$1,000.00). When executed, such bond shall be submitted to the Town Board for approval. When approved, it shall be filed with the Clerk and retained in the Municipal archives.

1-10-5: DEFENDANT TO PAY COSTS IF CONVICTED:

Upon the entry of judgment, the Clerk of the court shall tax the costs to the defendant in a sum not exceeding the amount established by 11 Oklahoma Statutes section 27-126, plus any fees assessed by the court, all of which the defendant shall pay, in addition to any fine that may be imposed.

TITLE 2: BOARDS AND COMMISSIONS

CHAPTER 1

PLANNING COMMISSION

SECTION:

2-1-1: Commission Created; Membership

2-1-2: Organization; Meetings

2-1-3: Powers And Duties

2-1-4: Act As Zoning Commission

2-1-1: COMMISSION CREATED; MEMBERSHIP:

A. Creation: A Town Planning Commission may be created for the Town.

B. Appointment; Terms: The Planning Commission shall consist of five (5) appointive members, all of whom shall be residents of the Town, and the Chairman of the Town Board of Trustees and the Town Engineer (if any) as ex officio members. The appointive members shall be nominated by the Mayor and appointed by the Board of Trustees and shall serve for terms of three (3) years. Of the original appointive members, one shall serve for a term of one year; two (2) shall serve for a term of two (2) years; and two (2) shall serve for a term of three (3) years.

C. Vacancies; Removals:

1. Vacancies shall be filled for the unexpired terms.
2. The Town Board of Trustees may remove members of the Town Planning Commission for cause.

D. Compensation: The members shall serve without compensation.

2-1-2: ORGANIZATION; MEETINGS:

A. Officers: The Town Planning Commission shall elect a Chairman, a Vice Chairman, and Secretary, who shall serve until the first Monday of the next May after their election. The Secretary need not be a member of the commission.

B. Meetings: The commission shall determine the time and place of its regular meetings; and the Chairman or any three (3) members may call special meetings of the commission.

C. Employees; Salaries: The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the Town Board of Trustees. Their salaries and compensation shall be fixed by the Board, and shall be paid out of the Town

Treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the Town Treasury as other legal expenses of the Town government are paid.

2-1-3: POWERS AND DUTIES:

The Town Planning Commission shall have all the powers and duties prescribed for it by State law and all other powers and duties now or hereafter prescribed for it by any other provision of ordinance or law.

2-1-4: ACT AS ZONING COMMISSION:

A. Appointed As Zoning Commission: The Town Planning Commission is hereby appointed the Zoning Commission of the Town, and the Town Planning Commission shall have the powers of a Zoning Commission as provided by State law. Whether exercising the powers of a Planning Commission or the powers of a Zoning Commission, it shall be legally one board known as the Town Planning Commission.

B. Powers As Zoning Commission: Exercising the powers of a Zoning Commission, the Town Planning Commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a Zoning Commission by State law and all powers which now or in the future may be granted by applicable State law to such authorities.

**CHAPTER 2
ZONING BOARD OF ADJUSTMENT**

SECTION:

2-2-1: Appointment; Terms; Administration

2-2-2: Duties As Zoning Board Of Adjustment

2-2-1: APPOINTMENT; TERMS; ADMINISTRATION:

A Zoning Board of Adjustment is hereby created for the Town. Said Board shall consist of five (5) members, appointed by the Town Board of Trustees. The term of the members thereof and the filling of vacancies therein shall be as set by the Town Board of Trustees. The Zoning Board of Adjustment shall adopt rules in accordance with the provisions of this section or any amendment thereto. Meetings of the Zoning Board of Adjustment shall be held at the call of the Chairman and at such times as such Board may determine. All meetings of the Zoning Board of Adjustment shall be open to the public. The Zoning Board of Adjustment shall keep minutes of its proceedings, show the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the Office of the Town Clerk and become a public record.

2-2-2: DUTIES AS ZONING BOARD OF ADJUSTMENT:

The Zoning Board of Adjustment shall have the following powers:

- A. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Town Clerk, building inspector, or other administrative official;
- B. To hear and decide special exceptions to the terms of the zoning or other ordinances upon which the Zoning Board of Adjustment is required to pass; and
- C. To authorize upon appeal in specific cases, variances from the terms of such ordinances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, so that the spirit of the ordinances will be observed and substantial justice done.

TITLE 3: FINANCE AND TAXATION

CHAPTER 1

GENERAL FINANCE AND PURCHASING PROCEDURES

SECTION:

3-1-1: Depositories Designated; Deposit Of Funds

3-1-2: Funds Secured

3-1-3: Collection agencies authorized

3-1-4: Contractual Services Defined For Purchasing

3-1-5: Open market procedure

3-1-6: Bids; Formal Contracts; Procedure.

3-1-7: Disposition Of Surplus Or Obsolete Materials; Bidding

3-1-1: DEPOSITORIES DESIGNATED; DEPOSIT OF FUNDS:

All banks and all savings and loan associations in the Town which are incorporated under Federal or State law are hereby designated as depositories for the funds of the Town. The Town Treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations.

3-1-2: FUNDS SECURED:

The deposits of the Town shall be secured pursuant to the Security for Local Public Deposits Act, 62 Oklahoma Statutes section 517.1 et seq.

3-1-3. - COLLECTION AGENCIES AUTHORIZED:

A. The Town may enter into a contract or contracts with a collection agency or agencies for the provision of collection services for debts and accounts receivable (including, but not limited to, unpaid fees, penalties, interest and other sums due the city, as applicable) and court penalties, costs, fines and fees in the cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court.

B. For each item referred to a collection agency under this section, a collection fee in an amount not to exceed thirty-five percent (35%) shall be added on each item to cover the cost charged the Town by the collection agency, and in the case of court penalties, costs, fines and fees in cases in municipal court, the court shall order defendants to reimburse such

collection fee. The court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action.

3-1-4: CONTRACTUAL SERVICES DEFINED FOR PURCHASING:

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

3-1-5 OPEN MARKET PROCEDURE:

A. All purchases of supplies, materials, equipment, labor or contractual services for less than a cost of \$100,000.00 shall be made by the Mayor or other designated Town personnel on the open market, without newspaper advertisement and without observing the procedures for formal bidding prescribed in section 3-1-5 below.

B. All open market purchases shall, wherever possible, be based on at least three informal competitive bids and shall be awarded to the lowest and best bidder in accordance with the procedures set forth in this section.

C. Informal bids for open market purchases shall be solicited by any one of the following methods:

1. Direct mail request to prospective vendors.
2. Telephone.
3. Public notice.
4. Email.
5. Via facsimile.
6. Electronic posting by internet service provider.

7. Other means prescribed by the Town Board of Trustees or by other designated Town personnel.

D. The Mayor or other designated Town personnel shall keep a record of all open market bids submitted under this section, which shall be open to public inspection

in accordance with state law and shall be maintained by the Town pursuant to its records retention policy.

E. The Mayor or other designated Town personnel shall present at a Town Board of Trustees meeting the recommendation for the award of the purchases under the open market procedure for their approval.

F. The purchase of supplies, materials, equipment, labor or contractual services may be purchased without following the open market procedure set forth in this section for the following purchases.

1. *Small purchases.* Purchases of supplies, materials, equipment, labor or contractual services whose costs do not exceed \$10,000.00. Said purchases shall be made by the Mayor or other designated Town Personnel without prior Board of Trustee approval;

2. *Sole source.* Purchases of supplies, materials, equipment, labor or contractual services which can be furnished only by a single vendor, or which have a uniform price wherever bought;

3. *Government agencies.* Purchases of supplies, materials, equipment, labor or contractual services purchased from another unit of government, at a price not exceeding the price set forth by the state purchasing agency or any other state agency hereinafter authorized to regulate prices for things purchased by the state, whenever such price is determined by a contract negotiated with the vendor or otherwise;

4. *Unique items.* Purchases of supplies, materials, equipment, labor or contractual services that by their own nature are unique and as such are impossible or impractical to purchase by open market bidding. These items may include professional services such as attorneys, auditors, physicians, financial or personnel consultants, engineers, architects, special purpose items such as insurance, or used equipment;

5. *Miscellaneous.* All purchase of supplies, materials, equipment, labor or contractual services that are impossible or impractical to purchase by competitive bidding because of the vendor availability or qualifications, economic situation, including, but not limited to, items with unstable prices such as fuel or asphalt, and items that become available for immediate purchase;

6. *Emergency purchases.* All purchase of supplies, materials, equipment, labor or contractual services purchased when an emergency exists where delivery is critical to life, health, or destruction of property causing economic loss to the Town or its inhabitants.

7. All purchases or contracts made under 2-217(f)(2)—(6) shall require approval of the Board of Trustees prior to the purchase being made.

3-1-6. - BIDS; FORMAL CONTRACTS; PROCEDURE.

A. All purchases of supplies, material, equipment, labor or contractual services shall be purchased in compliance with the requirements of the Oklahoma Competitive Bidding Act codified at 61 O.S., § 101 et seq, as amended and the Public Trusts Bidding Law codified at 60, O.S., § 176(I), as amended. All bids may be rejected and further notice and opportunity for competitive bidding may be given.

B. The Mayor or other designated personnel shall be responsible for the preparation of bid specifications with the assistance of the administrative department requesting said formal contract. The said specifications shall, at a minimum, note the minimum standards acceptable to the Town and shall be prepared in such a manner as to advise all prospective bidders as to what will be required in performing the formal contract. The specifications should not be overly restrictive in order to allow as many vendors as possible to compete. The specifications shall be presented to the Town Board of Trustees and the Town Board of Trustees shall approve the specifications and authorize the Mayor or other designated personnel to begin the process to advertise for bids as set out within this section.

C. Bids are to be solicited for which a formal contract may be awarded by the Town. The Mayor or other designated personnel shall prepare an invitation for bids packet setting forth the following:

1. The character of the proposed formal contract in sufficient detail that all bidders shall know exactly what their obligation will be and the nature of the formal contract and the specifications, either in the bid notice or by reference to bidding documents;

2. The name of the officer or employee and the office location and address for such person, from whom a complete set of bidding documents including specifications regarding such proposed formal contract may be obtained, together with the amount of the cost deposit required for the specifications and bid documents, if any;

3. The date, time and place for opening of sealed bids;

4. A statement that the Town Board of Trustees may accept or reject any and all bids.

D. The following notice requirements shall be required before accepting bids for any formal contract;

1. Notice of the proposed formal contract shall be given by publication in a newspaper of general circulation within the Town. Such Notice shall be published in two consecutive weekly issues of the newspaper, with the first publication at least 20 days prior to the date and time for bid opening;

2. Notice of the proposed formal contract shall be posted, at least 20 days prior to the date and time of set for opening bids, on a readily accessible bulletin board within the Town hall facility;

3. Notice of the proposed formal contract as determined by the Mayor or other designated personnel may be sent to trade or construction publications for their use and information if the Mayor or other designated personnel determines that furnishing such information to trade or construction publications will assist the Town in obtaining qualified bidders for the formal contract. This shall not be construed as requiring publication of bid notice in the trade or construction publications;

4. Notice of the proposed formal contract shall be mailed by first class mail to all known prospective bidders, who have made known in writing to the Town Clerk their interest in bidding on formal contracts within 12 months immediately preceding the date of opening bids. This notice shall be mailed to said prospective bidders at least 20 days prior to the date and time set for opening bids.

5. Notice of the proposed formal contract shall be posted on the Town's website at least 20 days prior to the date and time set for opening bids.

6. A sufficient number of complete sets of specifications and bidding documents shall be on file in the office the Mayor or other designated personnel at least 20 days prior to the date and time set for opening bids.

E. If the Mayor or other designated personnel deems it necessary, a bid bond may be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of the bid bond upon award of the contract. If the Mayor or other designated personnel requires a bid bond, the bid bond shall be equal to five percent of the bid.

F. The Mayor or other designated personnel shall have the authority to require a performance bond, payment bond and insurance before entering into a formal contract in the amount of the formal contract where reasonably necessary to protect the best interest of the Town. Said performance bond, payment bond and insurance shall be included in the specifications and invitation to bid, so that all prospective bidders will be notified prior to bidding on the formal contract that a performance bond, payment bond and insurance is required.

G. At the time and place at which bids are to be opened, the bid opening shall be conducted as follows:

1. All bids shall be sealed with the notation on the envelope that the envelope contains a bid responsive to the notice of invitation for bids.

2. The Mayor or other designated personnel shall open publicly the bids and read aloud the bid of each prospective bidder. The bid opening shall be open to the public and all bidders.

3. No bid received after the date and time set for the opening of sealed bids shall be considered and shall be returned unopened to the bidder submitting such bids.

4. Any bid received by the Town more than 96 hours, excluding Saturdays, Sundays and holidays, before the date and time set for the opening of bids shall not be considered and shall be returned unopened to the bidder submitting the same.

5. All bids shall be tabulated by the Mayor or other designated personnel.

6. All bids both successful and unsuccessful shall be placed on file in the office of the Mayor or other designated personnel and shall be open to the public for inspection and shall thereafter be matters of public record.

7. A tabulation of all bids received shall be forwarded to the Mayor or other designated personnel with an appropriate recommendation for acceptance or rejection of the bids. The recommendation shall be made by the department head of the department for which the formal contract will be performed. If the specifications for the formal contract were developed by an engineer, architect or consultant of the Town, said engineer, architect or consultant shall perform the bid tabulation and recommendation to the Mayor or other designated personnel.

H. The following procedures shall be followed in determining whether or not the Town shall award or reject the contract as follows:

1. The Mayor or other designated personnel shall place the bid tabulations and recommendations of whether or not to award the contract and to whom on the Town Board of Trustees agenda for the Town Board of Trustees' approval or rejection.

2. The Town Board of Trustees shall have the authority to accept or reject bids or accept or reject part of bids in awarding of a formal contract.

3. Contracts shall be awarded to the lowest and best bidder. In determining the lowest and best bidder in addition to the price, the following factors shall be considered;

a. ability, capacity, skill of the bidder to perform the formal contract.

b. whether the bidder can perform the formal contract promptly and within the time specified with delay or interference.

c. the character, integrity, reputation, judgment, experience and efficiency of the bidder.

d. the quality of performance of previous contracts with the Town or others.

e. the previous and existing compliance by the bidder with laws or ordinances relating to the formal contract.

f. the sufficiency of the financial resources and ability of the bidder to perform the formal contract.

g. the ability of the bidder to provide future maintenance and/or service for the use of the subject of the formal contract.

I. No formal contract shall be subdivided to avoid the requirements of this section and no split purchases shall be allowed as part of a formal contract.

J. If the Town Board of Trustees approves the award of a formal contract, the Town shall execute a written contract with bidder including any performance bond, maintenance bond, payment bond and insurance required.

K. The Town Board of Trustees may waive the bidding requirements for formal contracts if the Town Board of Trustees determines that any emergency exists which is critical to life, health, or destruction of property causing economic loss to the Town or its inhabitants.

3-1-7: DISPOSITION OF SURPLUS OR OBSOLETE MATERIALS; BIDDING:

A. Determination And Sales Procedure:

1. No surplus or obsolete supplies, materials or equipment of a value of more than seven thousand five hundred dollars (\$7,500.00) may be sold until the Town Board of Trustees has declared them obsolete or surplus.

2. Before the Town Board of Trustees sells any surplus or obsolete supplies, materials or equipment, except as otherwise provided below, they shall be advertised for sale in a newspaper of general circulation in the Town or give notice in such other manner as the Board of Trustees deems necessary adequately to reach prospective buyers to give them opportunity to make bids.

3. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The Town Board of Trustees may repeatedly reject all bids and advertise or give notice again.

4. The Town Board of Trustees shall sell such supplies, materials or equipment to the highest responsible bidder for cash.

5. In case of a tie, the Board of Trustees may sell to either of the bidders tying, or may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders for cash.

B. Sales When Competitive Bidding Not Required: The Town Board of Trustees may sell the following without giving an opportunity for competitive bidding:

1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed seven thousand five hundred dollars (\$7,500.00) in a single transaction; and

2. Supplies, materials or equipment when sold at a price at least as great as that paid by the Town for the same.

**CHAPTER 2
SALES TAX**

3-2-1: Sales and Use Tax

3-2-1: The Town of Hochatown General Government Purposes Sales and Use Tax Ordinance of 2023

THE TOWN OF HOCHATOWN GENERAL GOVERNMENT PURPOSES SALES AND USE TAX ORDINANCE OF 2023

- A. Citations and Codification. This Ordinance shall be known and may be cited as the Town of Hochatown General Government Purposes Sales and Use Tax Ordinance of 2023, and the same shall be codified and incorporated into the Code of Ordinances of the Town of Hochatown, Oklahoma.
- B. Tax Imposed. There is hereby imposed an excise tax of three percent (3%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales within the municipal boundaries which are taxable under the Oklahoma Sales and Use Tax Code.
- C. Purpose of Revenue. It is hereby declared to be the purpose of this ordinance to provide funding for general government purposes for the benefit of the Town of Hochatown and any public trust having the Town as beneficiary as authorized by the laws of the State of Oklahoma.
- D. Effective Date; Approval by Town Voters Required. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after 12:00 A.M. on the 1st day of July 2023, subject to approval by a majority of the qualified electors of the Town voting on such question at a special town meeting to be held for that purpose pursuant to the Oklahoma town meeting act; provided if this ordinance is not so approved by town voters prior to 12:00 A.M. on the 1st day of July 2023 then the provisions of this Ordinance shall become null and void and of no force and effect whatsoever.
- E. No Repeal of Tax. This Ordinance and the excise tax levied pursuant hereto shall not be repealed by the Town Board of Trustees or by referendum of the registered qualified voters of the Town in the event the proceeds of the referenced excise tax are being used or have been pledged by the Town or any public trust having the Town as beneficiary for the purpose of paying debt service on obligations issued by the Town or any public trust having the Town as beneficiary.
- F. Payment of Tax. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form prescribed for payment of the state sales tax under the State Tax Law of the State of Oklahoma.
- G. This Tax in Addition to Taxes Currently Levied. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the Town, County and State.

H. Amendments. The people of the Town of Hochatown, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the Town by Ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the Oklahoma Sales Tax Code, as amended, except that the rate of the tax herein provided for shall not be changed without approval of the qualified electors of the town as provided by law.

**CHAPTER 3
TOWN OF HOCHATOWN LODGING TAX ORDINANCE**

SECTION:

3-3-1: Citation

3-3-2:- Definitions

3-3-3: Levied Amount; Rooms Provided Free of Charge Subject to Tax.

3-3-4: Exemptions; Acknowledgement Required; Records Required.

3-3-5: Tax to Be Separately Designated on Bills.

3-3-6: Operator Responsible for Collection

3-3-7: Certificates of Registration.

3-3-8: Records Required

3-3-9: Returns.

3-3-10: Payment of Tax.

3-3-11: Delinquent Taxes

3-3-12: Interest on Unpaid/Delinquent Taxes.

3-3-13: Collection by Suit.

3-3-14: Bond Required.

3-3-15: Assessment and Determination of Tax

3-3-16: Refunds

3-3-17: Notices.

3-3-18: Remedies Exclusive

**3-3-19: Failure to File; Submitting Fraudulent Returns; Failure to Post a Bond;
Penalties.**

3-3-20: Records Confidential

3-3-21: Use of Funds.

3-3-22: Administration and Enforcement.

3-3-23: Administration of Oaths and Compelling Testimony

3-3-24: Proceedings to Recover Tax

3-3-25: Amendments

3-3-26: Provisions Cumulative

3-3-27: Provisions Severable

3-3-28: Effective Date.

3-3-1: CITATION.

This article shall be known and cited as "Town of Hochatown Lodging Tax Ordinance."

3-3-2: DEFINITIONS.

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

LODGING: shall mean any buildings, structures, trailers, or other facilities of any kind or nature, in which the public may, for consideration, obtain sleeping accommodations in which one or more rooms are used for accommodations of such guests (regardless if the rooms are located in one or several buildings, structures, trailers, or facilities). The term 'lodging' includes hotels, apartment hotels, motels, tourist homes, transient lodging facility, RV parks, houses, courts of any kind or nature, lodging houses, inns, rooming houses, bed and breakfast, corporate lodging, trailer houses, trailer motels, dormitory space where bed space is rented to individuals or groups, apartments of any kind or nature, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term "lodging" does not include hospitals, sanitariums or nursing homes nor shall this term affect permanent resident facilities as defined below for residents for terms in excess of thirty (30) days.

OCCUPANCY: shall mean the use or possession, or the right to use or possession of any rooms in a Lodging or the right to use or possession of the furnishings or to the services and accommodations accompanying the use and procession of the Lodging.

OCCUPANT: shall mean a person, who for a consideration, uses, possesses or has the right to the use or possession of any room or rooms in Lodging under lease, concession, permit, right to access, license to use, or other agreement.

OPERATOR: shall mean any person operating a Lodging, including RV park, in this town, including but not limited to, the owner, proprietor, lessee, sublessee, mortgagee in possession, licensee, manager or similar agent, or any other person otherwise operating such Lodging.

PERMANENT RESIDENT: shall mean any occupant who has or shall have the right of occupancy of any room or rooms in a Lodging as defined herein in excess of thirty (30)

consecutive days.

RECREATIONAL VEHICLE : shall mean a vehicle which is:

- (1) Built on a single chassis;
- (2) Designed to be self-propelled or permanently towable by a light duty truck; and
- (3) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreation, camping, travel, or seasonal use.

RECREATIONAL VEHICLE PARK (RV Park): shall mean a place where space is offered, with or without service facilities, by any persons or municipality to the public for the parking and accommodation of one or more automobile trailers, mobile homes, or recreational vehicles which are used for lodging, for either a direct money consideration or an indirect benefit to the lessor or owner in connection with a related business, such space being hereby defined as a room for purposes of this article, and the rental price thereof shall include all service charges paid to the lessor. For the purposes of this definition, the terms "campground", "camping resort", "RV resort", "travel resort", and "travel park", or any variations of these terms, are synonymous with the term "recreational vehicle park".

RENT: Pursuant to this Article shall mean the consideration received for occupancy valued in money, 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 reduction therefrom whatsoever. The term "rent" shall include the Sales Value of any rooms when they are provided free of charge, at discounted rates whether complimentary or otherwise, through barter, trade or any other arrangement.

RETURN: shall mean any return filed or required to be filed as herein provided.

ROOM: shall mean any room or rooms of any kind in any part or portion of Lodging as defined herein which is available for or let out for the use of or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is capable of being occupied by 75 or more persons and which is used for educational, recreational or amusement purposes and shall include: dance halls, cabarets, nightclubs, restaurants, any room or space for public or private banquet, feasts, socials, card parties or weddings, lodge and meeting halls or rooms, skating rinks, gymnasiums, swimming pools, billiard, bowling and table tennis rooms, halls or rooms used for public or private catering purposes, funeral parlors, markets, recreational rooms, concert halls, broadcasting studios, and all other places of similar type of occupancy.

SALES VALUE: shall mean the price at which the type of room occupied would generally be rented in the ordinary course of business.

TAX: shall mean the tax levied pursuant to this article.

TOURIST HOMES: shall mean all private homes and all buildings or other structures kept, used and maintained as places wherein sleeping accommodations are offered for hire to

guests, with or without meals, and which are not customarily defined or considered as hotels, motels, or inns.

TOWN RESIDENT: shall mean any resident of Hochatown who can demonstrate his residency by way of utility bill or state driver's license with an address within the boundaries of Hochatown.

TRANSIENT LODGING FACILITY: shall mean a furnished room or furnished suite of room which is rented to a person on a daily basis, not as a principal residence, for a period less than thirty (30) days.

TREASURER: shall mean the person holding the position of Treasurer within the town or the Treasurer's designated representative.

3-3-3 LEVIED AMOUNT; ROOMS PROVIDED FREE OF CHARGE SUBJECT TO TAX.

A. There is hereby levied and imposed an excise tax of four percent (4%) upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in Lodging in this Town. Room(s) provided free of charge, through barter, trade or any other arrangement or agreement of any kind or nature, are also subject to such tax at the Sales Value of the room so provided.

B. The tax levied pursuant to the provisions of this article is in addition to any and all other taxes levied or assessed by the Town or McCurtain County, Oklahoma or the State of Oklahoma or any other authority.

C. The tax levied and imposed by this article shall commence on May 1, 2023 and remain in force and effect indefinitely and until lawfully amended, modified or repealed and shall be collected on all rent for every occupancy of a room in lodging within the Town.

3-3-4: EXEMPTIONS; ACKNOWLEDGMENT REQUIRED; RECORDS REQUIRED.

A. *Exemptions.* The following shall be exempt from the tax levied in this article:

1. Permanent Residents and Town Residents;
2. The United States Government or any agency or division thereof when paid directly by the United States Government;
3. The State of Oklahoma or any political subdivision thereof when paid directly by the State of Oklahoma or any political subdivision;
4. Any Federally recognized tribal nation or agency thereof when paid directly by the tribal nation.

The Operator shall record each qualified exemption allowed in a format established by the Treasurer and submit the documentation with returns required by this article. Upon submission of these forms to the Town, the Treasurer shall make a final determination as to the validity of all claimed exemptions. Should the Treasurer determine that a claimed exemption is not valid, the Operator shall be assessed the

then current percentage of tax applicable, within three months of the date that the exemption is claimed. The Operator claiming such exemption shall become liable for payment of the tax and shall submit the same with their next monthly tax remittance. For purposes of this section, an exemption will not be validated by the Treasurer unless the exemption is claimed for the month in which it accrues. For good cause shown, the Treasurer may grant an extension for claiming an exemption.

B. Records required. Every operator shall be required to maintain copies of monthly room reports, monthly exemption forms and individual exemption forms upon the business premises of the Lodging for a period of three years. Such records shall be available for inspection and examination at any time upon demand by the Treasurer, or a duly authorized agent or employee of the town. For purposes of this section, individual exemption forms shall be available from the Treasurer and shall include the following:

1. A statement declaring the reason for exemptions;
2. The name, signature, address, home telephone and work telephone numbers of the person claiming the exemption;
3. The date on which the exemption form is completed; and
4. An acknowledgment, by signature, of the exemption by an employee or agent of the hotel.

3-3-5: TAX TO BE SEPARATELY DESIGNATED ON BILLS.

The operator shall separately designate, charge and show the tax on all bills, statements, receipts or any other evidence of charges or payments of rent for occupancy issued or delivered by the operator.

3-3-6: -OPERATOR RESPONSIBLE FOR COLLECTION.

The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the Town for the tax.

3-3-7: CERTIFICATES OF REGISTRATION.

A. Every Operator shall file with the Treasurer in a form prescribed by the Treasurer:

1. A certificate of registration;
2. An affidavit and designation of operator.

The required filings shall be made within ten (10) days after the effective date of the ordinance from which this article is derived, or in the case of Operator's commencing business or opening a new lodging unit after such effective date, within three (3) days after commencement or opening on forms prescribed by the Town Administrator.

B. The Treasurer shall, within five (5) days after receipt of the required registration and affidavit, 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 Lodging 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 nonassignable and nontransferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the Lodging named, or upon its sale or transfer, or upon the change of designated Operator.

3-3-8: RECORDS REQUIRED.

Every Operator shall keep records of every occupancy of all rent paid, charged or due thereon and of the tax payable thereon in such form as the Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer, or a duly authorized agent or employee of the Town, and shall be preserved for a period of three years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

3-3-9: RETURNS.

- A. Every operator shall file with the Treasurer a return of occupancy and of rents and of the taxes payable thereon for the period ending the last day of every month of each year. Said returns shall be filed on a monthly basis and are due no later than the fifteenth day of the month directly following the reporting period.
- B. The Treasurer may permit or require returns to be made by shorter or longer periods and upon such dates as the Treasurer may specify. The form of the return shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this article. The Treasurer may require amended returns to be filed within ten (10) days after notice and to contain the information specified in the notice.

3-3-10: PAYMENT OF TAX.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this article 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 article. All taxes for the period for which a return is required to be filed shall be due from the Operator and payable to the Treasurer on or before the date fixed for the filing of the return for such period without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon.

3-3-11: DELINQUENT TAXES.

The tax levied by this article shall be due and payable when the return is filed. All taxes not paid within 15 days following the last day of the period shall be delinquent and a late fee of \$15 shall be assessed.

3-3-12: INTEREST ON UNPAID/DELINQUENT TAXES.

- A. If any tax levied by this article becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of two percent (2%) per month on the unpaid balance from the date of delinquency.
- B. If any tax levied by this article is not paid by the last calendar day of the month due, the operator responsible and liable for such tax shall pay a penalty on such unpaid tax at the rate of ten percent (10%) per month on the unpaid balance from the date of delinquency to a maximum of fifty percent (50%) of the tax.

3-3-13: COLLECTION BY SUIT.

Such taxes and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claim of unsecured creditors and may be collected by suit as any other debt.

3-3-14: 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 the Treasurer deems it necessary in order to protect revenues under this article, the Treasurer may require such Operator to file with the Town 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 the Treasurer determines that an operator is to file such bond, the Treasurer shall give notice to such operator specifying the amount of bond required. The Operator shall file such bond within five (5) days after the giving of such notice unless, within such five (5) days, the Operator shall request in writing, a hearing before the Board of Trustees or its designee, at which the propriety and amount of the bond shall be determined by the Board of Trustees or its designee. 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 the Treasurer may prescribe, may be deposited with the treasurer who may at any time after five (5) days' notice to the depositor, apply then to any tax and/or penalties due, and for that purpose the securities may be sold at a public or a private sale.

3-3-15: ASSESSMENT AND DETERMINATION OF TAX.

If a return required by this article is not filed, or if a return 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 that 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 Board of Trustees or its designee for a hearing or unless the Treasurer on his/her own motion shall reassess the same. After such hearing,

the Board of Trustees or its designee shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

3-3-16: REFUNDS.

- A. 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 so 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 also be made by the Occupant upon whom such tax was imposed and who has actually paid the tax, provided that the application is made within ninety (90) days of the payment of 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 thereof on payment due from the applicant.
- B. 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 thirty (30) days after such notice, shall apply in writing to the Board of Trustees or its designee for a hearing. After such hearing, the Board of Trustees or its designee, shall give written notice of the decision to the applicant.

3-3-17: NOTICES.

Notices provided for under this article shall be deemed to have been given when such notice has been delivered personally to the Operator or deposited in the United States Mail, addressed to the last known address of the Operator.

3-3-18: REMEDIES EXCLUSIVE.

The remedies provided in this article shall be exclusive remedies available to any person for the review of tax liability imposed by this article.

3-3-19: FAILURE TO FILE; SUBMITTING FRAUDULENT RETURNS; FAILURE TO POST A BOND; PENALTIES.

The failure or refusal of any Operator/taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article or failure to post a bond, shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to costs and to a fine of not more than \$200.00 or imprisonment for not more than thirty (30) days, or both such fine and imprisonment. Each day a violation exists shall constitute a separate offense and is subject to all penalties herein.

3-3-20: RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the Lodging tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. § 205, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the tax as if herein set forth.

3-3-21: USE OF FUNDS.

All taxes collected pursuant to the provisions of this article shall be deposited into the Town's general fund.

3-3-22: -ADMINISTRATION AND ENFORCEMENT.

- A. *Authority of Board of Trustees.* The Board of Trustees may, from time to time, make, adopt and amend rules and regulations appropriate to the carrying out of this article for the purposes thereof. The Board of Trustees may also assess, reassess, revise, and readjust, as necessary, the tax allocation, but not the tax rate, imposed by this article on an annual basis.
- B. *Authority of Treasurer.* The Treasurer is authorized to prescribe any necessary forms to aid in the collection of the taxes imposed by this article, to prescribe methods for determining the taxable and nontaxable rents, and to delegate his/her functions under this article or other Town staff. The Treasurer is also authorized to extend, for cause shown, the time for filing any return for a period not exceeding sixty (60) days and, for good cause shown, to waive, remit, or reduce penalties or interest.

3-3-23: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY.

The Treasurer, or his/her designated representative, shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this article. The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his/her duties hereunder and all the enforcement of this article and to examine them in relation thereto.

3-3-24: PROCEEDINGS TO RECOVER TAX.

- A. Whenever any taxpayer or other person shall fail to collect and pay over any tax or any tax penalties due and owing, or interest imposed by this article as herein provided, the Town attorney shall, upon request of the Treasurer, take appropriate action to enforce the payment of same.
- B. Pursuant to the authority of 68 O.S. § 2701 et seq., all taxes, interest and penalties imposed by this article, are hereby declared to constitute a lien in favor of the Town of Hochatown, upon all franchises, property and rights to property, whether real or personal, then belonging to or thereafter acquired by the person, firm or corporation

owing the tax, whether such property is employed by such person, firm or corporation in the conduct of its business or in the hands of an assignee, trustee, or receiver, for the benefit of a creditor, from the date said taxes are due and payable under provisions of this article.

3-3-25: AMENDMENTS.

The citizens of Hochatown, by their approval of this article at the election herein provided, hereby authorize the Board of Trustees, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article 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 electors of the Town as provided by law.

3-3-26: PROVISIONS CUMULATIVE

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the town ordinances.

3-3-27: PROVISIONS SEVERABLE.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this article 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.

3-3-28: EFFECTIVE DATE.

This article shall become and be effective on the first day of May 1, 2023, subject to the approval of the majority of registered voters of the Town of Hochatown voting on the same in the manner prescribed by law.

TITLE 4: BUSINESS AND LICENSE REGULATIONS

CHAPTER 1

OCCUPATIONAL LICENSE FEES

SECTION:

4-1-1: License Fees; Sales Tax Permit

4-1-2: Payment Of Fee; License Issuance; Expiration Date

4-1-3: Separate Licenses Required

4-1-4: Display Of License

4-1-5: Duplicate License

4-1-6: Licenses Nontransferable

4-1-7: Exemption; Ex-Service Persons

4-1-8: Revocation Of License

4-1-9: Penalty

4-1-1: LICENSE FEES; SALES TAX PERMIT:

A. Fees Levied: A license fee, in an amount set by Resolution of the Board of Trustees, is hereby levied on every person engaging in, exercising, or pursuing any of the following businesses, professions, trades, occupations, or privileges in the Town:

1. Show, circus or carnival; and
2. Fruit and/or produce truck.

B. Sales Tax Permit: In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current State Sales Tax permit if such person, firm or corporation is a vendor subject to collection of Sales Taxes under the Sales Tax Code of the Town and State. A copy of this permit shall be provided by the applicant for a license to the Town Clerk prior to issuance of the Town license.

4-1-2: PAYMENT OF FEE; LICENSE ISSUANCE; EXPIRATION DATE:

A. Payment Of Fee:

1. License Required; License Tax: It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a License Tax is

levied by section 4-1-1 of this chapter or by any other ordinance or ordinance provision without paying the License Tax, and securing and possessing a valid license therefor.

2. Application; License Issuance: Upon making proper application to the Town Clerk, the payment of the License Tax and fulfillment of any other condition which may be prescribed by law or ordinance, the Town Clerk shall issue a license therefor.

3. General Fund: Such License Taxes shall be credited to the General Fund of the Town.

B. Term Of License: Annual licenses shall expire on June 30th of the year for which they were issued.

4-1-3: SEPARATE LICENSES REQUIRED:

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

4-1-4: DISPLAY OF LICENSE:

A. 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.

B. In lieu of the manner of displaying such licenses provided in this chapter, 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.

4-1-5: DUPLICATE LICENSE:

A. Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege has been lost or destroyed without any wrongful act or connivance by the holder, the Town Clerk, on application, shall issue a duplicate license for the unexpired time.

B. Before the duplicate is issued, the holder shall make, and file with the Town Clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it.

C. The fee for every duplicate license issued, payable to the Town Clerk, shall be set by the Town Board.

4-1-6: LICENSES NONTRANSFERABLE:

The assignment or transfer of licenses shall not be permitted in the Town.

4-1-7: EXEMPTION; EX-SERVICE PERSONS:

Nothing in this chapter or in other ordinances of the Town shall be deemed to require ex-service persons to secure a license or pay a license fee for engaging in a business, occupation, or privilege when he is exempted therefrom by Statutes of the State or other provisions of law.

4-1-8: REVOCATION OF LICENSE:

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

A. 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

B. Serious or repeated violation of the law or ordinances.

4-1-9: 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 punished as provided in section 1-4-1 of this Code. Violation of this chapter shall also be grounds for revocation or suspension of any license granted.

**CHAPTER 2
ALCOHOLIC BEVERAGES**

SECTION:

4-2-1: Definitions

4-2-2: Levy And Payment Of Occupation Tax

4-2-3: Application For License; Conditions

4-2-4: Application For Certificate Of Zoning And Code Compliance

4-2-5: State And Town Licenses Required

4-2-6: General Prohibitions

4-2-7: Restrictions Concerning Underage Persons

4-2-8: Transportation In Vehicles; Exception

4-2-9: (Intentionally Omitted)

4-2-10: Package Stores

4-2-11: Hours Of Operation

4-2-12: Sale Or Delivery Prohibited On Certain Days

4-2-1: DEFINITIONS:

ABLE COMMISSION OR COMMISSION: Means the Alcoholic Beverage Laws Enforcement Commission.

ALCOHOL: Means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder.

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.

APPLICANT: Means any individual, legal or commercial business entity, or any individual involved in any legal or commercial business entity allowed to hold any license issued in accordance with the Oklahoma Alcoholic Beverage Control Act.

BEER: Means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer" may or may not contain hops or other vegetable products. "Beer" includes, among other things, beer,

ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake, known as Japanese rice wine.

BEER DISTRIBUTOR: Means and includes any person licensed to distribute beer for retail sale in the State, but does not include a holder of a small brewer self-distribution license or brewpub self-distribution license. The term "distributor", as used in this chapter, shall be construed to refer to a beer distributor.

BEER KEG: Means any manufacturer-sealed, single container that contains not less than four (4) gallons of beer.

BOTTLE CLUB: Means any establishment in a county which has not authorized the retail sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix and serve alcoholic beverages belonging to club members on club premises.

BRAND: Means any word, name, group of letters, symbol or combination thereof, that is adopted and used by a licensed manufacturer to identify a specific beer and to distinguish that product from another beer.

BRAND EXTENSION: Means:

A. After the effective date of this chapter, any brand of beer introduced by a manufacturer in this State which either:

1. Incorporates all or a substantial part of the unique features of a preexisting brand of the same licensed manufacturer, or

2. Relies to a significant extent on the goodwill associated with the preexisting brand, or

B. Any brand of beer that a manufacturer, the majority of whose total volume of all brands of beer distributed in this State by such manufacturer on January 1, 2016, was distributed as low-point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to continue selling a strong beer in this State which either:

1. Incorporates or incorporated all or a substantial part of the unique features of a preexisting low-point beer brand of the same licensed manufacturer, or

2. Relies or relied to a significant extent on the goodwill associated with a preexisting low-point beer brand.

BREWER: Means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which a license fee and a tax are imposed by any law of this State.

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

CIDER: Means any alcoholic beverage obtained by the alcoholic fermentation of fruit juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the

distribution of this product, cider may be distributed by either wine and spirits wholesalers or beer distributors.

CONVENIENCE STORE: Means any person primarily engaged in retailing a limited range of general household items and groceries, with extended hours of operation, whether or not engaged in retail sales of automotive fuels in combination with such sales.

CONVICTED AND CONVICTION: Mean and include a finding of guilt resulting from a plea of guilty or nolo contendere, the decision of a court or Magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or the suspension thereof.

DIRECTOR: Means the Director of the ABLE Commission.

DISTILLER: Means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort or wash, has also in his or her possession or use a still.

DISTRIBUTOR AGREEMENT: Means the written agreement between the distributor and manufacturer as set forth in 37A Oklahoma Statutes section 3-108.

DRUG STORE: Means a person primarily engaged in retailing prescription and nonprescription drugs and medicines.

DUAL-STRENGTH BEER: Means a brand of beer that, immediately prior to the effective date of this chapter, was being sold and distributed pursuant to the Alcoholic Beverage Control Act.

Dual-strength beer does not include a brand of beer that arose as a result of a brand extension as defined in this section.

FAIR MARKET VALUE: Means the value in the subject territory covered by the written agreement with the distributor or wholesaler that would be determined in an arm's length transaction entered into without duress or threat of termination of the distributor's or wholesaler's rights and shall include all elements of value, including goodwill and going-concern value.

GOOD CAUSE: Means:

A. Failure by the distributor to comply with the material and reasonable provisions of a written agreement or understanding with the manufacturer, or

B. Failure by the distributor to comply with the duty of good faith.

GOOD FAITH: Means the duty of each party to any distributor agreement and all officers, employees or agents thereof to act with honesty in fact and within reasonable standards of fair dealing in the trade.

GROCERY STORE: Means a person primarily engaged in retailing a general line of food, such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and poultry.

HOTEL OR MOTEL: Means an establishment which is licensed to sell alcoholic beverages by the individual drink and which contains guestroom accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of other legal relationships as between some occupants and the owner or operator thereof shall be immaterial.

LEGAL NEWSPAPER: Means a newspaper meeting the requisites of a newspaper for publication of legal notices as prescribed in sections 101 through 114 of title 25 of the Oklahoma Statutes.

LICENSEE: Means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises.

MANUFACTURER: Means a brewer, distiller, winemaker, rectifier or bottler of any alcoholic beverage and its subsidiaries, affiliates and parent companies.

MANUFACTURER'S AGENT: Means a salaried or commissioned salesperson who is the agent authorized to act on behalf of the manufacturer or nonresident seller in the State.

MEALS: Means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or desserts shall not be considered "meals".

MINI-BAR: Means a closed container, either refrigerated in whole or in part, or non-refrigerated, and access to the interior of which is:

A. Restricted by means of a locking device which requires the use of a key, magnetic card or similar device, or

B. Controlled at all times by the licensee.

MIXED BEVERAGE COOLER: Means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume but not more than seven percent (7%) alcohol by volume at sixty degrees Fahrenheit (60°F) and which is packaged in a container not larger than three hundred seventy five milliliters (375 mL). Such term shall include but not be limited to the beverage popularly known as a "wine cooler".

MIXED BEVERAGES: Means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, beer and wine, caterer, public event, charitable event or special event license.

MOTION PICTURE THEATER: Means an establishment which is licensed by 37A Oklahoma Statutes section 2-110 to sell alcoholic beverages by the individual drink and where motion pictures are exhibited, and to which the general public is admitted.

NONRESIDENT SELLER: Means any person licensed pursuant to 37A Oklahoma Statutes section 2-135.

OCCUPATION: As used in connection with "Occupation Tax" means the sites occupied as the places of business of the manufacturers, wholesalers, beer distributors, retailers, mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event and special event licensees.

ORIGINAL PACKAGE: Means any container of alcoholic beverage filled and stamped or sealed by the manufacturer.

PACKAGE STORE: Means any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises consumption.

PATRON: Means any person, customer or visitor who is not employed by a licensee or who is not a licensee.

PERSON: Means an individual, any type of partnership, corporation, association, limited liability company or any individual involved in the legal structure of any such business entity.

PREMISES: Means the grounds and all buildings and appurtenances pertaining to the grounds including any adjacent premises if under the direct or indirect control of the licensee and the rooms and equipment under the control of the licensee and used in connection with or in furtherance of the business covered by a license. Provided that the ABLE Commission shall have the authority to designate areas to be excluded from the licensed premises solely for the purpose of:

A. Allowing the presence and consumption of alcoholic beverages by private parties which are closed to the general public, or

B. Allowing the services of a caterer serving alcoholic beverages provided by a private party.

This exception shall in no way limit the licensee's concurrent responsibility for any violations of the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises.

PRIVATE EVENT: Means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event.

PUBLIC EVENT: Means any event that can be attended by the general public.

RECTIFIER: Means any person who rectifies, purifies or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other name.

REGULATION OR RULE: Means a formal rule of general application promulgated by the ABLE Commission as herein required.

RESTAURANT: Means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

RETAIL CONTAINER FOR SPIRITS AND WINES: Means an original package of any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms.

RETAIL SALESPERSON: Means a salesperson soliciting orders from and calling upon retail alcoholic beverage stores with regard to his or her product.

RETAILER: Means a package store, grocery store, convenience store or drug store licensed to sell alcoholic beverages for off-premises consumption pursuant to a retail spirits license, retail wine license or retail beer license.

SALE: Means any transfer, exchange or barter in any manner or by any means whatsoever, and includes and means all sales made by any person, whether as principal, proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include the use or consumption in this State of any alcoholic beverage obtained within or imported from without this State, upon which the Excise Tax levied by the Oklahoma Alcoholic Beverage Control Act has not been paid or exempted.

SHORT-ORDER FOOD: Means food other than full meals including but not limited to sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not be considered "short-order food".

SMALL BREWER: Means a brewer who manufactures less than twenty five thousand (25,000) barrels of beer annually pursuant to a validly issued small brewer license hereunder.

SMALL FARM WINE: Means a wine that is produced by a small farm winery with seventy five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

SMALL FARM WINERY: Means a wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine Premises Operations (TTB Form 5120.17).

SPARKLING WINE: Means champagne or any artificially carbonated wine.

SPECIAL EVENT: Means an entertainment, recreation or marketing event that occurs at a single location on an irregular basis and at which alcoholic beverages are sold.

SPIRITS: Means any beverage other than wine or beer, which contains more than one-half of one percent (1/2 of 1%) alcohol measured by volume, and obtained by distillation, whether or not mixed with other substances in solution and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds, but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto.

STRONG BEER: Means beer which, prior to the effective date of this chapter, was distributed pursuant to the Oklahoma Alcoholic Beverage Control Act.

SUCCESSOR MANUFACTURER: Means a primary source of supply, a brewer or an importer that acquires rights to a beer brand from a predecessor manufacturer.

TAX COMMISSION: Means the Oklahoma Tax Commission.

TERRITORY: Means a geographic region with a specified boundary.

WINE: Means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty four percent (24%) alcohol by volume at sixty degrees Fahrenheit (60°F) obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

WINE AND SPIRITS WHOLESALER OR WINE AND SPIRITS DISTRIBUTOR: Means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in the State. The term "wholesaler", as used in this chapter, shall be construed to refer to a wine and spirits wholesaler.

Words in the plural include the singular, and vice versa, and words imparting the masculine gender include the feminine, as well as persons and licensees as defined in this section. (2019 Code)

4-2-2: LEVY AND PAYMENT OF OCCUPATION TAX:

A. Tax Levied: There is hereby levied an annual tax upon the following occupations hereinafter named, and in a sum which shall be set by Resolution of the Board of Trustees:

Brewer license

Small brewer license

Distiller license

Winemaker license

Small farm winery license

Rectifier license

Wine and spirits wholesaler license

Beer distributor license

Retail spirits license for cities and towns from 200 to 2,500 population

Retail wine license

Retail beer license

Mixed beverage license:

Initial license

Renewal

Mixed beverage/caterer combination license

On-premises beer and wine license:

Initial license

Renewal

Bottle club license:

Initial license

Renewal

Caterer license:

Initial license

Renewal

Annual special event license

Quarterly special event license

Hotel beverage license:

Initial license

Renewal

Airline/railroad beverage license:

Initial license

Renewal

Agent license

Employee license
Industrial license
Carrier license
Private carrier license
Bonded warehouse license
Storage license
Nonresident seller license or manufacturer's license
Manufacturer's agent license
Sacramental wine supplier license
Charitable auction license
Charitable alcoholic beverage license
Winemaker self-distribution license
Annual public event license
One-time public event license
Small brewer self-distribution license
Brewpub license
Brewpub self-distribution license

A. Brewer And Class B Wholesaler: 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 set by Resolution of the Board of Trustees. 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 malt beverages as provided in 37 Oklahoma Statutes.

B. Payment In Advance; License Term;: The Occupation Fee levied herein shall be paid in advance annually, on or before July 1, to the Town Clerk, who shall issue a receipt therefor.

C. Issuance Of Receipt; Record Of Licensees: Upon payment of the Occupation Tax, the Town Clerk shall issue a receipt, signed by the Town Clerk, to the State licensee paying such Occupational Tax. The Town 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 Town for at least five (5) years. Thereafter, upon resolution by the Board of Trustees, it may be destroyed.

D. Posting Of Receipt On Premises: Any State licensee shall post his tax receipt in a conspicuous place on the premises wherein he carries on his occupation.

E. Limitation Of Coverage; Nonrefundable: The Occupation Tax shall cover only the person paying the tax and no other or a successor thereof, and shall not be refundable.

F. Annual Report To State: The Town 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.

G. Failure To Pay ; Suit For Recovery: 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 Town, 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 fees, all to be determined by the court. Prosecution for an offense against the Town, arising out of the failure to pay a tax levied by 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.

4-2-3: APPLICATION FOR LICENSE; CONDITIONS:

A. Contents Of Application: Every person desiring to obtain a license as provided for herein shall make application to the Town 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. Requirements For Issuance Of License: 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. Compliance With Zoning Regulations: No license shall be issued or be valid unless the licensee meets the requirements of the Town zoning ordinances and regulations.

4-2-4: APPLICATION FOR CERTIFICATE OF ZONING AND CODE COMPLIANCE:

A. Conditions Of Application: Every applicant for a certificate of compliance with the Zoning, Fire, Health and Safety Codes of the Town required by Oklahoma Statutes shall apply at the Office of the Town Clerk by:

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

2. Paying a verification and certification fee in the amount as set by the Board of Trustees at the time of filing.

B. Investigation Of Premises: Upon receipt of an application for a certificate of compliance, the Town Clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance and any Health, Fire, Building or other Safety Codes applicable to it.

C. Issuance Of Certificates:

1. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of compliance shall be issued to the ABLE Commission.

2. 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.

D. Time Limit For Action; Signature Of Mayor: The Town Board shall act on such applications within twenty (20) days of receipt thereof. The above certificates of compliance shall be signed by the Mayor.

4-2-5: STATE AND TOWN LICENSES REQUIRED:

No person shall own, operate or maintain a beer distributorship, bottle club, brewery, brewpub, winery, 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 Town.

4-2-6: GENERAL PROHIBITIONS:

A. Sale, Possession And Consumption: 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. a. Prohibition: Except as otherwise provided by law, any person who shall, in any public place or building, or upon any public or private road or alley, or upon any parking or vacant lot, drink or otherwise consume any intoxicating beverage or liquor of any kind or beer, or, who shall be intoxicated in any public place or building or public or private road, street or alley, or any public gathering, or who shall be drunk or intoxicated and shall disturb the peace of any person, shall be guilty of an offense.

b. Public Place Defined: "Public place" shall mean any place other than the premises of a licensee of the ABLE Commission who is authorized to sell or serve alcoholic beverages by the individual drink or on the premises of any place for which any person has received a special event or caterer's license from the ABLE Commission;

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. Giving As Prize; Happy Hours: 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. Use any of the following means or inducements to stimulate the consumption of alcoholic beverages, including but not limited to:

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 that is less than six percent (6%) below the markup of the cost to the mixed beverage licensee; provided, a mixed beverage licensee shall be permitted to offer these drink specials on any particular hour of any particular day and shall not be required to offer these drink specials for an entire calendar week or from open to close,

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 or portion thereof at prices less than those charged the general public on that 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 involved drinking or the awarding of drinks as prizes.

Provided, that the provisions of this paragraph shall not prohibit the advertising or offering of food or entertainment in licensed establishments.

C. Lewdness Or Obscenity: No licensee shall:

1. Allow any person on the premises where beer 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 subsection C.

D. Drink Solicitation: No licensee shall permit any drink solicitation, or request from a patron to purchase any beer or intoxicating alcoholic beverage for consumption on the premises of the licensee, as those terms are defined in this chapter.

4-2-7: RESTRICTIONS CONCERNING UNDERAGE PERSONS:

A. Selling Or Furnishing To Prohibited:

1. 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.

2. 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.

3. 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.

B. 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.

C. Employment Of Underage Persons: 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.

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

4-2-8: TRANSPORTATION IN VEHICLES; EXCEPTION:

A. Restriction: 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. Exception: 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 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.

4-2-9: (Intentionally Omitted)

4-2-10: PACKAGE STORES:

Package stores licensed under the Oklahoma Alcoholic Beverage Control Act may sell only alcoholic beverages in retail containers as defined in section 4-2-1 of this chapter, in the original package for consumption off the premises. All retail sales shall be made on the licensed premises and all deliveries off the premises, at retail, of intoxicating liquor or beer are hereby prohibited. Provided, a holder of a retail spirits license shall be permitted to sell at retail any item that may be purchased at a grocery store or convenience store, as defined by law, except for motor fuel, so long as the sale of items other than alcoholic beverages do not comprise more than twenty percent (20%) of the holder's monthly sales.

4-2-11: HOURS OF OPERATION:

A. No package store licensee shall sell any alcoholic beverages at any hour other than between the hours of eight o'clock (8:00) A.M. and twelve o'clock (12:00) midnight Monday through Saturday, and shall not be permitted to be open on Thanksgiving Day or Christmas Day; provided, if McCurtain County, pursuant to the provisions of subsections B and C of section 3-124, title 37A of the Oklahoma Statutes, elect to allow such sales between the hours of twelve o'clock (12:00) noon and twelve o'clock (12:00) midnight on Sunday. Retail spirits licensees shall be permitted to sell alcoholic beverages on the day of any general, primary, runoff primary or special election whether on a national, State, County, or City election, provided that the election day does not occur on any day on which such sales are otherwise prohibited by law.

B. No establishment to which the mixed beverage or on premises beer and wine Occupational Tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any mixed beverages, beer or wine on the premises between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M.

4-2-12: SALE OR DELIVERY PROHIBITED ON CERTAIN DAYS:

A. Compliance With State Law: No licensee shall engage in retail sale of alcoholic beverages on such days and times as prohibited by the State law.

B. Days Enumerated: 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, Thanksgiving Day or Christmas Day.

**CHAPTER 3
ITINERANT VENDORS AND SOLICITORS**

SECTION:

4-3-1: License And Sales Tax Permit Required; Exceptions

4-3-2: Application For License

4-3-3: Bond Required

4-3-4: Hours Of Sales

4-3-5: Invitation To Go In Private Residences Required

4-3-6: Penalty

4-3-1: LICENSE AND SALES TAX PERMIT REQUIRED; EXCEPTIONS:

A. License Required; Fee:

1. No person, group of persons, company or organization shall engage in the business of hawking or other peddling or soliciting in the streets or other public places, or from door to door, or in the selling of any article of trade or commerce whatsoever from any street, automobile, cart, wagon, pack, basket or in any other manner, in the Town without first having obtained a license therefor.

2. A license shall be issued by the Town Clerk upon application and the rates therefor shall be as set by the Town Board by motion or resolution.

B. Sales Tax Permit: An applicant for a license is required to show proof of possession of a State Sales Tax permit applicable to the proposed sales, peddling or soliciting as required of vendors pursuant to the State Sales Tax Code.

C. Exemptions: However, nothing in this section shall prohibit any person from selling the product from his own farm or garden, grown by such person, or any school, church, civic group or nonprofit organization from hawking, peddling or soliciting without a license.

4-3-2: APPLICATION FOR LICENSE:

The Town Clerk shall require and file an instrument signed by the applicant for such license, which instrument nominates and appoints the Town Clerk as his true and lawful agent for the service of process for and on behalf of the applicant, and service of summons in any action brought upon the bond shall be deemed made with service upon the Town Clerk.

4-3-3: BOND REQUIRED:

A. Before issuing such license, the Town Clerk shall require such applicant to furnish and deposit with the Town Clerk a bond in the penal sum of one thousand dollars (\$1,000.00), executed by a surety company, which bond shall be first approved by the Town Clerk and shall be conditioned that all items of trade or commerce, packed, peddled, hawked or any other article of trade or commerce for the purpose of indemnifying and reimbursing any person dealing with such hawker or peddler in the event of defective merchandise or orders taken for merchandise which are not as represented.

B. The bond shall also be conditioned for the further purpose of insuring that the peddler or hawker will refund any money or purchase price paid for items of trade or commerce, which are not as represented, by reason of any person purchasing such item of trade or commerce through misrepresentation as to the kind, character and nature of such items of trade or commerce. Any person so misled or aggrieved by the representation of the licensee hereunder shall have a right of action on the bond for the recovery of the amount of his or her payment or damages suffered or both.

4-3-4: HOURS OF SALES:

A licensee may sell or solicit or take orders in the Town only between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. daily.

4-3-5: INVITATION TO GO IN PRIVATE RESIDENCES REQUIRED:

A. The practice of going in and upon private residences in the Town by solicitors, peddlers, itinerant merchants, itinerant vendors and sellers of trade or commerce, without having been requested or invited to do so by the owner or occupant of such private residences for the purpose of soliciting orders for the sale of goods, wares, merchandise or for the purpose of disposing of or peddling or hawking the same is hereby declared to be a nuisance and punishable as a misdemeanor.

B. However, nothing contained herein shall prohibit any person from selling products from his own farm or garden grown by that person.

4-3-6: PENALTY:

Any person, firm, corporation or association who shall violate any of the provisions of this chapter shall, upon conviction, be punished as provided in section 1-4-1 of this Code.

A. Definitions.

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

COMMISSARY LOCATION means an established location where food service providers can prepare and store their food, as well as a location to store a mobile unit while not in use.

EDIBLE GOODS means all food products designed for human consumption.

FOOD SERVICE ESTABLISHMENT means any business that sells edible goods from a fixed location and has been inspected and approved by the appropriate state and county health departments, including commercial kitchens and commissaries, and shall specifically exclude accessory or self-serve retail food sales.

MOBILE means the state of being in active, but not necessarily continuous, movement; capable of being moved and not permanently fixed or placed.

MOBILE FOOD VENDOR means any person that sells edible goods from a mobile unit within the town.

MOBILE UNIT means and includes:

(1) A mobile food truck: a self-contained motorized unit from which a mobile food vendor offers for sale or sells edible goods to the public;

(2) A concession cart: a mobile vending unit that must be moved by non-motorized means from which a mobile food vendor offers for sale or sells edible goods to the public; or

(3) A concession trailer: a vending unit that is pulled by a motorized unit and has no power to move on its own from which a mobile food vendor offers for sale or sells edible goods to the public.

STATIONARY LOCATION means position of the mobile unit when not in motion and addressing the public for the purpose of sales.

B. - Inspections, permits and fee.

1. A mobile food vendor shall complete and submit an application for a mobile food vending permit to the town clerk and shall complete all required inspections required by the town and the appropriate state and county health departments. The application fee is to be paid at the time the application is submitted, and annual fees shall be regulated by the most currently adopted fee schedule.

2. A mobile food vendor shall obtain: (a) a mobile food vending permit issued by the town; and (b) any and all applicable food service permits from the state and county health departments prior to conducting business in the town. All required inspections from the building inspector's office must be successfully completed prior to consideration and approval of a mobile food vending permit by the town.

3. The mobile food vending permit issued by the community development department shall be valid for the specified time submitted on the application.

4. Mobile vendors with a valid permit will be allowed to operate at town sponsored events and event locations without requiring additional permits.

C. - Permitted location.

Subject to the provisions of this article, mobile food vendors shall be permitted to conduct business only in areas designated mobile vendor districts by the Board of Trustees. The first established overlay districts are;

1. Private property, properly zoned.
2. Town sponsored events.

D. Distance regulations.

1. A mobile food vendor shall not conduct business within any district principally zoned for residential or apartment use. A mobile food vendor shall not conduct business within 200 feet of the boundary line of any such district.

2. A mobile food vendor shall not conduct business within 200 feet of the primary entrance of an open and operating food service establishment. This buffer may be reduced upon receiving written, notarized permission from the owner of said establishment.

3. If a new food service establishment opens within the 200 foot buffer of a mobile food vendor as set forth in subsection (b) above, the mobile food vendor must receive written, notarized permission from the new establishment's owner to continue operating at that location.

4. A mobile food vendor shall not locate closer than nine feet to any front property line (adjacent to any street) or any rear property line (adjacent to any alley). The mobile food vendor shall not locate a mobile unit in such a manner or location that obstructs or causes to be obstructed the passage of any sidewalk, street or alley or any other public place, by causing people to congregate at or near the mobile unit.

5. A mobile food vendor shall not locate on any private property without written permission to do so and must comply and leave the property if asked to leave by the property owner. A copy of the owner's written and notarized permission to operate in a specific location signed by the owner shall be kept within the mobile unit at all times.

E. Hours of operation.

No mobile food vendor shall operate between the hours of 12:00 a.m. and 6:00 a.m. The mobile unit shall be properly stored at its commissary and shall not be left or stored at any alternate location.

F. Mobile food vendor requirements.

The following regulations shall apply to mobile food vendors:

1. A mobile food vendor shall comply with all regulations established by the state and county health offices and the town and maintain compliance with all requirements with regard to permitting.

2. Each mobile unit shall be equipped with a portable trash receptacle and the mobile food vendor shall be responsible for proper disposal of solid waste and wastewater in compliance with the Code of Ordinances of the town.

3. No noise which is loud or noxious shall project from the mobile unit.

4. A mobile unit shall be parked on a properly paved surface as set forth in the most recently adopted zoning and parking codes of the town when at a stationary location.

5. A mobile unit shall not block any fire lane or drive aisle.

6. No mobile unit may park on a lot without a primary structure, unless the mobile unit is conducting business in a designated mobile vendor overlay district.

7. A mobile food vendor shall register a commissary location with the town at which the mobile unit shall be stored when a mobile food vendor is prohibited from conducting business.

8. No mobile food vendor shall conduct business in the public right-of-way and shall not block access to any parcel or alley, unless a proper license is approved by the town.

9. No mobile unit shall locate in such a manner as to cause any obstruction within a visibility triangle as set forth in the Code of Ordinances.

10. It shall be unlawful for any person to operate as a mobile food vendor without complying with the food establishment rules established by the state of Oklahoma as amended from time to time.

11. A mobile unit shall be inspected by the community development office prior to the issuance of a mobile food vending permit. The inspection shall take place at the building inspector's office and shall include the following:

a. A valid driver's license and current Oklahoma Department of Public Safety license plates and state health inspection sticker, except for a concession cart which is not required to have license plates or an inspection sticker. The mobile unit must be in good working order.

b. A mobile unit must have a 2A:10B:C sized extinguisher with an annual inspection tag from an Oklahoma licensed inspection company or a receipt indicating purchase within the past year. If frying media (grease) is used, a class K extinguisher shall be required in the mobile unit. Any mobile unit equipped with an automatic extinguishing system shall have a current (bi-annual) inspection tag from an Oklahoma licensed inspection company. All mobile units shall maintain ten feet of clearance for access. Mobile units equipped with an automatic extinguishing system shall maintain ten feet of clearance from combustible structures. Mobile units not equipped with an automatic extinguishing system that produce grease laden vapors shall maintain a 50-foot distance from combustible structures or parked, unattended vehicles.

c. All cooking appliances in the mobile unit shall be of an approved type, listed and labeled, for the use intended. Appliances shall be installed in accordance with the manufacturer's instructions. Coleman, camp stoves or the equivalent shall be prohibited. All cooking appliances shall have an approved, labeled and listed on-off valve.

d. All propane and natural gas appliances shall be pressure tested annually and have only approved listed parts and no rubber hoses shall be allowed. All piping shall be in accordance with Natural Fire Protection Association 58 and be protected from physical damage. Mounting and placement of containers shall comply with Natural Fire Protection Association 58 and Oklahoma Department of Transportation regulations. The capacity limit of propane and natural gas containers or cylinders shall be determined by the fire chief's office after consideration of features that secure and protect the container.

e. Cooking surfaces in the mobile unit shall be kept clean of grease build-up. Trash containers and debris shall be emptied regularly. Extension cords shall not be utilized for appliances. Appliances shall be plugged directly into electrical outlets.

f. All mobile food units must comply with the current standard for food truck safety as set forth by the National Fire Protection Association.

G. Commissary location.

A. Any mobile unit stored on a commercial lot shall be entirely enclosed within a building, or hidden from view behind the primary structure.

B. Any mobile unit stored in a residential area shall comply with the Code of Ordinances of the town as to the recreational vehicle standards for storage.

**CHAPTER 4
GARAGE SALES AND FLEA MARKETS**

SECTION:

4-4-1: Definition

4-4-2: Permit Required; Fee

4-4-3: Application For Permit

4-4-4: Number And Dates Of Sales

4-4-5: Posting Permit

4-4-6: Signs

4-4-7: Days And Hours

4-4-8: Exemptions

4-4-9: Penalty

4-4-1: DEFINITION:

As used in this chapter, the term "garage sale" shall include lawn, attic and rummage sales and flea markets.

4-4-2: PERMIT REQUIRED; FEE:

It shall be unlawful for any person to conduct a garage sale in the Town without first filing with the Town Clerk the information hereinafter specified and obtaining from the Town a permit to do so, to be known as a garage sale permit. Once each calendar year, residents who plan to have garage or rummage sales must obtain a garage sale permit from the Town Clerk. The fee for such a permit shall be as established by the Town Board of Trustees by ordinance, resolution or motion.

4-4-3: APPLICATION FOR PERMIT:

The information to be filed with the permit application shall be as follows:

- A. Name of owner of the property on which said sale is to be conducted if applicant is other than the owner.
- B. Name of person or group sponsoring the sale, if any.
- C. Location at which the sale is to be conducted.

D. Dates of sale.

E. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him or her to be so.

4-4-4: NUMBER AND DATES OF SALES:

Each mailing address within the Town will be allowed three (3) garage sales per year. Permit issuance must take place within the calendar year, not to exceed three (3) consecutive days, or four (4) consecutive days on holiday weekends. After obtaining the permit, residents should call the Town Hall to inform the Town of the dates of the sale. These dates will be recorded on the Town copy of the garage sale permit.

4-4-5: POSTING PERMIT:

The resident's copy of the permit must be on display at the premises of the sale in clear view.

4-4-6: SIGNS:

Signs advertising the location and time of the sale shall be limited to four (4) in number. These signs shall be free standing and shall not exceed four (4) square feet. A sign must have its own support or post to be affixed in the ground. Under no circumstances shall a sign be attached to a telephone pole, tree or a Federal, State or local sign or signal. All signs must be removed by the party holding the sale within twenty four (24) hours of the last day of the sale.

4-4-7: DAYS AND HOURS:

Except as provided in section 4-4-4 of this chapter, It shall be unlawful for any person to conduct or allow the conducting of a garage sale for more than three (3) consecutive days or prior to nine o'clock (9:00) A.M. or after six o'clock (6:00) P.M. of any day.

4-4-8: EXEMPTIONS:

The provisions of this chapter shall not apply to or affect the following persons or sales:

A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

B. Persons acting in accordance with their powers and duties as public officials.

C. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.

D. Not for profit bona fide service, religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members, provided they file with the Town Clerk a request for exception containing the information specified herein, together with the name of the organization and proof of the purpose of the sale.

4-4-9: PENALTY:

Any person, association or corporation conducting any garage sale without being issued a proper permit therefor, or who shall violate any of the other terms and regulations of this chapter, shall, upon conviction, be punishable as provided in section 1-4-1 of this Code. (2019 Code)

**CHAPTER 5
RETAIL MARIJUANA ESTABLISHMENTS**

SECTION:

4-5-1: Definition Of Terms

4-5-2: Medical Marijuana Licenses

4-5-3: Prohibited Facilities

4-5-1: DEFINITION OF TERMS:

GROWER or COMMERCIAL GROWER means an entity that has been licensed by the Oklahoma State Department of Health to grow, harvest, and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor, or researcher.

MEDICAL MARIJUANA CULTIVATION means an establishment licensed under Title 63, Section 422 of the Oklahoma Statutes whereby the growing of medical marijuana is conducted on the premises and then sold to a licensed retailer or processor.

MEDICAL MARIJUANA DISPENSARY means an establishment licensed under Title 63, Section 421 of the Oklahoma Statutes whereby the retail sale of medical marijuana is conducted on the premises.

MEDICAL MARIJUANA PROCESSOR means an establishment licensed under Title 63, Section 423 of the Oklahoma Statutes, whereby marijuana plants are processed (packaged) into concentrates, edible, and other forms for consumption.

4-5-2: MEDICAL MARIJUANA LICENSES:

A. All operators of Retail Marijuana Dispensaries are required to obtain a Certificate of Occupancy from the Town Clerk.

B. The Municipal Governing body will establish by resolution a fee to obtain the Certificate of Occupancy. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of retail marijuana establishments.

C. All commercial establishments must obtain a certificate of occupancy from the Town of Hochatown and complete all required building inspections.

1. In order to receive a certificate of occupancy, applicants must submit:

a. A description of the type of business and the proposed location;

b. Proof of a medical marijuana commercial license issued by the Oklahoma State Department of Health;

c. A site plan showing the exterior features of the building, including the parking lot, landscaping, driveways, sidewalks, and accessible parking spaces;

- d. A floor plan; and
- e. Building permits for occupancy change (if applicable);
- f. Proof of ownership or valid lease agreement for the property;
- g. Applicant will be required to be present during the inspection;
- h. A medical marijuana establishment will not be granted to any applicant where the proposed location is outside an approved zoning district as set forth, unless the applicant has obtained a use on review permit;

D. Zoning and geographic restrictions.

- 1. Dispensaries may only be located in General Commercial Districts.
- 2. Dispensaries must be located at least 1,000 feet from any public or private school. The distance shall be measured from any entrance of the school to the nearest property line of the commercial establishment.

E. Building regulations.

- 1. Dispensaries must be located in a permanent building and may not be located in a kiosk, trailer, cargo container, or motor vehicle.
- 2. Dispensaries shall meet the standards of any applicable state and local electrical, fire, plumbing, waste, and building specification codes, including, but not limited to, the codes adopted by the Oklahoma Uniform Building Code Commission.
- 3. Waste management. All medical marijuana waste must be stored, managed, and disposed of in accordance with all state and local regulations, including, but not limited to, the Uniform Controlled and Dangerous Substances Act.
- 4. Security. Dispensaries shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft and diversion of marijuana. Commercial establishments are responsible for the security of all marijuana items on the licensed premises and all marijuana items in their possession during transit.

F. Advertisement. Commercial establishments may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. They may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. All advertisements must comply with the Town's sign ordinance per Town Code.

G. Prohibited Acts. No commercial marijuana establishment shall allow the consumption of alcohol, medical marijuana, or medical marijuana products on the premises.

H. Conditions of Operations.

1. A medical marijuana retailer establishment must collect all applicable sales tax on all sales.

I. Use on review applications for medical marijuana establishments.

1. Use on review applications will be considered for properties located outside the allowed zoning areas for commercial medical marijuana establishments.

2. Permits will be considered on a case by case basis and at the discretion of the Town Board of Trustees.

3. Use on review permits will be active for the duration the tenant or landowner uses the location. If there is a change of ownership, occupant or business the permit will no longer be valid.

J. Any violations of this section will result in the revocation of the Certificate of Occupancy.

K. It is the intent of the Town of Hochatown, Oklahoma that nothing in the Retail Marijuana Establishment Ordinance be construed to: 1) allow persons to engage in conduct that endangers or causes a public nuisance; 2) allow the use of marijuana for non-medical purposes; or 3) allow any activity that is otherwise illegal and not permitted by state law.

4-5-3: PROHIBITED FACILITIES:

A. Medical Marijuana Cultivator Facilities are hereby prohibited within the municipal boundaries of the Town of Hochatown, Oklahoma.

B. Medical Marijuana Processors are hereby prohibited within the municipal boundaries of the Town of Hochatown.

C. Medical Marijuana Grow Facilities are hereby prohibited within the municipal boundaries of the Town of Hochatown.

TITLE 5: HEALTH, SANITATION AND ENVIRONMENT

CHAPTER 1

GENERAL HEALTH REGULATIONS

SECTION:

5-1-1: Enforcement By County Health Department

5-1-2: Obstructing Health Officer

5-1-3: Violations

5-1-4: Penalty

5-1-1: ENFORCEMENT BY COUNTY HEALTH DEPARTMENT:

Anywhere in this title where the words "Health Officer" are used, it shall be construed to mean the Director of the County Health Department or his duly designated representative. It is the intent and purpose of the Mayor and Town Board of Trustees to delegate the enforcement of the health ordinances of the Town as set out in this title and any such decisions rendered under this title shall be subject to review by the Governing Body upon an appeal from an offender.

5-1-2: OBSTRUCTING HEALTH OFFICER:

It is unlawful for any person to willfully obstruct or interfere with any Health Officer or physician charged with the enforcement of the Health Laws of the Town.

5-1-3: VIOLATIONS:

It is unlawful for any person to willfully violate or refuse or fail to comply with any lawful order, direction, prohibition, rule or regulation of the Director of the County Health Department or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

5-1-4: PENALTY:

Any person who violates any provision of this title or any law or code adopted by reference in this title is guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this Code. In addition thereto, such person may be enjoined from continuing such violations.

**CHAPTER 2
FOOD REGULATIONS**

SECTION:

5-2-1: U.S. Food Service Sanitation Ordinance Adopted

5-2-1: U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED:

A. The unabridged form of the latest edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted and incorporated in this Code by reference. One copy of the sanitation ordinance and code shall be on file in the Office of the Town Clerk. The sanitation ordinance and code shall govern the definitions, inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section. In the sanitation ordinance and code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: subsection H2e, H7 and H8.

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

C. Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this Code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

CHAPTER 3 NUISANCES

SECTION:

5-3-1: Nuisance Defined; Public and Private Nuisances

5-3-2: Persons Responsible

5-3-3: Time Does Not Legalize

5-3-4: Remedies Against Nuisances

5-3-5: Town Power To Define and Summarily Abate

5-3-6: Certain Public Nuisances Enumerated

5-3-7: Summary Abatement of Nuisances

5-3-8: Abatement By Suit in District Court

5-3-9: Health Nuisances; Abatement

5-3-10: Nuisance Unlawful

5-3-11: Storage Of Personalty

5-3-12: Procedures Cumulative

5-3-1: NUISANCE DEFINED; PUBLIC AND PRIVATE NUISANCES:

A. Nuisance: 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.

Provided, however, this definition shall not apply to preexisting agricultural activities.

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

C. Private Nuisance: Every nuisance not included in subsection B of this section is a private nuisance.

5-3-2: PERSONS RESPONSIBLE:

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

5-3-3: TIME DOES NOT LEGALIZE:

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

5-3-4: REMEDIES AGAINST NUISANCES:

A. 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 a person injured as provided in 50 Oklahoma Statutes section 12; or
 - b. By the Town in accordance with law or ordinance.

B. Private Nuisances: The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
 - a. By a person injured as provided in 50 Oklahoma Statutes sections 14 and 15; or
 - b. By the Town in accordance with law or ordinance.

5-3-5: TOWN POWER TO DEFINE AND SUMMARILY ABATE:

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

5-3-6: CERTAIN PUBLIC NUISANCES ENUMERATED:

A. Nuisances Enumerated: 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. Unwholesome Food Or Drink: 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. Intoxicating Liquor: The sale, offering for sale or furnishing of intoxicating liquor in violation of the State law or ordinances of the Town; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the State law or ordinances of the Town.

3. Obscene Materials: 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. Gambling Places: The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise.

5. Places Of Prostitution: The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced.

6. Places Where Illegal Activities Conducted: The keeping of a place where activities in violation of State law or ordinance are practiced or carried on.

7. Exposure Of Diseased Persons: The public exposure of a person having a contagious disease.

8. Noisy Conditions: The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises.

9. Interfering With Wireless Reception: The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others.

10. Assemblies Obstructing Traffic: 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.

11. Stagnant Water Bodies: 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.

12. Unwholesome Accumulations And Premises: Accumulations in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluding building materials awaiting use and stored for a reasonable period of time for allowable or improvement presently in progress on the same premises), discarded or unused machinery, household appliances, automobile bodies, trash, debris,

rubbish or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or items accumulated in a manner creating fire, health, or safety hazards.

13. Dangerous Structures: Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition.

14. Dangerous Premises: Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety.

15. Fire And Explosion Hazards: Any fire or explosion hazard which endangers the public safety.

16. Dangerous Businesses: Any occupation or activity which endangers the public peace, health, morals, safety or welfare.

17. Unlicensed, Stored Vehicles: Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district.

18. Animal Shelters And Noises: Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the Town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance.

B. Enumeration Cumulative: The enumeration of certain public nuisances in subsection A of this section 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.

5-3-7: SUMMARY ABATEMENT OF NUISANCES:

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

B. Submission Of Statement Of Nuisance: The Chief of Police, the Town Attorney, the building inspector, the electrical inspector, the plumbing inspector or any other officer subordinate to the Mayor may submit, through or with the consent of the Mayor to the Town Board of Trustees, a statement as to the existence of a nuisance as defined by the ordinances of the Town or law, and a request or recommendation that it be abated. The Mayor himself, the Health Officer and Board of Trustees or any resident or residents of the Town may submit such a statement and request a recommendation to the Board of Trustees.

C. Notice Of Hearing: The Board of Trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the Board

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

D. Board Action; Order Abatement; Assessment Of Costs:

1. If the Board of Trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the Board of Trustees shall direct the Mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 Oklahoma Statutes section 16.

2. The Town Clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the Town collectible as other debts to the Town may be collected.

5-3-8: ABATEMENT BY SUIT IN DISTRICT COURT:

In cases where it is deemed impractical summarily to abate a nuisance, the Town may bring suit in the District Court of the County, as provided in 50 Oklahoma Statutes section 17.

5-3-9: HEALTH NUISANCES; ABATEMENT:

A. Authority Of Health Officer; Notice To Abate:

1. Pursuant to authority granted by 63 Oklahoma Statutes section 1-1011, the Health Officer shall have authority to order the owner or occupant of any private premises in the Town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty four (24) hours, or within such other time as may be directed 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.

2. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the Town, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the Town.

5-3-10: NUISANCE UNLAWFUL:

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

5-3-11: STORAGE OF PERSONALTY:

A. Nuisance Declared: Unsheltered storage of unused, stripped, junked, and other automobiles, recreational vehicles, motorcycles, watercraft or any other motor vehicle, not in good and safe operating condition and bearing a current State of Oklahoma license or registration for that type of vehicle, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, all of which is hereinafter described as "said personalty", for any period of thirty (30) days or more within any given year (except in licensed junkyards) within the corporate limits of the Town is hereby declared to be a nuisance and dangerous to the public safety.

B. Interpretation:

1. For purposes of this section, "unsheltered storage" means said personalty which is not stored in a permitted structure complying with the then existing and controlling Town ordinances.

2. The period of one year, for purposes of considering whether or not a continuing violation exists, commences upon the date of notice of the violation. In the event that any violation is corrected but a same or similar act occurs within the one year time period set forth herein, it shall be considered a continuation of the original violation, and each day that said violation exists may be considered a separate violation as well as a continuation of the original violation.

5-3-12: PROCEDURES 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.

**CHAPTER 4
WEEDS AND TRASH**

SECTION:

5-4-1: Definitions

5-4-2: Accumulations Unlawful

5-4-3: Reports Of Accumulations On Property

5-4-4: Receipt Of Report; Hearing And Notice

5-4-5: Work Done By Employees Or Contract

5-4-6: Determination And Assessment Of Costs

5-4-7: Lien On Property; Civil Remedy

5-4-8: Service Of Notice

5-4-9: Depositing Rubbish

5-4-10: Burning Refuse; Permit

5-4-11: Removal Of Dead Animals

5-4-12: Littering

5-4-13: Garbage Accumulations On Public Or Private Property

5-4-14: Abandoned Ice Boxes, Refrigerators

5-4-15: Penalty

5-4-1: DEFINITIONS:

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

OWNER: The owner of record as shown by the most current tax rolls of the County Treasurer.

TRASH: Any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned.

WEEDS:

A. Includes, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

1. Exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption or own in a tended and cultivated garden unless such trees and

shrubby by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to property or otherwise interfere with the mowing of the weeds;

2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

3. Harbors rodents or vermin;

4. Gives off unpleasant or noxious odors;

5. Constitutes a fire or traffic hazard; or

6. Is dead or diseased.

B. The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty feet (150') from a parcel zoned for other than agricultural use.

5-4-2: ACCUMULATIONS UNLAWFUL:

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

5-4-3: REPORTS OF ACCUMULATIONS ON PROPERTY:

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

A. Detrimental to the health, benefit and welfare of the public and the community;

B. A hazard to traffic;

C. A fire hazard to property; or

D. Any two (2) or more of these conditions.

5-4-4: RECEIPT OF REPORT; HEARING AND NOTICE:

A. Report Considered By Town Board: Upon receiving the report provided for in section 5-4-3 of this chapter, or upon receipt of equivalent information from any reliable source, the Town Clerk shall place the matter upon the agenda of the Town Board for hearing and

consideration at an appropriate date which will permit the giving of the notices prescribed by State law. At the hearing, the Board shall consider whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, or a fire hazard to property, or any two (2) or more of such conditions.

B. Notice Of Hearing:

1. At least ten (10) days prior to the hearing, the Town Clerk shall give written notice of the hearing by posting upon the premises and by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the Office of the County Treasurer. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property as appropriate, and the notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the Municipality and a notice of lien shall be filed with the County Clerk against the property for the costs due and owing the Municipality.

2. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of the hearing.

C. Hearing; Determination Of Board:

1. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the Town Board shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney.

2. If the Board determines that any of the conditions specified in section 5-4-3 of this chapter exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless, within ten (10) days from the date of receipt of the notice or date of publication, the owner either:

- a. Cuts, removes or destroys the trash or weeds in accordance with the notice; or
- b. Gives written consent authorizing the Town to abate the trash or weeds, thereby waiving his right to a hearing.

5-4-5: WORK DONE BY EMPLOYEES OR CONTRACT:

The work ordered to be performed under section 5-4-4 of this chapter may be done by the employees of the Town, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.

5-4-6: DETERMINATION AND ASSESSMENT OF COSTS:

Upon the completion of the work ordered to be performed under section 5-4-5 of this chapter, the Town Clerk shall report the cost thereof to the Town Board. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of five percent (5%) of direct actual costs. The Board shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The Board shall direct the Town Clerk to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the Office of the County Treasurer.

5-4-7: LIEN ON PROPERTY; CIVIL REMEDY:

A. Lien: If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by section 5-4-6 of this chapter, the Town Clerk shall forward a certified statement of the amount of the costs to the County Treasurer in order that the amount be levied upon the property and be collected by the County Treasurer in the manner prescribed by the laws of this State. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid.

B. Civil Remedy: At any time prior to collection as provided in this section, the Town may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the Town Clerk shall forward to the County Treasurer a notice of such payment and directing discharge of the lien.

5-4-8: SERVICE OF NOTICE:

The service of all notices prescribed by this chapter shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the Office of the Town Clerk.

5-4-9: DEPOSITING 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 the Town.

5-4-10: BURNING REFUSE; PERMIT:

A. It is unlawful to willfully burn any trash or refuse or any type material within the Town with the exception that controlled burning of trees, trees leaves or brush is authorized .

B. It is unlawful for any person to burn trash, waste paper, rubbish or refuse except under a permit issued by the State Health Department or U.S. Environmental Protection Agency.

5-4-11: REMOVAL OF DEAD ANIMALS:

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

5-4-12: LITTERING:

A. Littering Defined; Unlawful:

1. Littering is defined as throwing any trash, refuse, waste paper, tin cans, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the Town or upon any real property owned or occupied by another.

2. It is unlawful for any person to litter.

B. Littering From Vehicles: It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the Town any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

5-4-13: GARBAGE ACCUMULATIONS ON PUBLIC OR PRIVATE PROPERTY:

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

B. Allowing Trash To Be Carried To Other Property: 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 objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise, to any adjoining or other real estate not so owned or occupied by the offender.

C. Dumping Trash On Public Or Private Property:

1. Any person who deliberately places, throws, dumps, drops, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance on: a) any

public property (including in trash receptacles and/or refuse containers), within the Municipal limits of the Town; or b) any private property of another (including in trash receptacles and/or refuse containers), located within the Municipal limits of the Town, without the consent of the property owner shall be guilty of a misdemeanor.

2. Any person convicted of violating the provisions of subsection C1 of this section shall be punished by a fine.

3. In addition to the penalty prescribed in subsection C2 of this section, the court may direct the person to make restitution to the property owner affected; to remove and properly dispose of the garbage, trash, waste, refuse, or debris from the property; to pick up, remove, and properly dispose of garbage, trash, waste, refuse, debris, and other nonhazardous deleterious substances from public property, or perform community service or any combination thereof.

5-4-14: ABANDONED ICE BOXES, REFRIGERATORS:

It is unlawful for any person to leave in a place accessible to children any abandoned, unattended, or discarded ice box, refrigerator, or other container of a capacity of one and one-half (1 1/2) cubic feet or more, which has an air tight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock, or fastener.

5-4-15: PENALTY:

Any person, firm or corporation found violating any provision of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished as provided in section 1-4-1 of this Code.

**CHAPTER 5
FIREWORKS AND EXPLOSIVES**

SECTION:

5-5-1: Fireworks Regulated

5-5-2: Storing Or Keeping Explosives

5-5-1: FIREWORKS REGULATED:

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

B. It shall be unlawful to explode or ignite fireworks within five hundred feet (500') of any church, hospital, asylum, unharvested, flammable agricultural crop, public school or where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any group of people. No fireworks shall be set off within a five hundred foot (500') radius of any occupied structure.

5-5-2: STORING OR KEEPING EXPLOSIVES:

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

TITLE 6: POLICE AND PUBLIC SAFETY

CHAPTER 1

POLICE DEPARTMENT

SECTION:

6-1-1: Department Created; Chief

6-1-2: Duties Of Department

6-1-3: Police Officers

6-1-1: DEPARTMENT CREATED; CHIEF:

The Board of Trustees may establish a Police Department, the head of which is the Chief of Police, or Police Chief, appointed by the Town Board of Trustees and removable by the Board. The Chief of Police is an officer of the Town, and has supervision and control of the Police Department. All police officers are officers of the Town.

6-1-2: DUTIES OF DEPARTMENT:

A. Duties Enumerated: It is the duty of the Police Department to:

1. Apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the Town;
2. Suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace;
3. Serve all warrants, writs, executions, and other processes properly directed and delivered to them;
4. Apprehend and arrest persons violating Federal or State law as provided by law, and to turn them over to proper authorities; and
5. In all respects, perform all duties pertaining to the offices of police officers.

6-1-3: POLICE OFFICERS:

Police officers shall be appointed, subject to approval of the Town Board of Trustees, who shall perform such duties as shall be required of them by the Chief of Police, Town ordinances, Federal, State and County regulations and any other actions required in the maintenance of good order and public peace.

**CHAPTER 2
EMERGENCY MANAGEMENT**

SECTION:

6-2-1: Organization Created; Purpose And Duties

6-2-2: Department Established

6-2-3: Emergency Manager

6-2-4: Emergency Powers

6-2-5: Compensation Of Members; Nonliability Of Town For Injuries

6-2-1: ORGANIZATION CREATED; PURPOSE AND DUTIES:

An Emergency Management Organization is created for the Town to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the Town. The duty of the Emergency Management Organization shall be the protection of the lives and health of the citizens of the Town and of property and property rights, both private and public, and to perform all functions necessary and incidental thereto.

6-2-2: DEPARTMENT ESTABLISHED:

There is hereby established a Department of Emergency Management which shall consist of an Emergency Manager, who shall be appointed by the Mayor, with the approval of the Board of Trustees, who shall serve at the pleasure of said Board and may be the Chief of Police.

6-2-3: EMERGENCY MANAGER:

The Emergency Manager shall be the executive head of the Emergency Management Department and shall be responsible for carrying out the Emergency Management Program of the Town. The Emergency Manager may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the Emergency Manager, as soon as practicable after his appointment, to perfect an organization to carry out the purposes set forth in this chapter, and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the Chair or Chief Officer of such bodies as may be necessary to perfect such an organization. He shall have such further duty and responsibility to cooperate with all emergency management agencies of other governmental units including the State of Oklahoma and the Federal government. The Emergency Manager is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the Emergency Management Organization.

6-2-4: EMERGENCY POWERS:

A. In the event of an enemy caused emergency or emergency resulting from natural causes, the Emergency Manager, after due authorization from the Mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of the governmental agencies or emergency management organization; and if required by the Chair of the Board of Trustees, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the Town.

B. The Emergency Manager and other members of the Emergency Management Organization created by him shall have the power and authority to enforce the laws of the State of Oklahoma, this Code and ordinances of the Town during the period of emergency, and shall, at such time, have the further power to make arrests for violations of such laws or ordinances.

6-2-5: COMPENSATION OF MEMBERS; NONLIABILITY OF TOWN FOR INJURIES:

All members of the Emergency Management Organization created hereunder shall serve without compensation. The Town shall not be liable for any personal injury received by any member of such organization while acting in the line of duty; provided, however, the Town may contribute to expenses jointly with the County in an amount as provided by resolution, which amount shall be added to the budget and drawn upon by claim of the Chair of the Emergency Management Organization.

**CHAPTER 3
OFFENSES AND CRIMES**

ARTICLE A. OFFENSES IN GENERAL

SECTION:

6-3A-1: Attempts To Commit An Offense

6-3A-2: Aiding In An Offense

6-3A-3: Penalty

6-3A-1: ATTEMPTS TO COMMIT AN OFFENSE:

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

6-3A-2: 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.

6-3A-3: PENALTY:

Any violation of the provisions of this chapter is punishable as provided in section 1-4-1 of this Code.

ARTICLE B. OFFENSES AGAINST PROPERTY

SECTION:

6-3B-1: Petit Larceny

6-3B-2: Injuring Vehicles

6-3B-3: Destruction Of Buildings And Other Property

6-3B-4: Advertisements

6-3B-5: Throwing Or Shooting Objects Or Substances

6-3B-6: Tampering With Or Damaging Public Utilities

6-3B-7: Injuring Plants, Streets And Public Property

6-3B-8: Unlawful Intrusion Upon Land

6-3B-9: Trespassing; Illegal Entrance

6-3B-10: Parking, Placing Objects On Property Of Another

6-3B-11: Interference With Fire Hydrants

6-3B-1: PETIT LARCENY:

A. Petit larceny is the taking of personal property of value not exceeding one thousand dollars (\$1,000.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.

6-3B-2: INJURING VEHICLES:

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

6-3B-3: DESTRUCTION OF BUILDINGS AND OTHER PROPERTY:

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

6-3B-4: ADVERTISEMENTS:

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

B. Leaving Advertising Materials On Streets: It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

6-3B-5: THROWING OR SHOOTING OBJECTS OR SUBSTANCES:

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

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

6-3B-6: TAMPERING WITH OR DAMAGING PUBLIC UTILITIES:

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

B. Injury Or Destruction: It is also unlawful for any person to damage, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.

6-3B-7: INJURING PLANTS, STREETS AND PUBLIC PROPERTY:

A. Plants And Park Property:

1. It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the Town, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground.

2. Any person violating this subsection A, upon conviction, shall be deemed guilty of an offense.

B. Public Streets And Trees:

1. It is unlawful for any person to:
 - a. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the Town;
 - b. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;
 - c. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the Town;
 - d. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the Town; or to cut, break or otherwise injure any pavement, curb or gutter therein; or
 - e. Connect any driveway to any street or other public place without first securing permission from the Town inspector so to do.
2. Any such digging, removing, or driveway connection shall be done under the supervision of the Street Superintendent or other authorized person as designated by the Hochatown Board of Trustees.

6-3B-8: UNLAWFUL INTRUSION UPON LAND:

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

6-3B-9: TRESPASSING; ILLEGAL ENTRANCE:

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

PRIVATE PROPERTY: Any property other than public property.

PUBLIC PROPERTY: That property which is dedicated to public use and over which the Federal, State or Municipal government or any subdivision thereof exercises control.

TRESPASS: 1. Each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession.

2. 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.

3. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. 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 sentence apply unless hours of business operations are posted upon such premises.

4. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

B. Trespass On Private Property: It is unlawful for any person to trespass on private property.

C. Illegal Entrance:

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

2. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.

6-3B-10: PARKING, PLACING OBJECTS ON PROPERTY OF ANOTHER:

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

6-3B-11: INTERFERENCE WITH FIRE HYDRANTS:

A. Opening, Interfering With Hydrant: It is unlawful for any person except one duly authorized by the Town Fire Chief or a member of the Fire Department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stopcock belonging to the Town.

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

ARTICLE C. OFFENSES AGAINST THE PUBLIC AND PERSONS

SECTION:

6-3C-1: Assault And Battery

6-3C-2: Disturbing The Peace

6-3C-3: Insulting Signs, Literature Or Language

6-3C-4: Weapons And Firearms Restrictions

6-3C-5: Loud Noise Or Music; Amplified Sound

6-3C-1: ASSAULT AND BATTERY:

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

ASSAULT: Any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

BATTERY: Any intentional, willful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.

B. Prohibition:

1. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the Town.

2. Any person committing an assault or an assault and battery within the jurisdiction of the Town shall be guilty of an offense.

6-3C-2: DISTURBING THE PEACE:

A. Prohibition: 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. Acts Described: Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:

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

2. Appearing in an intoxicated condition;

3. Engaging in a fistic encounter;

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

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

6. Holding an unlawful assembly of three (3) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;

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

8. Making unnecessarily loud, offensive noises;

9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or

10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

6-3C-3: INSULTING SIGNS, LITERATURE OR LANGUAGE:

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

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

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

2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

6-3C-4: WEAPONS AND FIREARMS RESTRICTIONS:

A. Carrying Concealed Weapons: It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, bowie knife, dirk knife, switch blade knife, spring type knife, metal knuckle, or any other dangerous or deadly weapon or instrument in

any structure, building, or office space which is owned or leased by the Town of Hochatown for the purpose of conducting business with the public.

B. Reckless Conduct: It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

C. Discharging Firearms, Weapons:

1. No person shall discharge any species of firearm in the Town except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or when otherwise authorized by law or ordinances.

2. It is unlawful to discharge an air rifle or discharge a BB gun within the Town limits except when under the supervision and/or sponsorship of an Oklahoma 4-H Shooting Sports Club, or similarly situated association, and subsequent to obtaining the permission of the Board of Trustees to do so.

3. It is unlawful to shoot a bow and arrow within or on real property owned by the Town, except when under the supervision and/or sponsorship of an Oklahoma 4-H Shooting Sports Club, or similarly situated association, and subsequent to obtaining the permission of the Board of Trustees to do so.

D. Target Shooting:

1. "Target shooting" is defined as deliberate aiming and discharging of a firearm at or toward a specific object, whether the object be a formal printed target in the form of a bullseye, silhouette, or outline, or an informal object such as a can, bottle, rock or other object.

2. It is unlawful for any person to engage in target shooting with firearms whether done alone or in a formal or informal match with others.

6-3C-5: LOUD NOISE OR MUSIC; AMPLIFIED SOUND:

A. Prohibition: It is unlawful for any person to disturb the peace and quietude of any part of the Town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loudspeaker, in such a manner as to emit loud music, noise or words.

B. Exception: However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music and shall not prohibit commercial businesses with occupancy permits from providing music for the benefit of consumers.

ARTICLE D. OFFENSES AGAINST HEALTH, WELFARE AND MORALS

SECTION:

6-3D-1: Alcohol And Drug Related Offenses

6-3D-2: Disorderly House

6-3D-3: Obscenity

6-3D-4: Vagrancy

6-3D-5: Sleeping Or Loitering In Public

6-3D-6: Intentional and Negligent feeding of bears prohibited; violations, penalties

6-3D-7: Youth Access to Tobacco

6-3D-1: ALCOHOL AND DRUG RELATED OFFENSES:

A. Public Intoxication And Drinking:

1. Definition: For the purposes of this subsection A, a state of intoxication means the condition in which a person is under the influence of any intoxicating beverage, beer, spirituous, vinous or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

2. Prohibitions:

a. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the Town in a state of intoxication, and thereby to disturb the peace of any person.

b. It is unlawful for any person to drink intoxicating beverages or beer, as defined by 37A Oklahoma Statutes, upon or in any street, alley, or other public place within the Town.

c. It is unlawful to use, sell or furnish to another any illegal drug or narcotic in any place in the Town except as legally prescribed by a physician.

B. Possession Or Transportation Of Alcoholic Beverages:

1. Definition: For the purpose of this subsection B, "intoxicating beverage" shall be as defined in section 6-5C-1 of this title and "beer" shall be as defined in section 4-2-1 of this Code.

2. Possession Within Town Limits: It is unlawful for any person under the age of twenty one (21) years to be in possession of any intoxicating beverage or beer while such person is upon any public street, road or highway or in any public place within the Town limits.

3. Parent Or Guardian To Permit Possession: It is unlawful for any parent or guardian of a person under the age of twenty one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

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

C. Additional Prohibitions Concerning Alcoholic Beverages: It is unlawful for any person to:

1. Barter, sell, give away or otherwise furnish to another any intoxicating beverage or beer of any kind except as permitted by law;

2. Have in possession or under control any intoxicating beverage or beer except as permitted by law, or to transport or in any manner convey from place to place in the Town any intoxicating beverage or beer except as permitted by law;

3. Loiter in a place where intoxicating liquor or beer is sold, bartered, given away or otherwise furnished contrary to law; or

4. Keep, maintain, aid or abet in keeping or maintaining a place where intoxicating liquor or beer is sold, bartered, given away or otherwise furnished in violation of law.

D. Marijuana:

1. Definitions: For the purpose of this section:

DRUG PARAPHERNALIA: Shall have the meaning prescribed by 63 Oklahoma Statutes section 2-101, including the factors to determine in 63 Oklahoma Statutes section 2-101.1.

MARIJUANA: Shall have the meaning prescribed by 63 Oklahoma Statutes section 2-101.

2. Prohibited Acts: It is unlawful for any person knowingly to:

a. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store, distribute, dispense or possess with intent to manufacture, distribute or dispense marijuana;

b. Use, have, inject, ingest, inhale, otherwise introduce into the human body or possess marijuana;

c. Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or

d. Appear or be upon or in any street, alley, place of business or other public place in the Town while under the influence of a controlled dangerous substance or marijuana.

3. Exception: This subsection D shall not apply to any marijuana lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice in accordance with Oklahoma state law.

6-3D-2: DISORDERLY HOUSE:

A. Definition; Prohibited Acts: 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 the Town or Statutes of the State regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (0.5%) alcohol by volume;

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

4. The violation of any State Statute or Town ordinance prohibiting gambling.

B. Maintaining Or Leasing:

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

2. 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 person, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

C. Residents And Visitors:

1. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this subsection, the Town shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence.

2. This subsection shall not apply to physicians or officers in the discharge of their professional or official duties.

6-3D-3: OBSCENITY:

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

AVAILABLE TO THE PUBLIC: Means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance.

DISSEMINATE: To transfer possession of, with or without consideration.

KNOWINGLY: Being aware of the character and the content of the material.

MATERIAL: Any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction, or any other articles, equipment or machines.

NUDITY: The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernibly turgid state.

OBSCENE: Means that to the average person applying contemporary community standards:

1. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;
2. The matter depicts or describes in a patently offensive manner sexual conduct regulated by title 21 of the Oklahoma Statutes; and
3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any preview, play, show, skit, film, dance or other exhibition performed before an audience.

PERSON: Any individual, partnership, firm, association, corporation or other legal entity.

PROMOTE: To cause, permit, procure, counsel or assist.

SERVICE TO PATRONS: The provision of services to paying guests in establishments providing food and beverages, including, but not limited to, hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing, and entertaining.

B. Prohibited Obscene Conduct:

1. It is unlawful for any person to:
 - a. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material; or
 - b. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars,

advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or

c. Knowingly engage or participate in any obscene performance made available to the public; or

d. Provide service to patrons in such a manner as to expose to public view:

(1) His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

(2) Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

(3) Any portion of the female breast at or below the areola thereof; or

(4) Knowingly promote the commission of any of the above listed unlawful acts.

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

6-3D-4: VAGRANCY

VAGRANT: Any person who loiters or remains in or wanders about a public or private place for any of the following purposes:

A. For the purpose of gambling with cards, dice or other gambling paraphernalia;

B. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;

C. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;

D. For the purpose of injuring, destroying, molesting or defacing any property of another;

E. For the purpose of assaulting any person;

F. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

6-3D-5: SLEEPING OR LOITERING IN PUBLIC

A. It is unlawful for any person, between the hours of 12:00 a.m. and sunrise, to sleep on any street, in any other public place or on any property of another without the express or tacit consent of the owner or person in charge of the place.

B. It shall be unlawful and an offense for any person to sleep in any public park between the hours of 11:00 p.m. and 5:00 a.m. in the limits of the town.

6-3D-6: INTENTIONAL AND NEGLIGENT FEEDING OF BEARS PROHIBITED; VIOLATIONS, PENALTIES

A. No person shall:

1. feed, give, place, expose, deposit, distribute or scatter any edible material or attractant with the intention of feeding, attracting or enticing a bear; or

2. store pet food, garbage or other bear attractants in a manner that will result in bear feedings when bears are known to frequent the area.

Violations of this section shall be a misdemeanor and, upon conviction, shall result in a fine not in excess of the maximum allowed fines for non-jury trial cases.

If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

6-3D-7: YOUTH ACCESS TO TOBACCO

It is the intent of the Board of Trustees, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and the use of tobacco and vapor products around non-users, especially children; by protecting the public from exposure to secondhand smoke where people work, play, and learn; by reducing the potential for children to wrongly associate tobacco product and vapor product use with a healthy lifestyle; and by affirming and promoting a healthy environment within the municipal limits of the Town of Hochatown.

A. Definitions

The following words and phrases, whenever used herein, shall have the meanings defined in this section unless the context clearly requires otherwise:

INDOOR AREA means any enclosed area used or visited by employees or the public, at all

times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.

MUNICIPAL PROPERTY means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the Town of Hochatown, including but not limited to vehicles and equipment owned by the municipality.

OUTDOOR AREA means any area that is not an indoor area, and includes outdoor recreational areas.

SMOKING means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

TOBACCO PRODUCT means any product that contains tobacco and is intended for human consumption. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

VAPOR PRODUCT means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

B. Prohibited Conduct

No person is allowed to Smoke Tobacco Products in any places in which Smoking Tobacco Products is prohibited by Oklahoma state law. (63 Okl.St. Ann. § 1-1523 (2019))

No person is allowed to Smoke or use Tobacco Products and/or Vapor Products on any Municipal Property, indoor and outdoor, including parks and recreational areas.

Nothing in this Section prohibits any person or entity from prohibiting Smoking or the

use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.

No person or entity shall knowingly permit Smoking or the use of Tobacco Products or Vapor Products in an area that is under their control, if the use of Tobacco Products or Vapor Products is prohibited by law in that area.

No person or entity shall permit the placement of ash receptacles, such as ash trays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision herein.

No person shall dispose of Smoking, Tobacco Product, or Vapor Product waste within an area in which Smoking and the use of Tobacco Products or Vapor Products is prohibited.

No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this section.

C. Required Signs

1. The person or entity that has legal or de facto control of an area in which Smoking and the use of Tobacco Products or Vapor Products is prohibited by this section shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in prominent locations within the area.

For restrictions on Smoking and the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

For purposes of this section, the Mayor or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.

Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking or the use of Tobacco Products or Vapor Products in violation of any other provision of this section.

D. Penalties and Enforcement

1. Enforcement of this chapter shall be the responsibility of the Hochatown Police Department. In addition, any peace officer or code enforcement official may enforce this chapter.
2. Any person who knowingly violates this section shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine not to exceed the maximum fine allowed by law for non-jury trials.
3. The possession of a lighted Tobacco Product in violation of this section a nuisance.
4. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity.
5. Each instance of Tobacco Product or Vapor Product use in violation of this section shall constitute a separate violation.
6. The use of a Vapor Product in violation of this section is a nuisance.
7. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this section regarding Tobacco Product or Vapor Product use shall also constitute a violation herein.
8. In addition to other remedies provided by this section or by other law, any violation of this section regarding Tobacco Product or Vapor Product use may be remedied by the Town Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, criminal code enforcement proceedings, and suits for injunctive relief.

F. Statutory Construction & Severability

It is the intent of the Board of Trustees of the Town of Hochatown to supplement applicable state and federal law and not to duplicate or contradict such law. The provisions of this ordinance are severable, and the invalidity of any provision of the ordinance shall not affect other provisions of the ordinance, which can be given effect without the invalid provision.

G. APPENDIX A: FINDINGS

The Board of Trustees of the Town of Hochatown hereby finds and declares as follows:

WHEREAS, 18.9 percent of adults in Oklahoma smoke;¹ and

WHEREAS, tobacco use is the leading preventable cause of death, killing more than 7,500 Oklahomans every year;² and

WHEREAS, tobacco use can cause disease in nearly all organ systems, and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths;³ and

WHEREAS, studies show separate smoking areas or rooms, air filters, and ventilation systems are insufficient to protect nonsmokers from secondhand smoke indoors;⁴ and

WHEREAS, according to the United States Surgeon General, there is no risk-free level of exposure to secondhand smoke;⁴ and

WHEREAS, nearly 50,000 nonsmokers die each year in the United States as a result of exposure to secondhand smoke;⁵ and

WHEREAS, using vapor products or smokeless tobacco products is not safe;^{6,7,8,9,10,11,12,14,15,16} and

WHEREAS, research has found that aerosol from vapor products contains chemicals known to cause cancer, birth defects, or other reproductive harm^{6,7,8,9,10,11,12} and vapor products may involuntarily expose children, youth, pregnant women, and other bystanders to aerosolized nicotine;^{10,12,13} and

WHEREAS, smokeless tobacco use increases people's risk of heart disease, stroke, and cancer, specifically oral, esophageal, and pancreatic cancers,^{14,15,16} as well as stillbirth and preterm delivery;^{17,18} and

WHEREAS, community policies that fail to prohibit the use of tobacco products normalize tobacco use and make it more likely that people will use tobacco products because they see others using tobacco;¹⁹ and

WHEREAS, tobacco use and exposure to secondhand smoke impose an enormous economic burden upon the government, taxpayers, business owners, and individuals through health care costs and lost productivity, as evidenced by the \$1.62 billion Oklahoma spends on smoking-related medical care and \$2.1 billion in lost productivity;² and

WHEREAS, laws restricting the use of tobacco products have demonstrated a high return on investment;²⁰ and

WHEREAS, 89.3 percent of Oklahomans agree that all workplaces in cities and towns should

have smokefree policies;²¹ and

WHEREAS, Oklahoma state law prohibits smoking in most indoor workplaces; and

WHEREAS, Oklahoma state law expressly permits municipalities to impose additional regulations on smoking tobacco products on property owned or operated by local governments; and

WHEREAS, Oklahoma state law does not preempt local governments from regulating the use of smokeless tobacco products and vapor products.²²

ARTICLE E. GATHERINGS WHERE MINORS CONSUME ALCOHOLIC BEVERAGES

SECTION:

6-3E-1: Definitions

6-3E-2: Consumption By Minors

6-3E-3: Hosting Or Allowing Gatherings

6-3E-1: DEFINITIONS:

For purpose of this article, the following words and phrases shall have the meanings given herein and shall apply:

ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

GATHERING: A party, gathering, or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

INTOXICATING BEVERAGE: Includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

LEGAL GUARDIAN:

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

MINOR: Any person under the age of twenty one (21) years.

PARENT: A person who is the natural parent, adoptive parent, foster parent, or stepparent of another person.

PREMISES: Any residence or other private party, place, or premises, including any commercial or business premises.

6-3E-2: CONSUMPTION BY MINORS:

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

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

6-3E-3: HOSTING OR ALLOWING GATHERINGS:

A. Hosting Requirements And Restrictions:

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

2. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection A1 of this section.

B. Exceptions:

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

2. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members with the supervision of parents and guardians. However, if a minor leaves such family gathering intoxicated and is found in public, then said providers of alcohol will be held responsible in the same manner as nonfamily gatherings.

3. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such family gathering intoxicated and

is found in public, then said providers of alcohol will be held responsible in the same manner as nonfamily gathering.

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

C. Penalty: Any person who violates this section is guilty of an offense and, upon conviction thereof, shall be punishable as provided in section 1-4-1 of this Code per offense.

TITLE 7: MOTOR VEHICLES AND TRAFFIC

CHAPTER 1

STATE TRAFFIC CODE; ADMINISTRATION; GENERAL PROVISIONS

SECTION:

7-1-1: Adoption Of State Traffic Code

7-1-2: Application Of Regulations

7-1-3: Insurance Or Certificate Required

7-1-4: Accidents

7-1-5: Vehicle Equipment Generally

7-1-6: Truck Routes; Vehicle Size And Weight Restrictions

7-1-7: Securing Loads

7-1-8: Opening And Closing Vehicle Doors

7-1-9: Boarding Or Alighting From Vehicles

7-1-10: Unlawful Riding

7-1-11: Authorizing Or Permitting Violations

7-1-12: Pushcarts, Animals And Animal Drawn Vehicles

7-1-13: Maintenance And Construction Zones

7-1-14: Authorized Emergency Vehicles

7-1-15: Following Fire Apparatus; Crossing Fire Hose

7-1-16: Duty Of Police And Firefighters

7-1-17: Eluding Police Officer

7-1-18: Traffic Citations

7-1-19: Penalty For Violations

7-1-1: ADOPTION OF STATE TRAFFIC CODE:

The provisions of the State Motor Vehicle Code, 47 Oklahoma Statutes section 1-101 et seq., and the Rules of the Road, 47 Oklahoma Statutes section 11-101 et seq., are hereby adopted and incorporated herein by reference, and are enforceable by the Town within the Town limits as fully as if set out at length herein.

7-1-2: APPLICATION OF REGULATIONS:

The provisions of this title shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, and every other public way either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate, including, but not limited to:

- A. Those dedicated to or acquired by the public for public use.
- B. Those upon land owned by the Town.
- C. Those upon land owned by any other governmental unit, but the regulation of the use of which has been given to the Town.
- D. Those upon private property, the regulation of the use of which has been given to the Town.

7-1-3: INSURANCE OR CERTIFICATE REQUIRED:

A. The owner of a motor vehicle registered in this State and operating the vehicle within the Town's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the Federal or State government, or any agency or political subdivision thereof;
2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self- insurance, or fleet policy;
3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;
4. Any licensed taxicab; and
5. Any vehicle owned by a licensed motor vehicle dealer.

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

COMPULSORY INSURANCE LAW: The law requiring liability insurance in conjunction with the operation of a motor vehicle in this State as found in 47 Oklahoma Statutes article VI, chapter 7, and section 7-606.

OPERATOR'S POLICY: An operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

OWNER'S POLICY: An owner's policy of liability insurance which:

1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
2. Shall insure the person named therein and insure any other person, except as provided in subsection 3 of this definition, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
3. May provide for exclusions from coverage in accordance with existing laws; and
4. Shall be issued by an authorized carrier providing coverage in accordance with 47 Oklahoma Statutes section 7-204.

SECURITY: 1. A policy or bond meeting the requirements of 47 Oklahoma Statutes section 7-204;

2. A deposit of cash or securities having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond; or

3. Self-insurance, pursuant to the provisions of 47 Oklahoma Statutes section 7-503 having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond.

SECURITY VERIFICATION FORM: A form, approved by the State Board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this State shall, while operating or using such vehicle within the Town's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, provided the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in section 1-4-1 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.

7-1-4: ACCIDENTS:

A. Duties Of Drivers Involved In Accidents:

1. 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.

2. a. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of three hundred dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the Police Department.

b. 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.

B. Failure To Comply; Penalty: Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in section 1-4-1 of this Code.

7-1-5: VEHICLE EQUIPMENT GENERALLY:

Every vehicle operated upon the streets of the Town shall be equipped as required by law. It is unlawful for any person to:

- A. Operate a vehicle upon a street of the Town which is not equipped as required by law;
- B. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or
- C. Operate a vehicle which has equipment prohibited by law upon a street in the Town.

7-1-6: TRUCK ROUTES; VEHICLE SIZE AND WEIGHT RESTRICTIONS:

A. Authority To Designate Truck Routes: The Board of Trustees, by motion or resolution, may prescribe routes through the Town for the use of trucks in general, or trucks of particular kinds and/or other vehicles which are not ordinary private passenger vehicles, passing through the Town.

B. Weight Restriction: No vehicle weighing more than forty thousand (40,000) pounds shall be operated upon the streets, alleys and other public ways within the Town, except as provided in this section.

C. Truck Routes Established: Highway 259 is the designated Truck Route within the Town limits.

D. Signs:

1. The Town shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes.

2. When such signs are so erected and in place, the driver of the truck or other vehicle for which a route has been prescribed as provided above, while passing through the Town, shall keep on such route and shall not deviate therefrom except in case of emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the Town and not merely through the Town.

E. Semi-Trucks: With the exception of U.S. Highways and designated truck routes, it is unlawful for any person to drive or transport in any way a semi-truck (tractor), with or without a semi-transport (trailer) attached, within the Town limits with the exception of State, County, or Town maintenance and emergency vehicles, passenger buses, residential moving, commercial businesses located in buildings in which someone resides, and local deliveries within the Town. Also exempt are persons whose current and legal address as property owners whose property is located within the Town limits.

1. Property owners shall operate vehicles to the owned property from a designated route, and from the owned property to a truck route without a semi-transport (trailer).

2. These vehicles shall be used to perform work within the area of the public way and that no other reasonable access exists; or

3. The vehicle shall be used to deliver goods or merchandise to some area served by the public way.

F. Sponsored Town Activities Exempt: This section shall not apply to Sponsored Town Activities.

7-1-7 SECURING LOADS

A. No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; except, that sand or salt may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any street or alley any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the streets or alleys.

C. This section shall not apply to trucks loaded only with livestock, poultry or agricultural products except baled agricultural products, but any such truck shall be constructed or loaded as to prevent the livestock or poultry from escaping therefrom.

7-1-8: 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.

7-1-9: BOARDING OR ALIGHTING FROM VEHICLES:

No person shall board or alight from any vehicle while such vehicle is in motion.

7-1-10: UNLAWFUL RIDING:

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This section 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.

7-1-11: AUTHORIZING OR PERMITTING VIOLATIONS:

A. No person shall authorize or knowingly permit a vehicle owned by him, registered in his name or under his control to be driven, parked or stopped in violation of any provision of this title.

B. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this title.

7-1-12: PUSHCARTS, ANIMALS AND ANIMAL DRAWN VEHICLES:

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle except those provisions of this title which by their very nature can have no application.

7-1-13: MAINTENANCE AND CONSTRUCTION ZONES:

A. Authority To Close Streets:

1. Town employees or contractors, while repairing or improving the streets of the Town, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the Board of Trustees, to close any street or section thereof to traffic during such repair, maintenance, or construction.

2. In exercising such authority, the employees, personnel or contractors shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. Driving Restrictions:

1. When any street has been closed to traffic under the provisions of subsection A of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around the traffic control devices or barricades, or otherwise to enter the closed area.

2. The provisions of this subsection B shall not apply to persons while engaged in the construction, maintenance, and repair, or to persons entering therein for the protection of lives or property.

3. 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. Construction Under Traffic:

1. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public.

2. Every person using the street shall obey all signs, signals, markings, flagmen, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

D. Closing Public Ways and Easements:

1. Definitions: The following terms, as used in this section, shall have the meanings ascribed to them in this subsection:

CLOSE: Action by the Board of Trustees discontinuing the public use of a public way or easement without affecting title to real property.

EASEMENT: Rights in real property as set forth in 60 Oklahoma Statutes section 49.

PUBLIC AGENCY: The Town, state or federal governments or any of their agencies or political subdivisions.

PUBLIC WAY: A street, avenue, boulevard, alley, lane or thoroughfare open for public use.

2. Procedure For Closing Public Ways And Easements:

a. Application; Contents: Any person or corporation desiring to have a public way or easement closed within the corporate limits of the Town shall submit a formal application to the planning and zoning commission. The application shall consist of:

1. A map showing the public way or easement the applicant wishes closed.

2. A statement why the applicant desires the closing and whether the public way or easement is presently being used or when it was last used by the public.

3. A list of all owners of record abutting the public way or easement or whose property is within three hundred feet (300') of the external boundary of said public way or easement, taken from the current year's tax rolls of the county treasurer and certified by a bonded abstracter.

4. A list of all franchisees and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement.

5. Applicant shall provide this required information at its own expense. Unless the applicant is a public agency, the application should also be accompanied by a fee of two hundred fifty dollars (\$250.00) to cover the costs of mailing and publication.

b. Notice Of Public Hearing: The planning and zoning commission shall set a date for a public hearing on the application. The Town clerk shall provide proper notice of the hearing to the public and to all property owners and franchisees. A minimum of thirty (30) days public notice prior to the hearing shall be published in the official newspaper of general circulation in the Town. Written notice of the hearing shall be given to all property owners within three hundred feet (300'), all franchisees, and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to the hearing on the application by mailing the notice to the last known address of each person entitled to notice.

c. Recommendation Of Commission: Following the public hearing, the planning and zoning commission shall determine whether it is necessary or expedient to close the public way or easement and make an appropriate recommendation to the Board of Trustees for final consideration of the application.

d. Council Action: After considering the application, the mayor and council may disapprove the application or may pass an ordinance closing to the public use the public way or easement within the Town if the Board of Trustees deem such closure necessary or expedient.

e. Town Authority; Certain Right Retained: Any ordinance closing a public way or easement shall state that the Town retains the right to reopen the public way or easement whenever the Town deems it necessary and that closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

7-1-14: AUTHORIZED EMERGENCY VEHICLES:

A. Drivers Of Emergency Vehicles:

1. The provisions of this title shall not apply to a driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.

2. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle, while in motion, sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of the vehicle; except, that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

3. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

B. Operation Of Vehicles On Approach Of Authorized Emergency Vehicles: 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.

7-1-15: FOLLOWING FIRE APPARATUS; CROSSING FIRE HOSE:

A. Following Apparatus: The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

B. Crossing Fire Hose: No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

7-1-16: DUTY OF POLICE AND FIREFIGHTERS:

A. Police Department: The Police Department shall have the power to enforce the street traffic regulations of the Town and all of the State Vehicle Laws applicable to street traffic in the Town, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the Town in the administration of the Traffic Laws and in developing ways and means to improve traffic conditions.

B. Fire Department: Officers of the Fire Department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic there or in the immediate vicinity.

7-1-17: ELUDING POLICE OFFICER:

A. No person operating a motor vehicle who has received a visual or audible signal directing the operator to bring his vehicle to a stop shall willfully increase his speed or extinguish his lights or in any other manner attempt to or actually elude such law enforcement officer.

B. A visual or audible signal, for the purpose of this section, means a red light and a siren from a law enforcement officer driving a motor vehicle with insignia showing the same to be an official police, Sheriff, or highway patrol car.

7-1-18: TRAFFIC CITATIONS:

A. Issuance:

1. The Chief of Police is hereby authorized and directed to supply police officers with citation tag in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this title.

2. Notice may be given by delivering the tag to the violator or by affixing it to the vehicle involved in the violation.

3. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.

4. Nothing in this subsection A shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

B. Failure To Obey: 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.

C. Failure To Comply With Parking Citations:

1. 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 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 a period as specified, a warrant of arrest may be issued.

2. 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 subsection C.

D. Illegal Cancellation Of Traffic Citation: It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by the Town.

E. Disposition And Records Of Citations, Complaints:

1. Every police officer, upon issuing a traffic citation to an alleged violator of any provision of the Motor Vehicle Laws of this State or any Traffic Law of the Town, shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the Municipal Court.

2. Upon the filing of the original citation in the Municipal Court, the citation may be disposed of only by trial in the court or by other official action by a Judge of the court, including forfeiture of bail or by payment of a fine.

3. The Chief of Police shall maintain a record of all warrants issued by the Municipal Court which are delivered to the Police Department for service, and of the final disposition of the warrants.

4. No member of the Police Department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or

disposition of any traffic citation, complaint, or warrant, in a manner other than as required by the Town.

F. Court Records; Abstract Sent To State:

1. The Municipal Court Clerk shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its Traffic Violations Bureau in reference thereto, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

2. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this title 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.

3. 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 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.

7-1-19: PENALTY FOR VIOLATIONS:

A. Violations: Any violations of the provisions of this title shall be punishable as provided in section 1-4-1 of this Code.

B. Speed In School Zones: Any violation of subsection 7-2-3C of this title within school zones shall be punishable by a fine of not less than two (2) times the fine for the violated ordinance in an area not designated as a school zone, provided in any such case, said fine shall not exceed two hundred dollars (\$200.00).

**CHAPTER 2
VEHICLE OPERATION GENERALLY**

SECTION:

7-2-1: Operation Of Vehicles Generally

7-2-2: Licensing Requirements; Vehicle Inspection Sticker

7-2-3: Speeding Regulations

7-2-4: Reckless Driving

7-2-1: OPERATION OF VEHICLES GENERALLY:

Every person operating a vehicle in the Town shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the Town and State, having due regard for other vehicles, rights of pedestrians, and property of others.

7-2-2: LICENSING REQUIREMENTS; VEHICLE INSPECTION STICKER:

A. Driver's License: It is unlawful for any person who does not have a driver's license as required by State law for operation of a vehicle upon the State highways, to operate a motor vehicle within the Town, or to operate a motor vehicle within the Town in violation of any restriction applied to the driver's license.

B. Vehicle License: No person shall drive, propel, move, or park on the streets of the Town any motor vehicle, trailer, or semitrailer unless the motor vehicle, trailer, or semitrailer is licensed as required by State law and the license is conspicuously displayed thereon.

C. Unlicensed Vehicles: It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the Town.

D. Motor Carries; Scope Of Activities; Movement Of Oversize And Overweight Vehicles; Permits; Saddle Mounts; Exemptions: It is unlawful for any person, firm or corporation to violate any of the provisions of Title 47, sections 14-118 of the Oklahoma State statutes.

7-2-3: SPEEDING REGULATIONS:

A. General Rule:

1. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

2. The driver of every vehicle shall, consistent with the requirements of subsection A1 of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

B. General Maximum Speed Limit:

1. No vehicle, unless otherwise specifically authorized by this title, shall be driven at a speed greater than twenty five (25) miles per hour upon any street within the Town.

2. The Board of Trustees may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event, it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

C. Maintenance Or Construction Zones:

1. For purposes of this section, "maintenance or construction zone" means any location where maintenance or construction work is actually in progress and workers present.

2. Where any Municipal street shall be under construction or repair or a detour shall have been designated by reason of construction or repairs in progress and the Town Chief of Police shall have determined a maximum safe, careful, and prudent speed on the Municipal street or detour during the period of construction or repairs and shall have plainly posted at each terminus thereof and at not less than each half mile along the route thereof the determined maximum speed, no person shall drive any vehicle upon the portion of the Municipal street or upon the detour at a speed in excess of the speed so determined and posted.

3. Violation of the posted speed limit in the maintenance or construction zone shall result in the doubling of the appropriate fine.

4. Upon the trial of any person charged with a violation of subsection D2 of this section, proof of the determination of the maximum speed by the Chief of Police and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety as provided in subsection D2 of this section.

7-2-4: RECKLESS DRIVING:

It is unlawful for any person to drive recklessly in the Town. Reckless driving shall include any person who drives a motor vehicle in willful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed.

**CHAPTER 3
PARKING REGULATIONS**

SECTION:

7-3-1: Parking Prohibited In Certain Places

7-3-2: Parking For Persons With Disabilities

7-3-3: Obstructing Traffic Or Signs

7-3-4: Parking For Certain Purposes Prohibited

7-3-5: Parking More Than Seventy-Two Hours

7-3-6: Parking On Left Side Of Roadway

7-3-7: Parking On Private Property; Impounding Vehicle

7-3-8: Authority To Restrict Parking Time And Prohibit Parking

7-3-9: Parking In Private Parking Spaces Without Permission Of Owner

7-3-10: Parking Within Fire Lanes On Certain Private Property

7-3-11: Limiting Parking To Authorized Emergency Vehicles

7-3-12: Manner Of Parking

7-3-13: Presumption In Prosecutions For Parking Violations

7-3-1: PARKING PROHIBITED IN CERTAIN PLACES:

A. Prohibited Areas: No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with law or ordinances or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet (15') of a fire hydrant except in a parking space officially marked;
5. On a crosswalk;
6. Within twenty feet (20') of a crosswalk at an intersection except in a parking space officially marked;
7. Within thirty feet (30') upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the roadway;

8. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the Town indicates the different length by signs or markings;

9. Within fifty feet (50') of the nearest rail of a railroad crossing;

10. Within twenty feet (20') of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy five feet (75') of such entrance when properly signposted;

11. Alongside or opposite any street excavation or obstruction 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 elevated structure upon a highway or within a highway underpass;

14. At any place where official signs prohibit stopping, standing or parking; and

15. At any other place prohibited by this Code or law.

B. Unlawfully Moving Vehicle: No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is lawful.

7-3-2: PARKING FOR PERSONS WITH DISABILITIES:

A. No person shall be permitted to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such vehicle is eligible for a detachable insignia of a physically disabled person issued by the State Department of Public Safety as provided in 47 Oklahoma Statutes section 15-112, as amended, and such insignia is displayed as provided in accordance with State law or regulations adopted pursuant thereto.

B. The provisions of this section shall apply to any such designated and posted reserved area on public property or private property accessible to the public and where the public is invited.

C. Any person convicted of a violation of this section shall be punishable as provided in section 1-4-1 of this Code, subject to the maximum penalty allowed by State law. In addition thereto, any person so convicted shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any motor vehicle unlawfully parked hereunder removed from the property and stored.

7-3-3: OBSTRUCTING TRAFFIC OR SIGNS:

A. No person shall park a vehicle within a street or alley in such a manner or under such conditions as to prohibit the free movement of authorized vehicles or vehicular traffic.

B. No person shall stop, stand or park a vehicle within a street or alley in such a position as to block the driveway entrance to any abutting property.

C. No person shall at any time stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, in compliance with the directions of a police officer or traffic control device or in case of emergency within any alley except for the purpose of and while actually engaged in loading or unloading merchandise, with the maximum time permitted for loading or unloading being one hour; however, such vehicle must be headed in the proper direction in the alley and it must be parked on the right half of one-way alleys.

D. Any vehicle parked upon the public streets or right-of-way shall be parked so as not to obstruct the view of any flashing beacon, stop sign or traffic control signal by oncoming traffic.

7-3-4: PARKING FOR CERTAIN PURPOSES PROHIBITED:

No person shall park his vehicle upon any street or highway for the principal purpose of:

- A. Displaying the vehicle for sale;
- B. Displaying advertising or displaying merchandise;
- C. Washing, greasing or repairing the vehicle except repairs necessitated by an emergency; and
- D. Selling merchandise or any other thing from vehicles without an appropriate permit or license from the Town.

7-3-5: PARKING MORE THAN SEVENTY-TWO HOURS:

No vehicle may be parked on a Town or State road or highway for more than seventy-two (72) hours. Such vehicles will be given a notice that the vehicle must be removed or it will be removed by agents of the Town as provided in this Code.

7-3-6: PARKING ON LEFT SIDE OF ROADWAY:

A. Town personnel, subject to direction of the Board of Trustees, may determine when standing or parking may be permitted upon the left hand side of any one-way roadway and to have signs or marks placed giving notice thereof.

B. In the event 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 such one-way roadway unless signs or marks are placed to permit such standing or parking.

7-3-7: PARKING ON PRIVATE PROPERTY; IMPOUNDING VEHICLE:

A. No person shall park a vehicle on the private property of another without the consent of the owner of the property, his agent or tenant.

B. Any unoccupied vehicle parked in violation of this section may, upon complaint of the property owner, his agent or tenant, be removed and impounded by the police; and the vehicle owner must pay removal, storage and impounding fees.

7-3-8: AUTHORITY TO RESTRICT PARKING TIME AND PROHIBIT PARKING:

A. The Town Board of Trustees, by resolution, may establish parking time limits or prohibit parking on designated streets by having appropriate signs placed thereon.

B. When such signs are in place, no person shall park a vehicle in violation thereof.

7-3-9: PARKING IN PRIVATE PARKING SPACES WITHOUT PERMISSION OF OWNER:

A. The parking, leaving or keeping of vehicles, either with or without occupants, upon real property owned or leased for use of hotels or business establishments as private parking places, without permission of the owner or lessee, as the case may be, is hereby prohibited.

B. Any vehicle parked or left in violation of subsection A of this section shall, upon the complaint of the owner or lessee of the property, be removed from the premises by the police or on the order of any police officer, at the expense of the owner of the vehicle. Such removal may be accomplished by the Police Department or by a Police Department order directing any person operating a towing service to pull the vehicle to his garage or place of business, where it shall be held in the custody of the Police Department until the towing charges and the fine and costs, if any, are paid.

7-3-10: PARKING WITHIN FIRE LANES OR ON CERTAIN PRIVATE PROPERTY:

A. Town personnel, when the public safety shall require, is authorized and directed to prohibit parking upon private property used for shopping centers, schools, hospitals, nursing homes, restaurants and places of public entertainment within zones to be clearly designated and defined by appropriate sign, when the same is necessary for the establishment of fire lanes to avoid obstruction of free passage and access.

B. No person shall stop, stand or park a vehicle, except an authorized emergency vehicle, within such prohibited fire lanes, except on direction and by authority of a police officer.

7-3-11: LIMITING PARKING TO AUTHORIZED EMERGENCY VEHICLES:

Town personnel, subject to any directions which the Town Board of Trustees may give, is authorized to designate streets or portions thereof where parking is limited to authorized emergency vehicles. When signs are in place giving notice of such limitation, it shall be unlawful for any person to park any vehicle, except an authorized emergency vehicle upon any such street or portion thereof.

7-3-12: MANNER OF PARKING:

A. Parallel Parking: Except as otherwise provided in this subsection, every vehicle stopped or parked upon roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches (18") of the right hand curb. Every vehicle stopped and 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 inches (18") of the left hand curb.

B. Brakes Set; Motor Turned Off; Securing Animals:

1. Adequate brakes shall be set on all parked vehicles.
2. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.
3. Animals left or parked on the streets shall be securely hitched.

C. Angle Parking:

1. Town personnel, subject to direction of the Board of Trustees, may determine upon what streets and parts of streets angle parking will be permitted, and authority shall continue until changed permitting angle parking on any such street or part of street and the angle parking markings or signs are amended.

2. 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.

3. Angle parking is not permitted on any State or Federal aid highway unless the State Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. Parking Within Marked Spaces: 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 delineating a space.

E. Parking To Leave Ten Feet Of Roadway Available For Traffic: No person shall park a vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of roadway for the free movement of vehicular traffic.

F. Double Parking Prohibited:

1. No vehicle shall be double parked on any street within the Town limits except in compliance with the direction of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.

2. Delivery vehicles, either loading or unloading, may double park in the right hand lane while in the process of loading or unloading and making delivery to local business establishments; provided, that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved. Such double parking shall be permitted only so long as both traffic lanes are not blocked.

7-3-13: PRESUMPTION IN PROSECUTIONS FOR PARKING VIOLATIONS:

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 such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

**CHAPTER 4
TRAFFIC SIGNALS AND DEVICES**

SECTION:

7-4-1: Obedience To Devices

7-4-2: Necessity Of Signs

7-4-3: Interference With Devices, Signs Or Signals

7-4-4: Presumption Of Legality

7-4-5: Ratification Of Existing Devices

7-4-6: Traffic Control Signal Legend

7-4-7: Flashing Signals

7-4-8: Driving Within Traffic Lanes

7-4-9: One-Way Streets And Alleys

7-4-10: Through Streets

7-4-11: Stop And Yield Signs

7-4-1: OBEDIENCE TO 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 title unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

7-4-2: NECESSITY OF SIGNS:

No provision of this title 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. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

7-4-3: INTERFERENCE WITH DEVICES, SIGNS OR SIGNALS:

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

7-4-4: PRESUMPTION OF LEGALITY:

A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

7-4-5: RATIFICATION OF EXISTING DEVICES:

All traffic control signs, signals, devices and markings placed or erected prior to the effective date hereof and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic control devices, provided such traffic control devices are not inconsistent with the provisions of this chapter or State law.

7-4-6: TRAFFIC CONTROL SIGNAL LEGEND:

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend. These lights shall indicate appropriate action and apply to drivers of vehicles and pedestrians as provided by applicable State law.

7-4-7: FLASHING SIGNALS:

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

1. Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, or if none, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

2. Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings.

7-4-8: DRIVING WITHIN TRAFFIC LANES:

A. Where traffic lanes have been marked, it shall be unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

B. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; and

3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

7-4-9: ONE-WAY STREETS AND ALLEYS:

A. Designation; Posting Of Signs:

1. Whenever any ordinance or resolution of the Town designates any one-way street or alley, the appropriate Town personnel shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place.

2. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Traffic Movement In Posted Direction: Upon those streets and parts of streets and in those alleys designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

7-4-10: THROUGH STREETS:

A. Designation: The Board of Trustees, by motion or resolution, may designate any street or part of a street a through street.

B. Signs Posted: Whenever a through street is designated by the Board of Trustees, the appropriate Town personnel shall be directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals.

7-4-11: STOP AND YIELD SIGNS:

A. Stop Signs:

1. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

2. After having stopped at a stop sign, the driver of a vehicle shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

B. Yield Signs:

1. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

2. The driver approaching a yield sign shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

**CHAPTER 5
BICYCLES**

SECTION:

7-5-1: Application Of Traffic Regulations

7-5-2: Obedience To Traffic Control Devices

7-5-3: Riding Regulations And Restrictions

7-5-4: Lights And Reflectors

7-5-1: APPLICATION OF TRAFFIC REGULATIONS:

A. Regulations Applicable Generally:

1. It is unlawful for any person to do any act or fail to perform any act required by the provisions of this chapter.

2. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

3. The provisions of this chapter are applicable to bicycles or motorized scooters operated upon any street or highway or upon any path set aside for the exclusive use of bicycles or motorized scooters.

B. Traffic Laws And Regulations Apply: Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by the traffic ordinances of the Town applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of law and ordinances which by their nature can have no application.

7-5-2: OBEDIENCE TO TRAFFIC CONTROL DEVICES:

A. Compliance With Traffic Control Signals: Any person operating a bicycle or motorized scooter shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle or motorized scooter shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

B. Walking Bicycles: Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians.

7-5-3: RIDING REGULATIONS AND RESTRICTIONS:

A. Use Of Seat; Carrying Persons:

1. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

2. No bicycle or motorized scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

B. Use Right Side Of Roadway: Every person operating a bicycle or motorized scooter upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

C. Riding On Roadways And Paths: Persons riding bicycles or motorized scooters 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 or motorized scooters.

D. Speed: No person shall operate a bicycle or motorized scooter at a speed greater than is reasonable and prudent under the conditions then existing.

E. Riding On Sidewalks: Bicycles and motorized scooters may not be ridden upon any sidewalk within the Town.

7-5-4: LIGHTS AND REFLECTORS:

Every bicycle, when in use at nighttime, shall be equipped with a lamp on the frame which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the State Department of Public Safety, which shall be visible from all distances from three hundred feet (300') to five hundred feet (500') to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

**CHAPTER 6
VEHICLE IMPOUNDMENT**

SECTION:

7-6-1: Purpose And Effect

7-6-2: Place Of Impoundment

7-6-3: Duration Of Impoundment

7-6-4: Police Authority To Impound

7-6-5: Inventory Of Impounded Vehicles

7-6-1: PURPOSE AND EFFECT:

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.

7-6-2: PLACE OF IMPOUNDMENT:

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the Town Board of Trustees, and to no other place.

7-6-3: DURATION OF IMPOUNDMENT:

A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the Traffic Violations Bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

C. No order of release of an impounded vehicle shall be issued until all fines and costs due the Town because of Traffic Law or other law violations involving the vehicle have been paid.

7-6-4: POLICE AUTHORITY TO IMPOUND:

Members of the Police Department are hereby authorized within the limits set forth in this section 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 section.

A. Disabled Vehicle: A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on a 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.

B. 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.

C. 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.

D. Vehicle Creating Traffic Hazard: A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

E. Illegal Trespass By Vehicle:

1. 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 subsection E.

2. 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.

3. 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.

F. Vehicle 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 section 7-3-5 of this title, regarding more than seventy two (72) hours, shall be impounded.

G. Vehicle Blocking Fire Exit Or Hydrant: 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.

H. Vehicle 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.

I. Stolen Vehicle:

1. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place 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.

2. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified, the vehicle may be impounded.

J. Vehicle With Outstanding Traffic Citations: Any vehicle for which two (2) or more citations have been issued for violation of an ordinance and have not been presented as required, may be impounded if parked in violation of any provision of this title.

7-6-5: INVENTORY OF IMPOUNDED VEHICLES:

Any vehicle impounded for any reason shall be inventoried by two (2) or more persons for the protection of the owner and his property, the protection of Town law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle.

TITLE 8: PUBLIC WAYS AND PROPERTY

CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

8-1-1: Trees And Shrubbery

8-1-2: Obstructing Streets And Sidewalks

8-1-3: Depositing Trash Or Weeds

8-1-4: Washing Vehicles

8-1-5: Water And Fluids From Filling Stations And Other Businesses

8-1-6: Hazardous Sidewalks

8-1-7: Penalty

8-1-1: TREES AND SHRUBBERY:

A. Trimming:

1. Required:

a. The owner of any premises abutting on any street of the Town shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys.

b. When such premises is occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as herein required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet (10') above the roadway of a street or alley, nor lower than eight feet (8') above the sidewalk.

2. Failure To Trim: Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in subsection A1 of this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the Town. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

B. Injuring: It is unlawful for any person to injure any tree or shrubbery on a street or alley in the Town; provided, that this subsection shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

8-1-2: OBSTRUCTING STREETS AND SIDEWALKS:

A. Obstructing With Merchandise: It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the Town any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

B. Obstructing Pedestrian And Vehicular Traffic: It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the Town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the Town in any manner so as to interfere unduly with lawful traffic and parking thereon.

C. Interfering With Drainage: It is unlawful for any person, firm or corporation to obstruct any street, sidewalk, or alley by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutters.

8-1-3: DEPOSITING TRASH OR WEEDS:

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parkings or sidewalks of the Town any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

8-1-4: WASHING VEHICLES:

A. Washing On Street: The washing of an automobile or other vehicle in any street of the Town is hereby prohibited.

B. Water Or Mud Draining Into Street: No automobile or other vehicle shall be washed at any place within the Town where the water, dirt, mud or other substances removed therefrom by or during the washing thereof, shall drain into or upon any street or sidewalk of the Town.

8-1-5: WATER AND FLUIDS FROM FILLING STATIONS AND OTHER BUSINESSES:

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

8-1-6: HAZARDOUS SIDEWALKS:

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.

8-1-7: 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 punishable as provided in section 1-4-1 of this Code.

ARTICLE A. STREET USE PERMIT

SECTION:

8-1A-1: Permit Required

8-1A-2: Application; Required Information

8-1A-3: Hearing On Application; Contents Of Permit

8-1A-4: License Fee

8-1A-5: Revocation Of Permit

8-1A-6: Penalty

8-1A-1: PERMIT REQUIRED:

No person, firm or corporation shall use streets, avenues, alleys, and public ways within the corporate limits of the Town without first obtaining a permit from the Town Clerk. This chapter shall not apply to the public utilities operating within the Town under valid franchise nor to public utilities operating within the Town who pay a gross Production Tax in lieu of a franchise.

8-1A-2: APPLICATION; REQUIRED INFORMATION:

Before a permit shall be issued granting permission for the applicant to use the Town's streets, alleys, and public ways, a written application must first be filed with the Town Clerk, which application must contain the following information:

- A. Name of the applicant;
- B. Use for which the permit is intended;

- C. Duration of the proposed use;
- D. The service to be rendered by the applicant;
- E. A statement that the applicant will conform to all restrictions imposed by the Town in the applicant's use of the permit;
- F. A statement that the applicant will assume all liability for personal injuries and property damage caused by the applicant's property in the applicant's use of the streets, alleys and public ways; and
- G. A statement that the applicant's use of the streets, alleys, and public ways shall not be an exclusive use thereof, and the applicant's use shall be subject to the use of the same by residents of the Town and franchise users and other users.

8-1A-3: HEARING ON APPLICATION; CONTENTS OF PERMIT:

A. Hearing: The application herein required shall be set for hearing before the Board of Trustees' first regular meeting after the filing of the application. At the hearing before the Town Board, said Board shall determine whether or not a need for a service rendered by the applicant exists and determine whether or not the use of the streets, avenues, and public ways by the applicant will jeopardize the rights of the Town or others holding franchises or paying gross Production Tax in lieu of a franchise. If in the judgment of the Board of Trustees a permit should be granted, the Board of Trustees shall instruct the Town Clerk to issue a permit to the applicant.

B. Contents Of Permit: All permits issued under this chapter shall specifically provide the following:

1. That the applicant must assume full liability of any and all personal injury or property damage caused by the applicant's use of the streets, avenues, alleys and public ways within the Town;

2. That the use by the applicant of the streets, alleys, and public ways shall be subject to the normal use of the same by residents of the Town for travel and subject to the use by other public utilities, and that such permit shall not be considered as exclusive;

3. That the applicant shall install, service, and maintain its properties in good condition at all times, and that, in the event wires, cables, and poles are used, they shall be so placed as not to interfere with the normal use of the streets and alleys by the public for travel;

4. That the applicant shall file with the Town a map showing the location of its properties within the streets, avenues, alleys and public ways of the Town;

5. That the applicant shall be subject to regulation and supervision of the Town and agrees to move its installations when, in the judgment of the Town, such installations should be moved; and

6. That the permit shall not be assigned except on written approval of the Board of Trustees.

8-1A-4: LICENSE FEE:

A. Payment Of Fee; License Term:

1. Before issuance of any permit under this chapter, the applicant shall pay the annual license fee set by the Town Board. The permit shall be renewable from year to year, subject to the conditions of this chapter.

2. All such licenses shall expire on April 30 each year.

B. Determination Of Fee: Before issuance of a permit, the Town Clerk shall collect a license fee determined as follows:

1. A minimum license fee as set by resolution of the Town Board shall be due and payable at the end of such year; and

8-1A-5: REVOCATION OF PERMIT:

The permit granted by the Town may be revoked by the Board of Trustees for good cause shown and after full hearing before the Board of Trustees. Such hearing shall be held after ninety (90) days' notice to the holder of the permit. After a full hearing before the Board of Trustees, the Board may, in its discretion, and for good cause shown, revoke the permit granted thereby under the terms of this chapter. The holder of the permit may appeal from the ruling of the Board of Trustees directly to the District Court where the hearing shall be held de novo.

8-1A-6: 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 punishable as provided in section 1-4-1 of this Code.

**CHAPTER 2
PARK AREAS AND FACILITIES**

SECTION:

8-2-1: Definitions

8-2-2: Limitation Of Activities

8-2-3: Rules And Regulations

8-2-4: Prohibited Acts

8-2-5: Penalty

8-2-1: DEFINITIONS:

For purposes of this chapter, the following words and phrases shall have the meanings given herein:

ANIMAL: Any mammal (excluding any dogs and cats), bird, reptile, amphibian, fish, fowl, and invertebrate.

EMPLOYEE: Any person employed by the Board of Trustees of the Town of Hochatown, Oklahoma.

PARK AREAS AND FACILITIES: Any park, playground, recreation area, sports field, garden, land, building, or any other structure designated by legal instrument, formal acceptance or custom under the jurisdiction of the Board of Trustees of the Town of Hochatown, Oklahoma.

PERSON: Any natural person, corporation, company, association, firm, organization, or partnership.

TOWN PROPERTY: All real property wherein the Town of Hochatown, Oklahoma, has a fee simple interest therein, any of Town of Hochatown, Oklahoma's public trusts, all easements, platted streets, alleys, and sidewalks within the Municipal limits of the Town of Hochatown, Oklahoma, which the Town of Hochatown, Oklahoma, has jurisdiction to regulate the same.

8-2-2: LIMITATION OF ACTIVITIES:

A. The Town Board of Trustees may designate particular locations within park areas and facilities and/or other Town property for specific activities and may limit such activities by issuance of permits.

B. The Board may establish operating hours during which park areas and facilities and/or other Town property shall be open to the public by enactment of specific rules and regulations; provided, that such hours shall be posted at the entrances of the affected park area and facility and/or other Town property.

8-2-3: RULES AND REGULATIONS:

A. Subject to the approval by the Town Board of Trustees, the Town Superintendent and Town Police Chief shall adopt such rules, regulations, and policies as they deem best for the safety and convenience of the public and for the operation of its park areas and facilities and other Town property.

B. When such rules and regulations have been adopted and approved, they shall be filed in the Office of the Town Clerk.

C. Any person found guilty of violating such rules and regulations shall be subject to the penalties set forth in this chapter.

8-2-4: PROHIBITED ACTS:

A. Defacing Or Removing Structures Or Facilities Or Appurtenances: No person shall mark, deface, disfigure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, decorative structures, railings, pavings, or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or other Town property or appurtenances whatsoever either real or personal.

8-2-5: 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 punishable as provided in section 1-4-1 of this Code.

TITLE 9: BUILDING REGULATIONS

CHAPTER 1

BUILDING CODE AND REGULATIONS

SECTION:

9-1-1: Building Code Adopted; Amendments; Penalty

9-1-2: Building Official

9-1-3: Building Permit Required; Fee

9-1-4: Penalty; Injunctive Relief

9-1-1: BUILDING CODE ADOPTED; AMENDMENTS; PENALTY:

A. Code Adopted: That certain document, one copy of which shall be on file in the Town Hall, being marked and designated as the 2021 International Building Code and the 2021 International Residential Code, including appendix chapters, as published by the International Code Council, Inc., is hereby adopted as the "Building Code of the Town of Hochatown", for the control of buildings and structures as herein provided; and each made a part hereof, as if fully set out in this section with the additions, insertions, deletions and changes, if any, prescribed in subsections B and C of this section. The Town Clerk shall keep a copy of the subject Building Code on hand, available for sale and inspection by the public, at all times.

B. Penalty: A person who violates a provision of the codes adopted in subsection A of this section or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punishable as provided in section 1-4-1 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

9-1-2: BUILDING OFFICIAL:

A. The building official of the Town shall be appointed or contracted with by the Town Board of Trustees and shall have the powers and duties prescribed for the "building official" by the Town Building Code; provided, that his powers and duties may be exercised by his authorized representatives under his supervision and control.

B. The term "building inspector", whenever used in the ordinances of the Town, means the building official. The terms "electrical inspector", "plumbing inspector", and "gas inspector", wherever used in the ordinances of the Town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, and/or gas inspector is appointed by the Town Board of Trustees.

9-1-3: BUILDING PERMIT REQUIRED; FEE:

A. No building or other structure shall be built, enlarged, altered or moved without a building permit issued by the Town Clerk as follows:

1. Whenever changes to a building or other structure alter the outside appearance;
 2. Whenever changes will amount to more than one thousand dollars (\$1,000.00) in cost;
- or
3. Whenever a building or structure is to be moved from without the Town to a location within the Town or from one location in the Town to another location within the Town.

B. A person desiring a building permit shall submit an application therefor to the Town Clerk. The applicant shall submit with the application such reasonable information as the Clerk may require to enable him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the Town.

C. If the application is in accordance with the requirements of the ordinances and laws, the Clerk shall issue the permit upon the payment by the applicant of a building permit fee which may be set by motion, resolution or ordinance of the Town Board of Trustees. A current copy of the fee schedule shall be kept in the Office of the Town Clerk.

D. A building permit covers the initial plumbing and electrical installations to be made in connection with the building.

9-1-4: PENALTY; INJUNCTIVE RELIEF:

A. Penalty: Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this title, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this title or by any code adopted by this title, or who shall otherwise violate any provision of this title or of any code adopted by this title, or who shall violate any lawful regulation or order made by any of the officers provided in this title, shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in section 1-4-1 of this Code.

B. Injunctive Relief: No penalty imposed by and pursuant to this title shall interfere with the right of the Town also to apply to the proper courts of the State for a mandamus, an injunction or other appropriate action against such person, firm or corporation.

**CHAPTER 2
PLUMBING CODE AND REGULATIONS**

SECTION:

9-2-1: Plumbing Code Adopted; Amendments

9-2-2: Plumber Registration, Permits And Fees

9-2-3: Plumbing Permits And Inspections

9-2-1: PLUMBING CODE ADOPTED; AMENDMENTS:

A. Code Adopted: The current edition of a certain document, one copy of which is on file in the Office of the Town Clerk and copies available, marked and designated as the 2021 International Plumbing Code as published by the International Code Council, Inc., is hereby adopted as the Plumbing Code of the Town for the control of buildings and structures as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of such publication are hereby referred to, adopted and made a part hereof, as if fully set out in this section.

9-2-2: PLUMBER REGISTRATION, PERMITS AND FEES:

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

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

C. Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the Construction Industries Board as provided by the State Plumbing License Law may register as such with the Town. Only persons who have current and valid certificates of registration as plumber's apprentices issued by the Construction Industries Board as provided by the law, may register as such with the Town.

D. Applicants for certificates of registration, after complying with the laws of the State and with the Town Code, and after payment of the fee hereinafter specified, shall be registered by the Town Clerk. The registration fee shall be as set by the Town Board. The registration shall expire annually, but may be renewed from year to year. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with State licensing laws.

E. A qualified person may reregister as a plumbing contractor, a journeyman plumber or a plumber's apprentice, in the same manner as in the original instance, and upon the same conditions.

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

G. The fee for registration shall be as set by the Town Board by motion, resolution or ordinance.

H. The Town Board, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the Town registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the Town relating to the installation of plumbing or for any other cause specified in the State Plumbing License Law.

9-2-3: PLUMBING PERMITS AND INSPECTIONS:

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

B. Application For Permit: The application for such work must follow the Town Code provisions.

C. Permit Fees: The schedule of permit fees may be set forth by resolution, motion or ordinance of the Town Board. Such payment will be made upon application.

D. Inspections: Inspection of such work must conform to the guidelines set forth in the Town Code.

**CHAPTER 3
ELECTRICAL CODE AND REGULATIONS**

SECTION:

9-3-1: Electrical Equipment Defined

9-3-2: Electrical Code Adopted; Amendments

9-3-3: Electrical Equipment; Compliance; Underwriters' Laboratories, Inc.

9-3-4: Authority To Make Special Rulings

9-3-5: Permit Required; Fee

9-3-6: Inspection Fee

9-3-7: Electrician Registration Required; Bond

9-3-8: Specific Electrical Requirements

9-3-1: ELECTRICAL EQUIPMENT DEFINED:

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

9-3-2: ELECTRICAL CODE ADOPTED; AMENDMENTS:

A. Code Adopted: The current edition of a certain document, one copy of which is on file in the Office of the Town Clerk and copies available, marked and designated as the 2021 National Electrical Code as published by the International Code Council, Inc., is hereby adopted as the Electrical Code of the Town for the control of buildings and structures as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of such publication are hereby referred to, adopted and made a part hereof, as if fully set out in this section.

9-3-3: ELECTRICAL EQUIPMENT; COMPLIANCE; UNDERWRITERS' LABORATORIES, INC.:

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

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

9-3-4: AUTHORITY TO MAKE SPECIAL RULINGS:

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

9-3-5: PERMIT REQUIRED; FEE:

A. Permit Required: It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of the Town or make extensions to any existing electrical installations without first securing a permit from the Town Clerk.

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

C. Permit Fee: The fee for an electrical permit shall be as prescribed by motion, resolution or ordinance passed by the Town Board of Trustees.

9-3-6: INSPECTION FEE:

The Town Board of Trustees, by motion, resolution or ordinance, may prescribe an inspection fee to be paid to the Town when electrical installations are inspected by the electrical inspector.

9-3-7: ELECTRICIAN REGISTRATION REQUIRED; BOND:

A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or apprentice electrician without a certificate of registration as such secured from the Town. The initial fee for a registration certificate, and any renewal, to be paid to the Town Clerk, shall be as set by the Town Board. A registration certificate must be renewed within ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. No person may be registered with the Town as contractor or journeyman unless

he possesses a valid and current State license issued by the State and pays the registration fee in such sum as set by the Town Board by motion, resolution, or ordinance. This certificate is not transferrable to any other individual or company.

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

C. For the installing of bell, telephone or signal systems not using over twelve (12) volts, no registration or bond will be required. The installation of same must comply with all other requirements of the ordinances of the Town.

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

9-3-8: SPECIFIC ELECTRICAL REQUIREMENTS:

A. Pilot Light Required: In all mercantile occupancies where electric irons are used, they must be installed with an approved pilot light. If the pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure.

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

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

**CHAPTER 4
FUEL GAS CODE**

SECTION:

9-4-1: Fuel Gas Code Adopted; Amendments

9-4-1: FUEL GAS CODE ADOPTED; AMENDMENTS:

A. Code Adopted: The current edition of a certain document, one copy of which is on file in the Office of the Town Clerk and copies available, marked and designated as the 2021 International Fuel Gas Code as published by the International Code Council, Inc., is hereby adopted as the Fuel Gas Code of the Town for the control of buildings and structures as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of such publication are hereby referred to, adopted and made a part hereof, as if fully set out in this section.

**CHAPTER 5
FIRE CODE**

SECTION:

9-5-1: Fire Code Adopted; Amendments

9-5-2: Limits For Storage Of Flammable Liquids, Gases And Explosives

9-5-3: Modifications; Appeals

9-5-4: Penalty

9-5-1: FIRE CODE ADOPTED; AMENDMENTS:

A. Code Adopted: The current edition of a certain document, one copy of which is on file in the Office of the Town Clerk and copies available, marked and designated as the 2021 International Fire Code as published by the International Code Council, Inc., is hereby adopted as the Fire Code of the Town for the control of buildings and structures as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of such publication are hereby referred to, adopted and made a part hereof, as if fully set out in this section.

9-5-2: LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, GASES AND EXPLOSIVES:

The limits referred to in the Fire Code in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited are hereby established as the fire limits provided in section 10-1-3 of this title.

9-5-3: MODIFICATIONS; APPEALS:

A. Authority Of Fire Chief: The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted in his own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications, when granted or allowed, and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department, and for applications requesting change, a signed copy shall be furnished the applicant.

B. Appeals: Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly

interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Town Board of Trustees within thirty (30) days from the date of the decision appealed.

9-5-4: PENALTY:

Any person, firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in section 1-4-1 of this Code.

**CHAPTER 6
PROPERTY MAINTENANCE CODE**

SECTION:

9-6-1: Property Maintenance Code Adopted; Amendments

9-6-1: PROPERTY MAINTENANCE CODE ADOPTED; AMENDMENTS:

A. Code Adopted: The current edition of a certain document, one copy of which is on file in the Office of the Town Clerk and copies available, marked and designated as the "International Property Maintenance Code", as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Property Maintenance Code of the Town for the control of buildings and structures as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set forth in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection B of this section.

TITLE 10: FLOOD CONTROL

CHAPTER 1 FLOODPLAIN REGULATIONS

SECTION:

10-1-1: Findings

10-1-2: Purpose

10-1-3: Methods Of Reducing Flood Losses

10-1-4: Definitions

10-1-5: Application And Interpretation; Compliance Required

10-1-6: Basis For Establishing Areas Of Special Flood Hazard

10-1-7: Floodplain Administrator

10-1-8: Development Permit

10-1-9: General Standards For Flood Hazard Reduction

10-1-10: Specific Standards For Flood Hazard Reduction

10-1-11: Standards For Subdivision Proposals

10-1-12: Variances

10-1-13: Warning And Disclaimer Of Liability

10-1-1: FINDINGS:

A. The flood hazard areas of the Town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

10-1-2: PURPOSE:

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. 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
- G. Ensure that potential buyers are notified that property is in a flood area.

10-1-3: METHODS OF REDUCING FLOOD LOSSES:

In order to accomplish its purposes, this chapter 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 floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage; or
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

10-1-4: DEFINITIONS:

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meanings they have in common usage and to give this chapter its most reasonable application. The following terms, as used herein, shall have the following meanings:

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AM, or VO Zone on the Town's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one foot (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within the Town subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING:

A. A nonbasement building:

1. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zone V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and

2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

B. In the case of Zones A1-30, A1, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zone V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls

if the breakaway walls meet the standards of section 603(e)(5) of the National Flood Insurance Program Regulations.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date hereof.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD HAZARD BOUNDARY MAP (FHBM): The official map of the Town, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related to erosion areas having special hazards which have been designated as Zone A, M, or E.

FLOOD INSURANCE RATE MAP (FIRM): The official map of the Town on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium Zones applicable to the Town.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters; or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the Town subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source. (See definition of flooding.)

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

C. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local Inventory of Historic Places in communities with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor;

provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program Regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the base flood elevations shown on the Town's flood insurance rate map are referenced.

NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date hereof and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date hereof.

RECREATIONAL VEHICLE: A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does

it include the installation of streets or walkways; nor does it include excavation of basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of State or local Health, Sanitary, or Safety Code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

B. Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE: A grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. For full requirements see section 60.6 of the National Flood Insurance Program Regulations.

VIOLATION: The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, here specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

10-1-5: APPLICATION AND INTERPRETATION; COMPLIANCE REQUIRED:

A. Application And Interpretation:

1. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town.

2. In the interpretation and application of this chapter, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the Governing Body; and
- c. Deemed neither to limit nor repeal any other powers granted under State Statutes.

B. Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict overlap, whichever imposes the more stringent restrictions shall prevail.

C. Compliance Required: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

10-1-6: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD:

The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Hazard Boundary Map 1 (FHBM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

10-1-7: FLOODPLAIN ADMINISTRATOR:

A. Designation: The Board of Trustees is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties And Responsibilities: Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

2. Review permit applications to determine whether proposed building sites will be reasonably safe from flooding;

3. Review, approve or deny all applications for development permits required by the adoption of this chapter;

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including section

404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required;

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation;

6. Notify, in riverine situations, adjacent communities and the State coordinating agency which is the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; and

8. When base flood elevation data has not been provided in accordance with section 11-1-6 of this chapter, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of sections 11-1-9, 11-1-10 and 11-1-11 of this chapter.

10-1-8: DEVELOPMENT PERMIT:

A. Permit Required: A development permit shall be required to ensure conformance with the provisions of this chapter.

B. Application For Permit; Required Information: Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor, including basement, of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 11-1-10B of this chapter;

4. Description of the extent of which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

5. Maintain a record of all such information in accordance with subsection 11-1-7B1 of this chapter.

C. Factors For Permit Approval Or Denial: Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the Comprehensive Plan for that area.

10-1-9: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:

In all areas of special flood hazard, the following provisions are required for all new construction and substantial improvements:

A. 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;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities

that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters; and

G. Onsite wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

10-1-10: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION:

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 11-1-6, subsection 11-1-7B8 or 11-1-11D of this chapter, the following provisions are required:

A. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in subsection 11-1-8B of this chapter is satisfied;

B. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation, in relation to mean sea level, to which such structures are floodproofed shall be maintained by the Floodplain Administrator; and

C. Manufactured homes are required to be placed within Zone A on the Town's FHBM or FIRM and shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

10-1-11: STANDARDS FOR SUBDIVISION PROPOSALS:

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 11-1-1, 11-1-2 and 11-1-3 of this chapter.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of section 11-1-8 of this chapter and the provisions of sections 11-1-9 et seq., of this chapter.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to section 11-1-6 and subsection 11-1-7B8 of this chapter.
- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

10-1-12: VARIANCES:

- A. The Appeal Board as established by the Town shall hear and render judgment on requests for variances from the requirements of this chapter.
- B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.
- C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in sections 11-1-9, 11-1-10 and 11-1-11 of this chapter.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 11-1-8C of this chapter have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter as set out in section 11-1-2 of this chapter.

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances are as follows:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

2. Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the costs of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by the Town for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that:

1. The criteria outline in subsections A through I of this section are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

10-1-13: WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood

hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.