

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

USE AND CONSTRUCTION OF THE CODE

- SECTION 1-101 HOW CODE DESIGNATED AND CITED
- SECTION 1-102 RULES OF CONSTRUCTION
- SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS
- SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES
- SECTION 1-105 SEVERABILITY OF PARTS OF CODE
- SECTION 1-106 AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES;
AMENDATORY LANGUAGE
- SECTION 1-107 ALTERING CODE
- SECTION 1-108 GENERAL PENALTY
- SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION
- SECTION 1-110 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN
- SECTION 1-111 SCHEDULE OF FEES AND CHARGES CREATED
- SECTION 1-112 OKLAHOMA TOWN MEETING ACT GOVERNING
- SECTION 1-113 ADOPTION BY REFERENCE OF TITLES 21, 37, 37A AND
CERTAIN SECTIONS OF TITLE 47 AND TITLE 63 OF THE
OKLAHOMA STATUTES, AS AMENDED, AS MUNICIPAL
ORDINANCES; DRUGS AND RELATED SUBSTANCES.

ARTICLE 2

WARD BOUNDARIES

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

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

USE AND CONSTRUCTION OF THE CODE

SECTION 1-101 HOW CODE DESIGNATED AND CITED.

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Coyle, Oklahoma," and may be so cited.

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

SECTION 1-102 RULES OF CONSTRUCTION.

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

1. "Town" means the Town of Coyle;
2. "Board" means the Board of Trustees of the Town of Coyle;
3. "Computation of time." Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;
4. "County" or "this county" means the County of Logan, Oklahoma;
5. "Gender." A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;
6. "Joint Authority." All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;
7. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances

of the town, and, when appropriate, any and all rules and regulations promulgated thereunder;

8. "Mayor" means the mayor of the town;

9. "Month" means a calendar month;

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

11. "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears;

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

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

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

15. "Person" shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;

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

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

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

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

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

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

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

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

24. "Year" means a calendar year.

SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS.

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

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES.

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

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

SECTION 1-105 SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the Board of Trustees that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code or of any ordinance in the code is declared unconstitutional, illegal or otherwise invalid

by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code of ordinances.

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

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

B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language: "Be it ordained by the Board of Trustees of the Town of Coyle, Oklahoma, that Section _____ of the code of ordinances of the Town of Coyle, Oklahoma, is hereby amended to read as follows": (Set out new provisions in full.)

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

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

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

State Law Reference: Enactment of ordinances, 11 O.S. Sections 14-103 et seq.

SECTION 1-107 ALTERING CODE.

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

SECTION 1-108 GENERAL PENALTY.

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the Town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding:

1. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars (\$800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars (\$750.00).

2. 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. 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. Subject to any limitation as imposed by law, costs may be charged and collected by the municipal court not of record not to exceed the sum of Thirty Dollars (\$30.00), any state authorized assessments or fees, and fees and mileage of jurors and witnesses.

State Law Reference: Maximum fine levied in courts not of record, \$200.00, 11 O.S. Section 14-111. Maximum fine levied without jury trial, \$100.00, 11 O.S. Section 27-119. Maximum fine levied by court with non-lawyer judge with appropriate CLE, \$100.00, 11 O.S. Section 27-119.

SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION.

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

SECTION 1-110 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN.

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

SECTION 1-111 SCHEDULE OF FEES AND CHARGES CREATED.

A. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for the various licenses, permits and other fees and charges as designated by the Town Board of Trustees. Where a fee or charge is authorized to be collected by the Town in any ordinance the amount of the fee or charge shall be set by resolution and entered into the schedule of fees and charges. The schedule shall be kept on file in the office of the clerk, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as set forth in the schedule of fees and charges.

B. The schedule of fees and charges hereby created shall also be known and may be cited as the fee schedule.

c. The following shall be the bond schedule as of the adoption of this Code:

RULES OF THE ROAD

Charge	Fine	§ of Ok. Stat. or CMC
Speed		
1 to 10 mph over posted limit	\$125.00	CMC § 15-401
11 to 20 mph over posted limit	\$150.00	CMC § 15-401
21 to 30 mph over posted limit	\$175.00	CMC § 15-401
31 or over posted limit	\$200.00	CMC § 15-401
School Zone	\$200.00	CMC § 15-402
Failure to reduce weather/road	\$185.00	CMC § 15-403
Impede traffic movement	\$225.00	47 §11-804(a)
Operating MV at speed not proper	\$225.00	CMC § 15-525

Recklessness Or Carelessness

Eluding an Officer	\$500.00	CMC § 10-507
Reckless Driving	\$500.00	CMC § 15-406
Careless Driving	\$225.00	CMC § 15-523
Failure to Devote Full-time	\$150.00	CMC § 15-525
Engaging in Speed Contest	\$225.00	CMC § 15-526

Following and Backing

Following to Closely	\$150.00	CMC § 15-508
Improper Backing	\$150.00	CMC § 15-517

Lane Usage

Improper Lane Usage	\$150.00	CMC § 15-501
Making Unsafe Lane Change	\$150.00	CMC § 15-501
Driving Left of Center	\$125.00	CMC § 15-502
Improper Passing on Right Side	\$150.00	CMC § 15-503
Improper Passing on Left Side	\$150.00	CMC § 15-504
Passing when unsafe to do	\$150.00	CMC § 15-505
Unauthorized Direction of Travel	\$150.00	CMC § 15-507
Wrong way on one way	\$150.00	CMC § 15-507
Passing in no Passing Zone	\$150.00	CMC § 15-509
Passing in a school zone	\$150.00	CMC § 15-513
Passing School Bus loading lights	\$150.00	CMC § 15-514
Failure to Signal Intent to Turn	\$150.00	CMC § 15-907

Failure to Yield

Failure to Yield to Emergency Vech	\$225.00	CMC § 15-212
Failure to Yield to vehicle (Right)	\$150.00	CMC § 15-536

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Failure to Yield when turning left	\$150.00	CMC	\$ 15-537
Failure to Yield (traffic thruway)	\$150.00	CMC	\$ 15-539
Failure to Yield (posted stop)	\$150.00	CMC	\$ 15-544
Failure to Yield (posted yield)	\$150.00	CMC	\$ 15-545
Failure to Yield (private drive)	\$150.00	CMC	\$ 15-546
Failure to Yield (to traffic/park)	\$150.00	CMC	\$ 15-547
Failure to Yield (alley or dr/way)	\$150.00	CMC	\$ 15-548

Traffic Signs

Failure to Stop for Bus	\$100.00	CMC	\$ 15-514
Failure to Stop at Stop Sign	\$150.00	CMC	\$ 15-544
Failure to Stop at RR Crossing	\$150.00	CMC	\$ 15-550
Driving Around Crossing Gate	\$150.00	CMC	\$ 15-550
Failure of Required MV to Stop	\$150.00	CMC	\$ 15-551
Failure to Obey Traffic Device	\$150.00	CMC	\$ 15-603
Failure to Stop for Red Light	\$150.00	CMC	\$ 15-604
Failure to Stop for Flashing Red	\$150.00	CMC	\$ 15-605

Turns

Failure to Make Required Turn	\$125.00	CMC	\$ 15-901
Making Prohibited Turn (posted)	\$125.00	CMC	\$ 15-903
Improper U-Turn	\$125.00	CMC	\$ 15-904
Turning Vehicle Across Center Line	\$125.00	CMC	\$ 15-905
Failure to Signal	\$150.00	CMC	\$ 15-907

Driver's License

Violation of License Restriction	\$150.00	CMC	\$ 15-215
No Driver's License	\$150.00	CMC	\$ 15-215
No Driver's License in possession	\$50.00	CMC	\$ 15-215
Driving without proper endorsement	\$50.00	CMC	\$ 15-215
Driving Under Suspension (DUS)	\$250.00	CMC	\$ 15-216
DUS (subsequent)	\$300.00	CMC	\$ 15-216
Allowing unauthorized driver	\$250.00	CMC	\$ 15-218

Insurance & Duties At Accidents

Failure to Remain at Accident	\$250.00	CMC	\$ 15-219
Failure to Provide information	\$250.00	CMC	\$ 15-219
Leaving scene of Fixture Accident	\$250.00	CMC	\$ 15-220
Failure to Report Accident	\$250.00	CMC	\$ 15-219
Failure to Carry Security Verify	\$125.00	CMC	\$ 15-228e
Failure to Maintain Insurance	\$250.00	CMC	\$ 15-228

Equipment

Failure to display Valid Tag	\$125.00	CMC	\$ 15-217
Driving Vehicle that is unsafe	\$150.00	CMC	\$ 15-302
Improper Equipment	\$150.00	CMC	\$ 15-303
Improper Equipment after warning	\$200.00	CMC	\$ 15-303
Defective Exhaust	\$150.00	CMC	\$ 15-304
Operating Unsafe MV	\$150.00	CMC	\$ 15-306
Unlawful Riding Upon Vehicle	\$150.00	CMC	\$ 15-532
Failure to use Seat Belt	\$20.00	CMC	\$ 15-552
Failure to use Child Restraint	\$50.00	CMC	\$ 15-552
Failure to Dim Headlights	\$105.00	47	\$ 12-222
Failure to Pay Taxes due the State	\$150.00	47	\$ 1151

Parking

Unsafe Start from Stop	\$150.00	CMC	\$ 15-528
Opening door into traffic	\$150.00	CMC	\$ 15-529
Parking in excess of posted time	\$100.00	CMC	\$ 15-703
Parking where sign prohibited	\$100.00	CMC	\$ 15-703
Parking in excess of 48 hours	\$100.00	CMC	\$ 15-704
Failure to Set Brakes	\$100.00	CMC	\$ 15-705
Failure to obey angle parking	\$100.00	CMC	\$ 15-707
Parking within 90' of hydrant	\$150.00	CMC	\$ 15-711
Parking within 20' of crosswalk	\$150.00	CMC	\$ 15-711
Parking in front of private drive	\$100.00	CMC	\$ 15-711
Parking on sidewalk	\$100.00	CMC	\$ 15-711
Parking within intersection	\$100.00	CMC	\$ 15-711
Parking in alley leaving less 20'	\$100.00	CMC	\$ 15-717
Parking traveled portion of street	\$100.00	CMC	\$ 15-719
Double Parking	\$100.00	CMC	\$ 15-720
One ton parking in excess of 3 hrs	\$100.00	CMC	\$ 15-721
Parking prohibited vehicles	\$100.00	CMC	\$ 15-721b
Parking vehicle for sale on road	\$100.00	CMC	\$ 15-722
Improper Parking on left side/road	\$100.00	CMC	\$ 15-723
Failure to park vehicle right side	\$100.00	CMC	\$ 15-723
Negligent Parking	\$100.00	CMC	\$ 15-724
Parking in Handicap Space	\$250.00	CMC	\$ 15-726

Loads

Operating a MV with unsafe load	\$150.00	CMC	\$ 15-302
Operating an overweight load	\$175.00	CMC	\$ 15-305
Operating an MV - too long	\$150.00	CMC	\$ 15-305
Operating overweight MV	\$200.00	CMC	\$ 15-305
Operating MV to high	\$175.00	CMC	\$ 15-305
Driver's View Obstructed	\$150.00	CMC	\$ 15-305

Motorcycles

Unlawfully carrying passengers	\$150.00	CMC § 15-518
Operating w/out required equip	\$125.00	CMC § 15-519
Under 18 w/out helmet	\$150.00	CMC § 15-519b
Operating with modified exhaust	\$100.00	CMC § 15-519c

Bicycles

Bicyclist fails to obey lights	\$100.00	CMC § 15-1103
Bicyclist w/out proper lamps	\$100.00	CMC § 15-1111

Pedestrians

Failure to yield to pedestrian	\$175.00	CMC § 15-1002
Pedestrian's failure to yield	\$100.00	CMC § 15-1005
Pedestrian unlawfully cross high	\$100.00	CMC § 15-1009

UNIFORM CITATIONS

Alcohol & Drug Violations

Transportation of Open Container	\$500.00	CMC § 3-214
Transportation 3.2 beer	\$500.00	CMC § 3-111
Drinking nonintox in public place	\$150.00	CMC § 3-212
Public Intoxication	\$250.00	CMC § 3-203
Drinking Alcohol in public place	\$250.00	CMC § 3-202
Possession of Marijuana	\$400.00	CMC § 1-113
Possession of Drug Paraphernalia	\$500.00	CMC § 10-805
Consuming (inhaling) substances	\$500.00	CMC § 10-806

Crimes Against Public

Assault & Battery on Police Off.	\$500.00	21 § 649
Aggravated Assault & Battery	\$500.00	21 § 646
Assault	\$250.00	CMC § 10-201
Battery	\$500.00	CMC § 10-202
Fighting	\$250.00	CMC § 10-203
Concealing weapons on pub property	\$150.00	CMC § 10-302
Trespassing (private)	\$250.00	CMC § 10-303
Trespassing (public)	\$250.00	CMC § 10-302
Tampering with Property	\$250.00	CMC § 10-304
Petit Larceny	\$500.00	CMC § 10-305
Obtaining property by fraud	\$500.00	CMC § 10-306
Obtaining property by bogus check	\$500.00	CMC § 10-306a
Obtaining Utility Service W/out	\$500.00	CMC § 10-307
Disorderly Conduct	\$250.00	CMC § 10-501

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Disturbing the Peace	\$250.00	CMC § 10-501
Failure to Disperse upon command	\$250.00	CMC § 10-502
Fighting Words	\$250.00	CMC § 10-504
Disturbing by Loud Noise	\$150.00	CMC § 10-504
Reporting False Alarms	\$250.00	CMC § 10-505
Obstructing an Officer	\$500.00	CMC § 10-601
Resisting Arrest	\$500.00	CMC § 10-602
Aiding in an escape	\$500.00	CMC § 10-603
Escape from Custody	\$500.00	CMC § 10-604
Impersonating a police officer	\$500.00	CMC § 10-605
Vehicular Trespassing	\$150.00	CMC § 10-718

Minors

Contributing to Delinquency/Minor	\$500.00	21 § 856
Minor in Possession of Alcohol	\$185.00	CMC § 10-802
Furnishing alcohol to minor	\$150.00	CMC § 3-207
Curfew - minor	\$150.00	CMC § 10-901
Curfew - parent	\$150.00	CMC § 10-901
Minor in Possession of Tobacco	\$100.00	CMC § 10-1003

Failure to Appear or Obey

Malicious Prosecution	\$200.00	CMC § 6-133
Failure to Appear or Obey Promise	\$500.00	CMC § 6-134
Failure perform community service	Jail	CMC § 6-137
Failure to comply w/lawful order	\$500.00	CMC § 15-204

Code Violations

Accumulation Weeds and Trash	\$250.00	CMC § 8-101
Unlawful to deposit rubbish	\$200.00	CMC § 8-108
Abandoned refrigerator/appliance	\$200.00	CMC § 8-114
Junked motor vehicle	\$200.00	CMC § 8-401
Storing/Parked/leaving Junk MV	\$200.00	CMC § 8-403
Violation of Building Code	\$250.00	Chapter 5 & models
Violation of Zoning Ordinance	\$250.00	Chapter 12

Animals

Permitting Animals to Run at large	\$150.00	CMC § 4-102
Unlawful keeping of livestock	\$150.00	CMC § 4-104
Permitting Animal to Scatter Trash	\$150.00	CMC § 4-105
Maintaining Loud Animal	\$150.00	CMC § 4-105
Failure to have animal vaccinated	\$150.00	CMC § 4-120
Failure to obtain pet permit	\$90.00	CMC § 4-121

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Maintaining vicious animal	\$250.00	CMC § 4-124
Cruelty to animals	\$250.00	CMC § 4-140
Poisoning an animal	\$250.00	CMC § 4-141
Keeping wild animal without permit	\$150.00	CMC § 4-150
Refusal to Quarantine Animal	\$250.00	CMC § 4-175

Weapons

Carrying weapon on posted property	\$200.00	CMC § 10-302
Carrying dangerous weapons	\$200.00	CMC § 10-701
Reckless conduct with firearm	\$200.00	CMC § 10-702
Discharging in City Limits	\$200.00	CMC § 10-703

Miscellaneous

Littering	\$200.00	CMC § 8-111
Littering from vehicle	\$200.00	CMC § 8-112
Licenses Required	\$100.00	Chapter 9
Soliciting w/out permit	\$200.00	CMC § 9-903
Attempting to commit offense	\$200.00	CMC § 10-101
Aiding and Abetting an Offense	\$200.00	CMC § 10-102
Indecent exposure	\$150.00	CMC § 10-401
Nudity in Public Place	\$150.00	CMC § 10-401
Obstruction of business street	\$150.00	CMC § 10-503
Obstructing Street/sidewalk	\$150.00	CMC § 10-503
Unlawful barricade removal	\$200.00	CMC § 10-506
Using Fireworks w/in City	\$100.00	CMC § 10-704
Storing Fireworks in City	\$100.00	CMC § 10-704
Failure to comply with fireman	\$250.00	CMC § 15-204
Unlawfully crossing fire hose	\$150.00	CMC § 15-214
Driving thru funeral processions	\$150.00	CMC § 15-510
Interfering with Driver's View	\$150.00	47 §11-1104

Court costs of Thirty Dollars (\$30.00) shall be collected on cases excepting parking, standing and seatbelt violations.

All traffic violations not otherwise listed shall be bonded for \$200.00 and costs.

All Criminal violations not otherwise listed shall be bondable for \$500.00 and costs.

In addition to the above-mentioned fines and costs, all appropriate state assessments are required to be paid.

The following deferral fees and administrative fees are properly charged in appropriate cases:

The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars (\$800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral fee to a restricted cash account of the City that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. For all offenses which impose a fine of more than Five Hundred Dollars (\$500.00), excluding court costs, a jury trial shall be had unless waived by the defendant and the City.

SECTION 1-112 OKLAHOMA TOWN MEETING ACT NOT GOVERNING.

Pursuant to 11 Okla. Stat. § 16-302, the Town of Coyle hereby declares that it shall be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.

Section 1-113 ADOPTION BY REFERENCE OF TITLES 21, 37, 37A AND CERTAIN SECTIONS OF TITLE 47 AND TITLE 63 OF THE OKLAHOMA STATUTES, AS AMENDED, AS MUNICIPAL ORDINANCES; DRUGS AND RELATED SUBSTANCES.

A. Title 21 of the Oklahoma Statutes, as amended, is hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of \$500.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

B. Titles 37 and 37A of the Oklahoma Statutes, as amended, are hereby adopted and incorporated herein by reference, but only

to the extent such sections provide for criminal misdemeanor offenses and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of \$500.00, plus court costs, fees and state assessments; provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

C. The following sections of Title 47 of the Oklahoma Statutes, as amended, namely, §§ 4-101 et seq., §§ 6-101 et seq., §§ 7-101 et seq., §§ 10-101 et seq., §§ 11-101 et seq., §§ 12-101 et seq., §§ 13-101 et seq., and §§ 14-101 et seq., are hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of \$200.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

D. The following sections of Title 63 of the Oklahoma Statutes, as amended, namely, §§ 2-402 and 2-405, are hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses and are enforceable by the Town within the Town limits as if set out at length herein. Unless specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of \$500.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

E. Drugs and Related Substances:

1. Definitions: As used in this section, the following words and phrases shall have the meanings respectively ascribed to them in this section:

"Controlled Dangerous Substance" shall be as defined in 63 Oklahoma Statutes section 2-101.

"Marijuana" shall be defined as all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

2. Possession of Illegal Drugs:

- a. It is unlawful for any person knowingly or intentionally to possess any controlled dangerous substance other than marijuana unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by State law.
- b. The violation of this subsection 2a, shall be punishable by a fine of not more than four hundred dollars (\$400.00) plus court costs, fees and state assessments.

3. Possession of Marijuana:

- a. It is unlawful for any person to knowingly or intentionally possess marijuana without an Oklahoma State issued medical marijuana license.
- b. It is unlawful for any person with an Oklahoma State issued medical marijuana license to knowingly or intentionally possess marijuana in quantities greater than permitted by state law.
- c. The violation of subsections 3a and/or 3b, shall be punishable by a fine of not more than four hundred dollars (\$400.00) plus costs, fees and state assessments.

ARTICLE 2

CORPORATE LIMITS

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

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

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CHAPTER 2: ADMINISTRATION AND GOVERNMENT

ARTICLE 1

TOWN BOARD OF TRUSTEES

- SECTION 2-102 BOARD OF TRUSTEES
- SECTION 2-103 MEETINGS OF THE TOWN BOARD
- SECTION 2-104 RULES OF ORDER AND PROCEDURE
- SECTION 2-105 TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES
- SECTION 2-106 ELECTIONS HANDLED PURSUANT TO TOWN MEETING ACT

ARTICLE 2

MAYOR

- SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR

ARTICLE 3

TOWN OFFICERS AND PERSONNEL

- SECTION 2-301 TOWN CLERK-TREASURER-TREASURER
- SECTION 2-302 RESERVED
- ~~SECTION 2-303 HEALTH OFFICER~~
- SECTION 2-304 OTHER PERSONNEL, APPOINTMENTS, REMOVALS
- SECTION 2-305 BONDS
- SECTION 2-306 EXPENSES FOR MAYOR AND TRUSTEES
- SECTION 2-307 COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL
- SECTION 2-308 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT
- SECTION 2-309 OATHS
- SECTION 2-310 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY
- SECTION 2-311 APPOINTMENT OF PERSONNEL IN EMERGENCIES
- SECTION 2-312 MAYOR AND TOWN CLERK-TREASURER-TREASURER TO SIGN WARRANTS AND CHECKS

ARTICLE 4

SOCIAL SECURITY

- SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE
- SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY
- SECTION 2-403 WITHHOLDINGS
- SECTION 2-404 CONTRIBUTIONS
- SECTION 2-405 RECORDS AND REPORTS

SECTION 2-406 EXCLUSIONS
SECTION 2-407 POLICE INCLUDED

ARTICLE 5

RETIREMENT AND PENSIONS

DIVISION 1
FIRE PENSION SYSTEM

SECTION 2-501 RESERVED
SECTION 2-502 FUND TO BE OPERATED IN ACCORDANCE WITH LAW
SECTION 2-503 CONTRIBUTIONS TO FUND

DIVISION 2

RESERVED

ARTICLE 6

TOWN RECORDS

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS
SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS
SECTION 2-603 DUTIES OF CUSTODIANS
SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS
SECTION 2-605 PROCEDURES REGARDING BOTH INSPECTION AND
COPYING OF OPEN PUBLIC RECORDS
SECTION 2-606 PROCEDURES REGARDING INSPECTION OF
OPEN PUBLIC RECORDS
SECTION 2-607 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS
SECTION 2-608 NO FEE FOR INSPECTION
SECTION 2-609 COPYING FEE
SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION
SECTION 2-611 SEARCH FEE
SECTION 2-612 PREPAYMENT OF FEES
SECTION 2-613 FEES
SECTION 2-614 DESTRUCTION OF PUBLIC RECORDS; SCANNING AND STORING
PUBLIC RECORDS

ARTICLE 7 ETHICS

SECTION 2-701 CODE OF ETHICS.

CHAPTER 2: ADMINISTRATION AND GOVERNMENT

ARTICLE 1

TOWN BOARD OF TRUSTEES

SECTION 2-101 GENERAL POWERS.

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

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

State Law Reference: Town form of government, 11 O.S. § 12-101.

SECTION 2-102 BOARD OF TRUSTEES.

A. The board of trustees shall consist of three (3) members who shall be nominated and elected at large without regard to their place of residence within the corporate limits of the town.

B. The term of office for a trustee shall be four (4) years beginning at 12:00 noon on the first Monday in May following the general municipal election. The trustee shall serve until his successor is elected and qualified.

C. The notice calling for a general or special election to fill the office of trustee shall state the number of four-year terms and the number of unexpired terms, if any, to be filled, at which election all three (3) trustee positions shall be elected.

State Law Reference: Governing board, 11 O.S. §§ 12-102, 12-103; Terms of office, 11 O.S. § 8-102; Elections, 11 O.S. § 16-205; Vacancies in office of trustee, 11 O.S. § 8-109; Election of board at large and not by ward, 11 O.S. § 12-102.1.

SECTION 2-103 MEETINGS OF THE TOWN BOARD.

A. The board of trustees shall meet regularly, on the second Tuesday of each month at 7:00 P.M. of each successive year, and at such times or at such other dates as may be prescribed by trustee action at the town hall. 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. Special meetings may be called by the mayor or any two (2) trustees. A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

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

State Law Reference: Meetings of trustees, 11 O.S. § 12-107; Open meeting and notice requirements, 25 O.S. § 301-314.

SECTION 2-104 RULES OF ORDER AND PROCEDURE.

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

B. The order of business for each meeting of the board may be as posted on the agenda for the meeting.

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

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

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

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

4. A motion to adjourn shall be in order at any time, except

as follows:

- a. When repeated without intervening business or discussion;
- b. When made as an interruption of a member while speaking;
- c. When the previous question has been ordered; or
- d. While a vote is being taken.

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

5. When a question is under debate, no motion shall be received but:

- a. To adjourn;
- b. To lay on the table;
- c. For the previous question;
- d. To postpone to a day certain;
- e. To commit;
- f. To amend; or
- g. To postpone indefinitely,

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

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

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

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

9. The question is to be put first on the affirmative and

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

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

SECTION 2-105 TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES.

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

SECTION 2-106 ELECTIONS HANDLED PURSUANT TO TOWN MEETING ACT

Pursuant to 11 Okla. Stat. § 16-302, the Town of Coyle hereby declares that it shall be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.

ARTICLE 2

MAYOR

SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR.

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

B. The mayor shall preside at meetings of the Board of Trustees and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, privileges, duties and responsibilities of a trustee, including the right to vote on questions. 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 mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term. In addition, the Board of Trustees hereby confirm and delegate the following powers, duties and functions

upon the mayor:

C. The mayor shall serve as the executive officer and head of the administrative branch of the Town Government.

D. The mayor shall:

1. Direct, supervise and coordinate all the departments and employees of the Town, and as Chairman, all the departments and employees of the Coyle Public Works Authority. In performing such duties, the mayor may reprimand any employee, both orally and in writing, and/or place any employee on administrative leave with pay, until such time as the Board of Trustees may be properly convened to address the personnel issue.

2. To assist the Board of Trustees in the making of policies, through preliminary planning, recommendation, technical assistance, reporting and providing information.

3. To plan how the policies adopted by the Board of Trustees, or the people, may best be administered and executed, and to organize the administrative personnel and the physical facilities of the Town to carry out the policies.

4. To see that proper records (financial and other) are kept, and to keep the Board of Trustees informed by making reports and otherwise.

5. To perform the following miscellaneous administrative powers and duties:

a. To see that the laws, ordinances and other policies of the Town are properly administered and executed.

b. To assist in the preparation of a budget annually and submit it to the Board of Trustees, be responsible for the administration of the budget after it goes into effect and recommend to the Board of Trustees any changes in the budget deemed desirable.

c. To submit to the Board of Trustees a report as of the end of the fiscal year on the finances and administrative activities of the Town for the preceding year.

d. To make interpretations necessary to resolve any ambiguity or conflict in the language of the Personnel Manual. The mayor's

interpretation shall be final in all matters regarding the application of the Personnel Manual.

e. Keep the Town advised of the financial condition and future needs of the Town and make recommendations as deemed advisable.

f. To perform such other duties as may be directed by the Board of Trustees by motion, resolution or ordinance.

6. The mayor may request that any other member of the Board of Trustees assist in the performance of the powers, duties and functions provided in this section; provided however, any such request shall be submitted to the Board of Trustees as an agenda item and approved by the Board of Trustees prior to any implementation of such request.

E. The Board of Trustees reserves the right to alter, modify, delete or add additional duties as they deem necessary for the benefit of the Town by subsequent ordinance duly adopted.

State Law Reference: Election of town mayor, acting mayor, 11 O.S. §§ 12-104, 12-105.

ARTICLE 3

TOWN OFFICERS AND PERSONNEL

SECTION 2-301 TOWN CLERK-TREASURER-TREASURER.

The Town clerk-treasurer shall be an officer of the Town, appointed by the Board of Trustees and shall:

A. Keep the journal of the proceedings of the Town Board of Trustees.

B. Enroll all ordinance and resolutions passed by the Board of Trustees in a book or set of books kept for that purpose.

C. Have custody of documents, records, and archives, as may be provided for by law or ordinance, and have custody of the Town Seal.

D. Attest and affix the seal of the Town to documents as

required by law or by ordinance.

E. Review accounts and books to show where and from what source all monies paid to him/her have been derived and to whom and when any monies have been paid; Monthly prepare the sales tax report for the Board's review; and

F. Prepare and/or review, as directed, all detailed financial statements that may be required by the Town Board of Trustees.

G. The books and accounts of the Town clerk-treasurer shall be subject at all times to examination by the Board of Trustees.

H. Have such other powers, duties, and functions related to his/her statutory duties as may be prescribed by law or by ordinance. The person who serves as Town clerk-treasurer may be employed by the Town to perform duties not related to his position as Town clerk-treasurer. Such duties shall be for the performance of such duties relating to the maintenance of the books and records and office operations of the Town as the Board of Trustees shall prescribe. Said position may be filled by the person serving as the Town clerk-treasurer or as otherwise provided by the Board of Trustees. Said person shall be an employee of the Town and shall serve at the pleasure of the Board of Trustees. The pay period for such position shall be the same as for other municipal employees. The salary for the position shall be set by motion or resolution. Benefits, holidays and sick leave for such position shall be provided for in accordance with any personnel policy or other policy of the Town. The salary of the position shall not be subject to constitutional restrictions.

I. The Town clerk-treasurer shall earn annual salary of \$400.00 and extra duties as Secretary for the Town and/or its public authority in an amount set by the Board of Trustees.

SECTION 2-302 RESERVED.

SECTION 2-304 OTHER PERSONNEL, APPOINTMENTS, REMOVALS.

The Mayor may appoint such other employees as he deems desirable and are within the budget of the town, subject to the confirmation by the board of trustees. The board of trustees, may demote, suspend, lay off or remove all such persons when required for the good of the public service.

SECTION 2-305 BONDS.

The Town clerk-treasurer shall give bond for the faithful performance of duties in the amount of \$20,000.00. Any other officers and employees which the town board may designate by ordinance or otherwise, shall 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.

State Law Reference: Officer's bonds, 11 O.S. § 8-105.

SECTION 2-306 EXPENSES FOR MAYOR AND TRUSTEES.

The trustees shall be paid for all reasonable out-of-pocket expenses incurred during the performance of their duties.

In addition, the Mayor (President of the Town Board) shall be paid \$75.00 per month and the Trustees shall be paid \$25.00 per month.

State Law Reference: Compensation of town elected officers, 11 O.S. § 12-113; Increasing salary during term, Oklahoma Constitution, Art. 23, § 10.

SECTION 2-307 COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL.

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

B. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees.

SECTION 2-308 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT.

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

SECTION 2-309 OATHS.

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

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

SECTION 2-310 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY.

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

SECTION 2-311 APPOINTMENT OF PERSONNEL IN EMERGENCIES.

The mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of an emergency, subject to the approval of the board of trustees as soon as a special meeting or regular meeting can reasonably be called or held therefor. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of the emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affect the health, safety or welfare of the citizens of the town.

SECTION 2-312 MAYOR AND TOWN-CLERK TREASURER TO SIGN WARRANTS AND CHECKS

Notwithstanding any provision to the contrary, both the Mayor and the Town clerk-treasurer shall sign all warrants, checks and other legal instruments incurring financial liability for the same to be legally effective.

ARTICLE 4

SOCIAL SECURITY

SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE.

It is hereby declared to be the policy and purpose of the town to extend, at the earliest date, to the eligible employees and officials of the town the benefits of the system of Federal Old-Age

and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and Sections 121 et seq. of Title 51 of the Oklahoma Statutes. In the pursuance of this policy, the officers and employees of the town shall take such action as may be required by applicable state or federal laws or regulations.

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

SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY.

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-401 of this code.

SECTION 2-403 WITHHOLDINGS.

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

SECTION 2-404 CONTRIBUTIONS.

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

SECTION 2-405 RECORDS AND REPORTS.

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

SECTION 2-406 EXCLUSIONS.

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

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

2. Any authority to make any agreement with respect to any

position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations; or

3. Firemen and call-firemen.

SECTION 2-407 POLICE INCLUDED.

All police personnel of the town shall hereafter be covered by the social security program along with personnel already covered by the program, and proper deductions from police payrolls shall hereafter be made in order to comply with social security laws and regulations.

ARTICLE 5

RETIREMENT AND PENSIONS

DIVISION 1

FIRE PENSION SYSTEM

SECTION 2-501 RESERVED.

SECTION 2-502 FUND TO BE OPERATED IN ACCORDANCE WITH LAW.

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

State Law Reference: Firefighters' retirement and pension law, 11 O.S. §§ 49-101 et seq.

SECTION 2-503 CONTRIBUTIONS TO FUND.

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

B. All assets of the town firefighters' pension and retirement fund shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the State Board.

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

Cross Reference: Fire department and services, Section 13-101 of this code.

DIVISION 2

RESERVED

ARTICLE 6

TOWN RECORDS

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS.

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

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

State Law Reference: Open Records Act, 51 O.S. §§ 24A.1 to 24A.18.

SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

- A. Each of the official custodians appointed in Section 2-

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

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

SECTION 2-603 DUTIES OF CUSTODIANS.

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

SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS.

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

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

SECTION 2-605 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

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

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

manner to persons who request access to open public records;

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

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

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

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

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

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

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

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

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

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

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

SECTION 2-606 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

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

1. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records.

2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;

3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and

4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the mayor.

SECTION 2-607 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

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

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;

2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodians;

3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanical reproducing the subject record is likely to cause damage to such record; and

4. No copy fee shall be assessed when multiple copies of the

record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

SECTION 2-608 NO FEE FOR INSPECTION.

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

SECTION 2-609 COPYING FEE.

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

SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION.

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

SECTION 2-611 SEARCH FEE.

The fee provided in Fee Schedule shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be charged to recover the direct cost of document search.

SECTION 2-612 PREPAYMENT OF FEES.

A record custodian may demand prepayment of a fee. The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

SECTION 2-613 FEES.

Fees shall be charged for copies and services rendered hereunder pursuant to the town's fee schedule.

SECTION 2-614 DESTRUCTION OF PUBLIC RECORDS; SCANNING AND STORING PUBLIC RECORDS

A. Purpose. The purpose of this section is to provide for the retention, digital storage and/or destruction of public records

in accordance with state law and this section.

B. The Town Board hereby authorizes the legal custodian, with the written approval from the Mayor, to destroy, sell for salvage or otherwise dispose of the following papers, documents and records after the expiration of the specified period of time following the end of the fiscal year in which the paper, document or record was created, except as otherwise specified:

1. One (1) year: parking citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuances;

2 Two (2) years: municipal court warrants, water, sewer, garbage and utility receipts and statements, which have been previously audited; inspection records relating to water meters and sewer inspections; miscellaneous petitions and letters addressed to the governing body on matters other than pertaining to the items hereinafter set forth; utility billing ledger or register; utility cash receipts ledger or register; and utility accounts receivable ledger or register. Fire run contracts may be destroyed or otherwise disposed of two (2) years after their expiration;

3. Five (5) years: successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; inspection records except as provided for in paragraph 2 of this section; claims that have been denied; license applications; bonds; special, primary and general election payrolls; election tabulations and returns; withholding statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts; information and complaints; court dockets; paid general obligation and revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls;

4. Ten (10) years: inventories; appropriation ledgers; sidewalk assessment records, except payment records; cash receipt book or register for the general fund, the street and alley fund, any bond fund or sinking fund and all other trust funds that have been audited; and

5. Fifteen (15) years: sewer and improvement district records, except payment records.

C. No records pertaining to pending litigation shall be disposed of until such litigation is finally terminated.

D. Other Records. Public records not addressed in Subsection B or C hereinabove, or otherwise addressed in the

Record Retention Policy which is on file in the Office of the Town Clerk-Treasurer dated April 2015, may be destroyed by their legal custodian, with written approval from the Mayor, seven (7) years after their creation.

E. Retention of Public Records. Except as otherwise provided in Subsection F, all public records shall be retained for the time periods provided by Subsections B, C and D and may thereafter be scanned as digital files and stored, either on and/or off site, and/or destroyed by their legal custodian, with written authorization from the Mayor. This procedure shall apply to all files of the Town and its public trust authorities. Notwithstanding the foregoing, the following public records shall be held in perpetuity: deeds, records bearing signatures of historical persons or other public records of historic or legal significance, Town and authority meeting minutes, and testing laboratory results or the inspection records of public improvements.

F. Scanning and Storing of Public Records. Any public records may be scanned as digital files and stored, either on or off site, as determined appropriate by their legal custodian, with written approval from the Mayor. The method of reproduction shall be durable and safely preserve the public record and shall accurately reproduce and perpetuate the original public record in all details. All public records which are scanned and stored shall be placed in conveniently accessible files and provision made for preserving, examining and using the same. Whenever public records are scanned and stored, a certification of these facts shall be furnished to the Town Board or other governing body, as appropriate, and thereafter the original public records and papers may be disposed of, destroyed or archived in permanent storage prior to the expiration of the retention periods established by this section.

ARTICLE 7

ETHICS

Section 2-701 Code of Ethics.

A. The citizens and businesses of the Town of Coyle, Oklahoma, are entitled to responsible, fair and honest local government which has earned the public's full confidence for integrity. For purpose of this section "Town officers and employees" shall mean every elected or appointed officer or employee of the Town of Coyle, and all persons appointed by the Town Board to any position in the government. The proper operation of democratic

government requires that decision-makers be independent, impartial, and accountable to those they serve. Accordingly, the Board of Trustees has adopted this section to: 1) Describe the standards of behavior to which its Town officers and employees aspire; 2) Provide an ongoing source of guidance to Town officers and employees in their day-to-day service to the Town; and 3) Promote and maintain a culture of ethics. This Code of Ethics builds upon the Town of Coyle's ideals, which include:

1. Respect for the Individual; namely

a. Town officers and employees will treat their fellow Town officers and employees and the public with patience, courtesy and civility, even when Town officials disagree on what is best for the community.

b. Town officers and employees will promote consistency, equity and non-discrimination in public agency decision-making.

2. Honor of the Public Trust as Stewards of the Community; namely

a. Town officers and employees shall honor the public trust.

b. Town officers and employees shall recognize that they are stewards of the public trust.

c. Town officers and employees shall understand that the community expects Town officers and employees to serve with dignity and respect for their office or employment, as well as to be agents of the democratic process acting in the public interest.

d. Town officers and employees shall avoid actions that might cause the public to question their independent judgment.

e. Town officers and employees shall not use their office, employment or the resources of the Town for financial or political gain.

f. As prudent stewards of public resources, Town officers and employees shall actively consider the impact of their decisions on the financial and social stability of the Town and its residents.

g. Town officers and employees shall make decisions in

the public's best interest based on the merits and substance of the matter at hand, and to take responsibility for their actions, whether those decisions are popular or not.

h. Town officers and employees are dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the Town officers and employees may merit the respect and confidence of other Town officers and employees and the public generally.

i. Town officers and employees shall recognize that the chief function of local government at all times is to serve the best interest of the persons who work, reside and visit the Town of Coyle.

j. Town officers and employees should acknowledge that personal aggrandizement or profit secured by confidential information or by misuse of public time or funds is dishonest.

3. Open and Honest Communication.

a. Town officers and employees are honest and forthright with fellow Town officers and employees, the public and others, even when it is uncomfortable to do so.

b. Town officers and employees encourage diverse public engagement in their decision-making processes and support the public's right to know.

c. Town officers and employees hold themselves as individuals and the Town of Coyle's organization as a whole accountable for acting consistently with this Code of Ethics.

B. Town officers and employees shall comply with the laws of the United States, the State of Oklahoma and the Town of Coyle in the performance of their public duties. These laws include but are not limited to the United States and Oklahoma Constitutions; Oklahoma statutes, Coyle Municipal Code, applicable laws and regulations pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and policies. Town officers and employees shall recognize that their primary responsibility and allegiance is to support and serve the municipal corporation and its best interests.

C. Within thirty (30) days of the adoption of this section, every Town officer and employee shall sign an oath or affirmation

promising to abide by the terms of this section during the tenure of their public service with the Town of Coyle, Oklahoma.

CHAPTER 3: ALCOHOLIC BEVERAGES

~~ARTICLE 1: ALCOHOLIC BEVERAGES AND OCCUPATION TAX~~

~~SECTION 3-101 DEFINITIONS
SECTION 3-102 OCCUPATION TAX LEVIED
SECTION 3-103 PAYMENT REQUIRED; PENALTY
SECTION 3-104 ANNUAL REPORT
SECTION 3-105 APPLICATION FOR CERTIFICATES; INVESTIGATION
SECTION 3-106 ISSUANCE OF CERTIFICATES~~

~~ARTICLE 2: ALCOHOLIC BEVERAGES AND SPECIFIC OFFENSES~~

~~SECTION 3-201 DISPLAY LICENSE
SECTION 3-202 DRINKING IN PUBLIC
SECTION 3-203 PUBLIC INTOXICATION AND DRINKING PROHIBITED
SECTION 3-204 MINORS AND ALCOHOLIC BEVERAGES
SECTION 3-205 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES
PROHIBITED IN OTHER LOCATIONS WITHOUT PERMISSION
SECTION 3-206 PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE
CONSUMING ALCOHOLIC BEVERAGES
SECTION 3-207 LOCATION OF RETAIL PACKAGE STORE, MIXED BEVERAGE
ESTABLISHMENTS, BEER OR WINE ESTABLISHMENTS OR
BOTTLE CLUB
SECTION 3-208 TRANSPORTATION OPEN CONTAINERS OF ALCOHOLIC
BEVERAGES
SECTION 3-209 MUNICIPALITY MAY INITIATE LICENSE SUSPENSION
SECTION 3-210 PROHIBITED ACTS~~

CHAPTER 4: ANIMALS

ARTICLE 1

ANIMAL REGULATIONS

DIVISION 1

GENERAL PROVISIONS

- Section 4-101 DEFINITIONS
- Section 4-102 ANIMALS RUNNING AT LARGE PROHIBITED
- Section 4-103 TURNING ANIMALS AT LARGE UNLAWFUL
- Section 4-104 KEEPING OF LIVESTOCK AND FOWL PROHIBITED;
EXCEPTIONS
- Section 4-104A HOBBY CHICKENS
- Section 4-105 ANIMALS WHICH DISTURB, CONSTITUTE NUISANCE
- Section 4-106 BUILDINGS FOR ANIMALS; CONSTRUCTION AND
CONDITIONS
- Section 4-107 INSPECTIONS
- Section 4-108 POLICE DOGS

~~DIVISION 2~~

~~DOG AND CAT VACCINATION, TAGS AND TAX~~

- ~~Section 4-120 VACCINATION AND LICENSE REQUIRED.~~
- ~~Section 4-121 LICENSE FEES AND REGISTRATION.~~
- ~~Section 4-122 ISSUANCE OF LICENSE; TAGS.~~
- ~~Section 4-123 SUMMONS AND COMPLAINT.~~
- ~~Section 4-124 HEARING.~~
- ~~Section 4-125 DETERMINATION.~~

~~DIVISION 3~~

~~ANIMAL CONTROL SHELTER~~

- ~~Section 4-130 SHELTER ESTABLISHED; FEEDING ANIMALS~~
- ~~Section 4-131 IMPOUNDING ANIMALS~~
- ~~Section 4-132 ANIMALS TO BE IMPOUNDED~~
- ~~Section 4-133 BREAKING ANIMAL CONTROL SHELTER~~
- ~~Section 4-134 FEES FOR IMPOUNDING~~
- ~~Section 4-135 OWNER MAY REDEEM~~
- ~~Section 4-136 SALE OR DESTRUCTION OF IMPOUNDED ANIMALS~~
- ~~Section 4-137 OWNER MAY CLAIM EXCESS MONEY~~

~~Section 4-138 ADOPTION FROM SHELTER, DEPOSIT,
STERILIZATION REQUIREMENTS~~
~~Section 4-139 SHOOTING OF ANIMAL AUTHORIZED~~

DIVISION 4

CRUELTY TO ANIMALS

Section 4-140 CRUELTY TO ANIMALS
Section 4-141 POISONING ANIMALS
Section 4-142 ENCOURAGING ANIMALS TO FIGHT

DIVISION 5

WILD, EXOTIC OR DANGEROUS ANIMALS

Section 4-150 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS

DIVISION 6

ZONING ORDINANCE TO PREVAIL

Section 4-160 ZONING ORDINANCE TO PREVAIL

~~DIVISION 7~~

~~PROCLAMATION OF RABIES~~

~~Section 4-170 DOGS AND CATS CONFINED; WHEN~~
~~Section 4-171 QUARANTINE OF ANIMALS FOR OBSERVATION~~
~~Section 4-172 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS~~
~~Section 4-173 RABIES CRISIS DECLARATION~~
~~Section 4-174 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD~~
~~Section 4-175 SURRENDER OF ANIMALS UNDER SUSPECT~~

ARTICLE 2

MISCELLANEOUS

DIVISION 1. GENERALLY

Section 4-200 PURPOSE AND DEFINITIONS
Section 4-200A NUMBER OF DOGS AND CATS PERMITTED
Section 4-200B FAILURE TO PROVIDE HUMANE CARE AND TREATMENT OF
ANIMALS IS PROHIBITED

~~DIVISION 2. KENNEL LICENSES~~

~~Section 4-201 KENNEL LICENSE REQUIRED~~

~~Section 4-202 REVOCATION AND SUSPENSION OF LICENSE~~

~~DIVISION 3. KENNEL REQUIREMENTS~~

~~Section 4-301 SUBMISSION OF KENNEL PLANS AND SPECIFICATIONS~~

~~Section 4-302 CONTENTS OF PLANS AND SPECIFICATIONS~~

~~Section 4-303 SEPARATION OF CERTAIN AREAS~~

~~Section 4-304 PHYSICAL FACILITIES~~

~~Section 4-305 PRIMARY ENCLOSURE STANDARDS~~

~~Section 4-306 SANITATION~~

~~Section 4-307 FOOD AND WATER~~

~~Section 4-308 APPLICATION OF REQUIREMENTS TO EXISTING
FACILITIES~~

~~Section 4-309 INSPECTION OF FACILITIES~~

~~DIVISION 4. BIRD SANCTUARY~~

~~Section 4-401 BIRD SANCTUARY~~

CHAPTER 4: ANIMALS

ARTICLE 1

DIVISION 1

GENERAL PROVISIONS

Section 4-101 DEFINITIONS.

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

1. "Animal" means any and all types of animals, domesticated and wild, and including but not limited to any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal, including fowl;

2. "At large" means off the premises of the owner or keeper and neither enclosed within a building, fence or other enclosure of sufficient strength and construction to restrain and keep the animal within the building, fence or other enclosure, nor securely restrained and controlled by a person by a leash or harness with handhold;

3. "Confined on the premises" means that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences, rope, chain, leash or other device of such strength and size as to physically prevent the animal from leaving the premises and to physically prevent the animal from causing physical injury to persons or other animals which are off the premises upon which the confined animal is located;

4. "Dangerous animal" means any animal that:

a. has inflicted severe injury on a human being without provocation on public or private property,

b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the animal thereafter aggressively bites, attacks, or endangers the safety of humans, or

c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the animal thereafter kills or severely injures a domestic animal.

Animals shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime. Dangerous animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their duty;

5. "Enclosure" means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, with at least 150 square feet of space for each animal kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping;

6. "Health officer" means the director of the county health department or his authorized agent and shall also include the Town animal control officer;

7. "Keeper" means any person, family, firm, or corporation owning or actually keeping, having, using, or maintaining any of the animals herein referred to;

8. "Large animals" means horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature;

9. "Menacing fashion" means that an animal would cause any person observing the animal to reasonably believe that the animal will cause physical injury to persons or other animals;

10. "Neuter" means to render a male dog or cat unable to reproduce;

11. "Nuisance" means the conduct or behavior of any small or large animal, cat or dog which molests persons passing by or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous or menacing fashion which

annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a dangerous animal not confined as required by this chapter;

12. "Owner" or "keeper" means any person, firm or corporation owning, controlling, harboring, or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;

13. "Permit" includes but is not limited to the failure to take adequate precautions to prevent an animal from being at large; and

14. "Potentially dangerous animal" means any animal that:

a. inflicts a bite on a human either on public or private property, or

b. kills or severely injures a domestic animal either on public or private property;

c. chases or approaches a person upon any public or private property (not under the ownership or control of the owner or keeper of the potentially dangerous animal) in a menacing fashion or apparent attitude of attack, or any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise threaten the safety of humans or domestic animals.

15. "Provoke" or "provocation" means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person;

16. "Restraint" means that an animal is controlled by leash or tether, either of which shall not exceed six (6) feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner or keeper;

17. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or

cosmetic surgery;

18. "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce;

19. "Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian;

20. "Without provocation" means that an animal was not teased, tormented, or abused; and also means where the animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

Section 4-102 ANIMALS RUNNING AT LARGE PROHIBITED

The owner or keeper of any fowl or any animal shall keep such animal under restraint at all times and shall not permit such animal to be at large.

Section 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

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

Section 4-104 KEEPING OF LIVESTOCK AND FOWL PROHIBITED; EXCEPTIONS.

A. For the purpose of this Section, "livestock" means horses, mules, cows, goats, sheep, swine, farm animals, fowl, and any other animal commonly considered as livestock and fowl.

B. No livestock shall be kept within the Town, except temporarily in a stockyard or other enclosure awaiting transportation and except as otherwise permitted by this Section and the Town's zoning ordinance.

C. It is unlawful for any person, firm, or corporation to keep any livestock within the Town limits except when the following conditions have been first complied with:

1. For horses and cattle, a lot or pen of not less than forty thousand (40,000) square feet in area shall be provided and the lot or pen shall have substantial fence. No part of the lot or pen shall be within fifty (50) feet of any private dwelling or place used for residential purposes;

2. For all other livestock or farm animals, a lot or pen of not less than two hundred thousand (200,000) square feet in area shall be provided and the lot or pen shall have a substantial fence. No part of the lot or pen shall be within five hundred (500) feet of any private dwelling or place used for residential purposes;

3. When shown by certification of a duly licensed medical doctor within the state that it is necessary for reasons of health of a person or a member of his family it shall be lawful to have one or more goats provided that the goat or goats shall be contained in a lot or pen of not less than forty thousand (40,000) square feet in area and the lot or pen shall have substantial fence and no part of the lot or pen shall be within fifty (50) feet of any private dwelling or place used for residential purposes;

4. Each of the lots or pens shall be kept clean at all times and manure kept in a pile and removed not less often than once in each period of one week; and

5. The barn, shed, feed room and other premises in use for the keeping of the livestock and animals shall be kept clean and sanitary.

D. Except as otherwise provided in Section 4-104A or on any agricultural zoned property, it is unlawful for any person, firm, or corporation to keep any fowl within the Town limits. For purpose of this article the term "fowl" shall mean chickens, geese, ducks, turkeys, swans, guinea fowl and other domesticated barnyard fowl. Excluded from the definition of "fowl" are caged birds, including parakeets, parrots, canaries, finches, lovebirds, myna birds and other birds ordinarily kept in cages in household; provided however, wild birds captured or rescued and kept in cages shall be considered "fowl".

E. No person shall keep or maintain swine within the limits of the Town except temporarily in a stockyard or other enclosure awaiting transportation and except as otherwise permitted by this Section and the Town's zoning ordinance.

SECTION 4-104A HOBBY CHICKENS.

A. This section provides an additional exception to the restrictions contained in this code regarding the keeping of fowl within the Town limits. This exception pertains to the keeping "hobby chickens" defined as and meaning and including only female chickens raised for non-commercial purposes, more specifically, the gathering of eggs for personal use. Roosters are expressly excluded from this exception and are not permitted within Town limits, except where permitted by right in an agriculture district, if any.

B. All persons intending to keep hobby chickens shall register them with the animal control officer on a form to be provided by the police department prior to acquiring the chickens. The registration process shall include an inspection of the premises by the Animal Control Officer and/or the Code Enforcement Officer/Police Department to ensure compliance with this section. The initial fee to be charged for registration shall be Twenty-five Dollars (\$25.00). Thereafter, there shall be no annual fee for registration.

C. No hobby chickens shall be permitted in multi-family housing, to include duplexes. Hobby chickens shall only be permitted in residential zoned property and any other zoned properties which may allow housing with single family residential uses.

D. No person may slaughter any chicken within Town limits under any circumstance, except as permitted by right in an agricultural zone.

E. Not more than five (5) hobby chickens may be kept per residential tract containing one dwelling unit.

F. No person shall allow such hobby chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity, and it is hereby declared a nuisance and it shall be unlawful for any person to allow such nuisance to exist.

G. Every keeper of hobby chickens shall observe the following practices:

1. Space:

a. Hobby chickens may not be kept on any parcel of land containing less than two thousand (2,000) square feet in area.

b. Hobby chickens shall be confined in a chicken coop or other enclosure, provided such coop or enclosure prevents the fowl from being quartered within one hundred feet (100') of the exterior limits of a church, school or business.

c. It is unlawful for any person to confine any such hobby chickens unless provisions are made by such person for the proper feeding and the furnishing of water at intervals not longer than twelve (12) hours or for a period of time which may result in their harm or death.

2. Maintenance of Coop or Enclosure:

a. Every keeper of hobby chickens shall confine the same to prevent their running at large.

b. Each such coop or enclosure shall always be maintained in a clean and sanitary condition .

c. An approved insecticide shall be used as often as recommended by the manufacturer and as often as needed to prevent infestation.

d. No person shall impound any hobby chickens in a crate, box or other enclosure, which crate, box or other enclosure does not permit each bird so impounded to stand in a naturally erect position, make normal postural adjustments or provide enough area for nominal exercise.

3. Shelter and Drainage: Every keeper of hobby chickens shall provide shelter or area of a size sufficient to be conducive to good sanitation practices and shall provide adequate and sanitary drainage for the shelter or area.

4. Disposal of Litter and Droppings:

a. Every keeper of hobby chickens shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such type that, when closed, is ratproof and fly-tight and, after each such collection, shall cause such container or receptacle to be kept closed.

b. At least twice each week, each such keeper shall cause all litter and droppings so collected to be disposed of in a way as not to permit the presence of fly larvae.

5. Storage of Feed: Every keeper of hobby chickens shall cause all feed provided therefore to be stored and kept in a ratproof, fly-tight building, box, container or receptacle.

6. Inspection: The premises where hobby chickens are kept shall be subject to inspection by the animal control officer at any reasonable hour of the day. Violations of this ordinance are subject to fines and/or the revocation of the registration.

Section 4-105 ANIMALS WHICH DISTURB PROHIBITED, CONSTITUTE NUISANCE.

A. The following conditions are hereby declared to be a nuisance:

1. Any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person;

2. Any dog or other animal, which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; and

3. Any dog or other animal which chases cars, motorcycles, bicycles, or any other motor vehicle or intimidate joggers, pedestrians, or children.

B. Any dog or other animal alleged to be a nuisance, as defined in this Section, may be proceeded against in the municipal court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the Town, conditioned that he will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned.

Cross Reference: Nuisances generally, Sections 8-301 et seq.

Section 4-106 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS.

A. Every building or structure wherein any animal is kept within the Town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every such building housing any livestock or fur-bearing animals, including but not limited to any horse, mule, donkey, cow, goat or sheep, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and, in such manner, as to prevent it from being or becoming a nuisance and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

Section 4-107 INSPECTIONS.

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

Section 4-108 POLICE DOGS.

A. Teasing, Striking or Tampering with Police Dogs Prohibited. It shall be unlawful for any person to willfully or maliciously taunt, torment, tease, beat, strike, administer or subject any desensitizing drugs, chemicals or substance to any

dog used by a law enforcement officer in the performance of his/her functions or duties, or when placed in a kennel off duty; or to interfere or meddle with any such dog used by law enforcement department or agency or any handler thereof in the performance of the duty or functions of said department or agency.

B. Injury or Killing Police Dogs Prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

DIVISION 4

CRUELTY TO ANIMALS

Section 4-140 CRUELTY TO ANIMALS.

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

B. The premises on or in which any animals are kept shall be subject to inspection by the health officer or any of his representatives, at any reasonable hour of the day, for the purpose of enforcing this chapter.

C. Any police officer or animal control officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in his opinion, it requires humane treatment.

State Law Reference: Cruelty to animals, 21 O.S. Section 168.

Section 4-141 POISONING ANIMALS.

It is unlawful for a person willfully to poison any dog or

other animal except a noxious, non-domesticated animal or knowingly to expose poison so that the same may be taken by such an animal.

Section 4-142 ENCOURAGING ANIMALS TO FIGHT.

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

DIVISION 5

WILD, EXOTIC OR DANGEROUS ANIMALS

Section 4-150 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS.

A. For the purpose of this Section, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes or reptiles, including those considered dangerous such as boas and pythons, lynxes, raccoons, skunks, monkeys, and other like animals.

B. It is unlawful to keep any wild and dangerous animal within the Town limits, however, such animals may be kept for temporary periods of time for exhibition purposes only by circuses, zoos, and educational institutions. The term "temporary periods of time" as used in this subsection shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant.

C. Applicants for a permit or license shall file with the Town clerk in duplicate a sworn application in writing, on a form to be furnished by the clerk, which shall give the following information:

1. Full name, description, birth date and social security number of each individual applicant;

2. Address, both local and elsewhere;

3. Nature of business or operation;

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

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

6. If applicant is a corporation, partnership, limited partnership, or other business entity other than a sole proprietor, doing business without a fictitious name, applicant shall, in addition to the other information required hereby, provide the names of all shareholders, officers, and directors, of a corporation, or the names of all partners or other individuals or entities in partnership or association, if a business entity, other than a corporation; and

7. A statement as to whether or not the applicant or any person as specified in Paragraph 6 above, has or have been convicted of a felony, the nature of the offense, and the punishment or penalty assessed, therefore.

D. A permit or license fee shall be required to be paid as of the time the application is submitted for the permit or license.

DIVISION 6

ZONING ORDINANCE TO PREVAIL

Section 4-160 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance, if any, shall prevail and supersede the provisions of this chapter.

Cross Reference: Zoning ordinance, Section 12-201 et seq. of this code.

ARTICLE 2

DIVISION 1. GENERALLY

Section 4-200 PURPOSE AND DEFINITIONS

A. Purpose. The intent of this Article is to prevent and reduce the transmission of diseases from animals, particularly, dogs and cats, to preserve the peace, and to promote the health, safety and welfare of the citizens of the Town by establishing rules and regulations over all kennel operations within the Town.

All Federal, State, and municipal facilities and license veterinarians shall be exempt from the provisions of this Article.

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

1. Primary enclosures are those areas in which an animal normally rests or sleeps, and which allow the exercise of normal postural movement.

2. Puppy or kitten means an immature dog or cat under the age of six months.

3. Run is a large area designed to allow an animal to move about and exercise freely.

4. Secondary enclosure means the room or structure which houses or contains primary enclosures.

Section 4-200A NUMBER OF DOGS AND CATS.

A. Prohibition. No person shall harbor or keep more than a total of six (6) dogs and cats (aggregate) over the age of six (6) months in any household. The owner, occupant or person in lawful possession or control of the premises shall be responsible for any violation of this section by any of the members of the household.

B. Exception. Businesses located in properly zoned

commercial districts may operate kennels wherein more than a total of six (4) dogs and cats (aggregate) over the age of six (6) months may be kept.

Section 4-200B FAILURE TO PROVIDE HUMANE CARE AND TREATMENT OF ANIMALS IS PROHIBITED

A. Prohibited Conduct. It shall be unlawful for any person owning an animal to fail to provide said animal with humane care and treatment in accordance with the standards provided in this section.

B. Standards of Human Care and Treatment. The following standards of humane care and treatment are established for all animals within the Town:

1. Food Requirements. Food shall be free from contamination and of sufficient quantity and nutritive value to maintain an animal in good health. An animal shall be fed at least one per day except as dictated by hibernation, veterinary treatment, normal fasts or other professional accepted practices. All food receptacles shall be kept clean and sanitary.

2. Water Requirement. Safe clean water shall be provided as often as necessary for the health and comfort of each animal. Frequency of watering shall consider age, species, condition, size, and type of animal. All water shall be provided in sturdy, stable receptacles of adequate size for the animal and shall be kept clean and sanitary.

3. Space Requirements. Enclosures or shelters for animals shall be constructed and maintained to provide sufficient space for each animal to make normal postural and social adjustments and to provide each animal with adequate freedom of movement to maintain good physical condition.

4. Outdoor Shelter Requirements. Natural or artificial shelters appropriate to the local climate conditions for the particular species of animal shall be provided for all animals kept outdoors or for animals left out of doors during inclement weather. A suitable method of drainage shall be provided to rapidly eliminate excess water. A shelter for a dog or cat shall consist of a moisture proof and wind proof structure of suitable size to accommodate the animal and to allow retention of body heat. It shall be made of durable material and shall be provided with a sufficient quantity of suitable bedding material to provide

insulation and protection against cold and dampness and to promote retention of body heat.

5. Sanitation Requirements. All shelters, enclosures, cages, and litter boxes shall receive necessary cleaning to remove excreta, waste materials, dirt and trash to minimize disease hazards and to reduce odors. Litter in litter boxes and shaving or other materials used in cages

6. Veterinary and other Care Requirements. All animals shall have veterinary and other care to prevent suffering.

C. Leaving an Animal in a Motor Vehicle without adequate ventilation or protection from extreme weather prohibited. It shall be unlawful for any person to leave any animal in any standing or parked vehicle without providing for adequate ventilation nor shall a person allow an animal to be exposed to extreme temperature while confined in a vehicle.

D. Animal Control Officer May Impound Animal and/or Provide Terms and Conditions for Care.

1. Whenever the Animal Control Officer finds that any animal is without humane care or treatment, such officer may, at the owner's expense, impound the animal for protective care. In the event the sickness or injury of the animal and upon the advice of the Police Chief or his designee, may take appropriate action to relieve pain and suffering, including the option of the immediate humane euthanasia of the animal.

2. The Animal Control Officer may issue a citation to the owner for a violation of this section and/or may specify the terms and condition under which the owner may regain or maintain custody of the animal, which terms and conditions statement shall be signed by the owner. Violation of the terms and conditions by the owner is an offense against the Town and shall be cause for the issuance of a citation and may result in the impoundment of the animal.

CHAPTER 5: BUILDING REGULATIONS AND CODES

ARTICLE 1

BUILDING CODE AND REGULATIONS

SECTION 5-101 INTERNATIONAL BUILDING CODE ADOPTED
SECTION 5-102 ADDITIONS AND CHANGES TO BUILDING CODE
SECTION 5-103 PENALTY
SECTION 5-104 BUILDING OFFICIAL
SECTION 5-105 FIRE DISTRICTS DEFINED
~~SECTION 5-106 BUILDING PERMIT REQUIRED; FEE~~
~~SECTION 5-107 NUMBERING OF BUILDINGS — RESERVED~~
~~SECTION 5-108 PERMIT REQUIRED FOR MOVING BUILDING, BUILDING WITH TRAILER OR MOBILE HOME~~
SECTION 5-108A AREA REGULATIONS
SECTION 5-109 INTERNATIONAL PROPERTY MAINTENANCE CODE
SECTION 5-110 INTERNATIONAL EXISTING BUILDING CODE ADOPTED

ARTICLE 2

PLUMBING CODE

SECTION 5-201 ADOPTION OF INTERNATIONAL PLUMBING CODE
SECTION 5-202 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE
SECTION 5-203 PLUMBERS; REGISTRATION
~~SECTION 5-204 PLUMBING, PERMITS AND INSPECTIONS~~
SECTION 5-205 PLUMBING INSPECTOR; APPOINTMENT; POWERS AND DUTIES

ARTICLE 3

ELECTRICAL CODE

SECTION 5-301 DEFINITIONS
SECTION 5-302 NATIONAL ELECTRICAL CODE
SECTION 5-303 UNDERWRITERS LABORATORIES, INC
SECTION 5-304 TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS
~~SECTION 5-305 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE~~
~~SECTION 5-306 INSPECTION FEE~~
SECTION 5-307 ELECTRICIAN'S REGISTRATION REQUIRED, BOND
SECTION 5-308 COMPLIANCE WITH REGULATIONS
SECTION 5-309 INSPECTION OF WORK; REMOVAL OF DEFECTIVE INSTALLATIONS
SECTION 5-310 DISCONTINUING CURRENT FOR FAILURE TO COMPLY WITH CHAPTER
SECTION 5-311 OFFICE OF ELECTRICAL INSPECTOR

ARTICLE 4

MECHANICAL CODE

SECTION 5-401 ADOPTION OF INTERNATIONAL MECHANICAL CODE
SECTION 5-402 DEFINITIONS
~~SECTION 5-403 REGISTRATION REQUIRED~~
~~SECTION 5-404 MECHANICAL PERMITS AND INSPECTIONS~~
SECTION 5-405 OFFICE OF MECHANICAL INSPECTOR

ARTICLE 5

LIQUEFIED PETROLEUM GAS

SECTION 5-501 CODE ADOPTED
SECTION 5-502 STANDARDS FOR USE AND INSTALLATION OF LIQUEFIED
PETROLEUM GAS EQUIPMENT
SECTION 5-503 LPG TANKS, PERMIT REQUIRED TO HAVE VEHICLE REPAIRED
SECTION 5-504 PARKING OF LPG TRUCKS PROHIBITED; EXCEPTION

ARTICLE 6

FUEL CODE

SECTION 5-601 INTERNATIONAL FUEL CODE ADOPTED

ARTICLE 7

RESIDENTIAL CODE

SECTION 5-701 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE

~~ARTICLE 8~~

~~FAIR HOUSING~~

~~SECTION 5-801 PURPOSES~~
~~SECTION 5-802 ACTS PROHIBITED~~
~~SECTION 5-803 EXEMPTIONS~~
~~SECTION 5-804 FAIR HOUSING BOARD CREATED~~
~~SECTION 5-805 PROCEDURE~~
~~SECTION 5-806 NOTICES~~

ARTICLE 9

PENALTY AND SUSPENSION OR REVOCATION OF REGISTRATION

SECTION 5-901 PENALTY

SECTION 5-902 RELIEF IN COURT

SECTION 5-903 SUSPENSION OR REVOCATION OF REGISTRATIONS
ISSUED BY TOWN

CHAPTER 5: BUILDING REGULATIONS AND CODES

ARTICLE 1

BUILDING CODE AND REGULATIONS

Section 5-101 INTERNATIONAL BUILDING CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Building Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Building Code for the Town of Coyle, State of Oklahoma, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102 of this Article.

State Law Reference: Building codes, adoption by cities, 11 O.S. § 14-107; 74 O.S. § 324.8.

Section 5-102 ADDITIONS AND CHANGES TO INTERNATIONAL BUILDING CODE.

The following sections of the International Building Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted and hereby revised:

1. § 100.1, insert the Town of Coyle, State of Oklahoma.
2. 1612.3, insert the Town of Coyle, State of Oklahoma.
3. 1612.3, insert January 1, 2025.
4. 3410.2, insert January 1, 2025.

SECTION 5-103 PENALTY.

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

SECTION 5-104 BUILDING OFFICIAL.

The building official of this town shall have the powers and duties prescribed from the "building official" by the town's building code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector," whenever used in the ordinances of the town, means the building official. The terms "electrical inspector" and "plumbing inspector," wherever used in the ordinances of the town, also each refer to and mean the building official, unless a separate electrical inspector or plumbing inspector is appointed by the mayor and town board of trustees.

SECTION 5-105 FIRE DISTRICTS DEFINED.

The fire districts of the town shall be composed of all of the town limits of the Town of Coyle, Oklahoma.

SECTION 5-109 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Property Maintenance Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Code for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town

clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Coyle, Oklahoma

Section 103.5, insert a schedule of fees on file in the office of the Town clerk-treasurer or contained in the Coyle Municipal Code, 2025.

Section 304.14, insert from April 1 to September 30

Section 602.3, insert from November 1 through March 31

Section 602.4, insert from November 1 through March 31

SECTION 5-110 INTERNATIONAL EXISTING BUILDING CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Existing Building Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Code for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Coyle, Oklahoma

Section 1201.2, insert January 1, 2025

ARTICLE 2

PLUMBING CODE

Section 5-201 INTERNATIONAL PLUMBING CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Plumbing Code Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Plumbing Code of the Town

of Coyle, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes as set out in Section 5-202.

Section 5-202 ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PLUMBING CODE

The following sections contained in the International Plumbing Code Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, are hereby revised:

Section 101.1, insert the Town of Coyle, Oklahoma

Section 106.6.2, insert as provided by resolution of the Town or as provided in the Coyle Municipal Code, 2025.

Section 106.6.3, insert in first blank 75% and second blank 50%

Section 108.4, insert as provided by Section 1-108 of the Coyle Municipal Code, 2025

Section 108.5, insert as provided by Section 1-108 of the Coyle Municipal Code, 2025

Section 305.6.1, insert 18"

Section 904.1, insert 12"

State Law Reference: Town powers to supervise plumbing, 59 O.S. §§ 1001 et seq.

SECTION 5-203 PLUMBERS; REGISTRATION.

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

meaning.

B. No person shall work at the occupation or engage in the business of installing, altering, replacing or repairing any plumbing equipment, fixtures or apparatus within the town without registering with the town clerk-treasurer and securing a plumbing contractors' registration. The town clerk-treasurer shall issue such registration upon presentation of a valid license or registration issued by the state department of health and upon payment of the required fees.

C. 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 with the town. The registration shall expire annually, on June 30, but may be renewed from year to year. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with the state licensing laws and the same bond is required as set forth by town code.

D. An applicant for plumbing contractor's registration shall also furnish bond in such sum and such conditions as set by the mayor and town board of trustees.

E. All plumbing 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.

F. The fee for registration shall be as set forth in the fee schedule.

G. The town board of trustees, upon notice and adequate opportunity for a public hearing, may revoke the town registration of any plumbing contractor or journeyman plumber for violating any provision 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.

H. All services performed by utility companies operating under a franchise agreement, and the employees of such utility companies are hereby exempt from Subsection B for work done under the supervision and direction of the utility companies.

State Law Reference: State plumbing licenses, requirements, 59 O.S. §§ 1001 et seq.

SECTION 5-205 PLUMBING INSPECTOR; APPOINTMENT; POWERS AND DUTIES.

A. The plumbing inspector shall be appointed by the mayor with approval of the board of trustees and may hold another position in the town government.

B. The plumbing inspector shall have the powers and duties prescribed for him by the town's plumbing codes.

C. All taps to main sewer or water lines shall be made only under the supervision of a Town official and employee.

ARTICLE 3

ELECTRICAL CODE

SECTION 5-301 DEFINITIONS.

Words and phrases in this chapter shall be as defined in the state law, Sections 1680 et seq. of Title 59 of the Oklahoma Statutes and the town's electrical code.

State Law Reference: State electrical requirements, licensing by state, 59 O.S. §§ 1680 to 1696.

SECTION 5-302 NATIONAL ELECTRICAL CODE.

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the National Electrical Code, Latest Edition, as approved by the National Board of Fire Underwriters shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

SECTION 5-303 UNDERWRITERS LABORATORIES, INC.

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

of Underwriters' Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

SECTION 5-304 TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS.

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

SECTION 5-307 ELECTRICIAN'S 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 or do any electrical work for which an electrical permit is required without a certificate of registration as such secured from the town.

B. The fee for a registration certificate, and any renewal, to be paid to the town clerk-treasurer, shall be as set by the town board of trustees.

C. The town clerk-treasurer shall issue such registration upon presentation of a valid license issued by the state and upon payment of the required fee. All registrations shall expire annually on June 30. After the expiration, an application for a new certificate must be requested and the initial fee paid again.

D. The certificate is not transferable to any other individual or company.

E. Every person receiving a certificate as an electrical contractor shall file with the town clerk-treasurer a bond in such sum as set by the town board of trustees, executed with a surety company authorized to do business in the state, in the sum as set by the board of trustees. 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 non-standard 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.

F. All services performed by the town or utility companies operating under franchise agreements, and the employees of such utility company or town, are hereby exempt from Subsection A for work done under the supervision and direction of the utility company or town.

G. After adequate opportunity for a hearing, the town board of trustees may revoke the certificate of an electrical contractor, apprentice electrician, or a journeyman electrician.

SECTION 5-308 COMPLIANCE WITH REGULATIONS.

All electrical construction and all materials, appliances, motors, heating devices and apparatus used in connection with electrical work and the operation of all electrical apparatus within the town limits shall conform to the rules and requirements of the code adopted by this chapter. The electrical inspector shall have the responsibility and authority for making interpretations of the provisions of such code, for deciding upon the approval of equipment, materials and construction and for granting the special permission contemplated in a number of provision of such code, and the electrical inspector, where necessary, shall follow the code procedure for securing official interpretations of such code. In cases of necessity, the electrical inspector may require larger size wire, more branch circuits and better types of equipment than the minimum specified in the National Electrical Code.

SECTION 5-309 INSPECTION OF WORK; REMOVAL OF DEFECTIVE INSTALLATIONS.

A. Upon the completion of any work for which a permit has been issued under Section 5-305, it shall be the duty of the permit holder to notify the electrical inspector who shall, as early as possible, inspect the wiring, installation, appliances and apparatus and execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination. No such certificate shall be issued unless such wiring, motors, heating devices, appliances and apparatus are in strict accord with the rules, requirements and spirit of this chapter. No current shall be turned on until such certificate is issued.

B. The amount of fee or charge to be made for such

inspections and certificates shall be fixed and determined by the town board of trustees.

C. Whenever electric wiring, appliances or apparatus are found to be defective or hazardous through improper manufacture or improper or insufficient installation or for any other reason, the electrical inspector shall at once cause the removal of such defect, at the expense of the owner of such wiring, appliance or apparatus.

SECTION 5-310 DISCONTINUING CURRENT FOR FAILURE TO COMPLY WITH CHAPTER.

Upon failure to comply with this chapter, the electrical inspector shall have authority, after due notice, to cut off electric current. In an emergency the electrical inspector shall have such authority without notice.

SECTION 5-311 OFFICE OF ELECTRICAL INSPECTOR.

A. There is created the office of town electrical inspector. Such inspector shall be appointed by the mayor, subject to confirmation by the town board of trustees.

B. It is the duty of the electrical inspector to enforce all provisions of this chapter. He is hereby granted the authority to enter all buildings in the town, in the performance of his duties.

ARTICLE 4

MECHANICAL CODE

SECTION 5-401 INTERNATIONAL MECHANICAL CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Mechanical Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Mechanical Code of the Town of Coyle, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with

the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Coyle, Oklahoma

Section 106.6.2, insert as provided by resolution of the Town or as provided in the Coyle Municipal Code, 2025.

Section 106.5.3, insert in first blank 75% and second blank 50%

Section 108.4, insert as provided by Section 1-108 of the Coyle Municipal Code, 2025

Section 108.5, insert as provided by Section 1-108 of the Coyle Municipal Code, 2025

SECTION 5-402 DEFINITIONS.

Words and phrases in this chapter shall be as defined in the State Mechanical Licensing Act, Section 1850.1 et seq. of Title 59 of the Oklahoma Statutes, or as such sections may be hereinafter amended.

SECTION 5-405 OFFICE OF MECHANICAL INSPECTOR.

A. There is created the office of town mechanical inspector. Such inspector shall be appointed by the mayor, subject to confirmation by the town board of trustees.

B. It is the duty of the mechanical inspector to enforce all provisions of this chapter. He is hereby granted the authority to enter all buildings in the town, in the performance of his duties.

ARTICLE 5

LIQUEFIED PETROLEUM GAS

SECTION 5-501 CODE ADOPTED.

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gasses, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied

Petroleum Gas Board, shall have full force and effect within this town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished accordingly.

State Law Reference: State rules, LPG, 52 O.S. § 420.1 et seq.

Cross Reference: See also Sec. 13-101 et seq. on fire prevention code.

SECTION 5-502 STANDARDS FOR USE AND INSTALLATION OF LIQUEFIED PETROLEUM GAS EQUIPMENT.

The use and installation of liquefied petroleum gas equipment shall be in conformity with the provision of this chapter, with the statutes of the State of Oklahoma, and with any orders, rules or regulations issued by authority thereof, and with generally recognized standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by state statutes, or by any orders, rules or regulations issued by authority thereof, conformity with the standards of the National Fire Protection Association for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases, as amended, shall be prima facie evidence of conformity with generally recognized standards for safety to persons and property.

SECTION 5-503 LPG TANKS, PERMIT REQUIRED TO HAVE VEHICLE REPAIRED.

A. Before the owner or operator of any vehicle on which is mounted a tank used in the transportation of any liquefied petroleum gas shall deliver such vehicle, or cause the same to be delivered, to any garage or other establishment for repair, he shall first submit the liquefied petroleum gas tank for inspection by the fire marshal of the town, who shall require that such tank be virtually depleted of its contents, and the pressure therein reduced to the satisfaction of the fire marshal; and upon compliance with such orders of the fire marshal, the latter shall issue a permit to the owner or operator of such vehicle authorizing the delivery of such vehicle to a garage or other institution for repair.

B. No person engaged in the repair of vehicle shall receive into his or its place of business any vehicle on which a liquefied petroleum gas transport tank is mounted unless the owner or operator of such a vehicle shall then and there exhibit the permit from the fire marshal referred to in Subsection A of this section.

C. During the hours when any repair shop or garage having possession of any vehicle on which a liquefied petroleum gas transport tank is mounted is not open for business, no such vehicle shall be kept within the garage or repair shop building.

SECTION 5-504 PARKING OF LPG TRUCKS PROHIBITED; EXCEPTIONS.

No person shall park, or cause to be parked, any liquefied petroleum gas transport truck or vehicle on any public street or alley, or on any public private property or driveway, within the corporate limits of the town whether or not any such transport truck or vehicle is carrying any liquefied petroleum gas on board, except when any such transport truck or vehicle is actually engaged in dispensing liquefied petroleum products into any tank or tanks then being serviced and under conditions meeting the minimum safety standards provided for by ordinance of the town and by the laws of the state.

Cross Reference: See also Sec. 15-721 on hazardous trucks, parking.

ARTICLE 6

GAS PIPING CODE

Section 5-601 INTERNATIONAL FUEL GAS CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Fuel Gas Code Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Fuel Gas Code of the Town of Coyle, State of Oklahoma, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Coyle, Oklahoma

Section 106.5.2, insert as provided by resolution of the Town or as provided in the Coyle Municipal Code, 2025.

Section 106.5.3, insert in first blank 75% and second blank 50%

Section 108.4, insert as provided by Section 1-108 of the Coyle Municipal Code, 2025.

Section 108.5, insert as provided by Section 1-108 of the Coyle Municipal Code, 2025.

ARTICLE 7

HOUSING CODE

SECTION 5-701 INTERNATIONAL RESIDENTIAL CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Residential Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Residential Code of the Town of Coyle, State of Oklahoma, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section R101.1, insert the Town of Coyle, Oklahoma

Section P2603.6.1, insert 18"

Section P3103.1, insert 12"

Cross Reference: Permits, fees, see Article 1 of this Code.

ARTICLE 9

PENALTY

SECTION 5-901 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 chapter, without having a valid license, permit, certificate, or certificate of

registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or who shall otherwise violate any provision of this chapter or of any code adopted by this chapter, or who shall violate any lawful regulation or order made by any officers provided for in this chapter, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day such violation is committed or continues to exist shall constitute a separate offense and is punishable as such.

SECTION 5-902 RELIEF IN COURTS.

No penalty imposed by and pursuant to this chapter shall interfere with the right of the town to apply to the proper courts of the state for a mandamus, injunction or other appropriate action against such person, firm or corporation that violates any provision of this chapter.

SECTION 5-903 SUSPENSION OR REVOCATION OF REGISTRATIONS ISSUED BY Town.

A. The mayor and board of trustees may suspend or revoke any plumbing, electrical, mechanical or other registration issued pursuant to this Chapter, if it finds that the holder has:

1. Made a material misstatement in the application for any registration or renewal thereof;
2. Loaned or illegally used his registration;
3. Violated any provision of this code; or
4. Committed any act specified in this code as grounds for suspension or revocation of any registration.

B. Complaints against any person registered pursuant to this chapter shall be filed with the town clerk-treasurer and thereafter investigated by the appropriate town department head, or his designee. All complaints shall be in writing, signed and duly verified; provided however, this procedure shall not be exclusive and shall not preclude the filing of a complaint in the municipal court.

C. The person against whom the complaint is signed shall be entitled to a public hearing before the mayor and board of trustees. Within ten (10) days after the filing of a written complaint, the appropriate town department head shall serve written notice of the complaint upon the registered person. The notice shall be served personally or by certified mail (return receipt

requested). If the notice is served personally it must be served at least ten (10) days prior to the scheduled hearing. If the notice is served by mail it must be postmarked at least ten (10) days prior to any scheduled hearing. The notice shall include:

1. A statement of the time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of this code and rules involved;
4. A copy of the complaint;
5. A statement that the accused has a right to a public hearing in his defense at which time he may respond to the allegation in the complaint by his testimony, the testimony of witnesses or other admissible evidence;
6. A statement that the individual has a right to be represented by legal counsel and a right to confront his accusers; and
7. A statement that based upon the evidence presented at the hearing, the mayor and board of trustees shall decide to either dismiss the complaint or recommend the suspension or revocation of the registration.

D. All writings or documents admitted into evidence shall become a part of the record of the proceedings. A party or members of the board may conduct direct and cross examinations required for a full and true disclosure of the facts. After all evidence has been submitted, the mayor and board of trustees shall vote to either dismiss the complaint or suspend or revoke the registration. A suspension shall include a recommendation for a time period during which the registration is to be suspended; provided however, that a registration cannot be suspended for a period of time exceeding six (6) months.

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CHAPTER 6. COURT

ARTICLE 1 MUNICIPAL COURT

Section 6-101	ORGANIZATION OF MUNICIPAL COURT
Section 6-102	DEFINITIONS
Section 6-103	JURISDICTION OF COURT
Section 6-104	JUDGE; QUALIFICATIONS
Section 6-105	TERM OF JUDGE
Section 6-106	ALTERNATE JUDGE
Section 6-107	APPOINTMENT AND COMPENSATION TO JUDGES
Section 6-108	DISQUALIFICATION OF JUDGE
Section 6-109	PROCEDURE-JUDICIAL NOTICE OF STATUTES AND ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST WARRANTS
Section 6-110	MUNICIPAL COURT CLERK
Section 6-111	MUNICIPAL ATTORNEY AS PROSECUTOR
Section 6-112	BOND OF CLERK
Section 6-113	RULES OF COURT
Section 6-114	ENFORCEMENT OF RULES
Section 6-115	PROSECUTIONS BY VERIFIED COMPLAINT
Section 6-116	CREATION OF TRAFFIC VIOLATIONS BUREAU
Section 6-117	TRAFFIC BAIL BOND PROCEDURES
Section 6-118	EXCEPTIONS TO BAIL BOND PROCEDURE
Section 6-119	DISHONORED CHECKS OR INSTRUMENTS, WARRANTS
Section 6-120	ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS
Section 6-121	SUMMONS FOR ARREST
Section 6-122	FORM OF ARREST WARRANT
Section 6-123	PROCEDURES FOR BAIL OR BOND
Section 6-124	ARRAIGNMENT AND PLEADINGS BY DEFENDANT
Section 6-125	TRIALS AND JUDGMENTS
Section 6-126	WITNESS FEES
Section 6-127	SENTENCING
Section 6-128	IMPRISONMENT, WORK BY PRISONERS
Section 6-129	COSTS
Section 6-130	PENALTY ASSESSMENTS
Section 6-131	ISSUANCE OF SUMMONS AND WARRANT
Section 6-132	SECURITY FOR COSTS BEFORE COMMENCEMENT OF PROSECUTION
Section 6-133	MALICIOUS PROSECUTION; COSTS
Section 6-134	FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR
Section 6-135	DISPOSITION AND RECORDS
Section 6-136	COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE TO PERFORM
Section 6-137	COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO PERFORM

CHAPTER 6. COURT

ARTICLE 1

MUNICIPAL COURT

Section 6-101 ORGANIZATION OF MUNICIPAL COURT.

This chapter shall govern the organization and operation of the municipal criminal court not of record of the Town of Coyle Oklahoma, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinances of this Town, the provisions of this chapter shall control.

State Law Reference: Municipal courts not of record, organization, rules and procedures, 11 O.S. Section 27-101 to 27-132.

Section 6-102 DEFINITIONS.

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

1. "Chief of police" means the peace officer in charge of the police force of the municipality;
2. "Clerk" means the clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;
3. "Court" means the municipal court of the Town of Coyle;
4. "Governing body" means the Town Board of Trustees for the Town of Coyle;
5. "Judge" means the judge of the municipal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter;
6. "Municipality" or "this municipality" means the Town of Coyle, Oklahoma; and
7. "This judicial district" means the district court

judicial district of the State of Oklahoma wherein the government of this municipality is situated.

Section 6-103 JURISDICTION OF COURT.

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

Section 6-104 JUDGE; QUALIFICATIONS.

There shall be one judge of the court. The mayor, with the consent of the governing body, may appoint as judge:

1. An attorney licensed to practice law in Oklahoma, who resides in Logan County or in an adjacent county; or
2. An attorney licensed to practice law in Oklahoma who maintains a permanent office in the Town of Coyle; or
3. Any suitable person who resides in the Logan County or in an adjacent county.

The judge may serve as judge of other municipal courts, if such service may be accomplished consistently with his/her duties as judge of this court, with the consent of the Mayor and Board of Trustees. A judge should have a good moral character. A judge who is a licensed attorney 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.

Section 6-105 TERM OF JUDGE.

The official term of the judge shall be two (2) years expiring on the 1th day of January of each odd-numbered year and until a successor is appointed and qualified, unless removed by the vote of a majority of all members of the governing body for such cause as is provided for by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term.

Section 6-106 ALTERNATE JUDGE.

There shall be appointed for each judge of the court an

alternate judge possessed of the same qualifications required of the judge in this chapter. The alternate judge's appointment shall be for the same term and made in the same manner as the judge. The alternate judge shall sit as acting judge of the court in any case if the judge is:

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

Section 6-107 APPOINTMENT AND COMPENSATION TO JUDGES.

A. Judges and alternative judges shall be appointed by the mayor with the consent of the governing body.

B. All judges shall receive compensation as set by the governing body by motion or resolution.

Section 6-108 DISQUALIFICATION OF JUDGE.

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

Section 6-109 PROCEDURE-JUDICIAL NOTICE OF STATUTES AND ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST WARRANTS.

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the Town in which it is located. Writs and processes of the court may be issued by the judge or clerk hereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the Town, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the Town or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the Sheriff's Service Fee Account a fee of Twenty Dollars (\$20.00).

Section 6-110 MUNICIPAL COURT CLERK.

The municipal court clerk and/or deputy shall be appointed by the Mayor, with Board of Trustee approval, and shall be independent of the municipal police and judicial department. The clerk of the court shall:

1. Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;
2. Administer oaths required in judicial or other proceedings before the court;
3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties in relation to the proceedings of the court as the judge shall direct; and
5. Receive and give receipt for and disburse or deliver to the municipal treasurer or to other Town personnel all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body.

Section 6-111 MUNICIPAL ATTORNEY AS PROSECUTOR.

The municipal attorney of the Town may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court.

Section 6-112 BOND OF CLERK.

The court clerk of the court shall give bond in the amount of Ten Thousand Dollars (\$10,000.00), in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives.

Section 6-113 RULES OF COURT.

The judge may prescribe rules, consistent with the laws of the

state and with the ordinances of this municipality for the proper conduct of the business of the court.

Section 6-114 ENFORCEMENT OF RULES.

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

Section 6-115 PROSECUTIONS BY VERIFIED COMPLAINT.

A. All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "The Town of Coyle vs. _____ (naming the person charged.)"

B. The information shall be properly verified if:

1. The issuing officer subscribes to the officer's signature on the citation, ticket or complaint to the following statement:

"I, the undersigned issuing office, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or

3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purposes of such an oath and subscription, any law enforcement officer of the municipality issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant.

Section 6-116 CREATION OF VIOLATIONS BUREAU.

A. There shall be established a violations bureau for the Town. The judge may establish rules, consistent with the laws of the state and with the ordinances of this municipality, for the violations bureau.

B. The violations bureau shall accept fines which may be paid in lieu of a court appearance for such offenses as may be designated by the judge under the court's rules. The schedule of fines shall be as set out in Section 1-110. A copy shall be kept in the clerk's office.

C. Payment of any fine to the violations bureau shall be deemed a final determination of the cause against the defendant.

D. If a defendant who has elected to pay a fine under this Section fails to do so, prosecution shall proceed under the provisions of this chapter.

Section 6-117 TRAFFIC BAIL BOND PROCEDURES.

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

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

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

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

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a

motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

- d. Eluding or attempting to elude a law enforcement officer;
- e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
- f. An arrest based upon an outstanding warrant;
- g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
- h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
- i. A violation relating to the transportation of hazardous materials.

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

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

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

nonresident's home state pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in Subsection D of this Section. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be required by the Town or as provided in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. Payment of the fines and costs may be made by personal, cashier's traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in the amount presented as bail for the offense. However, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court or, in the absence of such ordinance, in the amount prescribed by the court.

E. If, pursuant to the provisions of subsection D of this Section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was

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

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;
2. The defendant has failed to appear for arraignment without good cause shown;
3. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and
4. The citation has not been satisfied as provided by law.

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;
2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this Section or if released, was not permitted to remain on such personal recognizance for arraignment;
3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or
4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this Section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if defendant

personally appears, or shall make such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or as such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

Section 6-118 EXCEPTIONS TO BAIL BOND PROCEDURE.

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 6-117 but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed pursuant to Section 27-118 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 6-117 of this code, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to the judge for arraignment and the judge shall proceed as otherwise provided for by law. If no judge is available, the defendant shall be placed in the custody of the municipal jailer, to be held until a judge is available or bail is posted.

C. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this Section but shall be incarcerated separately from any adult offender. Provided, however, the arresting officer shall not be required to:

1. Place a juvenile into custody as provided for in this Section; or
2. Place any other traffic offender into custody:
 - a. Who is injured, disabled, or otherwise incapacitated;

- b. If custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care; or
- c. If extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.

Section 6-119 DISHONORED CHECKS OR INSTRUMENTS, WARRANTS.

A personal check or other instrument tendered to the court clerk for bail or for the payment of fine and costs, if dishonored and returned to the clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified.

Section 6-120 ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS.

A. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer, for the violation of any traffic ordinance for which Section 6-117 does not apply or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release the person if it reasonably appears to the officer:

- 1. That the person may cause injury to himself or others or damage to property if released;
- 2. That the person will not appear in response to the citation; or
- 3. The person is arrested for an offense against a person or property.

If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be

compelled. If the arrested resident is not released by being permitted to sign a citation as herein provided, he shall be admitted to bail either before or after arraignment or shall be released on personal recognizance.

B. If a nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for a violation of any ordinance for which this Section does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

Section 6-121 SUMMONS FOR ARREST.

A. Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person charged, specifying his address or place or residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

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

Section 6-122 FORM OF ARREST WARRANT.

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

The Town of Coyle to the Police Chief of Coyle, Oklahoma

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

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

Judge of the Municipal Court
Coyle, Oklahoma

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

Section 6-123 PROCEDURES FOR BAIL OR BOND.

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

B. A bail bond schedule may be adopted by the judge and be amended from time to time.

Section 6-124 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

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

Section 6-125 TRIALS AND JUDGMENTS.

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

B. The defendant must be present in person at the trial or be represented by counsel if permitted by the judge.

C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.

E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.

F. If judgment is acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Five Dollars (\$5.00) of fine or as set out in Subsection H hereof for defendants who are without means to make such payment.

H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

Section 6-126 WITNESS FEES.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per day of attendance. However, no witness shall receive fees in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees for one day of attendance for each witness to be summoned, but such deposit shall not be required from

an indigent defendant who files an affidavit setting out:

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

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

Section 6-127 SENTENCING.

A. The judge may suspend, modify, defer or reduce a sentence in accordance with Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes. For all offenses which impose a fine of more than Two Hundred Dollars (\$200.00), excluding court costs, a jury trial shall be had unless waived by the defendant and the Town; effective on and after November 1, 2006, the maximum fine requiring a jury trial if demanded shall be a fine greater than Five Hundred Dollars (\$500.00), excluding court costs.

B. A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any party thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon the finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense. If the municipal judge is not a licensed attorney but has complied with the education requirements of subsection 11 O.S. §27-104F and the education requirements of 47 O.S. §18-101, the maximum fine that the judge may impose shall

be Five Hundred Dollars (\$500.00). No Town ordinance may impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars (\$800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral fee to a restricted cash account of the Town that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances.

Section 6-128 IMPRISONMENT, WORK BY PRISONERS; COST OF INCARCERATION TO BE COLLECTED

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence.

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

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving one day of imprisonment under his sentence.

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

E. Costs of Incarceration to be collected.

1. For purpose of this section, "Costs of incarceration" shall mean the costs of booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services.

2. The costs for incarceration shall be determined by the chief of police for city jails and by applicable contract provision (between the City and County) for county jails. A notice of such costs shall be provided to the defendant.

3. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. The court clerk shall be notified of any amount collected.

4. Costs of incarceration shall be a debt of the defendant owed to the municipality responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty. Jail fees shall not exceed Three Thousand Dollars (\$3,000.00).

F. Effective November 1, 2004, any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the City, subject to direction by the Mayor or other proper officer, at a rate per day of Twenty-five Dollars (\$25.00) per day for useful labor, until the fine or costs are satisfied.

Section 6-129 COSTS.

Costs in the amount of Twenty-five Dollars (\$25.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty or those which are dismissed upon motion of the defendant or the Town attorney. Court costs in the amount of Thirty Dollars (\$30.00) shall be charged and collected by the clerk of the municipal court in all cases in which the defendant pleads guilty

before the traffic violations bureau.

State Law Reference: Costs, 11 O.S. Section 27-126;
suspension of judgment or costs, 11 O.S. Section 27-123.

Section 6-130 PENALTY ASSESSMENTS

A. For purposes of this section, the word "convicted" shall mean any final adjudication of guilty, whether pursuant to a plea of guilty or nolo contendere or otherwise, and deferred or suspended sentence or judgment.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay:

1. Nine Dollars (\$9.00), less 5.85% of such amount which may be retained and deposited into the City's General Fund. and with the balance paid into certain CLEET Funds as provided by 20 O.S. 1991 Section 1313.2

2. Ten Dollars (\$10.00) less \$1.00 of such amount which may be retained and deposited into the City's General Fund, and with the balance paid to the A.F.I.S. Fund created by 74 O.S. 150.25.

3. Ten Dollars (\$10.00) less 5% of such amount which may be retained and deposited into the City's General Fund and with the balance paid to as a Forensic Science Improvement Assessment.

C. Any person convicted of possession of marijuana shall be ordered by the court to pay Five Dollars (\$5.00), which shall be paid to the Bureau of Narcotics Drug Education Revolving Fund.

D. These penalty assessments shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. Such penalty assessments shall be deposited as required by state law.

State Law Reference: Similar provision, 20 O.S. Section 1313.1 through 1313.3.

Section 6-131 ISSUANCE OF SUMMONS AND WARRANT.

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of

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

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear to answer the summons within the prescribed period, a warrant shall be issued for his arrest.

C. Upon proper application, the judge is hereby authorized to issue a search warrant if he is satisfied of the existence of grounds of the application or if there is probable cause to believe their existence. Such warrant shall be signed by the judge with his name of office to the police chief, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the magistrate, and also to arrest the person in whose possession the same may be found, to be dealt with according to law.

State Law Reference: Complaints, 11 O.S. Section 27-115.

Section 6-132 SECURITY FOR COSTS BEFORE COMMENCEMENT OF PROSECUTION.

When application is made by any person to commence any prosecution in the municipal court, the municipal judge may, at his discretion, before any such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution should fail.

Section 6-133 MALICIOUS PROSECUTION; COSTS.

If upon the trial of any case in the municipal court, it shall appear to the satisfaction of the court that the prosecution was commenced without probable cause, and from malicious motive, the court shall state the name of the complainant in the finding and shall impose the costs of prosecution upon him; and the judgment shall be rendered against such complainant that he pay such costs and stand committed until the costs are paid.

Section 6-134 FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR.

A. It shall be unlawful for any person to violate his written promise to appear in the municipal court given to an officer upon the issuance of any promise or notice to appear regardless of the disposition of the charge for which such promise or notice to appear was originally issued.

B. It shall be unlawful for any person to fail to appear in the municipal court pursuant to any notice to appear.

C. A written promise or notice to appear in the municipal court may be complied with by an appearance by counsel.

Section 6-135 DISPOSITION AND RECORDS.

A. The chief of police, or other responsible officer, shall cause the original copy of every ticket issued to an alleged violator of any ordinance to be deposited with the municipal court in the manner provided by rule.

B. Upon the deposit of such ticket with the municipal court said ticket may be disposed of only by trial in said court, or other official action by a judge of said court, including forfeiture of bail, or by payment of a fine, to the court clerk; provided however, the provisions of this subsection shall not apply to cases which Town attorney declines to prosecute or are withdrawn by a citizen complainant.

C. It shall be unlawful and official misconduct for any person to dispose of, alter or deface a ticket or any copies thereof, or the record of the issuance or disposition of any ticket or warrant in a manner other than authorized.

D. The chief of police shall maintain or cause to be maintained a record of all warrants issued by the municipal court and which are delivered to the police department for service, and of the final disposition of all warrants.

Section 6-136 COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE TO PERFORM.

All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the municipal jail, in the discretion of the court, for the time specified in the sentence,

provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

Section 6-137 COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO PERFORM.

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

CHAPTER 7: FINANCE AND TAXATION

ARTICLE 1

FINANCE AND BUDGET ADMINISTRATION

DIVISION 1

GENERAL PROVISIONS

- SECTION 7-101 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED
- SECTION 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM
- SECTION 7-103 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM
CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-
VIOLATIONS
- SECTION 7-104 PETTY CASH
- SECTION 7-105 INTERNAL CONTROL ORDINANCE
- SECTION 7-106 STATEMENT OF NON-COLLUSION
- SECTION 7-107 PAYROLL DISBURSEMENTS
- SECTION 7-108 PURCHASES OF GOODS AND SERVICES (OTHER THAN PAYROLL
AND PAYROLL RELATED)
- SECTION 7-109 INTERFUND TRANSFERS
- SECTION 7-109A DEBT SERVICE
- SECTION 7-109B FINANCIAL REPORTING
- SECTION 7-109C APPLICABILITY TO PUBLIC TRUSTS
- SECTION 7-109D SIGNING OF CHECKS, WARRANTS AND OTHER LEGAL
INSTRUMENTS
- SECTION 7-109E COMPETITIVE BIDDING

DIVISION 2

COMPETITIVE BIDDING

- SECTION 7-110 DEFINITIONS
- SECTION 7-111 OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT
- SECTION 7-112 ENCUMBRANCE OF FUNDS
- SECTION 7-113 EMERGENCY PURCHASES
- SECTION 7-114 SALES; BOARD TO DECLARE SURPLUS OR OBSOLETE;
DISPOSAL AS DIRECTED BY THE TOWN BOARD OF TRUSTEES

ARTICLE 2

SALES TAX

- Section 7-201 CITATION AND CODIFICATION

Section 7-202	DEFINITIONS
Section 7-203	TAX COLLECTOR DEFINED
Section 7-204	CLASSIFICATION OF TAXPAYERS
Section 7-205	SUBSISTING STATE PERMITS
Section 7-206	PURPOSE OF REVENUES
Section 7-208	EXEMPTIONS; SALES SUBJECT TO OTHER TAX
Section 7-209	RESERVED
Section 7-210	TAX DUE WHEN; RETURNS; RECORDS
Section 7-211	PAYMENT OF TAX; BRACKETS
Section 7-212	EXEMPTIONS-GOVERNMENTAL AND NONPROFIT ENTITIES
Section 7-213	SAME-GENERALLY
Section 7-214	SAME-MANUFACTURERS
Section 7-215	SAME-AGRICULTURE
Section 7-216	RESERVED
Section 7-217	TAX CONSTITUTES DEBT
Section 7-218	VENDOR'S DUTY TO COLLECT TAX; PENALTIES
Section 7-219	RETURNS AND REMITTANCES; DISCOUNTS
Section 7-220	INTEREST AND PENALTIES; DELINQUENCY
Section 7-221	WAIVER OF INTEREST AND PENALTY
Section 7-222	ERRONEOUS PAYMENTS; CLAIM FOR REFUND
Section 7-223	FRAUDULENT RETURNS
Section 7-224	RECORDS CONFIDENTIAL
Section 7-225	AMENDMENTS
Section 7-226	PROVISIONS CUMULATIVE

ARTICLE 3

UTILITIES TAX

SECTION 7-301	FEE LEVIED; APPLICATION
SECTION 7-302	TAX IS IN LIEU OF OTHER TAXES
SECTION 7-303	TAX TO BE PAID MONTHLY AND PLACED IN GENERAL REVENUE FUND
SECTION 7-304	FAILURE TO PAY; ACTION FOR COLLECTION
SECTION 7-305	TAX LIEN

ARTICLE 4

RESERVED

ARTICLE 5

RESERVED

ARTICLE 6

USE TAX

SECTION 7-601	EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERTY LEVIED.
SECTION 7-602	EXEMPTIONS
SECTION 7-603	TIME WHEN DUE, RETURNS, PAYMENT
SECTION 7-604	TAX CONSTITUTES DEBT
SECTION 7-605	COLLECTION OF TAX BY RETAILER OR VENDOR
SECTION 7-606	COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE; PERMITS
SECTION 7-607	REVOKING PERMITS
SECTION 7-608	REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES
SECTION 7-609	INTEREST AND PENALTIES; DELINQUENCY
SECTION 7-610	WAIVER OF INTEREST AND PENALTIES
SECTION 7-611	ERRONEOUS PAYMENTS; CLAIM FOR REFUND
SECTION 7-612	FRAUDULENT RETURNS
SECTION 7-613	RECORDS CONFIDENTIAL
SECTION 7-614	PROVISIONS CUMULATIVE
SECTION 7-615	PROVISIONS SEVERABLE
SECTION 7-616	DEFINITIONS
SECTION 7-617	TAX COLLECTOR DEFINED
SECTION 7-618	CLASSIFICATION OF TAXPAYERS
SECTION 7-619	SUBSISTING STATE PERMITS
SECTION 7-620	PURPOSES OF REVENUES

CHAPTER 7: FINANCE AND TAXATION

ARTICLE 1

Finance and Budget Administration

DIVISION 1

General Provisions

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

All banks which are incorporated under federal or state law, and other institutions approved by the mayor and Board, may be designated as depositories for the funds of the town. The town treasurer shall deposit daily all public funds received by him in such banks.

State Law Reference: Deposits by treasurers, designation of depositories; 11 O.S. Section 12-110.

SECTION 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM.

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

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

SECTION 7-103 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-VIOLATIONS.

A. Except as otherwise provided by this section, no municipal officer or employee, or any business in which said officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. Selling, buying, or leasing property, real or personal, to or from the municipality;
2. Contracting with the municipality; or
3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.

B. For purposes of this section, "employee" means any person

who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters in to, recommends or participates in the decision to enter into any transaction described in subsection A of this section. Provided that any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of such person, or any business in which such person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless such surplus property is offered for sale to the public after notice of the sale is published. For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any such interest held by a blind trust.

C. Any person convicted of violating the provisions of this section shall be guilty of an offense. Any transaction entered into in violation of the provisions of this section is void. Any member of a governing body who approves any transaction in violation of the provisions of this section shall be held personally liable for the amount of said transaction.

D. The provisions of this section shall not apply to any officer or employee who has a proprietary interest in a business which is the only business of that type within ten (10) miles of the corporate limits of the municipality. However, any activities permitted by this subsection shall not exceed Five Hundred Dollars (\$500.00) for any single activity and shall not exceed Ten Thousand Dollars (\$10,000.00) for all activities in any calendar year.

SECTION 7-104 PETTY CASH

A. General Rules

1. As provided for in Title 11 O.S., Section 17-102(D), the Town may have petty cash amounts for use in making certain small payments for costs incurred in operating the Town.

2. Each petty cash amount established shall require governing body approval, including the imprest amount of the petty cash amount. However, in no case should the imprest balance exceed \$250.00.

3. The petty cash amount shall be reimbursed by utilizing properly itemized invoices in the manner used for payment of

purchases of goods and services. However, in no case shall an individual payment from petty cash exceed \$50.00.

SECTION 7-105 INTERNAL CONTROL ORDINANCE.

A. All officers and employees having authority to purchase or contract against all budget appropriation accounts as authorized by law shall submit all purchase orders and contracts prior to the time the commitment is made, to the town clerk-treasurer, who shall, if there be an unencumbered balance in the appropriation made for that purpose, so certify in the following form:

I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this encumbrance is within the authorized available balance of said appropriation.

Dated this ____ day of _____, 20__.

Encumbering Officer or Clerk of _____

Provided, in instances where it is impossible to ascertain the exact amount of expenditures to be made at the time of recording the encumbrance, an estimated amount may be used and the encumbrance made in like manner as set forth above. Provided, no purchase order or contract shall be valid unless signed and approved by the purchasing officer and certified as above set forth by the officer or clerk charged with keeping the appropriation and expenditure records. The clerk or encumbering officer shall retain and file one copy of the purchase order.

B. After satisfactory delivery of the merchandise or completion of the contract, the supplier shall deliver an invoice. Such invoice shall state the supplier's name and address and must be sufficiently itemized to clearly describe each item purchased, its unit price, where applicable, the number or volume of each item purchased, its total price, the total of the purchase and the date of the purchase. The appropriate municipal officer shall attach the itemized invoice together with delivery tickets, freight tickets or other supporting information to the original of the purchase order and, after approving and signing said original copy of the purchase order shall submit the invoices, the purchase order and other supporting data for consideration for payment by the Board of Trustees. All invoices submitted shall be examined by the Board of Trustees to determine their legality. The Board of Trustees shall approve such invoices for payment in the amount the Board determines just and correct.

C. In addition to the authority provided hereinabove, the Mayor is hereby authorized to sign all municipal checks along with the Treasurer and to approve payments of invoices without prior Board approval, including but not limited to those times necessary to avoid late payment penalties, provide for payment of C.O.D.'s, emergency purchases to take advantage of discounts, to attend and bid at private or public auctions, or pursuant to any provision in any contract which has heretofore been approved by the Board of Trustees. Such payments made pursuant to this subsection by the Mayor shall be approved and executed by the Mayor and the Town clerk-treasurer or Town Treasurer. Except for emergency purchases, no payments made pursuant to this section shall exceed the expenditure classification of the respective department as approved in the current budget. Such payments shall be placed on the next regularly scheduled Board meeting under the category of Prepaid Invoices or Payments.

SECTION 7-106 STATEMENT OF NONCOLLUSION.

A. Except as provided in subsection B of this section, on every invoice submitted to the town for payment to an architect, contractor, engineer or supplier of material of Twenty-five Thousand Dollars (\$25,000.00) or more shall be the following signed and notarized statement:

STATE OF OKLAHOMA)
) ss
COUNTY OF LOGAN)

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the (work, services or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is required.

(Contractor, supplier, engineer or architect)
Subscribed and sworn to before me this ____ day of ____, 20__.

Notary Public (or Clerk or Judge)

B. Any municipality executing a contract with any architect, contractor, supplier or engineer for work, services or materials

which are needed on a continual basis from such architect, contractor, supplier or engineer under the terms of such contract, may require that the architect, contractor, supplier or engineer complete a signed and notarized affidavit in substantial form as provided by subsection A of this section which shall apply to all work, services or materials completed or supplied under the terms of the contract and shall be in lieu of all individual affidavits for each invoice submitted in relation to such contract as required in subsection A of this section.

SECTION 7-107 PAYROLL DISBURSEMENTS

A. For all employees and officers of the Town of Coyle, a documented record shall be maintained in a personnel file of the authorized rate of pay or salary for each employee and officer.

B. For each pay period, a record of time worked shall be prepared in the form of time sheets or logs for each hourly employee to be paid. Such record of time worked shall be verified as to its accuracy in writing by the employee and Town clerk-treasurer.

C. Upon verification of the work record, a payroll register including the amount of gross pay, authorized deductions, and the net pay shall be prepared by the Town clerk-treasurer.

D. The net payroll checks shall be prepared for the payroll register, along with checks for payment of related payroll taxes and other payroll benefits required by law or contract.

E. The payroll checks and the payroll register shall be presented to at least one other authorized check signer who shall compare the payroll checks to the payroll register and verify their accuracy. Upon verification, such other authorized check signers and the Town clerk-treasurer shall sign the checks and prepare them for distribution. The Town clerk-treasurer shall then record the checks in the appropriate cash disbursements journals.

F. The payroll register shall be provided to the governing body for informational purposes at the next regular meeting; however, governing body approval is not required prior to payment of payroll relating costs if incurred and paid in accordance with the provisions above.

SECTION 7-108 PURCHASES OF GOODS AND SERVICES (OTHER THAN PAYROLL AND PAYROLL RELATED).

A. The following employees or officers have been designated

as purchasing officers empowered to purchase or contract against budget appropriations accounts:

Town clerk-treasurer
Mayor

B. The officer or employee receiving satisfactory delivery of merchandise or contract services shall acknowledge such fact by signing the invoice or delivery ticket. The invoice, along with delivery ticket if applicable, must then be verified by the authorized purchasing agent as to quantities, services and prices. If correct, the invoice must then be signed by the authorized purchasing officer and coded with the fund(s) and budget line item(s) to be charged.

C. The Town clerk-treasurer shall review all invoices for proper signatures and appropriateness of fund(s) and budget line item(s) to be charged. Upon acceptance of the invoices, the Town clerk-treasurer shall prepare checks in payment of the invoices and shall cancel each invoice as its check is prepared. Invoices shall be cancelled by noting on the invoice the date paid, the check number order the check date, check number, vendor and check amount.

D. The invoices and checks shall be presented to at least one other authorized check signer who shall compare the checks to the invoices and verify their accuracy. Upon verification, such other authorized check signer and the Town clerk-treasurer shall sign the checks and prepare them for distribution. The Town clerk-treasurer shall record the checks in the appropriate cash disbursement journals and shall prepare a check register. The check register shall list in check date, check number, vendor and check amount.

E. The check register shall be provided to the governing body for informational purposes at their next regular meeting; however, governing body approval is not required prior to payment of invoices if paid charges were incurred and paid in accordance with the provisions above.

6. For all purchases of good and services (other than payroll and related) over \$1,000.00, purchase orders or contracts shall be prepared and approved, in writing, by a designated purchasing officer prior to the time the purchase commitment is made.

7. For all purchases of goods and service over \$5000.00, purchase orders shall be prepared and approved by the governing body prior to the time the purchase commitment is made, and such approval shall be recorded in the minutes of the governing body. Additionally, the Town clerk-treasurer shall immediately determine that there exists available unencumbered appropriation in the accounts to be charged, and such determination shall also be recorded in the minutes. Should appropriation not be available for the proposed purchase or commitment, the purchase or commitment shall not proceed until the necessary budget amendments are authorized.

SECTION 7-109 INTERFUND TRANSFERS

1. All transfers between funds shall be made in accordance with governing body appropriations as reflected in the original or amended Town budget.

2. Once lawfully appropriated, interfund transfer payments may be made by the Town clerk-treasurer without further governing body approval in the manner used for payment of purchases of goods and services.

SECTION 7-109A DEBT SERVICE

1. All long-term indebtedness in the form of bonds, notes, or lease purchase obligations shall be incurred in the manner provided by law.

2. Once lawfully incurred, the Town clerk-treasurer shall make payment of principal and interest on the debt in accordance with the terms specified by the lender without further approval of the governing body.

3. The manner of payment shall be consistent with the manner used for payment of goods and services.

4. Current balances on outstanding debt shall be maintained by the Town clerk-treasurer in the appropriate journals.

SECTION 7-109B FINANCIAL REPORTING

1. The Town clerk-treasurer shall prepare written monthly financial reports which disclose at least all receipts and expenditures by fund in the same format as the approved budget and showing the variance of the budget.

2. The financial reports shall be placed on the agenda for

acknowledgment by the governing body at each regular meeting.

SECTION 7-109C APPLICABILITY TO PUBLIC TRUSTS

1. For all public trusts created pursuant to Title 60 O.S., Sections 176-180, for which the Town is beneficiary and for which the trust's board of trustees is comprised entirely of the member of the Town's board of trustees, all sections of this division shall apply.

2. For the purposes of public trusts as defined above, the Town clerk-treasurer shall mean the Trust Secretary as defined by the trust indenture.

SECTION 7-109D SIGNING OF CHECKS, WARRANTS AND OTHER LEGAL INSTRUMENTS.

Notwithstanding any provisions to the contrary, the Town clerk-treasurer and either the Mayor or Vice Mayor shall sign all checks, warrants and other legal instruments incurring financial liability for the Town of Coyle.

SECTION 7-109E COMPETITIVE BIDDING.

1. The Town of Coyle shall adhere to the provisions of the Title 61, Sections 101 et. seq., of the Oklahoma Statutes as amended, also known as the Public Competitive Bidding Act of 1974, when determining when competitive bidding is required and the manner in which competitive bids will be obtained.

2. If the Coyle Town Code provides for additional competitive bidding requirements, such additional requirements shall be met.

3. In addition to the requirement provided in subsection 1, public trusts created pursuant to Title 60, Sections 176 et. seq., of the Oklahoma Statutes as amended, of which the Town of Coyle is beneficiary, shall also follow the competitive bidding requirements of Section 176(g).

DIVISION 2

COMPETITIVE BIDDING

SECTION 7-110 DEFINITIONS.

For the purposes of this Division, the following terms,

phrases, words and their derivations shall have the meaning given herein:

1. "Town" means this town and means the town government in all its forms, including not only the town departments but also any agency, the board of trustees, or other persons or entities acting for or on behalf of the town.

2. "Emergency" means the conditions resulting from a sudden unexpected happening or unforeseen occurrence or a condition and situation wherein the public health or safety is in endangered;

3. "Personal property" for purpose of this Division shall include but not be limited to:

- (A) Portable, or otherwise moveable, buildings and structures;
- (B) Prefabricated metal buildings and structures, along with necessary utility services for such buildings or structures;
- (C) Roofs placed over existing roof structures; provided, lease purchase of retrofit metal roofs shall be awarded by competitive bids and the Town shall comply with the Act where the total payment of principal and interest provided by the lease-purchase contract are anticipated to exceed Twenty-five Thousand Dollars; and
- (D) Other structures that can be disassembled after installation and removed without permanent damage to existing property.

4. "Public construction contract" or "contract" for purposes of Section 7-111 and the Public Competitive Bidding Act of 1974, as amended (hereinafter the "Act"), shall mean any contract, exceeding One Hundred Thousand Dollars (\$100,000.00) in amount, or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) in amount, awarded by the Town or any of its public trust authorities for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance onto same, except where the improvements or buildings leased to a person or other legal entity exclusively for private and not for public use and no public tax revenues shall be expended on or for the contract unless the public tax revenues used for the project are authorized by a majority vote of the applicable public agency voting at an

election held for that purpose and the public tax revenues do not exceed twenty-five percent (25%) of the total project cost. The amount of public tax dollars committed to the project will not exceed a fixed amount established by resolution of the governing body prior to or concurrent with approval of the project;

5. "Public improvement" means any beneficial or valuable change or addition, betterment, enhancement, or amelioration of or upon any real property, or interest therein, belonging to a public agency, intended to enhance its value, beauty or utility or adapt it to new or future purposes. The term does not include the direct purchases of materials, equipment or supplies, or any personal property, including property defined by paragraphs 1 and 4 of Section 430.1 of Title 62 of the Oklahoma Statutes, as amended.

Section 7-111 OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT.

A. Unless otherwise provided by law, all public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract, as defined by Title 61, Section 102.5 of the Oklahoma Statutes as amended, exceeding Fifty Thousand Dollars (\$50,000.00), shall be let and awarded to the lowest responsible bidder, by free and open competitive bidding after solicitation for sealed bids, in accordance with the terms of the Public Competitive Bidding Act of 1974, 61 Okla. Stat. 101, et seq. or as hereafter amended by the State Legislature. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the town.

B. Notwithstanding subsection A of this section, in awarding public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or construction management trade contracts or subcontracts exceeding Fifty Thousand Dollars (\$50,000.00), the Town and its public trust authorities may provide for a local bid preference of not more than five percent (5%) of the bid price if the awarding public agency determines that there is an economic benefit to the local area or economy. Provided, however, the local bidder or contractor must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. Any bid preference granted hereunder must be in accordance with an established policy adopted by the governing body of the awarding public agency to clearly demonstrate the economic benefit to the local area or economy. Provided, further, no local bid preference shall be granted unless the local bidding entity is

the second lowest qualified bid on the contract. The bid specifications shall clearly state that the bid is subject to a local bidder preference law. For purposes of this section, "local bid" means the bidding person is authorized to transact business in this state and maintains a bona fide establishment for transacting such business within this state. This provision does not apply to any construction contract for which federal funds are available for expenditure when its provisions may be in conflict with federal law or regulation.

1. Other construction contracts for the purpose of making any public improvements or constructing any public building or making repairs to the same for One Hundred Thousand Dollars (\$100,000.00) or less shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible qualified contractor as provided in this subsection. In providing for such written bids, the Town clerk-treasurer may solicit bids from qualified bidders after posting a notice at town hall for at least three (3) days preceding the last day set for the receipt of bids or by causing the notice inviting bids to be published in the local newspaper of the town, at least once, three (3) days preceding the last day set for the receipt of proposals. The notice required herein, shall include a general description of the services required and shall state where bid blanks and specifications may be secured, and the time and place for opening bids. Work may be commenced in accordance with these purchasing policies of the Town.

2. Public construction contracts for less Ten Thousand Dollars (\$10,000.00) may be negotiated with a qualified contractor and work commenced in accordance with the purchasing policies of the Town.

3. The Town or its public authorities shall not let or award a public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or a construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. The Town or its public authorities shall not let or award a public construction contract exceeding Ten Thousand Dollars (\$10,000.00) up to One Hundred Thousand Dollars (\$100,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor

have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of competitive bidding.

4. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding Five Thousand Dollars (\$5,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of open competitive bidding.

C. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), Department heads or third-party contractors shall prepare bid specifications along with requisitions and submit same to the Board of Trustees for their approval.

D. The Town clerk-treasurer will develop a bidder's list. Bid solicitations will be made equally and uniformly known to all prospective bidders and the public:

1. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), notice will be mailed twenty (20) days prior to the bid opening date to prospective bidders who have made known, in writing, to the using agency their interest in bidding within twelve (12) months immediately preceding the date of opening the bids;

1. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), notice will be published in two (2) consecutive issues of a newspaper of general circulation twenty (20) days prior to the bid opening date; and

2. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), notice will be sent to trade or construction publications when the estimated cost exceeds Fifty Thousand Dollars (\$50,000.00).

E. Reserved.

F. A bidder on a public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), will accompany the bid with:

1. A certified or cashier's check or bid bond or irrevocable letter of credit in an amount equal to five percent (5%) of the bid, which shall be deposited with the Town as a guaranty; or

2. An irrevocable letter of credit containing terms the Department of Central Services prescribes, issued by a financial institution insured by the Federal Deposit Insurance Corporation for the benefit of the state, on behalf of the awarding public agency, in an amount equal to five percent (5%) of the bid. The Town shall deposit the irrevocable letter or credit with the Department of Central Service.

The cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder's default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the Town, be forfeited to the Town in the event the apparently successful bidders fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the Town.

The cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder's default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the Town, be forfeited to the Town in the event the apparently successful bidders fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to

the Town.

G. A non-collusion affidavit and a business relationship affidavit shall also accompany bidder proposals.

H. Any bid received by the Town or an officer and employee thereof, more than ninety-six (96) hours, excluding Saturdays, Sundays and holidays, before the time set for the opening of the bids, or any bid so received after the time set for opening of the bids, shall not be considered by the Town and shall be returned unopened to the bidder submitting the same.

I. All bids shall be sealed and opened only at the time and place mentioned in the bid Section and read aloud in the presence of an administrative officer of the Town. Such bid openings shall be open to the public and to all bidders.

J. Except as otherwise provided by law, within such period of time, not to exceed sixty (60) days, as shall be specified in the bid notice by the Town, a contract embodying the terms set forth in the bidding documents shall be executed by the Town and the successful bidder. No bidder shall obtain any property rights in a contract awarded under the provisions of the Public Competitive Bidding Act of 1974 until the contract has been fully executed by both the bidder and the Town.

K. Bonds, irrevocable letters of credit and insurance as provided by Section 113 of Title 61 of the Oklahoma Statutes, shall be provided by the successful bidder to the Town.

L. If an award is made to other than the lowest bidder, the Town shall accompany its action with a publicized statement setting forth the reason for its action. Such statement shall be placed on file, open to public inspection and be a matter of public record.

M. All invoices submitted for work performed shall be accompanied by a sworn certification by the architect or engineer that the work has been completed in accordance with specifications.

N. The Board of Trustees by a majority vote may reject any and all bids and rebid the project if the public interest would be better served.

O. If no timely bid is received on any public construction contract not exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding

Fifty Thousand Dollars (\$50,000.00), the Board of Trustees may direct the Mayor to negotiate a contract with the prospective bidder. The amount of the contract which may be awarded by the governing body pursuant to this Section shall not exceed One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), and the work to be performed shall be as specified in the initial bidding documents. The contract shall be executed within six (6) months after the date initially set for opening of bids. The contract and contract procedure shall conform to all the other applicable provisions of the Public Competitive Bidding Act of 1974.

P. Nothing herein shall be construed so as to prevent the Town or the courts from exonerating the bidder and other parties to the bid security document from liability upon a timely showing that the bidder committed what the courts have determined under the common law to be an excisable bidding error and for that reason it would not be equitable to enforce the bid security.

Q. Change Orders.

1. Change orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

2. Change orders or addend to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

3. Change orders or cumulative change orders which exceed the limits of Subsection Q1 and Q2 of this Section shall require a re-advertising for bids on the incomplete portions of the contract.

4. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to Subsection Q1 and Q2 of this Section.

5. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of the following cost itemization, which shall be performed as follows in all other incidents.

Such change orders shall contain a unit price and a total for each of the following items:

- a. All materials with cost per item;
- b. Itemization of all labor with number of hours per operation and cost per hour;
- c. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
- d. Itemization of insurance cost, bond cost, social security, taxes, workers; compensation, employee fringe benefits and overhead cost;
- e. Profit for the contractor.

SECTION 7-112 ENCUMBRANCE OF FUNDS.

Except in cases of emergency, the agent shall not issue any order for delivery on a contract or purchase order until the town clerk-treasurer shall have certified that there is to the credit of the using agency concerned sufficient unencumbered appropriation balance in excess of all unpaid obligations, to defray the amount of such order.

Section 7-113 EMERGENCY PURCHASES

The provisions of this Division with reference to notice and bids shall not apply to an emergency if:

1. The Board of Trustees declares by a two-thirds (2/3) majority vote of all of its members that an emergency exists; or

2. The Mayor, without a governing body, declares that an emergency exists; provided however, the Mayor's authority to declare an emergency whereby the provisions in reference to notice and bids shall not apply is limited to contracts less than One Hundred and Fifty Thousand Dollars (\$150,000.00) in amount. The Mayor shall notify the Board of Trustees within ten (10) days of the declaration of an emergency if the Board of Trustees did not approve the emergency. The notification shall contain a statement of the reasons for the action and shall be recorded in the official minutes of the Board of Trustees. For purpose of this section, the term "Emergency"

shall be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition whereby the public health or safety is endangered. The Mayor shall report an emergency within ten (10) days of the emergency declaration and include the official minutes of the Board of Trustees, to the State Construction Administrator of the Construction and Properties Division of the Office of Management and Enterprise Services.

SECTION 7-114 SALES; BOARD OF TRUSTEES TO DECLARE SURPLUS OR OBSOLETE; COMPETITIVE BIDDING.

No surplus or obsolete supplies, materials or equipment may be sold until the board of trustees shall have declared same obsolete or surplus. Before the board of trustees sells any surplus or obsolete supplies, materials or equipment, they shall give notice in such manner as they deem necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The board of trustees may repeatedly reject all bids and advertise or give notice again. They may sell such supplies, materials or equipment only to the highest responsible bidder for cash. In case of a tie, they may sell to either of the bidders tying, or may divide the sale among two or more tying, always selling to the highest responsible bidder or bidders for cash.

ARTICLE 2

SALES TAX

SECTION 7-201 CITATION AND CODIFICATION.

This chapter shall be known and may be cited as "Town of Coyle Sales Tax Ordinance."

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. § 2701; 68 O.S. §§ 1350 et seq.

SECTION 7-202 DEFINITIONS.

A. The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Section 1352 of Title 68 of the Oklahoma Statutes, and in Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.

B. A sale shall include the sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for

the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or otherwise occurs.

C. The definition of "gross receipts" in the State Sales Tax Code is hereby augmented to contain the additional following words: "The total retail sale price received for the sale, preparation or service of mixed beverages, ice and non-alcoholic beverages to be mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service occurs shall constitute the gross receipts from such transaction."

SECTION 7-203 TAX COLLECTOR DEFINED.

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

SECTION 7-204 CLASSIFICATION OF TAXPAYERS.

For the purpose of this Article the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code.

SECTION 7-205 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose.

SECTION 7-206 PURPOSE OF REVENUES.

It is the purpose of the four cent (4.00%) sales tax to provide revenues for the support of the functions of the municipal government of the town.

SECTION 7-207 TAX IMPOSED; AMOUNT.

A. There is hereby levied an excise tax in the amount of four cent (4.00%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, including but not exclusive of the following:

1. Tangible personal property, except newspapers and periodicals;

2. Natural or artificial gas, electricity, ice, steam, or any

other utility or public service, and associated delivery or transmission services, except water, sewage and refuse and those specifically exempt pursuant to the provisions of 68 O.S. §1357;

3. Transportation for hire to persons by common carriers, including railroads both steam and electric, motor transportation companies, Pullman car companies, airlines, and other means of transportation for hire, excluding:

- a. transportation services provided by a tourism service broker which are incidental to the rendition of tourism brokerage services by such broker to a customer regardless of whether or not such transportation services are actually owned and operated by the tourism service broker. For purposes of this subsection, "tourism service broker" means any person, firm, association or corporation or any employee of such person, firm, association or corporation which, for a fee, commission or other valuable consideration, arranges or offers to arrange trips, tours or other vacation or recreational travel plans for a customer, and
- b. transportation services provided by a funeral establishment to family members and other persons for purposes of conducting a funeral in this state;

4. Telecommunications services that originate and terminate in this state and that originate or terminate in this state and are charged to the consumer's telephone number or account in this state regardless of where the billing for such service is made, all mobile telecommunications services that are sourced to this state pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. 116-126, and all local telecommunications service and rental charges, including all installation and construction charges and all service and rental charges having any connection with transmission of any message or image. Provided:

- a. the term "telecommunications services" shall mean the transmission of any interactive, two-way electromagnetic communications, including voice, image, data and information, through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media, but shall not include the following: (1) sales of value-added nonvocal services in which computer processing applications are used to act on the form, content, code, or protocol of the information to be transmitted, including charges for the storage of data or information for subsequent retrieval but not including services commonly known as voice mail, (2) any interstate

telecommunications service which is: (a) rendered by a company for private use within its organization, or (b) used, allocated, or distributed by a company to its affiliated group, or (3) sales of any carrier access services, right of access services, telecommunications services to be resold, or telecommunications services used in the subsequent provision of, use as a component part of, or integrated into end-to-end telecommunications service, and

- b. the term "telecommunications services" shall include, but not be limited to sales of any interstate telecommunications services which: (1) entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the subscriber, or (2) entitle the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges, and c. the term "interstate" includes any international service that either originates or terminates outside of the fifty (50) United States and the District of Columbia;

5. Printing or printed matter of all types, kinds, or character and, except for services of printing, copying or photocopying performed by a privately owned scientific and educational library sustained by monthly or annual dues paid by members sharing the use of such services with students interested in the study of geology, petroleum engineering or related subjects, any service of printing or overprinting, including the copying of information by mimeograph, multigraph, or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information from magnetic tapes or other media furnished by customers;

6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house, or tourist camp;

7. Service of furnishing storage or parking privileges by auto hotels or parking lots;

8. Computer hardware, software, coding sheets, cards, magnetic tapes or other media on which pre-written programs have been coded, punched, or otherwise recorded, including the gross receipts from the licensing of software programs;

9. Foods, confections, and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

10. Advertising of all kinds, types, and characters, including any and all devices used for advertising purposes except those specifically exempt pursuant to the provisions of 68 O.S. § 1357;

11. Dues or fees to clubs including free or complimentary dues or fees which have a value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;

12. Tickets for admission to or voluntary contributions made to places of amusement, sports, entertainment, exhibition, display, or other recreational events or activities, including free or complimentary admissions which have a value equivalent to the charge that would have otherwise been made;

13. Charges made for the privilege of entering or engaging in any kind of activity, such as tennis, racquetball, or handball, when spectators are charged no admission fee;

14. Charges made for the privilege of using items for amusement, sports, entertainment, or recreational activity, such as trampolines or golf carts;

15. The rental of equipment for amusement, sports, entertainment, or other recreational activities, such as bowling shoes, skates, golf carts, or other sports or athletic equipment;

16. The gross receipts from sales from any vending machine without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

17. The gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair, or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. If the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill, or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;

18. Flowers, plants, shrubs, trees, and other floral items, whether or not produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. All orders taken outside this state for delivery within this state shall not be subject to the taxes levied in this Section;

19. Tangible personal property sold to persons, peddlers, solicitors, or other salesmen, for resale when there is likelihood that this state will lose tax revenue due to the difficulty of enforcing the provisions of the Oklahoma Sales Tax Code because of:

- a. the operation of the business,
- b. the nature of the business,
- c. the turnover of independent contractors,
- d. the lack of place of business in which to display a permit or keep records,
- e. lack of adequate records,
- f. the fact that the persons are minors or transients,
- g. the fact that the persons are engaged in service businesses, or
- h. any other reasonable reason;

20. Any taxable services and tangible personal property including materials, supplies, and equipment sold to contractors for the purpose of developing and improving real estate even though said real estate is intended for resale as real property, hereby declared to be sales to consumers or users, however, taxable materials, supplies and equipment sold to contractors as provided by this subsection which are purchased as a result of and subsequent to the date of a contract entered into either prior to the effective date of any law increasing the rate of sales tax imposed by this article, or entered into prior to the effective date of an ordinance or other measure increasing the sales tax levy of a political subdivision shall be subject to the rate of sales tax applicable, as of the date such contract was entered into, to sales of such materials, supplies and equipment if such purchases are required in order to complete the contract. Such rate shall be applicable to purchases made pursuant to the contract or any change order under the contract until the contract or any change order has been completed, accepted and the contractor has been discharged from any further obligation under the contract or change order or until two (2) years from the date on which the contract was entered into whichever occurs first. The increased sales tax rate shall be applicable to all such purchases at the time of sale and the contractor shall file a claim for refund before the expiration of three (3) years after the date of contract completion or five (5) years after the contract was entered into, whichever occurs

earlier. However, the Oklahoma Tax Commission shall prescribe rules and regulations and shall provide procedures for the refund to a contractor of sales taxes collected on purchases eligible for the lower sales tax rate authorized by this subsection; and

21. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, hereby declared to be sales to consumers or users.

Section 7-208 EXEMPTIONS; SALES SUBJECT TO OTHER TAX

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

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural gas, or liquefied petroleum gas on which the Motor Fuel Tax, Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special Fuels Tax levied in Article 5, 6, or 7 of Title 68 of the Oklahoma Statutes has been, or will be paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied in Article 21 of Title 68 of the Oklahoma Statutes has been, or will be paid;

3. Sale of crude petroleum or natural or casing head gas and other products subject to gross production tax pursuant to the provisions of Articles 10 and 11 of Title 68 of the Oklahoma Statutes. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state;

4. Sale of aircraft on which the tax levied pursuant to the provisions of Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes;

5. Sales from coin-operated devices on which the fee imposed by Sections 1501 through 1513 of Title 68 of the Oklahoma Statutes has been paid;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by Section 2103 of Title 68 of the Oklahoma Statutes;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes;

8. Sales of cigarettes or tobacco products to:

- a. a federally recognized Indian tribe or nation which has entered into a compact with the State of Oklahoma pursuant to the provisions of subsection C of Section 346 of Title 68 of the Oklahoma Statutes or to a licensee of such a tribe or nation, upon which the payment in lieu of taxes required by the compact has been paid, or
- b. a federally recognized Indian tribe or nation or to a licensee of such a tribe or nation upon which the tax levied pursuant to the provisions of Section 349 or Section 426 of Title 68 of the Oklahoma Statutes has been paid; and

9. Leases of aircraft upon which the owners have paid the aircraft excise tax levied by Section 6001 et seq. of Title 68 or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes.

Section 7-209 RESERVED

Section 7-210 TAX DUE WHEN; RETURNS; RECORDS

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

Section 7-211 PAYMENT OF TAX; BRACKETS

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

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

Section 7-212 EXEMPTIONS-GOVERNMENTAL AND NONPROFIT ENTITIES

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of this state; provided, all sales to contractors in connection with the performance of any contract with the United States government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this article, except as hereinafter provided;

2. Sales of property to agents appointed by or under contract with agencies or instrumentalities of the United States government if ownership and possession of such property transfers immediately to the United States government;

3. Sales of property to agents appointed by or under contract with a political subdivision of this state if the sale of such property is associated with the development of a qualified federal facility, as provided in the Oklahoma Federal Facilities Development Act, and if ownership and possession of such property transfers immediately to the political subdivision or the state;

4. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;

5. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

6. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members and dues paid monthly or annually to privately owned scientific and educational libraries by members sharing the use of services rendered by such libraries with students interested in the study of geology, petroleum engineering or related subjects;

7. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or a similar business;

8. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university or any public trust of which a county in this state is the beneficiary, for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

9. Sales of tangible personal property or services to the Board organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Boys and Girls shall be exempt from sales tax;

10. Sale of tangible personal property or services to any county, municipality, rural water district, public school district, the institutions of The Oklahoma State System of Higher Education, the Grand River Dam Authority, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Municipal Power Authority, City of Tulsa-Rogers County Port Authority, Muskogee City-County Port Authority or to any person with whom any of the above-named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above-named subdivisions or agencies of this state or who otherwise violates this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of sales tax involved or

incarcerated for not more than sixty (60) days or both;

11. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c) (3), including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice or sales ticket the nature of the purchases, and violation of this paragraph shall be a misdemeanor as set forth in paragraph 10 of this Section;

12. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c) (3);

13. Sales of tangible personal property made by:

- a. a public school,
- b. a private school offering instruction for grade levels kindergarten through twelfth grade,
- c. a public school district,
- d. a public or private school board,
- e. a public or private school student group or organization,
- f. a parent-teacher association or organization, or
- g. public or private school personnel for purposes of raising funds for the benefit of a public or private school, public school district, public or private school board or public or private school student group or organization. The exemption provided by this paragraph for sales made by a public or private school shall be

limited to those public or private schools accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall include sale of admission tickets and concessions at athletic events;

14. Sales of tangible personal property by:

- a. local 4-H clubs,
- b. county, regional or state 4-H councils,
- c. county, regional or state 4-H committees,
- d. 4-H leader associations,
- e. county, regional or state 4-H foundations, and
- f. authorized 4-H camps and training centers. The exemption provided by this paragraph shall be limited to sales for the purpose of raising funds for the benefit of such organizations. Sale of tangible personal property exempted by this paragraph shall include sale of admission tickets;

15. The first Seventy-five Thousand Dollars (\$75,000.00) each year from sale of tickets and concessions at athletic events by each organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(4);

16. Items or services which are subsequently given away by the Oklahoma Tourism and Recreation Department as promotional items pursuant to Section 1834 of Title 74 of the Oklahoma Statutes;

17. Sales of tangible personal property or services to fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes which items are to be used for the purposes of the fire department. Any person making purchases on behalf of any such fire department shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such fire department and set out the name of such fire department. Any person who wrongfully or erroneously certifies that the purchases are for any such fire department or who otherwise violates the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or both;

18. Complimentary or free tickets for admission to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities which are issued through a box office or other entity which is operated by a state institution of higher education with institutional employees or by a municipality with municipal employees;

19. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible personal property by fire departments organized pursuant to Titles 11, 18, or 19 of the Oklahoma Statutes for the purposes of raising funds for the benefit of the fire department. Fire departments selling tangible personal property for the purposes of raising funds shall be limited to no more than six (6) days each year to raise such funds in order to receive the exemption granted by this paragraph;

20. Sales of tangible personal property or services to any Boys & Girls Clubs of America affiliate in this state which is not affiliated with the Salvation Army and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c) (3);

21. Sales of tangible personal property or services to any organization, which takes court-adjudicated juveniles for purposes of rehabilitation, and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c) (3), provided that at least fifty percent (50%) of the juveniles served by such organization are court adjudicated and the organization receives state funds in an amount less than ten percent (10%) of the annual budget of the organization;

22. Sales of tangible personal property or services to:

- a. any federally qualified community health center as defined in Section 254c of Title 42 of the United States Code,
- b. any migrant health center as defined in Section 254b of Title 42 of the United States Code,
- c. any clinic receiving disbursements of state monies from the Indigent Health Care Revolving Fund pursuant to the provisions of Section 66 of Title 56 of the Oklahoma Statutes, and
- d. any community-based health center which meets all of the following criteria:

- (1) provides primary care services at no cost to the recipient, and
- (2) is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

23. Dues or fees, including free or complimentary dues or fees which have a value equivalent to the charge that could have otherwise been made, to YMCAs, YWCAs or municipally-owned recreation centers for the use of facilities and programs;

24. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible personal property or services to or by a cultural organization established to sponsor and promote educational, charitable and cultural events for disadvantaged children, and which organization is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

25. Sales of tangible personal property or services to museums or other entities which have been accredited by the American Association of Museums. Any person making purchases on behalf of any such museum or other entity shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such museum or other entity and set out the name of such museum or other entity. Any person who wrongfully or erroneously certifies that the purchases are for any such museum or other entity or who otherwise violates the provisions of this paragraph shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty(60) days, or by both such fine and incarceration;

26. Sales of tickets for admission by any museum accredited by the American Association of Museums. In order to be eligible for the exemption provided by this paragraph, an amount equivalent to the amount of the tax which would otherwise be required to be collected pursuant to the provisions of Section 1350 et seq. of Title 68 of the Oklahoma Statutes shall be separately stated on the admission ticket and shall be collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the museum to effect the construction, enlarging or renovation of any facility to be used for entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket;

27. Sales of tangible personal property or services

occurring on or after June 1, 1995, to children's homes which are supported or sponsored by one or more churches, members of which serve as trustees of the home;

28. Sales of tangible personal property or services to the organization known as the Disabled American Veterans, Department of Oklahoma, Inc., and subordinate chapters thereof;

29. Sales of tangible personal property or services to youth camps which are supported or sponsored by one or more churches, members of which serve as trustees of the organization;

30. Transfer of tangible personal property made pursuant to Section 3226 of Title 63 of the Oklahoma Statutes by the University Hospitals Trust;

31. Sales of tangible personal property or services to a municipality, county or school district pursuant to a lease or lease-purchase agreement executed between the vendor and a municipality, county or school district. A copy of the lease or lease-purchase agreement shall be retained by the vendor;

32. Sales of tangible personal property or services to any spaceport user, as defined in the Oklahoma Space Industry Development Act;

33. The sale, use, storage, consumption, or distribution in this state, whether by the importer, exporter, or another person, of any satellite or any associated launch vehicle, including components of, and parts and motors for, any such satellite or launch vehicle, imported or caused to be imported into this state for the purpose of export by means of launching into space. This exemption provided by this paragraph shall not be affected by:

- a. the destruction in whole or in part of the satellite or launch vehicle,
- b. the failure of a launch to occur or be successful, or
- c. the absence of any transfer or title to, or possession of, the satellite or launch vehicle after launch;

34. The sale, lease, use, storage, consumption, or distribution in this state of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity, including components thereof;

35. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property, placed on or used aboard any space facility, space propulsion system or space vehicle, satellite, or station possessing space flight capacity, which is launched into space, irrespective of whether such tangible property is returned to this state for subsequent use, storage, or consumption in any manner;

36. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property meeting the definition of "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, that is an integral part of and used primarily in support of space flight; however, Section 38 property used in support of space flight shall not include general office equipment, any boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States government, or any other property not specifically suited to supporting space activity. The term "in support of space flight", for purposes of this paragraph, means the altering, monitoring, controlling, regulating, adjusting, servicing, or repairing of any space facility, space propulsion systems or space vehicle, satellite, or station possessing space flight capacity, including the components thereof;

37. The purchase or lease of machinery and equipment for use at a fixed location in this state, which is used exclusively in the manufacturing, processing, compounding, or producing of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity. Provided, the exemption provided for in this paragraph shall not be allowed unless the purchaser or lessee signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed by Section 1354 of this title shall be subject to the penalties provided by law. As used in this paragraph, "machinery and equipment" means "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, which is used as an integral part of the manufacturing, processing, compounding, or producing of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph;

38. The amount of a surcharge or any other amount which is separately stated on an admission ticket which is imposed, collected and used for the sole purpose of constructing,

remodeling or enlarging facilities of a public trust having a municipality or county as its sole beneficiary;

39. Sales of tangible personal property or services which are directly used in or for the benefit of a state park in this state, which are made to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3) and which is organized primarily for the purpose of supporting one or more state parks located in this state;

40. The sale, lease or use of parking privileges by an institution of The Oklahoma State System of Higher Education; and

41. Sales of tangible personal property or services for use on campus construction projects for the benefit of institutions of The Oklahoma State System of Higher Education or private institutions of higher education accredited by the Oklahoma State Regents for Higher Education when such projects are financed by or through the use of nonprofit entities which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

42. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3), in the course of conducting a national championship sports event, but only if all or a portion of the payment in exchange therefor would qualify as the receipt of a qualified sponsorship payment described in Internal Revenue Code, 26 U.S.C. 513(i). Sales exempted pursuant to this paragraph shall be exempt from all Oklahoma sales, use, excise and gross receipts taxes.

State Law Reference: Similar provisions, 68 O.S. Section 1305.

Section 7-213 SAME-GENERALLY

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicabs;

3. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in Section 1350 et seq. of Title 68 of the Oklahoma Statutes. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salespersons who do not have an established place of business and a sales tax permit. The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel to a Group Five vendor, but the use of such motor fuel or diesel fuel by the Group Five vendor shall not be exempt from the tax levied by Section 1350 et seq. of Title 68 of the Oklahoma Statutes. The purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for shipment outside this state and consumed by a common carrier by rail in the conduct of its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling, within this state, of any locomotive or other motorized flanged wheel equipment;

4. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television, and the service of any advertising devices;

5. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that the purchaser is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

6. Sale of natural or artificial gas and electricity, and associated delivery or transmission services, when sold exclusively for residential use after December 31, 1980. Provided, nothing herein shall be construed as limiting or prohibiting cities and towns, and counties levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, from levying

and collecting taxes on the sale of natural or artificial gas and electricity. Provided further, any sales tax levied by a city or town, or a county levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items;

7. In addition to the exemptions authorized by Section 1357.6 of Title 68 of the Oklahoma Statutes, sales of medicines or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicines or drugs. Provided, this exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil and chemical drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;

9. Sales of one-way utensils, paper napkins, paper cups, disposable hot containers and other one-way carry out materials to a vendor of meals or beverages;

10. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the state in the federal food stamp program;

11. Sales of food or food products, or any equipment or supplies used in the preparation of the food or food products to or by an organization which: a. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), and which provides and delivers prepared meals for home consumption to elderly or homebound persons as part of a program commonly known as "Meals on Wheels" or "Mobile Meals", or b. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), and which receives federal funding pursuant to the Older Americans Act of 1965, as amended, for the purpose of providing nutrition programs for the care and benefit of elderly persons;

12. Sales of tangible personal property or services to or by

organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), and which are primarily involved in the collection and distribution of food and other household products to other organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), which facilitate the distribution of such products to the needy, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

13. Sales of tangible personal property or services to children's homes which are located on church-owned property and are operated by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

14. Sales of computers, data processing equipment, related peripherals and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or manufacturing facility. For purposes of this paragraph, "qualified aircraft maintenance or manufacturing facility" means a new or expanding facility primarily engaged in aircraft repair, building or rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of Five Million Dollars (\$5,000,000.00) and which employs at least two hundred fifty (250) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, upon completion of the facility. In order to qualify for the exemption provided for by this paragraph, the cost of the items purchased by the qualified aircraft maintenance or manufacturing facility shall equal or exceed the sum of Two Million Dollars (\$2,000,000.00);

15. Sales of tangible personal property consumed or incorporated in the construction or expansion of a qualified aircraft maintenance or manufacturing facility as defined in paragraph 14 of this Section. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified aircraft maintenance or manufacturing facility for construction or expansion of such a facility shall be considered sales made to a qualified aircraft maintenance or manufacturing facility;

16. Sales of any interstate telecommunications services which:

- a. entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in

diverse geographical locations specified by the subscriber, or

- b. entitles the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges;

17. Sales of railroad track spikes manufactured and sold for use in this state in the construction or repair of railroad tracks, switches, sidings and turnouts;

18. Sales of aircraft and aircraft parts provided such sales occur at a qualified aircraft maintenance facility. As used in this paragraph, "qualified aircraft maintenance facility" means a facility operated by an air common carrier at which there were employed at least two thousand (2,000) full-time-equivalent employees in the preceding year as certified by the Oklahoma Employment Security Commission and which is primarily related to the fabrication, repair, alteration, modification, refurbishing, maintenance, building or rebuilding of commercial aircraft or aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an affiliated group as defined by Section 1504 of the Internal Revenue Code, 26 U.S.C. 1504;

19. Sales of machinery and equipment purchased and used by persons and establishments primarily engaged in computer services and data processing: a. as defined under Industrial Group Numbers 7372 and 7373 of the Standard Industrial Classification (SIC) Manual, latest version, which derive at least fifty percent (50%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer, and b. as defined under Industrial Group Number 7374 of the SIC Manual, latest version, which derive at least eighty percent (80%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer. Eligibility for the exemption set out in this paragraph shall be established, subject to review by the Tax Commission, by annually filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required by the Tax Commission. For purposes of determining whether annual gross revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

20. Sales of prosthetic devices to an individual for use by such individual. For purposes of this paragraph, "prosthetic device" means a device which replaces a missing part of the human body and shall include any supplies physically connected to the device;

21. Sales of tangible personal property or services to a motion picture or television production company to be used or consumed in connection with an eligible production. For purposes of this paragraph, "eligible production" means a documentary, special, music video, or a television program that will serve as a pilot for or be a segment of an ongoing dramatic or situation comedy series filmed or taped for network or national or regional syndication or a feature-length motion picture intended for theatrical release or for network or national or regional syndication or broadcast. The provisions of this paragraph shall apply to sales occurring on or after July 1, 1996;

22. Sales of diesel fuel sold for consumption by commercial vessels, barges and other commercial water craft;

23. Sales of tangible personal property or services to tax-exempt independent nonprofit biomedical research foundations that provide educational programs for Oklahoma science students and teachers and to tax-exempt independent nonprofit community blood banks headquartered in this state;

24. Effective May 6, 1992, sales of wireless telecommunications equipment to a vendor who subsequently transfers the equipment at no charge or for a discounted charge to a consumer as part of a promotional package or as an inducement to commence or continue a contract for wireless telecommunications services;

25. Effective January 1, 1991, leases of rail transportation cars to haul coal to coal-fired plants located in this state which generate electric power;

26. Beginning July 1, 2000, sales of aircraft engine repairs, modification, and replacement parts, sales of aircraft frame repairs and modification, aircraft interior modification, and paint, and sales of services employed in the repair, modification and replacement of parts of aircraft engines, aircraft frame and interior repair and modification, and paint. The exemption provided by this paragraph shall be limited to aircraft repairs, modification, and replacement parts for aircraft weighing more than twelve thousand five hundred (12,500) pounds and less than one hundred thousand (100,000) pounds and which aircraft are brought into this state exclusively for such repairs or modification. The exemption provided by this paragraph shall be limited to repairs or modifications made by a new or expanded aircraft repair facility. As used in this paragraph, the term "aircraft" shall have the same meaning as such term is defined in Section 6001 of Title 68. The term "new or expanded aircraft repair facility" shall mean any new or expanded facility which repairs, modifies or replaces aircraft parts in which more than Four Million Dollars (\$4,000,000.00) was

invested to establish the new facility or expand an existing facility and which construction was commenced or was in progress on or after January 1, 1999; and

27. Sales of materials and supplies to the owner or operator of a ship, motor vessel or barge that is used in interstate or international commerce if the materials and supplies:

- a. are loaded on the ship, motor vessel or barge and used in the maintenance and operation of the ship, motor vessel or barge, or
- b. enter into and become component parts of the ship, motor vessel or barge.

Section 7-214 SAME-MANUFACTURERS

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sales of goods, wares, merchandise, tangible personal property, machinery and equipment to a manufacturer for use in a manufacturing operation;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by Section 500.4 of Title 68 of the Oklahoma Statutes;

3. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden, or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles and the cartons, crates, pallets, and containers used to transport returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this Code. Additionally, this exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;

4. Sales of or transfers of title to or possession of any containers, after June 30, 1987, used or to be used more than once

and which are ordinarily known as returnable containers and which do or will contain beverages defined by paragraphs 4 and 14 of Section 506] of Title 37 of the Oklahoma Statutes, or water for human consumption and the cartons, crates, pallets, and containers used to transport such returnable containers;

5. Sale of tangible personal property when sold by the manufacturer to a person who transports it to a state other than Oklahoma for immediate and exclusive use in a state other than Oklahoma. Provided, no sales at a retail outlet shall qualify for the exemption under this paragraph;

6. Machinery, equipment, fuels and chemicals or other materials incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of hazardous waste at treatment facilities specifically permitted pursuant to the Oklahoma Hazardous Waste Management Act and operated at the place of waste generation, or facilities approved by the Department of Environmental Quality for the cleanup of a site of contamination. The term "hazardous" waste may include low-level radioactive waste for the purpose of this paragraph;

7. Sales of tangible personal property to a qualified manufacturer to be consumed or incorporated in a new manufacturing facility or to expand an existing manufacturing facility. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified manufacturer for construction or expansion of a manufacturing facility shall be considered sales made to a qualified manufacturer. For the purposes of this paragraph, "qualified manufacturer" means:

- a. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Five Million Dollars (\$5,000,000.00) and in which at least one hundred (100) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility,
- b. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Ten Million Dollars (\$10,000,000.00) and the combined cost of construction material, machinery, equipment and other tangible personal property exempt from sales tax under the provisions of this paragraph exceeds the sum of Fifty Million Dollars (\$50,000,000.00) and in which at least seventy-five (75) new full-time-equivalent employees, as

certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility, or

- c. any enterprise whose total cost of construction of an expanded facility exceeds the sum of Three Hundred Million Dollars (\$300,000,000.00) and in which the manufacturer has and maintains an average employment level of at least one thousand seven hundred fifty (1,750) full-time-equivalent employees, as certified by the Employment Security Commission. For purposes of this paragraph, the total cost of construction shall include building and construction material and engineering and architectural fees or charges directly associated with the construction of a new or expanded facility. The total cost of construction shall not include attorney fees. For purposes of subparagraph c of this paragraph, the total cost of construction shall also include the cost of qualified depreciable property as defined in Section 2357.4 of Title 68 of the Oklahoma Statutes and labor services performed in the construction of an expanded facility. The employment requirement of this paragraph can be satisfied by the employment of a portion of the required number of new full-time-equivalent employees at a manufacturing facility that is related to or supported by the new or expanded manufacturing facility as long as both facilities are owned by one person or business entity. For purposes of this Section, "manufacturing facility" shall mean building and land improvements used in manufacturing as defined by the Standard Industrial Classification Code and shall also mean building and land improvements used for the purpose of packing, repackaging, labeling or assembling for distribution to market, products at least seventy percent (70%) of which are made in Oklahoma by the same company but at an off-site in-state manufacturing facility or facilities. It shall not include a retail outlet unless the retail outlet is operated in conjunction with and on the same site or premises as the manufacturing facility. Up to ten percent (10%) of the square feet of a manufacturing facility building may be devoted to office space used to provide clerical support for the manufacturing operation. Such ten percent (10%) may be in a separate building as long as it is part of the same contiguous tract of property on which the manufacturing facility is located. Only sales of tangible personal property made after June 1, 1988, shall be eligible for the exemption provided by this paragraph;

8. Sales of tangible personal property purchased and used by a licensed radio or television station in broadcasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. This exemption begins with the equipment used in producing live programming or the electronic equipment directly behind the satellite receiving dish or antenna, and ends with the transmission of the broadcast signal from the broadcast antenna system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

9. Sales of tangible personal property purchased or used by a licensed cable television operator in cable casting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a cablecast signal or is such that the failure of the machinery or equipment to operate would cause cable casting to cease. This exemption begins with the equipment used in producing local programming or the electronic equipment behind the satellite receiving dish, microwave tower or antenna, and ends with the transmission of the signal from the cablecast head-end system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

10. Sales of packaging materials for use in packing, shipping or delivering tangible personal property for sale when sold to a producer of agricultural products. This exemption shall not apply to the sale of any packaging material which is ordinarily known as a returnable container;

11. Sales of any pattern used in the process of manufacturing iron, steel or other metal castings. The exemption provided by this paragraph shall be applicable irrespective of ownership of the pattern provided that such pattern is used in the commercial production of metal castings;

12. Deposits or other charges made and which are subsequently refunded for returnable cartons, crates, pallets, and containers used to transport cement and cement products;

13. Beginning January 1, 1998, machinery, electricity, fuels, explosives and materials, excluding chemicals, used in the mining of coal in this state; and

14. Deposits, rent or other charges made for returnable cartons, crates, pallets, and containers used to transport mushrooms or mushroom products from a farm for resale to the consumer or processor.

Section 7-215 SAME-AGRICULTURE

The gross receipts of gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted for the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

- a. farm, orchard or garden products, and
- b. dairy products sold by a dairy producer or farmer who owns all the cows from which the dairy products offered for sale are produced; provided, the provisions of this paragraph shall not be construed as exempting sales by florists, nursery operators or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Livestock, including cattle, horses, mules or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

3. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;

4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

- a. feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption,
- b. feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the

producing and marketing of agricultural products, and

- c. any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies. "Poultry" shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs. "Livestock" shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Oklahoma Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

- a. sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching,
- b. sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. In addition to providing the vendor proof of eligibility as provided in Section 1358.1 of this Title 68 of the Oklahoma Statutes, the purchaser shall provide the name or names of such owner or lessee and operator and the location of the lands on which said materials are to be applied to each such land,
- c. sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this article, and said sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this Section, "agricultural fertilizer", "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals,
- d. sales of agricultural seed or plants to any person

regularly engaged, for profit, in the business of farming or ranching. This Section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens, and

- e. sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this subparagraph, "agricultural chemical pesticides" shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. The exemption provided in this paragraph shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products;

6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. The exemption specified in this paragraph shall apply to such farm machinery, repair parts or fuel, oil, lubricants and other substances used by persons engaged in the business of custom production, cultivation, planting, sowing, harvesting, processing, spraying, preservation, or irrigation of any livestock, poultry, agricultural, or dairy products for farmers or ranchers. The exemption provided for herein shall not apply to motor vehicles;

7. Sales of supplies, machinery and equipment to persons regularly engaged in the business of raising evergreen trees for retail sale in which such trees are cut down on the premises by the consumer purchasing such tree. This exemption shall only be granted and extended when the items in fact are used in the raising of such evergreen trees; and

8. Sales of materials, supplies and equipment to an agricultural permit holder or to any person with whom the permit holder has contracted to construct facilities which are or which will be used directly in the production of any livestock, including, but not limited to, facilities used in the production and storage of feed for livestock owned by the permit holder. Any person making

purchases on behalf of the agricultural permit holder shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such permit holder and set out the name and permit number of such holder. Any person who wrongfully or erroneously certifies that purchases are for an agricultural permit holder or who otherwise violates this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of an amount equal to double the amount of sales tax involved or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment.

B. As used in this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes:

1. "Agricultural products" shall include horses; and
2. "Ranching" or "ranch" shall include the business, or facilities for the business, of raising horses. Provided, sales of items at race meetings as defined in Section 200.1 of Title 3A of the Oklahoma Statutes shall not be exempt pursuant to the provisions of this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes.

State Law Reference: Similar provision, 68 O.S. Section 1305a.

Section 7-216 RESERVED

Section 7-217 TAX CONSTITUTES DEBT; Town SALES TAX SUBJECT TO OTHER TITLE 68 PROVISIONS

The taxes, penalty and interest due under this chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors and may be collected by suit as any other debt. Moreover, Title 68 of the Oklahoma Statutes as it relates to all sales tax is hereby adopted by reference as if fully set out, as is hereby amended as such state laws are amended, and is applicable to all municipal sales tax issues.

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

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

B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when

added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

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

D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the Town. Any person, firm, corporation, joint venture or association that willfully or intentionally fails, neglects or refuse to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

Section 7-219 RETURNS AND REMITTANCES; DISCOUNTS

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

Section 7-220 INTEREST AND PENALTIES; DELINQUENCY

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

Section 7-221 WAIVER OF INTEREST AND PENALTY

The interest or penalty or any portion thereof accruing by

reason of a taxpayer's failure to pay the Town tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this Section, the applicable provisions of Section 220 of Title 68 are hereby adopted by reference and made a part of this chapter.

Section 7-222 ERRONEOUS PAYMENTS; CLAIM FOR REFUND

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

Section 7-223 FRAUDULENT RETURNS

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

Section 7-224 RECORDS CONFIDENTIAL

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

Section 7-225 AMENDMENTS

The people of the Town, by their approval of the sales tax ordinance 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 administering and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the Town as provided by law.

Section 7-226 PROVISIONS CUMULATIVE

The provisions of this chapter shall be cumulative and in addition to any or all other taxing provisions of Town ordinances.

ARTICLE 3

UTILITIES TAX

SECTION 7-301 FEE LEVIED; APPLICATION.

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts (residential and commercial sales only) received from all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, gas, electricity, telephone exchange service or water within the town limits, except that it shall neither apply to town furnished services nor any person, firm, association or corporation operating under a valid franchise with the town nor apply to utilities furnished by the town.

State Law Reference: Authority of council to levy above tax, 68 O.S. § 2601; tax not applicable to franchise holders, 68 O.S. § 2602.

SECTION 7-302 TAX IS IN LIEU OF OTHER TAXES.

The tax levied by this Article shall be in lieu of any other franchise, license, occupation or excise tax levied by the town.

SECTION 7-303 TAX TO BE PAID MONTHLY AND PLACED IN GENERAL REVENUE FUND.

The tax levied under this Article shall be levied for a term of not less than one (1) year and shall be quarterly, in January, April, July and October of each year and placed in the general revenue fund of the town.

SECTION 7-304 FAILURE TO PAY; ACTION FOR COLLECTION.

Any person, firm, corporation or other entity failing or refusing to pay the tax levied by this Article shall be regarded as a trespasser and may be ousted from the town. In addition thereto, an action may be maintained against such person, firm, corporation or other entity for the amount of the tax and all expenses of collecting same, including reasonable attorneys' fees.

SECTION 7-305 TAX LIEN.

The tax imposed by this Article shall constitute a first and prior lien on all the assets located within the town of any person, firm, corporation or other entity engaged in the business of selling power, light, heat, gas, electricity or water within the corporate limits of the town and subject to such tax.

Section 7-306 PERMIT GRANTED TO GAS COMPANIES IN LIEU OF FRANCHISE

Any persons, firms, associations, or corporations engaged in the business of furnishing gas within the town limits, not operating under a valid franchise from the town, and upon whom the tax provided under Section 7-301 of this Article is imposed, is hereby granted a revocable permit by the town for so long as this article remains in effect and the taxes are paid in accordance with the terms of this article to acquire, construct, erect, install, extend, repair, remove, relocate, replace, operate and maintain a system of works, pipes, pipelines, apparatus, structures and appurtenances in, across, upon and under the streets, alleys, avenues, boulevards, lanes, parks, parkways, sidewalks, parking, driveways, rights-of-way, utility easements, and other public ways, places, areas and grounds, all being sometimes referred to herein as "streets, alleys, avenues, and other public ways, places and grounds," in the town as now constituted, and as may be added to hereafter, for the purpose of transporting, distributing and selling gas for domestic, commercial and industrial uses, and for any and all other purposes for which gas, during the period of this revocable permit may be used, together with the right to enter upon the streets, alleys, avenues and other public ways, places and grounds of the town for the purpose of constructing, erecting, installing, extending, relocating, operating, maintaining, removing and repairing the works, pipes, pipelines, and all necessary apparatus, machinery, structures and appurtenances. Notwithstanding any other provision of this article, any revocable permit issued herein may be revoked by the town after giving the permittee One Hundred and Eighty (180) days written notice.

ARTICLE 4

RESERVED

ARTICLE 5

RESERVED

ARTICLE 6

USE TAX

SECTION 7-601 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERTY LEVIED.

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

SECTION 7-602 EXEMPTIONS.

The provisions of this Article shall not apply:

A. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;

B. In respect to the use of tangible, personal property purchased for resale before being used;

C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the Town of Coyle Use Tax Ordinance, had been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already

been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the Town of Coyle Use Tax Code, the provisions of this Section shall also apply to it by a rate measured by the difference only between the rate by both the Oklahoma Use Tax Code and the Town of Coyle Use Tax Code, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

E. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the municipality;

F. In respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment;

G. In respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads;

H. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

SECTION 7-603 TIME WHEN DUE, RETURNS, PAYMENT.

The tax levied by this Article is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 7-604 TAX CONSTITUTES DEBT.

Such taxes, penalty and interest due hereunder shall at all

times constitute a prior, superior and paramount claim as against the claims of unsecured creditors and may be collected by suit as any other debt.

SECTION 7-605 COLLECTION OF TAX BY RETAILER OR VENDOR.

Every retailer or vendor maintaining places of business both within and without the State of Oklahoma, and making sales of tangible, personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this Article from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this town.

SECTION 7-606 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE; PERMITS.

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

SECTION 7-607 REVOKING PERMITS.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Article or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1981, § 1408, by order revoke tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state, may, after notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this Article, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

SECTION 7-608 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES.

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of State Use Taxes.

SECTION 7-609 INTEREST AND PENALTIES; DELINQUENCY.

Title 68 O.S. § 217, is hereby adopted and made a part of this Article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Article. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this Article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Article.

SECTION 7-610 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty of any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipal tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. § 227, and to accomplish the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this

Article.

SECTION 7-611 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund of erroneous payment of the municipal Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in 68 O.S. § 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

SECTION 7-612 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Article shall be an offense and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than One Hundred Dollars (\$100.00) and costs. Each day of noncompliance with this Article shall constitute a separate offense.

SECTION 7-613 RECORDS CONFIDENTIAL.

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

SECTION 7-614 PROVISIONS CUMULATIVE.

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

SECTION 7-615 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 thereof.

SECTION 7-616 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, 68 O.S. § 1401 are hereby adopted by reference and made a part of this Article. In addition thereto, the following words and terms shall be defined as follows:

1. Town shall mean the Town of Coyle, Oklahoma.
2. Transaction shall mean sale.

SECTION 7-617 TAX COLLECTOR DEFINED.

The term "tax collector" as used herein means the department of the municipal government or the official agency of the state, duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

SECTION 7-618 CLASSIFICATION OF TAXPAYERS.

For the purpose of this Article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

SECTION 7-619 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this Article hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose.

SECTION 7-620 PURPOSES OF REVENUES.

It is hereby declared to be the purpose of this Article to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

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CHAPTER 8: HEALTH AND SANITATION

ARTICLE 1

WEEDS AND TRASH

- Section 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL
- Section 8-102 DEFINITIONS
- Section 8-103 REPORTS OF ACCUMULATIONS OF GRASS, WEEDS OR TRASH ON PROPERTY
- Section 8-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY
- Section 8-105 DETERMINATION AND ASSESSMENT OF COSTS
- Section 8-106 LIENS ON THE PROPERTY, CIVIL REMEDY
- Section 8-107 Board MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS.
- Section 8-108 UNLAWFUL TO DEPOSIT RUBBISH
- Section 8-109 BURNING REFUSE
- Section 8-110 REMOVAL OF DEAD ANIMALS
- Section 8-111 UNLAWFUL TO LITTER
- Section 8-112 UNLAWFUL TO LITTER FROM AUTOMOBILES
- Section 8-113 LITTER NOT TO ACCUMULATE ON PROPERTY
- Section 8-114 ABANDONED REFRIGERATOR; APPLIANCES

ARTICLE 2

(RESERVED)

ARTICLE 3

NUISANCES

- Section 8-301 DEFINITION
- Section 8-302 UNLAWFUL TO MAINTAIN NUISANCE
- Section 8-303 ABATEMENT

ARTICLE 4

MOTOR VEHICLES & OPEN STORAGE

- Section 8-401 NUISANCE.
- Section 8-402 DEFINITIONS.
- Section 8-403 STORING, PARKING OR LEAVING JUNK MOTOR VEHICLE OR ABANDONED MOTOR VEHICLE ON PUBLIC OR PRIVATE; PROPERTY PROHIBITED; AND DECLARED A NUISANCE; EXCEPTIONS.
- SECTION 8-404 PROCEDURES FOR ABATEMENT.
- SECTION 8-405 PRESUMPTION OF ABANDONMENT.

SECTION 8-406 NOTICE TO REMOVE FROM PUBLIC PROPERTY.
SECTION 8-407 RESPONSIBILITY FOR REMOVAL FROM PUBLIC PROPERTY.
SECTION 8-408 NOTICE TO REMOVE FROM PRIVATE PROPERTY.
SECTION 8-409 HEARING.
SECTION 8-410 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.
SECTION 8-411 NOTICE OF REMOVAL.
SECTION 8-412 DUTY OF PRIVATE CONTRACTOR.
SECTION 8-413 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.
SECTION 8-414 PENALTY; CONTINUING VIOLATIONS
Section 8-415 OPEN STORAGE OF MATERIALS

ARTICLE 5

DILAPIDATED BUILDINGS

Section 8-501 DEFINITIONS
Section 8-502 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE
REMOVAL
Section 8-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS
Section 8-504 BOARDING AND SECURING DILAPIDATED BUILDINGS,
PROCEDURE, NOTICE
Section 8-505 OTHER POWERS
Section 8-506 EXCEPTION
Section 8-507 REMOVAL OF GRAFFITI

ARTICLE 6

ENFORCEMENT

Section 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO
ENFORCE HEALTH ORDINANCES
Section 8-602 OBSTRUCTING HEALTH OFFICER
Section 8-603 QUARANTINE; VIOLATIONS

CHAPTER 8: HEALTH AND SANITATION

ARTICLE 1

WEEDS AND TRASH

Section 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

No person, entity or corporation owning or otherwise in possession or control of real property located within the corporate limits of the Town shall allow trash to accumulate, or weeds to grow or stand upon such real property.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-111C.

Section 8-102 DEFINITIONS.

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

1. "Cleaning" means the removal of trash from property;
2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;
3. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which in uncared for, discarded or abandoned; and
4. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;

- d. Gives off unpleasant or noxious odors;
- e. Constitutes a fire or traffic hazard; or
- f. Is dead or diseased.

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

Section 8-103 REPORTS OF ACCUMULATIONS OF GRASS, WEEDS OR TRASH ON PROPERTY.

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

- 1. Detrimental to the health, benefit and welfare of the public and the community;
- 2. A hazard to traffic; or
- 3. A fire hazard to property.

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Section 22-111.

Section 8-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY.

The Town may cause property within the corporate limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

- 1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless the work is performed within ten (10) days of the date of the notice the work shall be done by the Town and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the Town. At the time of mailing of notice to the property owner, the Town shall obtain a receipt of mailing from the postal service, which receipt

shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing of same, notice may be given by posting a copy of the notice on the property or by publication, as provided in Section 1-102 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action by the Town. If the Town anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by certified mail or publication, shall state:

- a. That any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the Town;
- b. That the costs of such abatement shall be assessed against the owner; and
- c. That a lien shall be imposed on the property to secure such payment, all without further prior notice to the property owner.

At the time of each summary abatement the Mayor shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided in Section 8-105. Provided however, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this Section;

2. The owner of the property may give his written consent to the Town authorizing the removal of the trash or the mowing of the weeds or grass. By giving the written consent, the owner waives his right to a hearing by the Town;

3. The mayor and Town Board hereby designate the zoning officer to carry out the duties of the mayor and Town Board as provided by Sections 8-101 through 8-107 of this Article. A hearing may be held by the zoning officer of the Town to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the mayor and Board from any order of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk-treasurer within ten (10)_days after the administrative order is rendered; and

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would benefit by the removal of such conditions, the agents of the Town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the Town. Immediately following the cleaning or mowing of the property, the Town clerk-treasurer shall file a notice of lien with the county clerk describing the property and the work performed by the Town and stating that the Town claims a lien on the property for the cleaning or mowing costs.

Section 8-105 DETERMINATION AND ASSESSMENT OF COSTS.

The zoning officer shall determine the actual cost of such cleaning and mowing and any other expenses that may be necessary in conjunction therewith, including the cost of notice and mailing. The Town clerk-treasurer shall forward by mail to the property owner specified in Paragraph 1 of Section 8-104 a statement of the actual cost and demanding payment. In cleaning and mowing are performed by the Town, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

Section 8-106 LIEN ON THE PROPERTY, CIVIL REMEDY.

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the statement, the Town clerk-treasurer shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located, and the same shall be levied upon the property and collected by the county treasurer as other taxes authorized by law. Until fully paid, the cost and interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. 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 including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface

interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, if any, the Town clerk-treasurer shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

Section 8-107 EXCEPTION

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, a municipal governing body may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this Article but only if such weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way at intersections.

Section 8-108 UNLAWFUL TO DEPOSIT RUBBISH.

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

Section 8-109 BURNING REFUSE.

A. It is unlawful to burn any trash or refuse or any type of material within the Town.

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

Section 8-110 REMOVAL OF DEAD ANIMALS.

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

Section 8-111 UNLAWFUL TO LITTER.

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

B. It is unlawful for any person to litter.

Section 8-112 UNLAWFUL TO LITTER FROM AUTOMOBILES.

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

Section 8-113 LITTER NOT TO ACCUMULATE ON PROPERTY.

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, 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. It is unlawful for any person, firm or corporation occupying 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.

Section 8-114 ABANDONED REFRIGERATOR; APPLIANCES.

A. It is unlawful for any person to leave in a place accessible to children any abandoned or discarded ice box, refrigerator, or other container which has an airtight door with a lock or 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.

B. It is unlawful to utilize the premises of any property for the open storage of any stove or other appliance which has been abandoned, discarded or is in disrepair.

ARTICLE 2

(RESERVED)

ARTICLE 3

NUISANCES

Section 8-301 DEFINITION.

A nuisance shall mean the doing of an act unlawfully or omitting to perform a duty, which act or omission:

1. Annoys, injures or endangers the comfort, repose, health and safety of others; or

2. Offends decency; or

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 square, street highway or public parking; or

4. In any way renders other persons insecure in life, or in the use of property; or

5. Involves the maintenance of any building or structure within the Town limits which by reason of age, dilapidation or decay is unsafe for occupancy; or constitutes a haven or refuge for vermin and rodents; or presents a fire hazard and endangers the security of other property; or

6. Permits the accumulation of rank vegetation, weeds, grass or other noxious matter or putrid substances; or in maintaining any trash, piles of rubbish, manure or other refuse which is dangerous to health or which in any manner constitutes a fire hazard.

State Law Reference: Similar provisions, 50 O.S. Section 1.

Section 8-302 UNLAWFUL TO MAINTAIN NUISANCE.

No person shall create or maintain a nuisance or permit it to be created or maintained upon property owned by him or under his control.

Section 8-303 ABATEMENT.

A. In addition to prosecution for violation of Section 8-302, whenever a nuisance is found to exist, the mayor may cause notice thereof to be given to the person maintaining or creating the nuisance or to the person owning or having control of the property upon which said nuisance exists, to abate such nuisance within the period of time stated in the notice, which shall be not less than three (3) days from the receipt of said notice. The notice shall be served personally or by certified mail. In the event the address is unknown or the person cannot be located the notice shall be posted upon the property involved and published in the official paper of the Town for a period of five (5) days. If notice is published the person in charge shall have ten (10) days from the last publication in order to abate such nuisance. In the event the nuisance is not abated after such notice as required, the mayor shall have the authority to abate it and charge the cost thereof to

the person creating, maintaining or owning or in control of the property upon which the nuisance is created or maintained, and the person so charged shall be afforded an opportunity to appear and present witnesses and be heard. Should the governing body find that a nuisance has been created or maintained the person responsible shall be given a reasonable length of time to abate it.

B. Any person who fails to abate any nuisance as required by this article shall be guilty of an offense.

State Law Reference: Authority to define, prevent, remove and abate nuisances, 11 O.S. Section 22-121.

ARTICLE 4

MOTOR VEHICLES & OPEN STORAGE

Section 8-401 NUISANCE.

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the Town in places other than authorized junk yard or other areas authorized by the Town Board and which tend to do any one or more of the followings:

1. Impeded traffic in the streets;
2. Reduce the value of private property;
3. Create fire hazards;
4. Extend and aggravate urban blight; or
5. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the Town, are hereby declared to be a nuisance.

State Law Reference: Removal of abandoned vehicles on private property, 47 O.S. Section 954A; Grounds for removal of vehicles on state highways, 47 O.S. Section 955.

Section 8-402 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

1. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" is any motor vehicle, which does not have lawfully affixed thereto an unexpired license plate or plates, the condition of which

is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and is incapable of being moved under its own power and is not stored in compliance with or is not exempt from compliance with Section 8-403. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean any motor vehicle located on any private or public property in the condition of which such motor vehicle is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and incapable of being moved under its own power, and remains in such condition for a period of three (3) months, without regard to whether such motor vehicle has lawfully affixed thereto an unexpired license plate or plates. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean motor vehicles used in demolition races or derbies or similar contests.

2. "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground or the water and shall include, but not be limited to, automobiles, buses, boats, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers;

3. "Private property" means any real property within the Town which is privately owned and which is not public property as defined in this Section; and

4. "Public property" means any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel and shall also mean any other publicly owned property or facility.

5. "Appropriate screen" shall mean an aesthetic barrier with a minimum opaque barrier not less than five (5) feet in height enclosing the junk motor vehicle. Such screen or barrier shall be dense landscaping, or a solid lumbar or masonry fence, wall or combination thereof, and may include the use of the walls of the residence or other building or structure, similar existing fencing, similar existing dense landscaping, all of which shall be of at least an equivalent height and capacity and located on such property to provide for such enclosure. If solid lumber fencing is used, it shall be treated or painted in earth tone colors.

Section 8-403 STORING, PARKING OR LEAVING JUNK MOTOR VEHICLE OR ABANDONED MOTOR VEHICLE ON PUBLIC OR PRIVATE PROPERTY PROHIBITED; AND DECLARED A NUISANCE; EXCEPTIONS.

1. No person shall park, store, leave, or permit the parking, storing, or leaving of any junk motor vehicle of any kind, whether attended or not, upon any public or private property within the

town. The presence of a junk motor vehicle or parts thereof, on private or public property is hereby declared a nuisance and a public offense and may be abated as such in accordance with the provisions of this Chapter.

2. This Section shall not apply to any motor vehicle:
 - a. Enclosed within a building on private property;
 - b. Completely within an appropriate screen in the side or back yard on private property;
 - c. Held, stored or parked in connection with a lawfully operated business enterprise and on property operated in the appropriate zone, pursuant to the zoning laws of the Town;
 - d. In operable condition and is not a junk motor vehicle as defined herein.
 - e. Motor vehicles parked on private property display an unexpired license plate or plates, but which motor vehicles are temporarily out of service due to mechanical breakdown or damage, but only so long as the owner thereof makes diligent efforts to place same back into operable condition, and shall not remain on such private property in such condition for longer than three (3) months.
 - f. owned by the Town in an appropriate storage place maintained, in a lawful place, by the Town.
 - g. if registered with the Town as a non-abandoned vehicle.

SECTION 8-404 PROCEDURES FOR ABATEMENT.

The provisions for abatement of "public nuisance" contained in section 8-101 et seq. of this code shall not apply to junk vehicles or to those which are in abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any public property within the Town for a period of time in excess of twenty-four (24) hours. The notice, hearing and abatement shall be pursuant to the procedures described herein for public nuisance on public property.

SECTION 8-405 PRESUMPTION OF ABANDONMENT.

A rebuttable presumption shall exist that vehicles have been abandoned when:

1. Weed or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;
2. One or more wheels are flat or missing and the vehicle or boat displays an expired license or inspection tag;
3. Portions of the vehicle which are needed for its operation or control are missing.
4. The Town has received reports from others as to the length of time such vehicle has been standing in one place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation; or
5. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated.

SECTION 8-406 NOTICE TO REMOVE FROM PUBLIC PROPERTY.

Whenever it comes to the attention of the administrative officer that any junk vehicle, as defined herein, exists as a public nuisance in the Town, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the event that there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. A written, public nuisance "Notification to Remove" shall be placed on the vehicle advising the owner of the violation of Town code and of the twenty-four (24) hours to remove the nuisance from the public property. Concurrently with the abatement notice placed on the vehicle or motor vehicle, the owner of the vehicle or motor vehicle shall be issued a citation. Failure to remove the vehicle or motor vehicle shall be an offense and shall be punishable as provided in Section 1-108 of this code.

SECTION 8-407 RESPONSIBILITY FOR REMOVAL FROM PUBLIC PROPERTY.

Upon proper notice and opportunity to be heard, the owner of the junk vehicle or other abandoned, wrecked, dismantled, or inoperative vehicle or boat, on public property shall be liable for all expenses reasonably incurred by the removal and disposition.

SECTION 8-408 NOTICE TO REMOVE FROM PRIVATE PROPERTY.

A. The administrative officer or his designee shall give notice of removal to the owner or occupant of the private property where any junk vehicle or any abandoned, wrecked, dismantled or inoperative vehicle or boat is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice

when a copy of a Notice to Remove is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.

B. The Notice of Removal shall contain the demand for removal within ten (10) days, and the Notice to Remove shall state that upon failure to comply with the Notice to Remove, the Town shall prosecute a criminal complaint for failure to abate the nuisance or undertake such removal with the cost to be levied against the owner of the junk vehicle or the occupant of the property.

SECTION 8-409 HEARING.

A. Any person to whom any Notice to Remove is directed pursuant to the provisions of this chapter or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the administrative officer within the ten-day compliance period, for the purpose of contesting the Town's demand for removal. The administrative officer, chief of police or his designee and the Town attorney or his designee shall constitute a hearing board to hear the request.

B. The hearing shall be held as soon as practicable, but not earlier than five(5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person making the request. At any such hearing the Town and the person to whom notice has been directed may introduce witnesses and evidence.

C. Persons to whom the Notice to Remove is directed pursuant to the provisions of this chapter, or their duly authorized agent, may appear in municipal court pursuant to the citation and summons. Those convicted of failing to abate a public nuisance pursuant to this chapter shall be assessed court costs in addition to any other penalty assessed by the municipal court. If the public nuisance is abated prior to the hearing date stated on the summons, and the person issued the summons to appear in municipal court signs an affidavit before the court clerk attesting to the abatement, the Town attorney may recommend to the municipal court that charges be dropped.

SECTION 8-410 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.

If the violation described in the Notice to Remove has not been remedied within the ten-day period of compliance, or in the event that a notice requesting hearing is timely filed, a hearing had, and the existence of the violation is affirmed by administrative officer or his designee, the Town attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the Town shall in the discretion of the administrative

officer take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the Town or the administrative officer authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

SECTION 8-411 NOTICE OF REMOVAL.

Within forty-eight (48) hours of the removal of such junk vehicle, the administrative officer or his designee shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, that the vehicle or motor vehicle, has been impounded and stored for violation of this chapter. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming the vehicle, including cost of redemption.

SECTION 8-412 DUTY OF PRIVATE CONTRACTOR.

Any private contractor who causes the vehicle to be removed pursuant to the order of any authorized Town employee, shall satisfy all state laws with respect to notice and sale, prior to satisfying its towing and storage lien.

SECTION 8-413 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.

The owner of any vehicle or motor vehicle impounded under the provisions of this chapter may redeem such vehicle or motor vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the private contractor of such sum as may be determined to be the actual and reasonable expense of removal plus storage.

SECTION 8-414 PENALTY; CONTINUING VIOLATIONS.

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall upon conviction be deemed guilty of an offense against the Town. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be punishable as such as provided in Section 1-108 of this code.

Section 8-415 OPEN STORAGE OF MATERIALS

The entire front yard area of any residentially zoned lot located in the Town, to include side yards not appropriately screened as provided in Section 8-402.4 hereinabove, shall be kept

and maintained free and clear of all building and automotive materials, trash, junk, debris, household appliances, chairs, couches, all manner of other items constructed for use inside the building or residence, junk motor vehicles and camper shells not mounted on motor vehicles, and trash, and junk and debris filled boats and trailers, including utility trailers.

ARTICLE 5

DILAPIDATED AND UNSECURED BUILDINGS; GRAFFITI

Section 8-501 DEFINITIONS.

A. As used in this Article:

1. "Dilapidated building" means:

- a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public,
- b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public,
- c. a structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an unsecured building, as defined by Section 8-504 of this Article, more than three times within any twelve-month period,
- d. a structure which has been boarded and secured, as defined by Section 8-504 of this Article, for more than thirty-six (36) consecutive months, or
- e. a structure declared by the municipal governing body to constitute a public nuisance.

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

Section 8-502 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE REMOVAL.

The Town may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions

of this Article:

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the hearing provided for herein may be held. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to the provisions of this Section; or

2. The Mayor ("zoning officer") is hereby designated by the mayor and Town Board to carry out the duties of the mayor and Town Board specified in this Article. A hearing shall be held by the zoning officer of the Town to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, the zoning officer may cause the dilapidated building to be torn down and removed. The zoning officer shall fix reasonable dates for the commencement and completion of the work. The Town clerk-treasurer shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the zoning officer at the hearing, and stating that the Town claims a lien in the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the Town are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within the dates fixed by the zoning officer. The property owner shall have the right of appeal to the mayor and Board from any order of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk-treasurer within ten (10) days after the administrative order is rendered.

Section 8-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS

A. The zoning officer shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The Town clerk-treasurer shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to the mortgage holder at the address provided in Section 8-502. At the time of mailing of the statement of costs to any property owner or mortgage holder, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the Town dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

B. When payment is made to the Town for costs incurred, the Town clerk-treasurer shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the Town clerk-treasurer shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. At any time prior to collection as provided for in this paragraph, the Town may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the Town

clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

C. Nothing in the provisions of this Article shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

D. The officers, employees or agents of the Town shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this Article or as otherwise prescribed by law.

E. The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

Section 8-504 BOARDING AND SECURING DILAPIDATED BUILDINGS, PROCEDURE, NOTICE.

A. After a building has been declared dilapidated, as provided in this Article, and before the commencement of the tearing and removal of a dilapidated building, the Town Board may authorize such a building to be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the Town may authorize the structure to be demolished pursuant to this Article.

B. The Town may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with Article 1.

C. The zoning officer is hereby designated by the mayor and Town Board to carry out the following duties of the mayor and Town Board. The zoning officer may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the Town orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 8-502. At the time of mailing of notice to any property owner or mortgage holder, the Town clerk-treasurer shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 O.S. Section 1-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the Town or zoning officer pursuant to the provisions of this Section. If

a municipal governing body anticipates summary abatement of a nuisance in accordance with subsection C.9. of this Section, the notice shall state: that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.

2. The owner of the property may give his written consent to the Town authorizing the boarding and securing of such unsecured building and to the payment of costs incurred thereby. By giving the written consent, the owner waives any right the owner has to a hearing by the Town Board;

3. If the property owner does not give his written consent to such actions, a hearing may be held by the Town Board to determine whether the boarding and securing of the unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of Article 1. In making such determination, the Town Board shall apply the following standard: the Town Board may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making the required determination, the municipal governing body may order the boarding and securing of the unsecured building.

4. After the Town Board orders the boarding and securing of the unsecured building, the Town clerk-treasurer shall immediately file a notice of lien with the county clerk describing the property, stating the findings of the Town at the hearing at which such building was determined to be unsecured, and stating that the Town claims a lien on the property for the costs of boarding and securing the building and that such costs are the personal obligation of the property owner from and after the date of filing the notice;

5. Pursuant to the order of the Town Board, the agents of the Town are granted the right of entry on the property for the performance of the boarding and securing of the building and for the performance of all necessary duties as a governmental function of the Town;

6. After an unsecured building has been boarded and secured, the Town Board shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and the mailing. The Town clerk-treasurer shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs to any property owners and mortgage holders as provided in Section 8-503. At the time of mailing of the statement of costs to any property owner or mortgage holder, the Town clerk-treasurer shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the Town boards and secures any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

7. When payment is made to the Town for costs incurred, the Town clerk-treasurer shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the dilapidated building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the Town clerk-treasurer shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

8. The property owner or mortgage holder shall have a right of appeal to the mayor and Town Board from any order of the zoning

officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk-treasurer within ten (10) days after the administrative order is rendered.

9. If the Town causes a structure within the Town limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the Town clerk-treasurer shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the Town clerk-treasurer within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in subsection 1 of this Section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in subsection 7.

10. The mayor and Town Board may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this Section even though such building has not been declared, by the governing body, to be dilapidated.

11. For the purposes of this subsection:

- a. "boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure,
- b. "unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure, and
- c. "unfit for human occupancy" means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.
- d.

Section 8-505 OTHER POWERS.

Nothing in the provisions of this Article shall prevent the Town from abating an unsecured dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

Section 8-506 EXCEPTION.

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

Section 8-507 REMOVAL OF GRAFFITI.

A. The Town may cause graffiti to be removed from property within the Town limits in accordance with the following procedures:

1. The property owner and the tenant, if any, may give their written consent to the Town authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the Town as otherwise required by this Section;

2. If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the Town may remove the graffiti without such consent pursuant to the procedures set forth in this Section;

3. To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days of the date of the notice the work shall be done by the Town. At the time of mailing of notice to the property owner and the tenant, if any, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee(s). In addition, notice shall be given by posting a copy of the notice on the property at least one time not less than ten (10) days prior to any hearing or action by the Town. If the mayor and Town Board anticipates summary abatement of graffiti in accordance with the provisions of this Section, the notice shall state that any accumulations of graffiti on the property occurring within one (1) year from and after the date of the notice may be summarily abated by the Town without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the

property once not less than two (2) business days prior to such summary abatement.

4. A hearing may be held by the mayor and Town Board to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community;

5. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefitted by removal of such conditions, the agents of the Town are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the Town.

6. The Town hereby designates the zoning officer to perform the functions set forth in this Section. The property owner and the tenant, if any, shall have a right of appeal to the mayor and Town Board from the decision of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk-treasurer within ten (10) business days after the administrative order is rendered.

B. If a notice is given by the Town to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures provided for in subsection A of this Section, any subsequent accumulations of graffiti on the property occurring within a one (1) year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the Town, notice thereof shall be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to subsection A of this Section.

C. Removal of graffiti by a Town pursuant to the provisions of this Section shall be performed at the sole expense of the Town. In removing the graffiti, the Town shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

D. Nothing in the provisions of this Section shall prevent the Town from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public.

E. The Town and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this Section.

F. For the purposes of this Section:

1. "Advertising" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public;

2. "Graffiti" means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant;

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;

4. "Removal," "remove," or "removed," when used in relation to the eradication of graffiti means the act of taking graffiti off of, or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure; and

5. "Tenant" means any person shown by the records of the county clerk's office as a lessee of property, or any person lawfully in actual physical possession of property.

ARTICLE 6

ENFORCEMENT

Section 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

Anywhere in this chapter where the word or words "health officer" are used it may be construed to mean the director of the county health department or his duly designated representative unless another person is designated by the mayor and Town Board. It is the intent and purpose of the mayor and Town Board of Trustees to delegate the enforcement of the health ordinances of this Town as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing Board upon an appeal from an offender.

Section 8-602 OBSTRUCTING HEALTH OFFICER.

It is unlawful for any person to willfully obstruct or interfere with any health officer or officer charged with the enforcement of the health laws of this Town.

Section 8-603 QUARANTINE; VIOLATIONS.

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition,

rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

~~ARTICLE 1~~

~~OCCUPATIONAL LICENSE FEES~~

Section 9-101	LICENSE REQUIRED; FEE LEVIED ON CERTAIN OCCUPATIONS
Section 9-102	SEPARATE LICENSES REQUIRED
Section 9-103	LICENSE TO BE DISPLAYED
Section 9-104	LICENSE MAY BE REVOKED
Section 9-105	TRANSFER OF LICENSE PROHIBITED
Section 9-106	DUPLICATE LICENSE
Section 9-107	ISSUANCE AND EXECUTION
Section 9-108	SUBJECT TO STATE LAW AND TOWN ORDINANCES
Section 9-109	APPEALS

ARTICLE 2

SOLICITORS AND CANVASSERS

Section 9-201	DEFINITIONS
Section 9-202	FRAUD, ETC.
Section 9-203	REQUIRED
Section 9-204	APPLICATION
Section 9-205	SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE; APPLICATION
Section 9-206	INVESTIGATION AND ISSUANCE
Section 9-207	FEE
Section 9-208	EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER
Section 9-209	TERM
Section 9-210	DISPLAY
Section 9-211	TRANSFER
Section 9-212	EXCEPTION FOR INTERSTATE COMMERCE

CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

ARTICLE 2

SOLICITORS AND CANVASSERS

Section 9-201 DEFINITIONS.

A. As used in this Article the terms "solicitor" or "canvasser," shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of every nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

B. As used in this Article the term "peddler" shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance.

C. As used in this Article, the term "itinerant merchant/transient street vendor" shall mean any person engaged in the business or occupation of selling any merchandise, products or services from a temporary indoor or outdoor location obtained from an owner or lease holder or obtained by occupying the location without permission, or by occupying a location on a street right-of-way. Itinerant merchant/transient street vendors will not include:

1. Participants in wholesale trade shows or conventions, trade

fairs, or flea markets;

2. Sellers of Bibles, agricultural goods, including Christmas trees and firewood, or crafts or items made by hand;

3. Participants in fairs and convention center activities conducted primarily for amusement or entertainment;

4. Participants in residential garage sales; or

5. Individuals who maintain a permanent place of business in this state and has a registered agent therein upon whom process, notice or demand permitted by law may be made.

D. As used in this Article, the term "coupon book seller" shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sales of coupon books which are to be used for discounts or free goods, wares, merchandise, personal property of every nature whatsoever, for future delivery, whether or not such individual has, carries or exposes for sale a sample of the coupon book for sale or whether he is collecting advance payments on such sales or not.

Section 9-202 FRAUD, ETC.

It shall be unlawful and an offense for any solicitor, peddler, itinerant merchant/transient street vendor, or coupon book seller:

1. To harass, threaten, coerce, or otherwise unreasonably apply duress to any citizen or otherwise breach the peace while attempting to perform the services of a solicitor or coupon book seller;

2. To fail to provide any goods or services which have been paid for, in full or in part;

3. To defraud, trick, cheat or otherwise mislead any person into subscribing for or purchasing any good or service when the solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller knows or should know that the good or service will not be provided or delivered.

Any person denied a license may appeal to the Town Board by filing notice thereof with the Town clerk-treasurer within five (5) days of the denial. The Town Board shall render a decision at its next regular meeting.

Section 9-203 REQUIRED.

A. No person shall engage in the business of solicitor without first having obtained a solicitor's license, except persons soliciting on behalf of public schools or educational, religious or eleemosynary institutions.

B. No person shall engage in the business of peddler without first having obtained a peddlers license, except persons peddling on behalf of public schools or educational, religious or eleemosynary institutions.

C. No person shall engage in the business of itinerant merchant/transient street vendor without first having obtained an itinerant merchant/transient street vendor's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

D. No person shall engage in the business of coupon book seller without first having obtained a coupon book seller's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

E. No person shall employ any person covered by subsection A or D hereof without having obtained a solicitor's business license or a coupon book seller's business license.

State Law Reference: Authority to license solicitors, 11 O.S. Section 22-106.

Section 9-204 APPLICATION.

An application for a solicitor's, peddler's, itinerant merchant/transient street vendor's or coupon book seller's license shall be sworn to and filed with the Town clerk-treasurer. It shall contain the following:

1. Full name, description, birth date, and social security number of each individual applicant.
2. Address, both permanent and local.
3. Nature of business and kinds of goods to be sold, and if applicant is a farmer or truck gardener, whether said goods are produced by him on land he owns, cultivates and controls.
4. If employed by another, the name and address of applicant's employer together with a brief description of credentials showing the exact relationship.

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

6. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma Sales Tax claimed.

9. The names of at least two (2) reliable property owners in the Town, provided, however, for itinerant merchant/transient street vendors, two (2) reliable property owners from within the state will suffice, who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

10. Documents from the county court clerk's office that establish that the business has complied with state law, in particular the requirements of posting bond pursuant to Title 19 of Oklahoma Statutes Section 1608. This provision is to apply only to itinerant merchant/transient street vendors.

Section 9-205 SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE; APPLICATION.

An application for a solicitor's business license or a coupon book seller's business license shall be sworn to and filed with the Town clerk-treasurer. It shall contain the following:

1. Name and description of applicant, and, if applicable, corporation, business or firm represented.

2. Address of applicant, both permanent and local, and, if applicable, address of corporation, business or firm represented.

3. A description of the nature and type of business to be carried on, including kinds of goods to be sold. For coupon book sellers, a copy of all contracts with merchants for delivery of goods and services. For solicitors and coupon book sellers, a copy of the sales pitch shall be furnished the Town if one is to be made over the telephone.

4. Description and license number or other means of identification of automobiles or means of transportation to be used, if any.

5. The names of at least two (2) reliable property owners in the Town who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

6. A statement as to whether or not the applicant or any employees of applicant have been convicted of a crime or misdemeanor or violation of any municipal ordinance and if so, the nature of the same and the punishment assessed therefor.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma and local sales tax claimed.

9. The names, addresses and description of all solicitors and peddlers employed by applicant.

Section 9-206 INVESTIGATION AND ISSUANCE.

A. Upon receipt of the application for a solicitor's license, solicitor's business license, coupon book seller's license, or coupon book seller's business license, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.

B. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the chief of police shall so endorse on the application and return it to the Town clerk-treasurer, and no license shall be issued.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall so endorse on the application and return it to the Town clerk-treasurer who shall then issue the license upon payment of the required fee.

Section 9-207 FEE.

No person shall be issued a solicitor's, peddler's, itinerant merchant/transient street vendor's, coupon book seller's license, solicitor's business license or coupon book seller's business license until he pays a license fee as set forth in the Town's fee schedule.

Section 9-208 EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER
VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER.

For purposes of the suspension or revocation of a solicitor's business license or a coupon book seller's license, it shall be sufficient to show that any solicitor or seller in the employ of such license holder has violated any provisions of this article.

Section 9-209 TERM.

Any license issued pursuant to the terms of this article shall expire one year from the date of its issuance.

Section 9-210 DISPLAY.

Solicitors, peddler, itinerant merchant/transient street vendors and coupon book sellers employing solicitors, peddlers, itinerant merchant/transient street vendors and coupon book sellers shall exhibit their licenses at the request of any person.

Section 9-211 TRANSFER.

No license issued under the provisions of this article shall be transferable.

Section 9-212 EXCEPTION FOR INTERSTATE COMMERCE.

If any individual, whether a solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller is engaged in interstate commerce, the individual must bring in proof of the interstate commerce nature of his business to the Town clerk-treasurer. The Town clerk-treasurer will make a determination of whether or not the business does involve interstate commerce. If it does, a license will be issued and the fee will be waived. If not, the individual can be licensed pursuant to the licensing requirements in this chapter. A denial of the interstate commerce exception of the fee process may be appealed to the Town Board.

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CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

~~ARTICLE 1~~

~~IN GENERAL~~

~~SECTION 10-101 ATTEMPT TO COMMIT AN OFFENSE~~
~~SECTION 10-102 AIDING AND ABETTING~~
~~SECTION 10-103 — 10-109 RESERVED~~

~~ARTICLE 2~~

~~OFFENSES INVOLVING INJURY TO PERSONS~~

~~SECTION 10-201 ASSAULT~~
~~SECTION 10-202 BATTERY~~
~~SECTION 10-103 FIGHTS OR QUARRELS~~
~~SECTION 10-104 — 10-106 RESERVED~~

~~ARTICLE 3~~

~~OFFENSES INVOLVING PROPERTY~~

~~SECTION 10-301 DEFINITIONS~~
~~SECTION 10-302 TRESPASS ON PUBLIC PROPERTY~~
~~SECTION 10-303 TRESPASS ON PRIVATE PROPERTY~~
~~SECTION 10-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY~~
~~SECTION 10-305 LARCENY~~
~~SECTION 10-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.~~
~~SECTION 10-307 OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT AUTHORIZATION~~
~~SECTIONS 10-308 — 10-310 RESERVED~~

~~ARTICLE 4~~

~~OFFENSES AGAINST DECENCY AND MORALITY~~

~~DIVISION 1~~

~~GENERALLY~~

~~SECTION 10-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC~~
~~SECTION 10-402 PROSTITUTION~~
~~SECTION 10-403 GAMBLING, DEFINITION~~
~~SECTION 10-404 GAMBLING GAMES PROHIBITED~~
~~SECTION 10-405 SLOT MACHINES~~
~~SECTION 10-406 GAMBLING ROOMS AND PARAPHERNALIA~~
~~SECTION 10-407 DISORDERLY PLACES, DEFINITIONS~~
~~SECTION 10-408 MAINTAINING A DISORDERLY HOUSE~~

~~SECTION 10-409 LEASING PROPERTY FOR DISORDERLY HOUSE~~
~~SECTION 10-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES~~

~~ARTICLE 5~~

~~OFFENSES AGAINST PUBLIC PEACE AND ORDER~~

~~SECTION 10-501 RIOTOUS CONDUCT; DISTURBING PEACE~~
~~SECTION 10-502 UNLAWFUL ASSEMBLY~~
~~SECTION 10-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.~~
~~SECTION 10-504 FIGHTING WORDS OR GESTURES~~
~~SECTION 10-505 FALSE ALARMS~~
~~SECTION 10-506 REMOVAL OF BARRICADES~~
~~SECTION 10-507 ELUDING POLICE OFFICERS~~
~~SECTION 10-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND~~

~~ARTICLE 6~~

~~OFFENSES AGAINST GOVERNMENT~~

~~SECTION 10-601 OBSTRUCTING OR INTERFERING WITH OFFICAL PROCESS~~
~~SECTION 10-602 RESISTING ARREST~~
~~SECTION 10-603 AIDING IN ESCAPE~~
~~SECTION 10-604 ESCAPES FROM CUSTODY~~
~~SECTION 10-605 IMPERSONATING AN OFFICER OR EMPLOYEE.~~

ARTICLE 7

WEAPONS AND RELATED OFFENSES

~~SECTION 10-701 CARRYING DANGEROUS WEAPONS~~
~~SECTION 10-702 RECKLESS CONDUCT~~
~~SECTION 10-703 DISCHARGING FIREARMS; EXCEPTIONS~~
~~SECTION 10-704 FIREWORKS REGULATED~~

~~ARTICLE 8~~

~~ALCOHOL, DRUGS AND RELATED SUBSTANCES~~

~~SECTION 10-801 RESERVED~~
~~SECTION 10-802 RESERVED~~
~~SECTION 10-803 DEFINITIONS~~
~~SECTION 10-804 POSSESSION OF MARIJUANA~~
~~SECTION 10-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES~~
~~SECTION 10-806 SMELLING, INHALING, ETC., OF GLUE, ETC.~~
~~SECTION 10-807 RESERVED~~

~~ARTICLE 9~~

~~CURFEW~~

~~Section 10-901 CURFEW FOR MINORS.~~

~~ARTICLE 10.~~

~~PREVENTION OF YOUTH ACCESS TO TOBACCO~~

Section 10-1001	DEFINITIONS
Section 10-1002	OFFENSE TO SELL OR FURNISH CERTAIN PERSONS TOBACCO PRODUCTS
Section 10-1003	OFFENSE FOR CERTAIN PERSONS TO PURCHASE, ACCEPT OR POSSESS TOBACCO PRODUCTS
Section 10-1004	FURNISHING OR DISTRIBUTING TOBACCO PRODUCT SAMPLES
Section 10-1005	OFFENSE FOR SELLING CIGARETTES EXCEPT IN THEIR ORIGINAL, SEALED PACKAGE
Section 10-1006	MISCELLANEOUS

CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

FOR THE VARIOUS OFFENSES LISTED ABOVE, PLEASE

CONTACT THE LOGAN COUNTY SHERIFF'S OFFICE

(405)282-4100

ARTICLE 7

WEAPONS AND RELATED OFFENSES

Section 10-704 FIREWORKS REGULATED.

Except as otherwise provided by state law, fireworks may be stored, sold and used in the Town of Coyle, Oklahoma, in compliance with the terms and provisions of this section.

- A. Fireworks may only be sold:
 - 1. From fireworks storage and sales areas located on real property zoned commercial or used for public or quasi-public purposes; and
 - 2. From the 15th day of June until the 4th day of July at 9:00 p.m.; and
 - 3. From fireworks storage and sales areas which shall be subject to inspection by the fire department and shall be posted with signs reading "Fireworks - No Smoking"; and
 - 4. By a retail license holder who shall be at least sixteen (16) years of age and responsible for the safe operation of retail sales to the public.
- B. Fireworks may only be discharged for 10 days around the event ending on July 7th.
- C. Fireworks may be discharged Sunday through Thursday until 10:00 pm and Friday and Saturday until 12:00 am.
- D. No fireworks shall be discharged by any person under the age of sixteen (16) unless such person is being directly supervised by their parent or guardian.
- E. Unless specifically authorized by this section, the manufacture, sale, furnishing, storage, discharge, firing or use of fireworks within the corporate limits of the Town is hereby prohibited. Provided however, the transportation of fireworks in their unopened original packaging in a motor

vehicle within the corporate limits of the Town is not prohibited.

- F. The chief of the fire department or the Town Board shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the Town, fair associations, amusement parks and other organizations, in accordance with the Town's fire code.
- G. The chief of the fire department or any police officer shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section.

State Law Reference: Bottle rockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Section 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101; license and occupation taxes, Section 9-101.

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CHAPTER 11: PARKS

ARTICLE 1

ADMINISTRATION AND CONTROL

SECTION 11-101 BOARD OF TRUSTEES TO MAKE RULES
FOR RECREATIONAL FACILITIES
SECTION 11-102 FEES TO BE DETERMINED
SECTION 11-103 PENALTY

CHAPTER 11: PARKS

ARTICLE 1

ADMINISTRATION AND CONTROL

SECTION 11-101 BOARD OF TRUSTEES TO MAKE RULES FOR RECREATIONAL FACILITIES.

The Board of Trustees of the Town shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with fishing and fishing privileges, hunting and hunting privileges, boating and boating privileges, swimming, and the use of all other recreational facilities owned or operated by the Town.

SECTION 11-102 FEES TO BE DETERMINED.

The Town shall provide by rules, from time to time, the fees charged for any such recreational privileges on any property or facility for recreational purposes owned or operated by the Town.

SECTION 11-103 PENALTY.

It shall be unlawful for any person to use any of such recreational facilities or to hunt, fish, swim or use any boat in connection with any of said recreational facilities owned or operated by the Town without having complied with the rules and regulations promulgated by the Board of Trustees of the Town in connection therewith; and anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and on conviction thereof, shall be fined in an amount not to exceed two hundred dollars (\$200.00), plus costs.

2025 Codification Edition
CHAPTER 12 ZONING, PLANNING AND DEVELOPMENT

ARTICLE 1

BOARDS AND COMMISSIONS

DIVISION 1

PLANNING COMMISSION

- SECTION 12-101 PLANNING COMMISSION CREATED
- SECTION 12-102 TERM OF OFFICE; PROVISION FOR VACANCIES
- SECTION 12-103 EX OFFICIO MEMBERS
- SECTION 12-104 QUORUM
- SECTION 12-105 MEETINGS; ORGANIZATION AND RULES
- SECTION 12-106 POWER TO EMPLOY STAFF
- SECTION 12-107 POWERS AND DUTIES
- SECTION 12-108 PURPOSES OF COMPREHENSIVE PLAN
- SECTION 12-109 SUBDIVISION OF LAND
- SECTION 12-110 UNIFORMITY OF REGULATIONS
- SECTION 12-111 COMPREHENSIVE PLAN; PURPOSE OF REGULATIONS AND MATTERS CONSIDERED
- SECTION 12-112 PLANNING COMMISSION TO ACT AS ZONING COMMISSION.
- SECTION 12-113 PLANNING COMMISSION: REVIEW ON PUBLIC IMPROVEMENTS AND PLATS OF LAND; SUBDIVISION REGULATIONS; PRIVATE ROADWAYS

DIVISION 2

BOARD OF ADJUSTMENT

- SECTION 12-120 CREATION AND PROCEDURES, BOARD OF ADJUSTMENT ESTABLISHED
- SECTION 12-121 MEETINGS AND RULES.
- SECTION 12-122 APPEALS TO BOARD OF ADJUSTMENT.
- SECTION 12-123 POWERS.
- SECTION 12-124 EXTENT OF RELIEF.
- SECTION 12-125 VARIANCES.
- SECTION 12-126 APPEAL TO DISTRICT COURT
- SECTION 12-127 EXPENSES

ARTICLE 2

DIVISION 1

DEFINITIONS AND GENERAL PROVISIONS

- SECTION 12-201 TITLE.

SECTION 12-202 PURPOSE.
SECTION 12-203 INTERPRETATION AND APPLICATION
SECTION 12-204 JURISDICTION.
SECTION 12-205 RESERVED.

DIVISION 2

ESTABLISHMENT OF DISTRICTS; PRIVATE PROPERTY; MOBILE HOMES

SECTION 12-210 GRANDFATHER CLAUSE.
SECTION 12-211 ZONING AND PLANNING DEFINITIONS.
SECTION 12-212 MOBILE HOMES
THROUGH 12-214
PANELS

DIVISION 3

ENFORCEMENT AND ADMINISTRATION

SECTION 12-301 DUTY OF ZONING ADMINISTRATOR.
SECTION 12-302 ZONING CLEARANCE PERMIT PURPOSE.
SECTION 12-303 NEW CONSTRUCTION.
SECTION 12-304 CHANGE IN USE OF LAND OR BUILDING.
SECTION 12-305 APPLICATION.
SECTION 12-306 ACCOMPANYING MATERIAL.
SECTION 12-307 FEES.
SECTION 12-308 EXPENSES.
SECTION 12-309 VIOLATIONS AND PENALTIES.

DIVISION 4

AMENDMENTS

SECTION 12-401 PLANNING COMMISSION RECOMMENDATION REQUIRED.
SECTION 12-402 APPLICATION FOR AMENDMENTS
SECTION 12-403 NOTICE AND PUBLIC HEARING.
SECTION 12-404 PLANNING COMMISSION ACTION.
SECTION 12-405 TOWN ACTION.
SECTION 12-406 PROTEST TO AMENDMENT.

CHAPTER 12

PLANNING, ZONING AND DEVELOPMENT

ARTICLE 1

BOARDS AND COMMISSIONS

DIVISION 1

PLANNING COMMISSION

Section 12-101 PLANNING COMMISSION CREATED.

There is hereby created a Planning Commission of the Town, which shall consist of five (5) residents of the Town, nominated and appointed by the Mayor and Board of Trustees. The members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation. Members may be removed by the Mayor and Board of Trustees for misconduct, inefficiency, neglect of duty or malefaction in office.

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

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

Appointive members of the Town Planning Commission shall hold office for a term of three (3) years with the exception that in the first instance one (1) shall be appointed to serve a term of one year, two (2) for a term of two (2) years and two (2) for a term of three (3) years; appointments thereafter shall be made for a term of three (3) years. When a vacancy occurs the appointment shall be made to fill the unexpired term by the Mayor, with confirmation by the Board of Trustees.

Section 12-103 EX OFFICIO MEMBERS.

The Mayor but shall receive no compensation other than their affixed salary as such officials.

Section 12-104 QUORUM.

Three (3) members of the town planning commission, or zoning commission, shall constitute a quorum for the transaction of business. Provided, however, that no action shall be taken and be binding upon said commission unless concurred in by not less than a

majority of all members comprising said commission.

Section 12-105 MEETINGS; ORGANIZATION AND RULES.

The members of the Town Planning Commission shall meet and organize by electing a chairman, a vice-chairman, and secretary, whose terms shall be one year with eligibility for re-election. The commission shall adopt from time to time such bylaws, rules, and regulations and amendments thereto as may be necessary to effectuate the purposes of this chapter.

Section 12-106 POWER TO EMPLOY STAFF.

The Planning Commission shall have the power and authority to employ planners, engineers, attorneys, clerks and other help deemed necessary within the limits of the appropriation fixed by the Board of Trustees. The salary and compensation of such employees shall be fixed by the Board of Trustees and shall be paid out of the Town treasury as are other officers and employees. The Town Planning Commission may incur necessary expenses within the limits of its appropriation to carry out its purposes and responsibility.

Section 12-107 POWERS AND DUTIES.

The Planning Commission shall have the power and the duty to prepare and recommend to the Board of Trustees for adoption a comprehensive plan for the physical development of the Town. In conducting its work the Planning Commission may consider and investigate any subject matter tending to the development and betterment of such municipality and may make recommendations as it may deem advisable concerning the adoption thereof to the Board of Trustees. The Planning Commission may make or cause to be made surveys, studies, maps, and plans in the conduct of its activities. Before final action is taken by the Board of Trustees on the location or design of any public building, statute, memorial, park, boulevard, street and alley, playground, public grounds, bridge or change in any location of any street or alley such question shall be submitted to the Planning Commission for investigation and report. In the preparation of the comprehensive plan the Planning Commission may from time to time prepare and recommend to the Board of Trustees for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the Town or one or more major elements of the comprehensive plan. The Planning Commission may from time to time recommend extending, amending or changing any portion of the comprehensive plan.

Section 12-108 PURPOSES OF COMPREHENSIVE PLAN.

In the preparation of such plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town, and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town, and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

Section 12-109 SUBDIVISION OF LAND.

The Planning Commission may prepare and recommend to the Board of Trustees for adoption rules and regulations governing the subdivision of land within the corporate limits of the Town. All plans, plats, or replats of land laid out in two (2) or more lots, plats, or parcels, or streets, or other ways intended to be dedicated to public use within the corporate limits of the Town shall first be submitted to the Planning Commission for its recommendations. The Planning Commission shall, with the help of appropriate municipal officials, check the proposed dedications or subdivision of land to insure compliance with the rules and regulations governing subdivisions of land and with other elements of the comprehensive plan for the Town. The disapproval of any such plan, plat, or replat by the Board of Trustees shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the Mayor, attested by the Town clerk, certifying the approval and acceptance thereof by the Board of Trustees.

Section 12-110 UNIFORMITY OF REGULATIONS.

The Planning Commission may recommend the division of the Town into districts of such number, size, and area as may be deemed best suited to carry out the zoning purpose. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Section 12-111 COMPREHENSIVE PLAN; PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town. The latest addition of the Comprehensive Plan of the Town of Coyle, Oklahoma, is on file in the Office of the Town Clerk and is incorporated herein by reference.

Section 12-112 PLANNING COMMISSION TO ACT AS ZONING COMMISSION.

The Town Planning Commission also shall act as the zoning commission and shall have the power to prepare and recommend to the Board of Trustees, zoning district boundaries and appropriate regulations relating to the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residence, and other purposes.

Section 12-113 PLANNING COMMISSION: REVIEW ON PUBLIC IMPROVEMENTS AND PLATS OF LAND; SUBDIVISION REGULATIONS; PRIVATE ROADWAYS

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

1. All plans, plats, or replats of land laid out in lots or blocks, and the streets, alleys or other portions of the same, intended to be dedicated to public or private use, within the corporate limits of the town, shall first be submitted to the planning commission for its approval or rejection. Before said plans, plats, or replats shall be entitled to be recorded in the office of the county clerk, they shall be approved by the Coyle Town Council. It shall be unlawful to receive or record

any such plan, plat, or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the town council. The disapproval of any such plan, plat, or replat by the town council shall be deemed a refusal of the proposed dedication shown thereon.

2. The planning commission will review all subdivision of lands and adopt regulations governing the subdivision. Any such regulations before they become effective, shall be approved by the town council and shall be published as provided by law for the publication for ordinances. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to be approved of the plat. The regulations may provide a tentative approval plat before such installation. Any such tentative approval shall be revocable for failure to comply with commitments upon which the tentative approval was based and shall not be entered on the plat. In lieu of the completion of any improvements or utilities prior to the final approval of the plat, the planning commission may accept an adequate bond with surety, satisfactory to the commission, to secure for the town the actual construction and installation of the improvements or utilities at a time and according to conditions that the developer will pay for all materials and labor relating to the construction of the improvements. The town may enforce said bond by all appropriated legal and equitable remedies. Nothing in this section shall be construed as granting to the town or planning commission the power to direct any public utility to extend its services to any particular area.
3. The Town of Coyle where contains areas of rural land not served by water and sewer facilities by the town shall authorized the use of private roadways in either platted or unplatted areas and shall issue building permits to property owners whose property is abutting upon the private roadways, without complying with standards as provided for dedicated streets, subject to the following conditions:
 - i. The private roadway easement shall be at least fifty (50) feet in width; and
 - ii. The property of abutting upon the private roadway shall contain not less than two (2) acres; and
 - iii. The property shall be more than one-fourth (1/4) mile from sewer and water facilities furnished by the town; and
 - iv. The private roadway shall be dedicated to the public but reserved for future dedication and, until such future dedication, shall be the private roadway for the owners

abutting property; and

v. The private roadway shall be maintained by the owners of the property within the subdivision; and

vi. The town shall have no responsibility for the maintenance or repair of the private roadway; and

vii. If the property is platted, there shall be emblazoned on the face of the plat, clearly conspicuous, a notice that the streets and drives have not been dedicated to the public and that the streets shall be maintained by the private property owners within the subdivision. Said streets shall always be open to police, fire, and other official vehicles of all federal, state, county, and town agencies; and

viii. The planning commission will require the developer of such property to reserve appropriate utility easement for water, sewer, and any other utility installations as may be required for present and future development.

DIVISION 2

BOARD OF ADJUSTMENT

Section 12-120 CREATION AND PROCEDURES, BOARD OF ADJUSTMENT ESTABLISHED.

There is hereby created a board of adjustment consisting of five (5) members, who shall be appointed for a term of three (3) years, and removable for cause by the Board of Trustees upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The board of adjustment shall be appointed by the Mayor and Board of Trustees. The board of adjustment in effect on the effective date of this Section shall be constituted as the board of adjustment, with terms of three (3) years, or until their successors are appointed and qualified.

Section 12-121 MEETINGS AND RULES.

The board of adjustment shall elect one of its members as chairman. The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board of adjustment shall be subject to the open meeting laws of the state, and all meetings, deliberations and voting of the board shall be open to the public. The board shall keep the minutes of its proceedings, showing the vote of each member

upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of all official actions, all of which shall be immediately filed in the office of the Town clerk and shall be a public record.

Section 12-122 APPEALS TO BOARD OF ADJUSTMENT.

A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any administrative decision based on the Town's zoning regulations.

B. Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and with the Town clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee established by the Town. In addition, the appellant shall pay the cost of publishing the notice of the public hearing and any other costs associated with the hearing. The appellant shall pay such fee and costs upon filing the appeal. The zoning officer shall transmit to the board of adjustment the documents constituting the record.

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

D. Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the Town clerk to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of the written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

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

1. Legal description of the property and the street address or

approximate location in the municipality;

2. Present zoning classification of the property and the nature of the appeal or variance requested; and

3. Date, time and place of hearing.

F. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 12-123 POWERS.

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

1. Hear and decide appeals if it is alleged that there is error in any order, requirement, decision, or determination made by the zoning officer in the enforcement of the zoning regulations;

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

B. Variances may be allowed by the board of adjustment only after notice and hearing as provided in subsection D of Section 12-122 of this code. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.

Section 12-124 EXTENT OF RELIEF.

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

B. The concurring vote of at least three (3) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination being appealed from, to decide in favor of the applicant, or to decide any matter which may

properly come before it pursuant to the zoning regulations.

Section 12-125 VARIANCES.

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

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

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

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

D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Section 12-126 APPEAL TO DISTRICT COURT.

A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the Town to the district court by filing a notice of appeal with the Town clerk and with the board of adjustment within sixty days from filing of the decision by the board, which notice shall specify the ground of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit forthwith to the court clerk of the County of Logan the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the Chapter; and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

SECTION 12-127 EXPENSES

Any person requesting a variance, special condition or any other relief from the Board of Adjustment shall pay an application fee of One Hundred Dollars (\$100.00) to be used to defray any associated expenses, such as postage for notice to property owners within the 300' radius as required and all publication costs. The applicant shall further submit with its application a certified abstractor's, registered professional engineer's or registered land surveyors list of the names of all property owners within a three hundred feet (300') radius of the exterior boundary of the territory on which the applicant seeks the variance, special condition or other relief. The City will provide the stationary, labor, required notices, mailing and publication.

ARTICLE 2

DIVISION 1

DEFINITIONS AND GENERAL PROVISIONS

Section 12-201 TITLE.

This chapter together with the ordinance adopted by Division 4 of this Chapter shall be known as and may be cited and referred to as the "Zoning Ordinance of the Town of Coyle".

Section 12-202 PURPOSE.

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

Section 12-203 INTERPRETATION AND APPLICATION.

This article classifies and regulates the use of land, buildings and structures within the corporate town limits of the Town of Coyle, State of Oklahoma, as hereinafter set forth. The regulations contained herein are necessary to promote the health,

safety, convenience and welfare of the inhabitants by dividing the town into zoning districts and regulating therein the use of the land and the use of the size of buildings as to height and number of stories, the coverage of the land by buildings, and size of yards and open spaces, the location of buildings, and density of population.

Except as herein otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

Section 12-204 JURISDICTION.

This Chapter shall be in full force and effect in the corporate limits of the Town. Territory annexed to the corporate limits of the Town, subsequent to the effective date of this chapter shall immediately be subject of the provisions of this chapter and shall be deemed to be designated as single-family residential district until altered or reclassified in the manner provided by law. In case any portion of this chapter shall be held to be invalid or unconstitutional, the remainder of the chapter shall not thereby be invalid, but shall remain in full force and effect. Any ordinance now in effect that conflicts with any provision of this chapter is hereby repealed.

Section 12-205 RESERVED

DIVISION 2

ESTABLISHMENT OF DISTRICTS; DEFINITIONS

Section 12-210 GRANDFATHER CLAUSE.

The Town Planning Commission recognizes the necessity of establishing a Grandfather Clause for certain annexed property, this is to protect the use of such property when annexed. This ordinance permits the operator of a business or land owner and their heirs to be exempt from any restrictions on use of the business or property.

Section 12-211 ZONING AND PLANNING DEFINITIONS.

AGRICULTURAL (AA)-Creates and preserves areas intended primarily for agricultural purposes and permits residential development.

SINGLE FAMILY RESIDENTIAL (R-1)- Provides for urban scale single-

family residential development.

NEIGHBORHOOD BUSINESS DISTRICT (NBD) - Promotes a mix of commercial, office, and residential uses which serve the day-to-day needs of its residents and residents of surrounding neighborhoods.

SECTION 12-212 MOBILE HOMES

Section 1. General Provisions.

A. Upon compliance with the provisions as set forth herein a mobile home park will be allowed within the MHP district.

B. The purpose and intent of this Article is to establish and provide minimum acceptable standards, requirements, and regulations for the planned use, development, and maintenance of mobile homes within the corporate limits of the Town of Coyle, to include both free standing mobile homes and those located in mobile home parks, in the interest of the health, safety, and general welfare. The standards, requirements, and regulations as herein provided are intended to secure safety from fire, panic and other damages to public health and safety.

C. Applicability: Except as hereinafter provided, no mobile home shall be used or maintained, and no mobile home park or mobile home site shall be used, maintained or developed except in conformance with the standards of this Article.

Section 2. Definitions.

1. The following definitions, unless the context otherwise requires, shall apply:

- (1) Developer. Any person engaged in the development;
- (2) A north arrow, date, scale, and appropriate legend;
- (3) Location and size of all easements, utilities, and rights-of-way existing and proposed;
- (4) All public and private streets including Paving type;
- (5) Location and size of all existing and proposed structures including mobile home spaces;
- (6) Location and size of open space or common areas; Location and type of landscaping and ground cover;
- (7) Location and type of material and in fences and other screening;
- (8) Language with signature blocks to indicate the approval of the owners of the land, and the Town Board for recording purposes; and,
- (9) A scale drawing of appropriate dimension of a typical mobile home space which shows the location and size of all existing

permanent improvements, including pads, off-street parking with surface types, utility connections, and all front, side and rear yard setback distances.

2. The Town of Coyle may require certain alterations, modifications, or amendments of the mobile home park site plan when deemed necessary for the inclusion of easements, rights-of-way and utilities, etc. Improvement bonds may also be required for public utilities on the subject property for fire hydrants, water lines, sewer lines, drainage structures, and other similar projects.

3. The site plan shall be reviewed by the Administrative Staff of the Town of Coyle for compliance with this Act and other relevant provisions of the Town Code. The findings and recommendations of Administrative Staff shall then be reported to the Governing Body.

4. The Town of Coyle shall approve, approve conditionally or return for further study or disapprove the site plan. Approval of the site plan shall be documented by the signatures of the presiding officers of the Town of Coyle, and acceptance by signature of the owner(s) on the certificate located on the original of the site plan. A reproducible copy of the site plan with all required signatures shall be furnished to the Town of Coyle at the applicant's expense.

5. Occupancy permits for the mobile home park will be issued only after inspection by the Town of Coyle and only if the mobile home park has been developed in accordance with the provisions of this Act and the approved site plan.

6. It shall be the responsibility of every person owning a mobile home park to maintain a current register of the names of all mobile home owners within such mobile home park and the date every mobile home was brought within such mobile home park. For reasonable cause, such register shall be available during normal working hours for inspection by the Town.

7. A mobile home shall not be allowed, permitted, or authorized in any street or public right of-way.

Section 3. Development Standards.

Development of mobile home parks shall be in accordance with the following standards:

a. Dimensional and Site Development Requirements. The minimum lot size for a mobile home park shall be 90,000 contiguous square feet. Open space, streets and drainage of the mobile home park shall meet

the requirements stated below.

1. No less than ten percent nor more than one acre of a mobile home park exclusive of easements, rights-of-way, setbacks, or shelters, shall be required to be designated, preserved and set apart for common facilities, open space and recreation. Where possible this open space or recreation area should be consolidated to provide a meaningful recreation area.

2. A convenient circulation system for vehicular movement shall be provided within a mobile home park by means of minor streets and properly located collector streets. Private streets and drives:

(i) May provide parallel parking on one side provided an additional eight feet of width is hard surfaced.

(ii) May be one-way only when less than 500 feet long, serving less than 25 mobile home spaces, and a minimum of 16 feet wide;
and

(iii) Dead-end streets shall have a cul-de-sac with a diameter of no less than 80 feet.

3. The drainage system of all lots shall be designed in accordance with all relevant provisions of the Town Code to minimize the possibilities of soil erosion, sedimentation, and increased runoff, which might cause flooding of downstream properties. Adequate easements shall be provided to protect drainage ways from encroachment, and to protect property from drainage by periodic flooding. Excavation of topographic area having a grade of more than 10 percent shall be prohibited unless it is determined that adequate provisions to control erosion that may result from such excavation are guaranteed. Alternatives to sodding or seeding may be considered when said alternative method is intended to accomplish the limiting of dust, erosion, and sedimentation of drainage areas.

b. Individual Lot Requirements. Each mobile home space shall satisfy all of the following requirements:

1. It shall have a visible identifying number.

2. It shall provide set backs as set forth in Section 7(2).

3. No mobile home, mobile home addition, storage building, or related structure or appurtenance shall be located, constructed or maintained within any street, dedicated easement, right-of-way or drainage area.

c. Sanitation. A mobile home that does not have a built-in bathroom with water closet, lavatory and shower or tub in working condition shall not be maintained, authorized, permitted nor occupied in a mobile home park.

d. Utilities. Utility service shall be provided in a safe and reliable manner in accordance with the following specifications.

1. All plumbing and electrical systems, connections, installations, fixtures, and equipment shall be installed and maintained in full compliance with those applicable provisions of this section and the Town Code.

2. An adequate supply of safe water of satisfactory quality under sufficient pressure shall be provided to and for all mobile homes and utility buildings. Water connections shall be made to the Town's water distribution system where feasible, and when not feasible, to a water system that is maintained in accordance with the standards, regulations and laws of the state relating thereto. Adequate fire hydrant facilities with the required fire flow shall be specified and approved by the Town of Coyle for each mobile home park.

3. An approved sewer disposal system, being adequate and safe, shall be provided for each mobile home and community structure having plumbing fixtures therein. A sewer connection shall be made to the Town's sanitary sewer where feasible, and where not feasible, to a sewer system that is constructed or maintained in accordance with the standards, regulations and laws of the state relating thereto.

4. The design of the electrical system shall meet the criteria of the utility company furnishing service.

5. All interior private streets, drives and pedestrians walkways within a mobile home park shall be lighted at night with light equivalent to 60 watts at intervals of 200 feet.

6. Methods and facilities for the collection, storage, handling, and disposal of garbage and refuse shall be provided for as determined and in accordance with the Town Code.

e. Community Fuel Supply and Storage. The installation, use, and storage of gas shall be in accordance with the following requirements:

1. A gas piping system, if installed, and maintained in accordance with all pertinent provisions of this section, the Town's fire prevention code, and the laws of the State relating to plumbing, so as to provide a supply of gas sufficient to meet the maximum demand

without undue loss of pressure at the connection point to the mobile home furthest from the source of supply. All gas piping shall be installed by a licensed contractor only.

2. The gas supply shall be connected in the proper manner, insuring that the piping is properly purged and free from leaks, and that all appliances are suitable for the supply.

3. Before a mobile home is moved, adequate arrangements shall be made to assure that all gas connections are properly disconnected.

4. If liquefied petroleum gas is to be used, its installation and storage shall be in strict compliance with all applicable provisions of the Town Fire Prevention Code, the Statutes of the State, and the following provisions:

- (i) Any filling plant may be located in a mobile home park: provided the entire operation of the filling plant including storage container, shall not be located within 50 feet from a mobile home or building, or the line of adjoining property, and shall not be with 25 feet from any public street or thoroughfare; provided further, the same shall be enclosed by industrial type fencing six feet in height, or an equivalent enclosure kept securely locked when unattended.
- (ii) Containers at the mobile home may be filled at each located by a tank truck. When containers are accumulated at the tank truck for charging, the charging shall not be done within 25 feet of any public street or thoroughfare. No vapor or liquid shall be vented to the atmosphere during the filling operation, and all filling or charging shall only be performed by a qualified person.

f. Service. Administrative. and Other Buildings. Buildings maintained and intended for uses other than a dwelling shall meet the following requirements.

1. One mobile home may be used as an administrative office. Other administrative offices and service buildings for housing sanitation, laundry, or other facilities shall be of permanent structure, complying with all pertinent provisions of the Town Code relating to construction and maintenance, for the use of all park residents.

2. All service buildings shall be adequately lighted at all times, well-ventilated with screen openings, and constructed of such moisture proof material, including painted wood work to permit repeated cleaning and washing, and shall be provided with space

heating equipment adequate to maintain 68 degrees Fahrenheit temperature at outside design conditions.

3. All service buildings and grounds of a mobile home park shall be maintained in a clean and sightly condition, free from any condition that will menace the health of any mobile home park resident therein, or otherwise constitute a nuisance.

g. Fire Protection. No tow car or mobile home shall be parked, placed, or allowed to remain at any time on a public or private street, or pedestrian walkway within a mobile home park. Fire hydrants located no greater than 600 feet apart as measured by street travel requiring the inspection and approval of the fire chief, and water mains, both of adequate size and number, shall be provided for the protection of the mobile home park.

h. Tie Downs. It shall be the responsibility of the owner or occupant of any mobile home to cause such mobile home to be anchored and tied down securely in accordance with the following minimal standards within a period of no longer than 30 days after moving a mobile home into a mobile home park.

1. A mobile home of 50 feet or less in length shall be provided two frame ties, each to be as close to each end of said home as possible.

2. A mobile home of greater than 50 feet but less than or equal to 70 feet in length shall be provided with two frame ties, each to be as close to each and as possible, and two frame ties at the center of said home.

3. A mobile home greater than 70 feet in length shall be provided with two frame ties each as close to the end of said home as possible, and four frame ties spaced along the center of said home.

4. Double wide mobile homes need not be provided with over-the-home ties. Frame ties shall be provided with at least four (4) required for double wide mobile homes less than 50 feet in length; at least six (6) required for double wide mobile homes greater than 50 feet but less than or equal to 70 feet in length; and at least eight (8) required for mobile homes greater than 70 feet in length.

5. Tie down anchors shall be securely installed in soil providing a stable foundation to withstand a minimum pull of 3, 750 pounds for each ten feet of a mobile home.

6. All ties and connectors shall be of a type approved by the United States Department of Housing and Urban Development (HUD) for mobile

home anchoring.

7. All piers shall be of standard concrete block construction, 8 x 16 inches, spaced at no more than ten-foot intervals and no further than five feet from the ends of a mobile home. Piers shall rest on solid concrete blocks or pads of concrete measuring no less than 8 x 16 x 4 inches forming a base 16 inches square. For leveling purposes, wood blocking no less than the nominal dimensions of 8 x 16 inches with a maximum thickness of 4 inches can be used.

i. Skirting. It shall be the responsibility of the owner or occupant of any mobile home, within a period of no longer than 30 days after moving such mobile home into a mobile home park, to cause such mobile home to be totally skirted of metal or other non-degradable solid material. The skirting shall be secured to the mobile home and to the ground in a manner that will prevent the intrusion of animals and will reduce the hazards of strong winds under said home.

Section 7. Mobile Home Site Requirements.

a. GENERAL PROVISIONS: The following general provisions shall apply to free-standing mobile homes.

1. Every person desiring to create, establish, expand, develop, or construct a mobile home site shall submit a site plan which includes the following:

(a) A legal description of the property.

(b) A scaled drawing of appropriate dimensions which includes the following:

(1) Written legal description of the site including the size of the site in square feet or in acres.

(2) Location of the site on the property.

(3) Location and size of existing and other proposed structures on the property.

(4) Location and size of all easements, utilities, and right-of ways, existing and proposed.

(5) A north arrow, date, scale, and appropriate legend. 2. Each mobile home site shall satisfy all of the following requirements:

(a) The mobile home shall not be within 140 feet from Main Street in the blocks East of Iowa Street and West of Cimarron Street.

(b) The mobile home shall be not less than 20 feet from any other mobile home or permanent building, including any structural additions thereto.

(c) The mobile home shall be not less than the setback distance of 20 feet from the front yard line, and 20 feet for the rear and any exterior property line, easement, or right-of way, and 10 feet from the side yard lines.

(d) Connections to utilities shall adhere to the provisions contained in Section 6(d).

(e) The site shall be arranged so that it abuts on a driveway or street of at least 16 feet in width, giving access directly from a public street. All driveways and roads shall be graded so as to have natural drainage and shall be well lighted at night and unobstructed.

(f) It shall have a visible identifying number.

3. Each mobile home shall satisfy all of the following requirements:

(a) A picture of the mobile home shall be provided to the Town Board

(b) Exterior. Any mobile home shall be well maintained and free of rust, dents, and exposed insulation; shall not have missing siding or cracked and/or missing windows.

(c) Sanitation. A mobile home that does not have a built-in bathroom with water closet, lavatory and shower or tub in working condition shall not be maintained, authorized, permitted nor occupied in the Town of Coyle.

(d) Utilities. Utility service shall be provided in a safe and reliable manner in accordance with the following specifications.

1. All plumbing and electrical systems, connections, installations, fixtures, and equipment shall be installed and maintained in full compliance with those applicable provisions of this section and the Town Code.

2. An adequate supply of safe water of satisfactory quality under sufficient pressure shall be provided to and for all mobile homes and utility buildings. Water connections shall be made to the Town's water distribution system where feasible, and when not feasible, to a water system that is maintained in accordance with the standards, regulations and laws of the state relating thereto. Adequate fire hydrant facilities with the required fire flow shall be specified and approved by the Town of Coyle.

3. An approved sewer disposal system, being adequate and safe, shall be provided for each mobile home and community structure having plumbing fixtures therein. A sewer connection shall be made to the Town's sanitary sewer where feasible, and where not feasible, to a sewer system that is constructed or maintained in accordance with the standards, regulations and laws of the state relating thereto.

4. The design of the electrical system shall meet the criteria of the utility company furnishing service.

5. Methods and facilities for the collection, storage, handling, and disposal of garbage and refuse shall be provided for as determined and in accordance with the Town Code.

(e) Before a mobile home is moved, adequate arrangements shall be made to assure that all gas connections are properly disconnected

(f) Tie Downs. It shall be the responsibility of the owner or occupant of any mobile home to cause such mobile home to be anchored and tied down securely in accordance with the following minimal standards within a period of no longer than 30 days after moving a mobile home into the Town of Coyle.

1. A mobile home of 50 feet or less in length shall be provided two over-the-home ties, each to be as close to each end of said home as possible with the straps at the stud and rafter points.

2. A mobile home of greater than 50 feet but less than or equal to 70 feet in length shall be provided with two over-the-home ties, each to be as close to each end of said home as possible, and two frame ties at the center of said home.

3. A mobile home greater than 70 feet in length shall be provided with two over-the-home ties, each as close to the end of said home as possible, and four frame ties spaced along the center of said home.

4. Double wide mobile homes need not be provided with over-the-home ties. Frame ties shall be provided with at least four (4) required for double wide mobile homes less than 50 feet in length; at least six (6) required for double wide mobile homes greater than 50 feet but less than or equal to 70 feet in length; and at least eight (8) required for mobile homes greater than 70 feet in length.

5. Tie down anchors shall be securely installed in soil providing a stable foundation to withstand a minimum pull of 3, 750 pounds for

each ten feet of a mobile home.

6. All ties and connectors shall be of a type approved by the United States Department of Housing and Urban Development (HUD) for mobile home anchoring.

7. All piers shall be of standard concrete block construction, 8 x 16 inches, spaced at no more than ten-foot intervals and no further than five feet from the ends of a mobile home. Piers shall rest on solid concrete blocks or pads of concrete measuring no less than 8 x 16 x 4 inches forming a base 16 inches square. For leveling purposes, wood blocking no less than the nominal dimensions of 8 x 16 inches with a maximum thickness of 4 inches can be used.

(g) Skirting. It shall be the responsibility of the owner or occupant of any mobile home, within a period of no longer than 30 days after moving such mobile home into the Town of Coyle, to cause such mobile home to be totally skirted of metal or other non-degradable solid material. The skirting shall be secured to the mobile home and to the ground in a manner that will prevent the intrusion of animals and will reduce the hazards of strong winds under said home.

(h) All grounds of a mobile home shall be maintained in a clean and sightly condition, free from any condition that will menace the health of any resident or otherwise constitute a nuisance. Section 8 Attendant.

(a) In every mobile home park there shall be a building in which shall be located the office of the person in charge of the park. A copy of the Town license issued by the Town of Coyle, together with a copy of this article pertaining thereto, and a plan of the area involved, shall be posted for public view. The register shall be kept at all times in said office and subject to inspection by Town authorities at all times.

(b) It is hereby made the duty of the attendant or person in charge and licensee, of said park to:

1. Keep a register at all times of all guests showing:

(a) Name of the person owning the mobile home;

(b) A license number together with the name of car license number together with the name of the state where such license was issued;

(c) date of entrance into the park;

(d) number of people residing in the mobile home and their names.

2. Maintain the park in a clean, orderly and sanitary condition at all times. Assure that the provisions of this article are complied with by the occupants of the park and report promptly to Town authorities violations of this or other ordinances.

Section 9 Codes Applicable

(a) All plumbing, electrical, building, and other work on any park licensed under this article shall be performed in accordance with the ordinances of the Town of Coyle regulating the same unless said ordinances are specifically made inapplicable under the terms thereof or under the terms of this article; only a person who is properly licensed may connect and disconnect water, gas and sewage facilities to mobile homes located in any park operated under the provisions of this article.

(b) Sewer connection inspection fees for mobile home parks shall be those applicable to family dwellings and each site within the park shall be deemed a family living unit. The monthly sewer service charge for mobile home parks shall be that applicable to multi family dwellings.

Section 10. Ordinances Applicable.

All ordinances enacted by the Town of Coyle pertaining to traffic, and vehicles, the control of pets and/or animals, shall be fully as effective within the park as though streets and driveways were dedicated to public use, and the consent and agreement of the owner of said park, streets, and highways thereto shall be a condition precedent to the issuance of said license.

Section 11. Relief in the Courts. No penalty imposed by and pursuant to this chapter shall interfere with the right of the Town also to apply to the proper courts of the state for a mandamus, and injunction, or other appropriate action against such person, firm, or corporation.

Section 12. Violation by Corporate Officers and Agents. Violation of any of the terms or provision of this ordinance by any individual, corporation or association shall subject the officers and agents actively in charge of the business of such corporation, association, or individual property owner to the penalty herein provided.

Section 13. Penalty. Any person violating any provision set forth in this ordinance will be given 30 days to comply and may result in loss of occupancy permit and shall be fined \$20.00:each day thereafter. Each day that a violation of this ordinance continues

shall be deemed a separate offense.

Section 14. Repealer:

All ordinances in conflict herewith are hereby repealed.

Section 15. Severability:

If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of this ordinance, notwithstanding such holding.

Section 16. Emergency: It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the Town of Coyle and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after the date of its passage and approval, as provided by law.

- a. development or planning of a mobile home park.
- b. Expansion of a Mobile Home Park. Increasing either the total land area or the total number of mobile homes or mobile home spaces or lots in a park.
- c. Free Standing Mobile Home. Any mobile home not located in a mobile home park or mobile home subdivision.
- d. Mobile Home. A manufactured, detached structure which is originally designed, constructed, and used for long-term occupancy as a complete single-family dwelling, is mounted on a permanent chassis attached thereto, and which is transportable in one or more sections at least eight feet in width and 28 feet in length.
- e. Mobile Home Park. Land or property that is used or intended to be used or rented for occupancy by mobile homes, including all necessary utilities, streets, and other common amenities.
- f. Mobile Home Permit. A permit issued by the Town for construction and/or operation of a mobile home park or a mobile home site.
- g. Mobile Home Park Site Plan. A scale drawing which meets the requirements for a Mobile Home Park.

ENFORCEMENT AND ADMINISTRATION

Section 12-301 DUTY OF ZONING ADMINISTRATOR.

It shall be the duty of the zoning administrator to enforce this chapter. If the zoning administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions.

Section 12-302 ZONING CLEARANCE PERMIT PURPOSE.

The zoning clearance permit is a permit issued by the zoning administrator which states that a particular development meets all of the requirements of the zoning chapter. It is not a building permit and does not authorize construction; it certifies that the land or structure is in conformance with the terms of this zoning chapter.

Section 12-303 NEW CONSTRUCTION.

No building or other structure shall be erected, moved, constructed, enlarged or altered in such manner as to prolong the life of the building nor shall the use of any land or building or other structure be changed without a zoning clearance permit being issued authorizing such construction, alteration, erection, moving, or enlargement, or use changes as being in compliance with the provisions of this chapter. No building permit shall be issued for any new construction not conforming to a valid zoning clearance permit.

Section 12-304 CHANGE IN USE OF LAND OR BUILDING.

No change shall be made in the use of any land or building or structure after the passage of this chapter until a zoning clearance permit has been obtained, certifying that all the provisions of this chapter have been complied with.

Section 12-305 APPLICATION.

An application for a zoning clearance permit shall be made to the zoning administrator by the owner or proposed occupant of the building or land to be occupied or used, and the application shall state the location and legal description of the property and set out in detail the character and nature of the use to be conducted

thereon. Within seven (7) days, the zoning administrator shall grant or deny the zoning clearance permit in accordance with the terms of this section.

Section 12-306 ACCOMPANYING MATERIAL.

All applications for zoning clearance permits shall be accompanied by a drawing drawn to reasonably describe the addition or improvement on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations. If there is to be an alteration in topography a plat plan is required to be furnished.

Section 12-307 FEES.

Zoning clearance permits shall be issued without charge.

Section 12-308 EXPENSES

Any person requesting a Zoning Amendment or Change or Conditional Use or other zoning or planning related request shall pay an application fee of One Hundred Dollars (\$100.00) to be used to defray any associated expenses such as postage for notice to property owners within the 300' radius as required and all publication costs. The applicant shall further submit with its application a certified abstractor, registered professional engineer or a registered surveyor's list of the names of all property owners within a three-hundred-foot (300') radius of the exterior boundary of the territory on which the applicant seeks the amendment or change or conditional use. The City will provide the stationary, labor, required notices, mailing and publication.

Section 12-309 VIOLATIONS AND PENALTIES.

A violation of this chapter shall be deemed a violation of the code of the Town and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

AMENDMENTS

Section 12-401 PLANNING COMMISSION RECOMMENDATION REQUIRED.

The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the Board of Trustees a report and recommendation on the proposed change.

Section 12-402 APPLICATION FOR AMENDMENT.

An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. The applicant shall pay the fee as set out in this Code and shall further pay any and all costs of publication.

Section 12-403 NOTICE AND PUBLIC HEARING.

A. Parties in interest and citizens shall have an opportunity to be heard at a public hearing before the planning commission on any application, and before any district regulation, restriction, or boundary shall become effective. Upon receipt of an application, the planning commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing. At least fifteen (15) days' notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the Town. The notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area.

B. Except as authorized in subsection C of this section, in addition to the notice requirements provided for in subsection A hereinabove, a notice of a public hearing on any proposed zoning change, except by a municipality acting pursuant to subsection C of this section, shall be given twenty (20) days prior to the hearing by mailing written notices by the secretary of the planning commission, to all the owners of real property within a three hundred (300) feet radius of the exterior boundary of the territory contained in the application. The application submitted by the applicant shall contain a certified abstractor's, registered professional engineer's or registered land surveyor's list of the names of all property owners within such area; no application shall be accepted without such list. The applicant shall also pay the Re-

zoning Application Fee as provided by resolution of the Town or the fee schedule. The notice shall contain the following:

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

Additional notice shall also be given by posting the notice of the hearing on the affected property at least twenty (20) days before the date of the hearing.

C. If the planning commission or the Town proposes reclassification in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to flood plains, drainage, historic preservation, and blighted areas, the planning commission or Mayor and board of Trustees shall require, in addition to the notice requirements provided for in subsection A hereinabove, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:

1. The date, time and place of the public hearing;
2. Who will conduct the public hearing;
3. The desired zoning classification;
4. The proposed use of the property; and
5. Other information as may be necessary to provide adequate and timely public notice.

D. In considering a zoning change, the planning commission shall evaluate the following criteria:

1. Is there a public need for additional land space to be rezoned as requested?
2. Is there an alternative area for the use requested that would eliminate the need for rezoning?

3. If a public need exists, should rezoning be done in the area requested or would the public interest be better served if rezoning was done in other areas?
4. Would granting rezoning request conform to the present future land use plans of the city?
5. Would granting the request adversely affect the property values of adjacent land owners?
6. Would the request impose undue hardships such as noise, neon sign, odors, or other nuisances on adjacent land owners?
7. If the request granted, would necessary utilities be available?
8. If granted, when additional public services would be required?
9. Would the fiscal impact of the requested rezoning have an adverse affect upon the city's budget (capital and operating); that is, would added costs exceed anticipated revenues?
10. Was there an error or oversight in preparing the original zoning map which indicates that the zoning requested should have been included then?
11. Is this change really needed by the public or is it merely a convenience to the owner?

E. In addition to the notices required by Subsections A, B and C hereinabove, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or non-medical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice. For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which

any governmental entity is a beneficiary, venture, or other legal entity however organized.

Section 12-404 PLANNING COMMISSION ACTION.

A. After notice and public hearing, the planning commission shall vote to:

1. Recommend to the Board of Trustees that the application be approved as submitted, or as amended, or be approved subject to modification; or

2. Recommend to the Board of Trustees that the application be denied.

B. An application recommended for approval, or approval subject to modification, shall be transmitted to the Town with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action.

C. An application recommended for denial shall not be considered further unless the applicant, within fifteen (15) days from the date of the planning commission action, files a written request with the Board of Trustees for a hearing. Upon notice of such request, the planning commission shall forthwith transmit the application and its report and recommendation to the Board of Trustees. There shall be no fee charged the applicant for the hearing.

Section 12-405 TOWN ACTION.

The Board of Trustees shall hold a hearing on each application regularly transmitted, and on each application which has been transmitted pursuant to an appeal as provided for in Section 12-403. The Board of Trustees shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the Town planning commission for further study.

Section 12-406 PROTEST TO AMENDMENT.

A. Protests against the proposed changes in regulations, restrictions and district boundaries in the Town shall be filed at least three (3) days before the date of the public hearing before the Mayor and Board of Trustees. If protests are filed by:

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

2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

then the proposed change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the Board of Trustees.

CHAPTER 13

PUBLIC SAFETY

ARTICLE 1

FIRE PREVENTION

SECTION 13-101	ADOPTION OF FIRE PREVENTION CODE
SECTION 13-102	FIRE DEPARTMENT TO ENFORCE CODE
SECTION 13-103	LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED
SECTION 13-104	LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED
SECTION 13-105	LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED
SECTION 13-106	MODIFICATIONS
SECTION 13-107	APPEALS
SECTION 13-108	PENALTIES

ARTICLE 2

VOLUNTEER FIRE DEPARTMENT

SECTION 13-201	NATURE OF DEPARTMENT VOLUNTEER; VOLUNTEER DEFINED
SECTION 13-202	DUTIES OF THE FIRE CHIEF
SECTION 13-203	ASSISTANT FIRE CHIEF
SECTION 13-204	MEMBERSHIP
SECTION 13-205	COMPANY OFFICERS
SECTION 13-206	SECRETARY-TREASURER
SECTION 13-207	BYLAWS
SECTION 13-208	VIOLATIONS
SECTION 13-209	RULES AND REGULATIONS
SECTION 13-210	USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR
SECTION 13-211	FIRE RUN CHARGES

CHAPTER 13. PUBLIC SAFETY

ARTICLE 1

FIRE PREVENTION

SECTION 13-101 INTERNATIONAL FIRE CODE ADOPTED.

That a certain document is on file in the Office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, being marked and designated as the International Building Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, is hereby adopted as the Fire Code for the Town of Coyle, State of Oklahoma, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town clerk-treasurer of the Town of Coyle, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102 of this Article. The following sections of the International Building Code, Latest Edition as adopted by the State of Oklahoma, but including Chapter 1, Scope and Administration, are hereby revised:

1. § 100.1, insert the Town of Coyle, State of Oklahoma.
2. 1612.3, insert the Town of Coyle, State of Oklahoma.
3. 1612.3, insert January 2025.
4. 3410.2, insert January 2025.

State Law Reference: Building codes, adoption by cities, 11 O.S. § 14-107; 74 O.S. § 324.8.

SECTION 13-102 FIRE DEPARTMENT TO ENFORCE CODE.

A. The fire prevention code shall be enforced by the fire department of the town, under the supervision of the chief of the

fire department. The terms "Bureau of Fire Prevention" and "Chief of the Bureau of Fire Prevention", whenever found in the Fire Prevention Code, shall mean fire department and chief of the fire department, respectively, of this town. Whenever the word "municipality" is used in the Fire Prevention Code, it means this town.

B. The chief of the fire department may detail such members of the fire departments as inspectors as may from time to time be necessary.

SECTION 13-103 LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

A. The limits referred to in the fire prevention code, in which storage of flammable liquids in outside aboveground tanks is prohibited, shall be as provided by ordinance, resolution or motion of the town board of trustees.

B. The limits referred to in the fire prevention code, in which new bulk plants for flammable liquids are prohibited, shall be as provided by ordinance, resolution or motion of the town board of trustees.

SECTION 13-104 LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum has been prohibited, shall be as provided by ordinance, resolution or motion of the town board of trustees.

SECTION 13-105 LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED.

The limits referred to in the fire prevention code, in which storage of explosives and blasting agents is prohibited, shall be as provided by ordinance, resolution or motion of the town board of trustees.

SECTION 13-106 MODIFICATIONS.

The chief of the fire department, with the approval of the town board of trustees, shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code provided that the spirit of the code is observed, public safety secured, and substantial justice done.

SECTION 13-107 APPEALS.

Whenever the chief of the fire department shall disapprove the 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.

SECTION 13-108 PENALTIES.

A. Any person who violates any of the provisions of the Fire Prevention Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the town board of trustees or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable by a fine of not less than provided in Section 1-108 of this Code and court costs. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE 2

VOLUNTEER FIRE DEPARTMENT

SECTION 13-201 NATURE OF DEPARTMENT VOLUNTEER; VOLUNTEER DEFINED.

A. The fire department of the town is a volunteer fire department. The fire department is comprised of a minimum of twelve (12) firefighters and a maximum of twenty-five (25) firefighters.

B. A volunteer firefighter is one who serves a member of the Fire Department without receiving pay.

State Law Reference: Volunteer fire departments, provisions and requirements, 11 O.S. §§ 29-201 et seq.

SECTION 13-202 DUTIES OF THE FIRE CHIEF.

The Mayor shall appoint a fire chief who shall then appoint members of the fire department. The appointment of the fire chief shall be subject to the approval of the Board of Trustees. The appointment shall be for a period of one (1) year. The fire chief may succeed himself.

A. Such appointment is also subject to recall by the Board of Trustees. The fire chief shall head the fire department and shall be charged with the duty of maintaining the efficiency, discipline, and control of the department. The members of the fire department, at all times, shall be subject to the direction of the fire chief.

B. The fire chief shall enforce all rules and regulations established by the town board of trustees for conduct of the affairs of the fire department. The fire chief must at all times answer to the Mayor and Town Board of Trustees.

C. The fire chief shall exercise and have full control over the care and disposition of all fire apparatus, tools, equipment, and other property used by or belonging to the fire department.

D. The fire chief shall be responsible for the keeping of records of fire department personnel, operation costs, depreciation of equipment, responses to alarms, their cause and location, and an analysis of losses, value and location of buildings.

E. The fire chief shall make written reports on or before January 10 and July 10 of each year to the town board of trustees concerning the general status and efficiency of the department and such reports shall contain recommendations for improvement of the department.

F. The fire chief shall enforce all ordinances and laws regulating fire prevention, maintenance and use of fire escapes, investigation of fires, and means and adequacy of exit in case of fire in all buildings where a number of people may gather.

G. The fire chief or his representative shall have right of ingress and egress on or into any real property within the corporate limits of the town, within reasonable hours, for duties outlined in this code.

H. The fire chief shall register the names of all members of the fire department with the town clerk-treasurer with a list showing length of service, date of enrollment and discharge, and whether or not the discharge was honorable or dishonorable.

I. The fire chief and fire department shall be charged with prevention of fires within the corporate limits of the town, with the detecting, combating and extinguishing of fires when such occur, and with the protection of property and persons incident to such fires.

J. The fire chief may answer calls outside the corporate limits of the town, subject to rules, regulations and fees as the town board of trustees shall prescribe.

K. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cisterns and other sources of water supply at least twice per year.

L. The chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.

M. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.

N. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.

O. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case.

SECTION 13-203 ASSISTANT FIRE CHIEF (CAPTAIN).

In the absence of the fire chief, the assistant fire chief shall command with the full powers and responsibilities of the chief. The assistant chief shall be appointed by the Mayor and Board of Trustees. The appointment shall be for one (1) year and the assistant fire chief may succeed himself.

SECTION 13-204 MEMBERSHIP.

The membership of the department shall consist of such persons as may be appointed by the chief and approved by the town board of trustees. All new members shall be on probation for one year after their appointment. New volunteer members, upon completion of their probation period, must, in addition to the approval of the chief, be approved by a majority of the members of the fire department. Each member of the department is hereby authorized to wear a badge designating his name and rank while on duty.

SECTION 13-205 COMPANY OFFICERS.

The department may elect company officers which shall include a president, vice-president, secretary and treasurer to be known as company officers. Such officers shall be selected upon their ability to meet the following requirements:

1. Knowledge of fire fighting;
2. Ability to lead men; and
3. Knowledge of firefighting equipment.

Such officer shall be charged with the duty to arrange for and manage any or all social functions sponsored by the department.

SECTION 13-206 SECRETARY-TREASURER.

One member elected by the members of the fire department shall be the secretary-treasurer. The secretary-treasurer's duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting; and
3. Collecting any money due the department by the members.

SECTION 13-207 BYLAWS.

The bylaws of the department shall include the following:

1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies.
2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters.
3. At least one regular business meeting of the members shall be held each month.
4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department roll.
5. Any member leaving the town for an extended period of time is required to notify the chief.

6. Any member refusing to attend training classes provided for members of the department will be dropped.

7. Each member is required to have a telephone in his home.

8. Each member shall be required to take such medical and physical examinations as the chief, from time to time, may require; and

9. Any member of the fire department may be dropped from the rolls for the following offenses:

(a) Conduct unbecoming a firefighter;

(b) Any act of insubordination;

(c) Neglect of duty;

(d) Any violation of rules and regulations governing the fire department;

(e) Conviction of a felony; or

(f) By majority vote of the members of the company and approval of the town board of trustees.

SECTION 13-208 VIOLATIONS.

A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.

B. No person shall enter any place where fire apparatus or equipment belonging to the department, unless accompanied by, or having the special permission of, an officer or authorized members of the department.

C. No person shall drive any vehicle over fire hoses except upon specific orders from the chief or other officer in charge where the hoses are used.

D. No person shall park any vehicle or otherwise cause any obstruction to be placed within fifteen feet of the entrance to any fire station or other places where fire apparatus belonging to the said department may be stored or within ten feet of any fire hydrant.

E. No unauthorized person with any vehicles shall follow

within six hundred feet of any apparatus belonging to the department, nor park any vehicle within three hundred feet of any fire.

F. No person shall maliciously and willfully turn in or cause to be turned in a false alarm.

G. The fire department shall adopt new methods of operation from time to time as may conform with generally recognized modern practices.

SECTION 13-209 RULES AND REGULATIONS.

The town board of trustees, by motion or resolution, may adopt and change regulations relating to the fire department, its organizations, operation and compensation.

SECTION 13-210 USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR.

A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency, and properly protect life and property from fire. Recommendations of apparatus and equipment needed shall be made by the chief, and after approval by the town board of trustees, may be purchased in such manner as said board of trustees may designate.

B. All equipment of the department shall be safely and conveniently housed in such places as may be designed by said board of trustees. Suitable arrangements or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the department of such alarm so that they may promptly respond.

C. All motor equipment and all personal cars of department members shall have right-of-way over all other traffic when responding to or returning from an alarm. Each member of the department driving a car shall be issued a suitable insignia to be attached to the car.

D. The chief shall prepare and keep a complete inventory of all property belonging to the fire department and shall at the expiration of his term turn over such inventory and all such property to his successor, together with all books, records, reports and data of the department.

E. The chief shall report to the town board of trustees any necessary repairs, alterations or improvements needed by the fire department with an estimate of their probable cost, and shall superintend the making of the repairs, alterations or improvements, and if any apparatus shall become disabled for immediate use, he

shall repair the same and report his action to the board of trustees.

SECTION 13-211 FIRE RUN CHARGES.

For any fire run made by the Town Fire Department, outside the corporate limits of the town, the owner or occupant of such building or structure shall be charged \$100.00 per hour for each fire unit required with a minimum of 1 hour per vehicle used. In addition, a minimum charge of \$50.00 shall be made whenever a Fire Department vehicle is dispatched to a traffic accident scene. If such vehicle is placed into service, the hourly charge as hereinabove provided shall be made.

A. The Town of Coyle is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the State of Oklahoma for fire protection outside the corporate limits of said town, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the State.

B. Any contract entered into by the Town of Coyle, Oklahoma, with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, or association, or political subdivision to the Town of Coyle, Oklahoma, for such fire apparatus and personnel at the rate established by the town board. All monies received from said calls shall go into the general fund to be used in the fire account only.

C. The fire department of the Town of Coyle is hereby authorized and directed to answer all outside calls within a distance of five (5) miles and beyond from the nearest fire station; unless in the opinion of the Fire Chief it is inexpedient to do so on account of another fire in the Town, broken apparatus, impassable or dangerous highways, or other physical conditions. The Fire Department is additionally authorized and directed to answer outside calls beyond the aforementioned five (5) miles for the preservation of life, protection of a residence, or on request of police, civil defense, local, state, and/or federal agency in support of disaster, and in support of mutual aide to neighboring fire departments.

D. All firemen of the volunteer fire department of the Town of Coyle, attending and serving at fires or doing fire prevention work outside the corporate limits of the Town of Coyle, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the Town of Coyle, and said firemen shall be entitled to all

the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the Town.

E. The volunteer fire department of the Town of Coyle, answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the Town, shall be considered as an agent of the State of Oklahoma, and acting solely and alone in a governmental capacity, and said municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of Sections 1, 2, 3, 4 hereof.

F. All motorized equipment of the fire department of the Town of Coyle shall have the right-of-way over all other commercial and pleasure vehicles.

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CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

- SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.
- SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY
- SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS,
AND ALLEYS WITH MERCHANDISE
- SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS
- SECTION 14-105 UNLAWFUL TO PLAY ON STREETS
- SECTION 14-106 WATER FROM FILLING STATIONS AND OTHER BUSINESSES
- SECTION 14-107 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR
SIDEWALK AREA TO BECOME A HAZARD
- SECTION 14-108 NOTICE; PENALTY
- SECTION 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE
- SECTION 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS
- SECTION 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET
- SECTION 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED
- SECTION 14-113 INSECTS AND WORMS
- SECTION 14-114 PERMIT TO STRING WIRES

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

- SECTION 14-201 NOTIFICATION TO TOWN
- SECTION 14-202 FEE TO BE PAID TO TOWN
- SECTION 14-203 SECURITY BOND
- SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY TOWN

CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

A. The owner of any premises abutting on any street of this town shall trim all trees and shrubbery growing, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Section A of this section, after receiving five (5) days' notice from the Mayor to do so, shall be guilty of an offense. 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.

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS, AND ALLEYS WITH MERCHANDISE.

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the town any goods, wares, articles of merchandise or any other obstruction, and leave the same thereon; or to use the same as a place to carry on a business or trade.

SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

It is unlawful for any person, firm or corporation to use or

obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon.

SECTION 14-105 UNLAWFUL TO PLAY ON STREETS.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance.

SECTION 14-106 WATER FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

SECTION 14-107 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

SECTION 14-108 NOTICE; PENALTY.

If any property owner, occupant or agent of such property shall fail or refuse to repair or clean off the sidewalk abutting or adjacent to the property owned or occupied by him within seventy-two (72) hours after notice served on him by any police officer, health officer, or any other agent of the town, the property owner or occupant or agent so failing or refusing after notice so to do, to repair or clean off such sidewalk, shall be deemed guilty of an offense.

SECTION 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS.

Any person who shall willfully or wantonly cut or break or remove, or in any manner displace any curbing, guttering, or who shall recklessly or intentionally, drive any vehicle loaded with asphalt materials, lumber or building materials, or any kind, into or on the curbing, or concrete guttering of any paved street, shall be guilty of an offense.

SECTION 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET.

The owner, driver, operator or mover of any vehicle over any street or alley of the town and specifically vehicles of a load weight in excess of passenger automobiles and light delivery trucks, shall be responsible for all damages which streets or alleys may sustain as a result of the use thereof by such vehicles. This shall not be applicable to deterioration caused by normal vehicular use of such streets and alleys. The amount of such damage may be recovered in an action in the court of proper jurisdiction in the name of the town.

SECTION 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED.

It is unlawful for an owner or occupant of premises abutting on a sidewalk in the town to store on the sidewalk, goods, wares and merchandise unless a space of at least six (6) feet in width, is left clear for passage of traffic or pedestrians. Such goods, wares and merchandise may not be stored or displayed on the sidewalk in such a manner that vehicles parking at the curb could be damaged thereby. Such goods, wares and merchandise must be removed by the owner or occupant of the premises at least once during each twenty-four (24) hour period.

SECTION 14-113 INSECTS AND WORMS.

Each owner, agent, or occupant in front of or on whose lots shade trees have been planted or are growing shall use every reasonable precaution to protect the same from insects and worms.

SECTION 14-114 PERMIT TO STRING WIRES.

A. It is unlawful and an offense for any person to trim, cut or otherwise mutilate any shade or ornamental tree on any street, parking, or other public place in the town for the purpose of stringing wires or cables along or across the parkings or other public places, without first obtaining a permit therefor in writing from the town, which shall be filed with the town clerk-treasurer.

B. Whenever any telephone, telegraph, or electric light and

power company or any other person with authority to use the streets for such purposes, desires to string any wires or cables along or across any of the street parking, or other public place, such person shall make application to the town. If the Mayor determines that it is necessary for the proper stringing of the wires to trim or cut any such trees, and the same can be done without serious injury to the trees, he shall issue his written permit, stating the nature and extent of such trimming or cutting, which shall be filed with the town clerk-treasurer as heretofore provided. All such trimming or cutting shall be done under the direct supervision and control of the Mayor or some competent person designated by him.

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

SECTION 14-201 NOTIFICATION TO TOWN.

Before beginning any boring, cutting or excavation under, across or through any street or alley, the party about to perform the same shall notify, in writing, the town that such boring, cutting or excavation is intended to be done, the location thereof, and the necessity of such boring, cutting or excavation. Such written notification must be made prior to commencement of any such boring, cutting or excavation.

SECTION 14-202 FEE TO BE PAID TO TOWN.

Any person who shall hereafter bore, cut or excavate under, across or through the surface of any street or alley in the town shall obtain a permit from the town clerk-treasurer, upon payment of the fee set by the town and upon approval of the Mayor, prior to the commencement of any such cutting, boring or excavation.

SECTION 14-203 SECURITY BOND.

Prior to commencement of any boring, cutting or excavation of any street or alley the party to perform the same shall post with the town clerk-treasurer a good and sufficient surety or indemnity bond, payable to the town in the amount set by the board of trustees. Such bond shall be to protect and save the town harmless from any and all damages caused by any such boring, cutting or excavation.

SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY TOWN.

A. After the installation, replacement or repair of any utility line or other line, the party making such bore, cut or excavation shall fill the bore, cut or excavation and tamp the earth or other fill material as specified by the town, subject to the

rules and regulations as may be prescribed by the town board of trustees. The party making any such bore, cut or excavation shall replace any paving, whether asphalt, concrete or a combination, damaged, destroyed or removed in like manner as existed prior to such bore, cut or excavation.

B. The following specifications apply to the fill:

1. A suitable soil stabilizer shall be used as part of the reconstruction process;

2. All soils treated with the stabilizer and routinely compacted shall attain unconfined compressive strengths greater than the same soils which are untreated and compacted to ninety-five percent (95%) of the maximum laboratory dry density;

3. Treated soils should attain a field California Bearing Ratio (CBR) of forty (40) or greater, when used in accordance with manufacturer's instructions;

4. Treated soils shall gain in compressive strength and maintain their size and shape when subjected to damp environments;

5. Treated soils should attain sufficient strength to allow for repaving, removal or any traffic control devices, and provide for the return to normal traffic on any site where the stabilizer is used within two (2) hours or less of the final compaction lift, when used in accordance with manufacturer's instructions;

6. Treatment of soil will create less than 10 degrees F. exothermic reaction so as to prevent possible damage to pipe or other underground conduits, plant or animal life. The stabilizer shall not pose a threat of thermal injury to workers, nor will it cause the ground to expand after compaction which would prevent immediate repaving;

7. The stabilizer shall be environmentally safe and shall not exceed EPA standards for ingestion or inhalation, or cause hazards to work crews or the environment;

8. The stabilizer will be non-corrosive to underground pipe and other conduits;

9. The ratio of stabilizer to soil shall not be less than twenty-five (25) pounds per cubic yard of soil; and

C. Upon completion of all restoration work the Mayor shall examine the location to determine if such filling, tamping or paving complies with the standards set forth by the rules and regulations

of the town board of trustees, and endorse upon the permit his acceptance or rejection of the restoration. If such restoration does not comply with the standards set by the town board of trustees, the town may cause proper and necessary repairs at the sole cost of party to whom the permit was issued.

D. It is the Board's discretion as to the repair and replacement of streets and alleys, either being trenched or bored.

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CHAPTER 15 Traffic and Vehicles

ARTICLE 1

GENERAL PROVISIONS

- Section 15-101 CITATION OF CHAPTER
- Section 15-102 TRAFFIC CODE CONTROLLING
- Section 15-103 DEFINITIONS
- Section 15-104 ADOPTION OF STATE TRAFFIC CODE

ARTICLE 2

ENFORCEMENT AND GENERAL PROVISIONS

- Section 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS
- Section 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE
- Section 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS
- Section 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS
- Section 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS
- Section 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE
- Section 15-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED
- Section 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS
- Section 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS
- Section 15-210 MAINTENANCE AND CONSTRUCTION ZONES
- Section 15-211 AUTHORIZED EMERGENCY VEHICLES
- Section 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES
- Section 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED
- Section 15-214 CROSSING FIRE HOSE
- Section 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED
- Section 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED
- Section 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE
- Section 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED
- Section 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT
- Section 15-220 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES
- Section 15-221 REPORTING ACCIDENTS
- Section 15-222 ISSUANCE OF CITATION TAGS
- Section 15-223 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT
- Section 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE
- Section 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING
- Section 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS

- Section 15-227 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY
- Section 15-228 INSURANCE OR CERTIFICATE REQUIRED
- Section 15-229 TEXTING WHILE DRIVING PROHIBITED; DEFINITIONS; EXCEPTION

ARTICLE 3

VEHICLE EQUIPMENT, INSPECTION

- Section 15-301 CERTAIN VEHICLES PROHIBITED, VEHICLES INJURIOUS TO STREETS
- Section 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES
- Section 15-303 EQUIPMENT
- Section 15-304 MUFFLERS, CUT-OUTS
- Section 15-305 WIDTH, HEIGHT, LENGTH AND LOAD
- Section 15-306 INSPECTION OF VEHICLES

ARTICLE 4

SPEED REGULATIONS

- Section 15-401 SPEED LIMITS GENERALLY, EXCEPTIONS
- Section 15-402 SCHOOL ZONES
- Section 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS; SPECIFICATIONS
- Section 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS
- Section 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS
- Section 15-406 RECKLESS DRIVING

ARTICLE 5

DRIVING, OVERTAKING, PASSING

- Section 15-501 CHANGING LANES
- Section 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS
- Section 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED
- Section 15-504 OVERTAKING A VEHICLE ON THE LEFT
- Section 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS
- Section 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS
- Section 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS
- Section 15-508 FOLLOWING TOO CLOSELY
- Section 15-509 NO PASSING ZONES
- Section 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS
- Section 15-511 DRIVERS IN A PROCESSION
- Section 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED
- Section 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES

- Section 15-514 OVERTAKING AND PASSING SCHOOL BUS
- Section 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING
- Section 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED;
EXCEPTION
- Section 15-517 LIMITATIONS ON BACKING VEHICLE
- Section 15-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND
MOTOR SCOOTERS
- Section 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR
- Section 15-520 CLINGING TO VEHICLES PROHIBITED
- Section 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS
- Section 15-522 RECKLESS DRIVING
- Section 15-523 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING
- Section 15-524 FULL TIME AND ATTENTION REQUIRED
- Section 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A
PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT
MANNER
- Section 15-526 SPEED CONTEST PROHIBITED
- Section 15-527 DRIVING THROUGH SAFETY ZONE
- Section 15-528 STARTING PARKED VEHICLE
- Section 15-529 OPENING AND CLOSING VEHICLE DOORS
- Section 15-530 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM
- Section 15-531 BOARDING OR ALIGHTING FROM VEHICLES
- Section 15-532 UNLAWFUL RIDING
- Section 15-533 PRIVATE SERVICE DRIVES
- Section 15-534 TRUCK ROUTES
- Section 15-535 LOADS ON VEHICLES
- Section 15-536 VEHICLE APPROACHING OR ENTERING Intersection
- Section 15-537 VEHICLE TURNING LEFT AT INTERSECTIONS
- Section 15-538 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN
- Section 15-539 VEHICLE ENTERING THROUGH HIGHWAY
- Section 15-540 VEHICLES FACING STOP, SLOW, WARN OR CAUTION SIGNAL
- Section 15-541 THROUGH STREETS
- Section 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED
- Section 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT
- Section 15-544 VEHICLE ENTERING STOP Intersection
- Section 15-545 VEHICLE ENTERING YIELD Intersection
- Section 15-546 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR
DRIVEWAY
- Section 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING
- Section 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING
- Section 15-549 STOP WHEN TRAFFIC OBSTRUCTED
- Section 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN
- Section 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE
CROSSINGS
- Section 15-552 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED

ARTICLE 6

TRAFFIC CONTROL DEVICES

- Section 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES
- Section 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS
- Section 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES
- Section 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES
- Section 15-605 TRAFFIC CONTROL SIGNAL LEGEND
- Section 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS
- Section 15-607 FLASHING SIGNALS
- Section 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS
- Section 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED
- Section 15-610 DEFAACEMENT OF TRAFFIC CONTROL DEVICES
- Section 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH
- Section 15-612 PLAY STREETS, RESTRICTION ON USE
- Section 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES
- Section 15-614 TRAFFIC LANES

ARTICLE 7

STOPPING, STANDING AND PARKING GENERALLY

- Section 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE
- Section 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS
- Section 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS
- Section 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES
- Section 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING
- Section 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING
- Section 15-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS
- Section 15-708 PARKING IN SPACES MARKED OFF
- Section 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB
- Section 15-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING
- Section 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES
- Section 15-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED
- Section 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY
- Section 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS
- Section 15-715 PARKING ADJACENT TO SCHOOLS
- Section 15-716 PARKING PROHIBITED AT INTERSECTIONS
- Section 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS
- Section 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF
- Section 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY
- Section 15-720 DOUBLE PARKING PROHIBITED

- Section 15-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING HAZARDOUS MATERIALS PROHIBITED
- Section 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED
- Section 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB
- Section 15-724 NEGLIGENCE PARKING
- Section 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE
- Section 15-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR PRIVATE PARKING

ARTICLE 8

LOADING

- Section 15-801 DEFINITIONS
- Section 15-802 CURB LOADING ZONES, DESIGNATION
- Section 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE
- Section 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE
- Section 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE
- Section 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS
- Section 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED
- Section 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS

ARTICLE 9

TURNING MOVEMENTS

- Section 15-901 TURNING MARKERS OR INDICATORS
- Section 15-902 DESIGNATION OF RESTRICTED TURNS
- Section 15-903 OBEDIENCE TO NO-TURN SIGNS
- Section 15-904 U-TURNS
- Section 15-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED, EXCEPTIONS
- Section 15-906 POSITION AND METHOD OF TURNING
- Section 15-907 TURNING MOVEMENTS AND REQUIRED SIGNALS
- Section 15-908 MEANS OF GIVING TURN SIGNALS
- Section 15-909 METHOD OF GIVING HAND AND ARM SIGNALS

ARTICLE 10

PEDESTRIANS

- Section 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS
- Section 15-1002 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS
- Section 15-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK
- Section 15-1004 CROSSING AT RIGHT ANGLES
- Section 15-1005 WHEN PEDESTRIANS SHALL YIELD
- Section 15-1006 PEDESTRIANS WALKING ALONG ROADWAYS
- Section 15-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES,

Section 15-1008	BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS
Section 15-1009	DRIVERS TO EXERCISE DUE CARE
Section 15-1010	CROSSING PROHIBITED
	OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS

ARTICLE 11

BICYCLES

Section 15-1101	APPLICATION OF BICYCLE REGULATIONS
Section 15-1102	APPLICATION OF TRAFFIC LAWS TO BICYCLES
Section 15-1103	OBEDIENCE TO TRAFFIC CONTROL DEVICES
Section 15-1104	RIDING ON BICYCLES
Section 15-1105	RIDING ON ROADWAYS AND BICYCLE PATHS
Section 15-1106	SPEED OF BICYCLE
Section 15-1107	EMERGING FROM ALLEY OR DRIVEWAY
Section 15-1108	CARRYING ARTICLES
Section 15-1109	PARKING
Section 15-1110	RIDING ON SIDEWALKS
Section 15-1111	LAMPS AND EQUIPMENT ON BICYCLES

ARTICLE 12

(RESERVED)

ARTICLE 13

IMPOUNDMENT OF VEHICLES

Section 15-1301	PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS
Section 15-1302	PLACE OF IMPOUNDMENT
Section 15-1303	DURATION OF IMPOUNDMENT
Section 15-1304	POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES
Section 15-1305	DISABLED VEHICLES
Section 15-1306	VEHICLES ON BRIDGE
Section 15-1307	ARREST AND DETENTION OF DRIVER OF VEHICLE
Section 15-1308	VEHICLE CONSTITUTES TRAFFIC HAZARD
Section 15-1309	ILLEGAL TRESPASS BY VEHICLE
Section 15-1310	VEHICLES PARKED OVERTIME
Section 15-1311	VEHICLES BLOCKING FIRE EXITS OR HYDRANTS
Section 15-1312	VEHICLES PARKED IN Intersection
Section 15-1313	STOLEN VEHICLES; RECOVERY BY POLICE
Section 15-1314	VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS
SECTION 15-1315	TOWN TO CHARGE FEE RELATING TO IMPOUNDMENTS

ARTICLE 14

PENALTIES

Section 15-1401
Section 15-1402

OBEDIENCE TO TRAFFIC CODE
PENALTIES, SPECIFIC AND GENERAL

CHAPTER 15 Traffic and Vehicles

ARTICLE 1

GENERAL PROVISIONS

Section 15-101 CITATION OF CHAPTER.

The chapter and all amendments hereto may be cited or referred to as the "Traffic Code, Town of Coyle", and may so appear upon all official documents, records or instruments.

Section 15-102 TRAFFIC CODE CONTROLLING.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of Town streets, alleys, thoroughfares, parks parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the Town, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest.

Section 15-103 DEFINITIONS.

As used herein:

1. "Alley" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;

2. "Ambulance" means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons;

3. "Bicycle" means a device propelled by human power upon which any person may ride, having two (2) tandem wheels;

4. "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

5. "Business district" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for businesses or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side or three

hundred (300) feet collectively on both sides of the highway;

6. "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

7. "Commercial vehicles" means every vehicle designed, maintained, or used primarily for the transportation of property;

8. "Center lane" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

9. "Cross walk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

10. "Double park" means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway;

11. "Driver or operator" means a person who drives or is in actual physical control of a vehicle;

12. "Emergency" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impeded the flow of traffic;

13. "Emergency vehicle" means vehicles of the fire department, police vehicles and ambulances;

14. "Highway", see street;

15. "Intersection" means:
- a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or
 - b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersection street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such streets shall be regarded as separate intersections;
16. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
17. "Limited access highway", see controlled access highway;
18. "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;
19. "Limit lines" means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;
20. "Motor cycle, motor scooter, and motor bicycle" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on no more than three (3) wheels in contact with the ground, but excluding a tractor;
21. "Motor vehicle" means every vehicle which is self-propelled;
22. "Official time" shall mean whenever certain hours are named herein they shall mean Central Standard Time, or Daylight Savings Time, as may be in current use in the Town;
23. "Official traffic control device" means all signs,

signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

24. "Park or parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is an authorized place;

25. "Pedestrian" means any person a foot;

26. "Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;

27. "Private road or roadway" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

28. "Public parking lot" means a parking lot or right of way dedicated to the public use or owned by the state or a political subdivision thereof;

29. "Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;

30. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

31. "Residence district" means the territory contiguous to and including a highway not comprising a business district;

32. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

33. "Roadway" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively;

34. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

35. "School zone" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

36. "Sidewalk" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for the use of pedestrians;

37. "Stand" or "standing" means any stopping of a vehicle whether occupied or not;

38. "Stop", when required, shall mean the complete cessation from movement;

39. "Stop or stopping", when prohibited, means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal;

40. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

41. "Through street or highway" means a street, or boulevard or highway or portion thereof at the entrances to which:

- a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and
- b. Stop signs are erected as provided in this part;

42. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

43. "Traffic control devices or signals" mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic;

44. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to

business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

45. "U-turn" means a turn by which a vehicle reverses its course of travel on the same street; and

46. "Vehicle" means every device in, upon or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic code, 47 O.S. Section 1-101 et seq.

Section 15-104 ADOPTION OF STATE TRAFFIC CODE.

The provisions of the state motor vehicle code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the Town within the Town limits as if set out at length herein.

State Law Reference: State rules of the road, 47 O.S. Section 10-101 et seq.; state motor vehicle code, 47 O.S. Section 1-101 et seq.

ARTICLE 2

ENFORCEMENT AND GENERAL PROVISIONS

Section 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this Town and all the state vehicle laws applicable to street traffic in this Town. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this part and any other traffic ordinances of this Town. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident.

Section 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity.

Section 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.

Section 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Section 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The Mayor, subject to any directions which the Board may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this Town and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The Mayor may have traffic control devices tested under actual conditions of traffic.

Section 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

State Law Reference: Similar provisions; 47 O.S. Section 11-104.

Section 15-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinances of this Town.

Section 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, Town, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted by state statute. This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

State Law Reference: Municipal drivers to obey state rules of the road, 47 O.S. Section 16-103.

Section 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS.

Unless specifically made applicable, the provisions of this chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flagpersons. The provisions of this chapter shall apply to any of the persons and vehicles exempted by this Section when traveling to and from such work.

Section 15-210 MAINTENANCE AND CONSTRUCTION ZONES.

A. Town personnel or contractors, while repairing or improving the streets of the Town, and Town personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the Mayor, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be

erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A of this Section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such traffic control devices or barricades, or otherwise to enter the closed area.

The provision of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the Town personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

Section 15-211 AUTHORIZED EMERGENCY VEHICLES.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions stated in this Section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or

turning in specific directions.

C. The exemptions granted in this Section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this Section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Emergency vehicle driving rules, 47 O.S. Section 11-106.

Section 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State Law Reference: Authorized emergency vehicles and their equipment, 47 O.S. Section 11-106, 11-405, and 12-218; approach of emergency vehicles, 47 O.S. Section 11-405.

Section 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED.

The driver of any vehicle other than the one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than five hundred (500) feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

Section 15-214 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command.

State Law Reference: Similar provisions 47 O.S. Section 11-1109.

Section 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED.

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this Section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him.

State Law Reference: Driver's licenses, 47 O.S. Section 6-101.

Section 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED.

No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this Section shall be punished as provided in Section 1-108 of this code. Each act of driving on the streets or highways as prohibited by this Section shall constitute a separate offense.

Section 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE OR COMMIT OTHER UNLAWFUL ACTS WITH DRIVERS LICENSE OR IDENTIFICATION CARD.

A. It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

B. It is unlawful for any person

- a. To lend one's own license or identification card to any other person or knowingly permit the use thereof by another,
- b. To display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,
- c. To permit any unlawful use of a license or identification card issued to oneself, or
- d. To add to, delete from, alter, or deface the required information on a driver license or identification card.

Section 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle.

Section 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.

A. The driver of any vehicle involved in an accident resulting in injury to, or death of, any person shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsections C and D hereof. Every such stop shall be made without obstructing traffic more than is necessary.

B. The driver of any vehicle involved in an accident resulting only in damage to a vehicle, which is driven or attended by any person, shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsection C hereof. Every such stop shall be made without obstructing traffic more than is necessary.

C. The driver of any vehicle involved in an accident shall give his correct name and address and the registration number of the vehicle he is driving; and shall exhibit his operator's or chauffeur's license to the person struck, or the driver, or person injured in the accident reasonable assistance. If the driver does not have any operator's or chauffeur's license in his possession, he shall exhibit other valid evidence of identification to the

occupants of a vehicle, or to the person collided with.

D. The driver shall upon request and if available exhibit his operator's or chauffeur's license and his security verification form, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

E. Any driver of any vehicle involved in an accident who is cited for any traffic offense where said accident resulted in the immediate death of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of 47 O.S. Section 752 and the procedures found in Section 752 shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

F. Any person failing to stop or to comply with any of the requirements of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, accident reports, 47 O.S. Section 6-303.

Section 15-220 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES.

A. The driver of any vehicle which collides with a vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of the vehicle, of the correct name and address of the driver and the owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck a written notice giving the correct name and address of the driver and of the owner of the vehicle doing the striking, and shall provide the same information to an officer having jurisdiction.

B. The driver of any vehicle involved in an accident resulting in damage to fixtures legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property, of the fact, and of his name and address, and of the registration number of the vehicle he is driving, and shall exhibit his operator's or chauffeur's license, if the operator's or chauffeur's license is in his possession at that time, and the driver shall make report of such accident when and as required by law.

Section 15-221 REPORTING ACCIDENTS.

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department unless settlement of the collision has been made within six (6) months after the date of the accident. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the State Department of Public Safety in accordance with state law, the driver shall be deemed to be in compliance with this Section.

State Law Reference: Similar provisions, 47 O.S. Section 10-108.

Section 15-222 ISSUANCE OF CITATION TAGS.

A. Police officers are hereby authorized to give notice to persons violating provisions of this article by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this Section shall be construed to abridge the power of the police officer to arrest any violator and take him into custody.

C. The chief of police may require that the police officers use citation tags furnished by the Town and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

Section 15-223 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event that form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

Section 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this Section.

Section 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with the proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in Subsection A of this Section shall apply only when the procedure as prescribed in this Section has been followed.

Section 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

Section 15-227 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture

of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicle on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The municipal judge or court clerk shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour.

D. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgement, whether bail was forfeited, and the amount of the fine or forfeiture.

Section 15-228 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 issued by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety and which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and
5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:

- a. Shall designate by explicit description or by appropriate reference all vehicle with respect to which coverage is thereby to be granted;
- b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
- c. May provide for exclusions from coverage in accordance with existing laws; and
- d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy:

- a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;
- b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or
- c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma;

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the Town's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from the 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 an offense and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

F. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage of such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. Court costs may be assessed by the Town.

G. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

State Law Reference: Similar provisions, 47 O.S. Section 7-601 et seq.

Section 15-229 TEXTING WHILE DRIVING PROHIBITED; DEFINITIONS; EXCEPTION

A. Definitions. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text

message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

B. It shall be unlawful for any person to operate a motor vehicle on any street, alley or highway within the City while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

C. Any person who violates the provisions of subsection B of this section shall, upon conviction, be punished by a fine of Seventy Dollars (\$70.00) and court costs.

D. The provisions of subsection B of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;
2. A hospital, physician's office or health clinic;
3. A provider of ambulance services;
4. A provider of firefighting services; or
5. A law enforcement agency.

ARTICLE 3

VEHICLE EQUIPMENT, INSPECTION

Section 15-301 CERTAIN VEHICLES PROHIBITED, VEHICLES INJURIOUS TO STREETS.

No vehicle or object which injures or is likely to injure the surface of a street, shall be driven or moved on any street.

State Law Reference: Required equipment of vehicles, 47 O.S.

Section 12-101 et seq.

Section 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit.

Section 15-303 EQUIPMENT.

Every vehicle operated upon the streets of the Town shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the Town which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the Town.

State Law Reference: For state law relating to equipment, see 47 O.S. Section 12-201 et seq.

Section 15-304 MUFFLERS, CUT-OUTS.

It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. No muffler cut-out, by-pass or similar muffler elimination device, exhaust or vacuum whistle shall be used on any motor vehicle while operating within the Town; however exhaust whistles may be used on authorized emergency vehicles.

Section 15-305 WIDTH, HEIGHT, LENGTH AND LOAD.

No person shall drive or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

Cross Reference: See also Section 16-536 of this code on trucks.

State Law Reference: For state law relating to size, weight, and load, see 47 O.S. Section 14-101 et seq.

Section 15-306 INSPECTION OF VEHICLES.

A. No person shall drive or move on any road, street, or highway of this Town any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this Town, or any combination thereof, unless the vehicle is in good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants.

The provisions of this Section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

B. Any person who violates the provisions of this Section shall upon conviction thereof, be subject to punishment as provided in Section 1-108 of this code.

ARTICLE 4

SPEED REGULATIONS

Section 15-401 SPEED LIMITS GENERALLY, EXCEPTIONS.

A. No vehicle shall be driven at a greater speed than thirty (30) miles per hour in the Town except;

1. On designated and numbered state and federal highways, the maximum is as posted;

2. Emergency vehicles being lawfully driven as provided in this code;

3. When a different speed limit is otherwise designated and posted; or

4. When a different speed limit is established and posted as required in this code.

B. Town personnel, subject to such direction as the mayor and Board may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when so provided, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

State Law Reference: Basic and minimum speed rules, 47 O.S. Section 11-801, 11-804, Town powers 47 O.S. Section 22.1.

Section 15-402 SCHOOL ZONES.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.

State Law Reference: Local authority to set speed limits, 47 O.S. Section 15-102, 11-803.

Section 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS; SPECIFICATIONS.

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration among other things, the condition of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

Section 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS.

No vehicle shall be driven at such an unreasonable slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable.

Section 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS.

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs.

Section 15-406 RECKLESS DRIVING

A. It shall be deemed an offense for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 47 O.S. §11-801.

B. Any person convicted of violating Subsection A of this Section shall be punished by a maximum of Five Hundred Dollars (\$500.00), plus court costs thereof.

ARTICLE 5

DRIVING, OVERTAKING, PASSING

Section 15-501 CHANGING LANES.

A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway which has been divided into three (3) 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.

D. Official signs may be erected directing the slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign.

Section 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS.

A. Upon all roadways of sufficient width a vehicle shall be driven to the right of the center of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and

4. Upon a roadway designated and signposted for one-way traffic.

B. All vehicles shall keep to the right roadway on all streets or highways which are divided into two (2) roadways.

C. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

Section 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right of way only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Section 15-504 OVERTAKING A VEHICLE ON THE LEFT.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaking vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

2. When approaching within one hundred (100) feet of any bridge, viaduct or tunnel or when approaching within fifty (50) feet of or traversing any intersection or railroad grade crossing.

Section 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width from not more than one line of traffic in each direction each driver shall give to the other at least one-half ($\frac{1}{2}$) other main-traveled portion of the roadway as nearly as possible.

Section 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

A. Town personnel, subject to any directions given by the

Board by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.

B. Whenever the Town designates any street or alley or part thereof as a one-way street or alley, Town personnel shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

State Law Reference: Similar provisions, 47 O.S. Section 11-308.

Section 15-508 FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-310.

Section 15-509 NO PASSING ZONES.

A. The State Department of Transportation, as regards state and federal highways, and the mayor as regards all other streets, arm hereby authorized to determine those portions of any highways where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an

ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this Section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

Section 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

State Law Reference: Local powers to regulate processions, 47 O.S. Section 15-102.

Section 15-511 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified by headlights or as may be determined and designated by the police department.

Section 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES.

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

Section 15-514 OVERTAKING AND PASSING SCHOOL BUS.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus shall use caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus.

State Law Reference: Similar provisions, 47 O.S. Section 11-705.

Section 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING.

A. The provisions of Section 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.

B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated.

State Law Reference: Similar provisions, 74 O.S. Section 11-705.

Section 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED; EXCEPTION.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway.

Section 15-517 LIMITATIONS ON BACKING VEHICLE.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without

interfering with any other traffic. No vehicle shall be backed into an intersection.

Section 15-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND MOTOR SCOOTERS.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this Section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the Town.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold onto any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only on the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.

F. No person under the age of sixteen (16) shall operate any motorcycle, motor bicycle, or motor scooter within the Town between sunset and sunrise.

Section 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR.

A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:

1. Handle bars which do not exceed twelve (12) inches in

height, measured from the crown or point of attachment;

2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance not less than one hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake;

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided;

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

6. One lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the vehicle is proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead; and

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this Section unless the person is equipped with and wearing on the head a crash helmet of

the type and as not to distort the view of the driver. Such headgear shall comply with the regulations issued by the State Department of Public Safety as provided in Section 40-106G of Title 47 of the Oklahoma Statutes.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle.

Section 15-520 CLINGING TO VEHICLES PROHIBITED.

No person riding upon any bicycle, coaster, rOLLER skates, sled or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway.

Section 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

Section 15-522 RECKLESS DRIVING.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of reckless driving, and upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

Section 15-523 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING.

It is unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle:

- A. In a careless manner;
- B. In a negligent manner;
- C. In such a manner as to endanger life, limb, person, or property; or
- D. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.

Section 15-524 FULL TIME AND ATTENTION REQUIRED.

The operator of every motor vehicle while driving upon the streets and highways of the Town shall devote full time and attention to such driving.

Section 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the public way and any other conditions then existing.

Section 15-526 SPEED CONTEST PROHIBITED.

A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three (3) or more persons assemble to witness or participate in any unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

Section 15-527 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island.

Section 15-528 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Section 15-529 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provision, 47 O.S. Section 11-1105.

Section 15-530 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM.

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Section 15-531 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

Section 15-532 UNLAWFUL RIDING.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

Section 15-533 PRIVATE SERVICE DRIVES.

No vehicles or animal shall be driven through any private service driveway or private service area except for the purpose of obtaining service or merchandise.

Section 15-534 TRUCK ROUTES.

The Town Board may prescribe routes through the Town for the use of trucks in general, trucks or particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the Town. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the Town, shall keep on such route and shall not deviate therefrom except in case of an 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.

Section 15-535 LOADS ON VEHICLES.

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

Section 15-536 VEHICLE APPROACHING OR ENTERING INTERSECTION.

A. When two (2) vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however, the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

B. The right-of-way rule declared in Subsection A of this Section is modified at through highways as otherwise stated in this chapter.

State Law Reference: Right of way at intersections, 47 O.S. Section 11-401.

Section 15-537 VEHICLE TURNING LEFT AT INTERSECTIONS.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

Section 15-538 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN.

The driver of a vehicle approaching a "Yield Right-of Way" sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard.

State Law Reference: Similar provisions, 47 O.S. Section 11-403.

Section 15-539 VEHICLE ENTERING THROUGH HIGHWAY.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard.

Section 15-540 VEHICLES FACING STOP, SLOW, WARNING OR CAUTION SIGNAL.

If the two (2) or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection.

Section 15-541 THROUGH STREETS.

A. Town personnel, subject to such direction as the Board may give, may designate any street or part of a street a through street.

B. Whenever the Town designates and describes a through

street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the Town if deemed desirable.

Section 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

The Mayor, subject to any directions given by the Board by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or

2. Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required.

Section 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT.

Every stop or yield sign erected pursuant to this chapter shall bear the word "Stop" or "Yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalks on the near side of the intersection or if there is not crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

Section 15-544 VEHICLE ENTERING STOP INTERSECTION.

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In

the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is not marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

Section 15-545 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this Section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the driver shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Section 15-546 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-404.

Section 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING.

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists.

Section 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11-704.

Section 15-549 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Section 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

Section 15-552 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED.

A. Every operator and front seat passenger of a passenger car operated in this Town shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this Section, "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. Subsection A shall not apply to an operator or passenger

of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this Town shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured set belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system: means an infant or child passenger set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:

1. A nonresident driver transporting a child in this state;
2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this Section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provisions of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for the damages. If any action brought by or on behalf of an infant for personal injuries or

wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this Section. Any person convicted of violating subsection A of this Section shall be punished by a maximum fine as set by state law or by the Town, whichever is greater, and court costs.

ARTICLE 6

TRAFFIC CONTROL DEVICES

Section 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

Town personnel, subject to any directions given by the Board by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this Town to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this Town or under state law or to guide or warn traffic.

Cross-Reference: For state law relating to traffic control devices, see 47 O.S. Section 11-201 et seq.

Section 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS.

A. All traffic control signs, signals, and devices shall conform to the manual of Uniform Traffic Control Devices approved by the State Department of Public Safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the Town. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

Section 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police office, subject to the exemptions

granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Drivers to obey traffic devices, 47 O.S. Section 11-201.

Section 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently eligible to be seen by an ordinarily observant person. If a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

Section 15-605 TRAFFIC CONTROL SIGNAL LEGEND.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone, "Go":
 - a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and
 - b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "walk" signal indicator is operating;
2. Steady yellow or amber alone, "caution":
 - a. The showing of such signal color following green shall constitute a warning that the "red" or "stop" signal will be exhibited immediately thereafter; and
 - b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line

when the "caution" signal first flashes that a stop cannot be made in safety, in which event vehicle may proceed cautiously through the intersection and clear the same before the "red" signal flashes;

3. Red alone, "stop":

- a. Vehicular traffic facing the signal stop before entering the crosswalk and shall remain standing until green or "go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and
- b. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so, by a pedestrian "walk" signal;

4. Steady red with green arrow:

- a. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and
- b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal; and

5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals

may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed.

State Law Reference: Similar provisions, 47 O.S. Section 11-202.

Section 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS:

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

1. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.

Section 15-607 FLASHING SIGNALS.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red." When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "Flashing Yellow." When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This Section shall not apply at railroad crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

Section 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. "Flashing Yellow":

- a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and
 - b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;
2. "Steady yellow alone":
 - a. Vehicular traffic facing the signal is thereby warned that the red of "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited; and
 - b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;
3. "Steady red":
 - a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;
 - b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and
4. "Steady red and steady yellow combined":
 - a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and
 - b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the

right-of-way by the drivers of all vehicles.

State Law Reference: Similar provisions, 47 O.S. Section 11-203.

Section 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED.

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This Section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice.

State Law Reference: Similar provisions, 47 O.S. Section 11-206.

Section 15-610 DEFACEMENT OF TRAFFIC CONTROL DEVICES.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injury, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

2. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

Section 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH.

Town personnel, subject to any directions given by the Board, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping protect the same.

Section 15-612 PLAY STREETS, RESTRICTION ON USE.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

Authorized Town personnel, subject to any directions given by the Board, may:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway and crosswalks at intersections, where in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and

2. Establish safety zones or islands of such kind and character and at such places as deemed necessary for the protection of pedestrians.

Section 15-614 TRAFFIC LANES.

A. Town personnel, subject to any directions given by the Board, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

ARTICLE 7

STOPPING, STANDING AND PARKING GENERALLY

Section 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.

Section 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS.

Town personnel, subject to directions given by the Board by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

Section 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES.

No person shall park any vehicle or trailer on any street for a period of time longer than forty-eight (48) hours. This Section shall not affect parking limits established for shorter periods.

Section 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

Section 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

Town personnel, subject to any direction by the Town Board

by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.

Section 15-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 15-708 PARKING IN SPACES MARKED OFF.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space.

Section 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB.

A. Mayor is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The mayor may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 15-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING.

A. Town personnel are hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in Subsection A of this Section, no person shall violate such signs.

Section 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;

2. In front of a public or private driveway;

3. Within an intersection;

4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance of any fire station within seventy-five (75) feet of the entrance when properly signposted;

11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or any unlawful distance away from a curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

Section 15-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY.

A. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The Town Board may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS.

Town personnel may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such sign.

Section 15-715 PARKING ADJACENT TO SCHOOLS.

A. Town personnel may have signs erected indicting no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such sign.

Section 15-716 PARKING PROHIBITED AT INTERSECTIONS.

The parking of vehicles at the curb where streets intersect

shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection.

Section 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property.

Section 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF.

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given.

Section 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY.

A. Upon any street, no person shall stop, park, or leave standing any vehicle, whether attended or unattended upon the paved or main traveled part of the street when it is practical to stop, park, or leave the vehicle off such parts of the street, except that delivery vehicles, either loading or unloading, may park in the center of street, while in the process of loading or unloading and making delivery to or pick up at any local business establishment.

B. This Section shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Section 15-720 DOUBLE PARKING PROHIBITED.

A. No vehicle shall be double parked on any street within the Town limits, except in compliance with the directions of a

police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.

B. 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 and further providing that the double parking shall be permitted only so long as both traffic lanes are not blocked.

Section 15-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING HAZARDOUS MATERIALS PROHIBITED.

A. It is unlawful for any person to park a truck of over one ton capacity, or a trailer over thirty (30) feet in length, for more than three (3) consecutive hours on any street or alley in the Town.

B. It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the Fire Prevention Code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the Town. However, the trucks and vehicles restricted in this Section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquified petroleum gases for a period not to exceed one and one-half (1 ½) hours during any twenty-four (24) hour period.

Section 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;
2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or
3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated for emergency.

Section 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb.

State Law Reference: Parking rules, 47 O.S. Section 11-1004.

Section 15-724 NEGLIGENT PARKING.

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

1. In a careless or negligent manner;
2. In such a manner as to endanger life, limb, person, or property; or
3. In such manner as to endanger or interfere with the lawful traffic or use of the streets.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave insufficient space available for the free movement of vehicular traffic, but in no event shall the space be less than ten (20) feet; and 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.

Section 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space.

Section 15-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR PRIVATE PARKING.

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this Section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in Section 1-108 of this code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. Section 15-112.

ARTICLE 8

LOADING

Section 15-801 DEFINITIONS.

As used in this chapter:

1. "Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale;
2. "Commercial vehicle" means:
 - a. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag;
 - b. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the Town at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle; and

3. "Passenger loading zone" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles.

Section 15-802 CURB LOADING ZONES, DESIGNATION.

A. The Mayor, subject to any directions given by the Board by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this Section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this Section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the Town an amount of money estimated by the Town Board to be adequate to reimburse the Town for all costs of establishing and signing the same.

Section 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law.

Section 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period of not to exceed three (3) minutes.

Section 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE.

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the driver stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall

be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone.

Section 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS.

The Mayor may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands or other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs.

Section 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone.

Section 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

ARTICLE 9

TURNING MOVEMENTS

Section 15-901 TURNING MARKERS OR INDICATORS.

A. Subject to any directions given by the Board by motion or resolution, the Mayor is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 15-902 DESIGNATION OF RESTRICTED TURNS.

The Mayor, subject to Town Board direction, is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this Section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted.

Section 15-903 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign.

Section 15-904 U-TURNS.

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the Town at the following locations:

1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;

2. Where a police officer is directing traffic except at the latter's direction; or

3. At any other location where an official "No U-Turn" sign has been placed and is maintained.

B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner;

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the return is completed, proceeding to make the turn across the intersection;

2. In one continuous movement without stopping or backing the vehicle;

3. By yielding the right-of-way at all time to all vehicles until such turn is completed; and

4. Without constituting a hazard to or interfering with any other vehicle.

Section 15-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED, EXCEPTIONS.

It is unlawful and an offense for any person to turn a vehicle across the center line unless the turn is at an intersection at which left hand turns are permitted or into a private road or driveway.

Section 15-906 POSITION AND METHOD OF TURNING.

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center

line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or

3. Left turns, on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered.

State Law Reference: Similar provisions, 47 O.S. Section 11-601.

Section 15-907 TURNING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or stopping.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

Section 15-908 MEANS OF GIVING TURN SIGNALS.

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma

Department of Public Safety, except as provided in Subsection B of this Section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects twenty-four (24) inches or more to the left of the center of the steering wheel;

2. Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post.

Section 15-909 METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;
2. Right turn - hand and arm extended upward; and
3. Stop or decrease speed - hand and arm extended downward with palm to the rear.

ARTICLE 10

PEDESTRIANS

Section 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians shall be subject to traffic control signals as provided for in this chapter, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

State Law Reference: Pedestrian rights and duties, 47 O.S. Section 11-501 to 11-507.

Section 15-1002 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS.

A. When traffic control signals are not in place or not in

operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or

2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle.

Section 15-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk.

Section 15-1004 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

Section 15-1005 WHEN PEDESTRIANS SHALL YIELD.

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The provisions of this Section are not applicable where pedestrian crossings are prohibited.

Section 15-1006 PEDESTRIANS WALKING ALONG ROADWAYS.

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

Section 15-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS.

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.

B. No person shall:

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;

2. Sell or attempt to sell anything to any person in any vehicle;

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or

4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

Section 15-1008 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway.

Section 15-1009 CROSSING PROHIBITED.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any

place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk.

Section 15-1010 OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

ARTICLE 11

BICYCLES

Section 15-1101 APPLICATION OF BICYCLE REGULATIONS.

The provisions of this Article shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201 et. seq.

Section 15-1102 APPLICATION OF TRAFFIC LAWS TO BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

Section 15-1103 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians.

Section 15-1104 RIDING ON BICYCLES.

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 15-1105 RIDING ON ROADWAYS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle proceeding in the same direction.

B. Person riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and not use the roadway.

Section 15-1106 SPEED OF BICYCLE.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 15-1107 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways.

Section 15-1108 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handle bars.

Section 15-1109 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such manner as to afford the least obstruction to pedestrian

traffic.

Section 15-1110 RIDING ON SIDEWALKS.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The Town Board, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 15-1111 LAMPS AND EQUIPMENT ON BICYCLES.

A. Bicycles in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

B. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

C. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

ARTICLE 12

(RESERVED)

ARTICLE 13

IMPOUNDMENT OF VEHICLES

Section 15-1301 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of the provisions of this Article 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.

State Law Reference: Grounds for removal of vehicles on highways by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

Section 15-1302 PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this Article shall be removed to the nearest garage or place of safekeeping designated by the Town and to no other place.

Section 15-1303 DURATION OF IMPOUNDMENT.

A. Except as otherwise provided, any vehicle impounded under the authority of this Article 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. Such order of release shall be conditional upon the payment of an impoundment fee in the amount of one hundred dollars (\$100.00) by the person to whom the release is issued. This impoundment fee shall be independent of any fine, costs or fees which may be assessed from citations issued to any person for violation of traffic or other laws involving the impounded vehicles.

Section 15-1304 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this Article.

Section 15-1305 DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

Section 15-1306 VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct or causeway, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

Section 15-1307 ARREST AND DETENTION OF DRIVER OF VEHICLE.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded, unless the driver or person in charge can provide immediately for the vehicle's custody or removal.

Section 15-1308 VEHICLE CONSTITUTES TRAFFIC HAZARD.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

Section 15-1309 ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this Section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the

police department shall cause the vehicle to be impounded from the property and placed in storage.

Section 15-1310 VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code, for more than forty-eight (48) hours, shall be impounded.

Section 15-1311 VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

Section 15-1312 VEHICLES PARKED IN INTERSECTION.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

Section 15-1313 STOLEN VEHICLES; RECOVERY BY POLICE.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded.

Section 15-1314 VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of

any provision of this chapter.

SECTION 15-1315 TOWN TO CHARGE FEE RELATING TO IMPOUNDMENTS

The Town shall charge a fee of \$15.00 for its work involved in the impoundment of any motor vehicle properly impounded pursuant to City or State law or ordinance. Such fee shall be paid to the Town prior to the release of the motor vehicle to the owner.

ARTICLE 14

PENALTIES

Section 15-1401 OBEDIENCE TO TRAFFIC CODE.

A. It is an offense against the Town for any person to do any act forbidden or to fail to perform any act required by this chapter.

B. It is an offense against the Town for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this chapter.

Section 15-1402 PENALTIES, SPECIFIC AND GENERAL.

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the Town, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and upon conviction thereof shall be fined or punished as provided in Section 1-108 of this code.

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CHAPTER 16 TRANSPORTATION

RESERVED

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CHAPTER 17. UTILITIES

ARTICLE 1

UTILITY SYSTEMS GENERALLY

SECTION 17-101 LEASE OF SYSTEMS
SECTION 17-102 ACCESS TO TOWN AND AUTHORITY AGENTS
SECTION 17-103 RULES ADOPTED, PENALTY

ARTICLE 2

BILLINGS AND GENERAL PROVISIONS

SECTION 17-201 UTILITY FEES AND BILLINGS IN GENERAL
SECTION 17-202 UTILITY TAPS AND CONNECTIONS; FEES;
UTILITY DEPOSITS
SECTION 17-203 OTHER UTILITY FEES OR CHARGES
SECTION 17-204 APPLICATION OF BILL
SECTION 17-205 CONSUMER TO ADVISE OF CORRECT ADDRESS
SECTION 17-206 JOINT BILLING
SECTION 17-207 DUE DATE AND PENALTY FOR PAYMENT
SECTION 17-208 NOTICE OF INTENTION TO TERMINATE SERVICE
SECTION 17-209 ENUMERATED REASONS FOR TERMINATION OF
UTILITY SERVICE; TERMINATION OF SERVICE;
RECONNECTION SERVICE CHARGE.

SECTION 17-210 RESERVED
SECTION 17-211 RURAL UTILITY CUSTOMERS
SECTION 17-212 PERSONNEL MAY INSPECT PRIVATE PREMISES
SECTION 17-213 AUTHORITY'S RIGHTS AND RESPONSIBILITIES
SECTION 17-214 CUSTOMER REGULATIONS AND RESPONSIBILITIES

ARTICLE 3

WATER SERVICE

SECTION 17-301 APPLICATION FOR WATER SERVICE
SECTION 17-302 METERS
SECTION 17-303 THEFT OF WATER
SECTION 17-304 FAILURE OF WATER SUPPLY
SECTION 17-305 TOWN LIABILITY
SECTION 17-306 WATER METER LOCATION
SECTION 17-307 MAIN VALVES
SECTION 17-308 RESERVOIR, PUMPING AND FILTER PLANTS,
TANKS AND TOWERS
SECTION 17-309 REMOVAL BILLS; SPECIAL BILLS
SECTION 17-310 SERVICE REGULATION
SECTION 17-311 RESERVED
SECTION 17-312 RESTRICTING THE USE OF WATER DURING AN
EMERGENCY

SECTION 17-313 WATER RATES
SECTION 17-314 MANDATORY WATER CONNECTION

ARTICLE 4

SEWER SERVICE

SECTION 17-401 MANDATORY SEWER CONNECTIONS
SECTION 17-402 SANITARY SEWERS, ALTERNATE DISPOSAL
SECTION 17-403 PENALTIES
SECTION 17-404 SEWER RATES

ARTICLE 5

SOLID WASTE COLLECTION AND DISPOSAL

Section 17-501 SOLID WASTE PICKUP
Section 17-502 DEFINITIONS
Section 17-503 UNLAWFUL TO ALLOW GARBAGE AND RUBBISH TO
ACCUMULATE
Section 17-504 RECEPTACLES
Section 17-505 CHARGE FOR REFUSE COLLECTION SERVICES
Section 17-506 ACCUMULATION OF REFUSE NOT PERMITTED
Section 17-507 DELINQUENT ACCOUNTS; LATE CHARGE
Section 17-508 OPEN BURNING NOT PERMITTED

CHAPTER 17. UTILITIES

ARTICLE 1

UTILITY SYSTEMS GENERALLY

SECTION 17-101 LEASE OF SYSTEMS.

The town leased its water, sewer and sanitation systems to the Coyle Public Works Authority, (hereinafter "authority") a public trust. The trust has the power to set rates and otherwise to regulate the water, sewer, and sanitation systems. The motions and resolutions adopted by the trust replace any ordinances which the town had relating to these matters. For the motions and resolutions passed by the public trust, please refer to the minutes of the Coyle Public Works Authority. A copy of the trust indenture relating to the leasing of these systems is on file in the office of the town clerk-treasurer.

Ed. Note: See also special ordinances for various ordinances setting rates and governing the utilities.

SECTION 17-102 ACCESS TO TOWN AND AUTHORITY AGENTS.

A. It is unlawful and an offense for any person to obstruct or deny access to or prevent the reading of water meters in the town by the town or authority, its agents, employees, or officers by parking any vehicle or place any obstruction over or on top of the water meter covers or to permit any vehicle to be parked or located above or on top of the water meters. Each day's continuation of any such violation shall be deemed a separate offense.

B. It is unlawful to make threats of any type to officers, agents, or employees of the town or authority in the performance of their duties or to prevent the officers, agents, or employees from performing their official duties in reading the water meters or by limiting the access to water meters in any other manner not limited to those mentioned above.

SECTION 17-103 RULES ADOPTED, PENALTY.

The rules, regulations or rates of the Coyle Public Works Authority, as amended from time to time, are hereby adopted and incorporated herein by reference. Any violation of the rules, regulations or rates is punishable as provided in Section 1-108 of this code.

ARTICLE 2

2025 Codification Edition
BILLINGS AND GENERAL PROVISIONS

SECTION 17-201 UTILITY FEES AND BILLINGS IN GENERAL.

All fees and charges in connection with any customer's use of the sanitary sewer system, the water facility system, the collection and disposal of refuse and garbage are billed in accordance with applicable rates set by motion or resolution of the authority. All fees and charges owing for any of these utility services shall be billed monthly. The utility bills submitted under the terms of this section are payable on or before the past due date which is printed on the bill.

SECTION 17-202 UTILITY TAPS AND CONNECTIONS; FEES; UTILITY DEPOSITS.

A. The authority shall approve any request for a water tap and connection, a sewer tap to an existing line or a sewer tap, any new line. Prior to granting this approval, the customer shall have paid the deposit and connection or charge as applicable and set by motion or resolution. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed in connection with the utility service. It shall be held in trust by the authority. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the authority have been satisfied, shall be returned to the customer, or to the authority if unclaimed by the customer, after notice as required by law.

B. A fee for reconnection of utility service where the service has been turned off or a meter has been disconnected by the authority for any reason shall be collected by the authority. For any reconnection of utility service the charge shall be set by the town.

C. Any person making an application for utility service shall make a deposit with his application or meter as set out by the town.

D. The deposit shall be held by the town clerk-treasurer, and if at any time the person making the deposit should desire to discontinue the use of utility services, he shall notify the town clerk-treasurer, in writing, and shall accompany his application with all arrears, if any, and in case the application is not accompanied with the charges, then the town shall deduct from the deposit the amount of utility charges against the meter, and the balance, if any, shall be returned to the person making the application. Payment in a timely manner is defined as payment by the due date.

E. There is hereby established a Tapping Fee of \$225.00 for a $\frac{3}{4}$ " meter, \$450.00 for 1 inch meter and \$600.00 for 2 inch meter to defray the cost of making such connection to the water systems of the Authority, which sum shall be paid to the Authority prior to the making of each new connection to the water system. There is hereby established a meter deposit of \$100.00 which said sum shall be deposited with the Authority by each customer of the water system of the Authority prior to the making of each new connection thereto and shall be retained by the Authority and shall bear no interest. Said meter deposit less any sum due the Authority from the customer shall be returned to the customer when he ceases to be a customer of the water system of the Authority. The Tapping Fee for water connection shall never be less than the actual cost thereof to the Authority, and in the event said cost is greater than the actual cost thereof to the Authority, and in the event said is greater than the aforesaid fees, the latter shall be thereby increased. Tapping fee for the sewer shall be no less than \$150.00, to be paid to the Authority prior to the making of a new connection.

SECTION 17-203 OTHER UTILITY FEES OR CHARGES.

The authority from time to time by motion or resolution has the power to establish rates and charges governing all aspects of the utility services, including monthly service fees, connection fees and charges, and deposits.

SECTION 17-204 APPLICATION OF BILL.

Payments shall be first applied to the sewer charges, then the trash charges, and then the water charges.

SECTION 17-206 JOINT BILLING.

The monthly charges to any premises for utility services shall be billed monthly on a single bill or statement to each owner or occupant liable therefor; provided however, that such bill or statement shall separately state the charges for each utility service rendered to the premises.

SECTION 17-207 DUE DATE AND PENALTY FOR PAYMENT.

Utility bills shall be rendered monthly by the town, and all bills shall be payable upon receipt. If any bill is not paid by the fifteenth (15th) of the month or stated due date, a penalty of ten percent (10%) of the bill shall be added thereto.

SECTION 17-208 NOTICE OF INTENTION TO TERMINATE SERVICE.

All utility charges shall be payable by mail through the U.S.

Postal Service or at the Coyle Town Hall Building. Said payment must be delivered or postmarked on or before the fifteenth (15th) day of each month or be subject to a ten percent (10%) late fee. If any utility bill, or part thereof, shall remain unpaid on or after the disconnection date, the town shall give written notice to the occupant of the premises for which such bill was rendered, who shall be deemed the agent of the owner of the premises for the purpose of notice, by posting or affixing such written notice on the building or structure upon which the delinquency remains unpaid, specifying the amount due, with penalties, and advising of the utility department's intention to terminate service on a date not less than forty-eight (48) hours (exclusive of Saturday, Sunday and holidays) after the mailing of such notice. Such notice shall also contain a statement to the effect that the owner or occupant may request a hearing before a trust officer or employee within such forty-eight (48) hour period and state the telephone number at town hall where such officer or employee may be contacted to request such a hearing. Reconnection will not be made until the past due bill, reconnection fee and any applicable additional deposit have been made.

SECTION 17-209 ENUMERATED REASONS FOR TERMINATION OF UTILITY SERVICE; TERMINATION OF SERVICE; RECONNECTION SERVICE CHARGE.

A. The Town may disconnect and terminate service to a utility customer for any of the following reasons:

1. Nonpayment of all or any portion of an undisputed bill or a bill which is no longer disputed or for which the Town's dispute process has been completed.

2. Failure to comply with the terms and conditions of a payment agreement.

3. Failure to post a deposit as prescribed by Town Code.

4. Failure to make application for service.

5. Misrepresentation of identity or facts for the purpose of obtaining service or use of an alias, trade name, business name, relative's name or another person's name as a device to escape payment of an unpaid obligation for Town service provided to the utility customer. For purpose of further interpretation of this subsection, the failure of a previous owner or occupant at the premises to pay an unpaid or delinquent account shall not constitute grounds for termination, unless the previous occupant remains an occupant or user of the Town service at the premises, and in such event, the service may be properly terminated.

6. Violation of any rule or regulation of the Town.

7. Unauthorized use of a Town utility accomplished through bypassing of the Town's measuring equipment or tampering with wires, meters, pipes, or other Town equipment.

8. Whenever the Town has reason to believe that continued service will create a condition on the utility customer's premise that is dangerous to persons or property.

9. Refusal to grant access at reasonable times for the purpose of installation, inspection, maintenance, replacement, or reading of Town equipment installed upon the premises of the utility consumer, or obstructed Town easement of right-of-way, or maintaining any obstruction that would deny access for these premises.

10. Potential adverse effect of the service required by the consumer on the service of other utility customers of the Town, provided the utility customer has been notified and given a reasonable opportunity to correct the adverse effect.

11. Abandonment of the premises served.

12. Upon request of the utility customer.

13. Causing an injury or threatening to cause an injury to an employee of the Town or the family of an employee of the Town or the property of the Town for the purpose of preventing a Town employee from engaging in activities authorized by law or in retaliation for such activities.

14. Violation of the Town's rules regarding the operation of nonstandard equipment or unauthorized attachments if the utility customer was notified first and given a reasonable opportunity to comply with the rules.

15. Violation of federal, state, or local laws or regulations through use of the service.

16. Causing damages to Town property.

17. A condition exists which poses a health or safety hazard.

B. If a utility bill remains unpaid, in whole or in part, or such service is subject to disconnection allegedly based on one

of the enumerated reasons set out in subsection A hereinabove, after service of the required termination notice and the appropriate time period of such notice has expired, and if:

1. No hearing before a trust officer or employee has been requested; or

2. After such hearing, such charges are found to be properly imposed and/or the enumerated reasons found to have occurred;

then the utility service may be terminated.

B. A reconnection fee in the amount of \$20.00, plus payment in full of the outstanding bill and penalties will be charged and collected prior to restoration of service, Monday through Friday from 8:00 a.m. and until 4:00 p.m., and \$40.00, plus payment in full of the outstanding bill and penalties will be charged and collected prior to restoration of service after those hours and on weekends.

SECTION 17-210 RESERVED.

SECTION 17-211 PERSONNEL MAY INSPECT PRIVATE PREMISES.

Authority personnel in the service of the utility systems may enter any private premises served by the water, sewer or other utility systems at any reasonable time, and inspect the pipes, lines, fixtures and connections on the premises.

SECTION 17-212 RURAL UTILITY USERS.

A. Every person being furnished utility services by the town, outside the corporate town limits of the town, shall be deemed and known as a "rural user."

B. Rural water service will be granted only after a request has been made therefor, in writing, addressed to the mayor and town board of trustees of the town. Water extensions outside of the town limits of the town will not be made except on property on which the town has an easement, which has been granted the town or dedicated for public use. Such rural use shall have the prior approval of the town board of trustees of the town; and all such extensions, lines, valves, fittings and connections shall be dedicated to the town for rural water service. All water extensions outside of the town shall be subject to the town plumbing code, and after inspection, shall be accepted by the mayor and town board of trustees of the town, before being put in service.

C. In the event the town board of trustees of the town determines by resolution, duly adopted and approved, that there is a water shortage in the town, and that it would be in the best interest of the inhabitants of the town, to disconnect all water connections to rural users, those persons, firms or corporations shall be disconnected from the water system of the town, from and after being given a three (3) days written notice thereof by the town clerk-treasurer.

SECTION 17-213 TOWN'S RIGHTS AND RESPONSIBILITIES.

A. When an application for utility services has been approved, the town shall cause to be installed a meter or tap as appropriate, and connect the same with the authority for utility service. The town, at all times, shall have the right to enter upon the premises for the purpose of inspecting, maintaining, (including tree-trimming), reading of meters, and for the purpose of repair or adjustments of meters, lines and wires of the authority. The application and the installation of a meter or tap on the premises shall constitute a contract and agreement between the town and the persons making the application to pay for utility services applied for at the rate and manner specified by the town. The town does specifically reserve the right to charge and collect the rate and enforce the penalties in the manner herein provided, to change the rates at any time by ordinance or resolution, to temporarily discontinue the service at any time, without notice to the customer when necessary for repairs or some other emergency at the discretion of the town. Unreasonable impediments to the reading of any utility meter shall constitute sufficient grounds for discontinuation of service (following proper notice) until the impediment has been removed by the customer or his agent to the satisfaction of the town.

B. The town will use reasonable diligence to supply steady and continued service at the point of delivery but will not be liable to the customer for any damages occasioned by irregularities or interruptions. The town may, without further notice, discontinue service to any customer when a defective condition of wiring or equipment upon the premises of the customer results, or is likely to result, in danger to life or property, or interfere with proper service. In order to make repairs or changes in the town's facilities for supplying utility service, or some other emergency, the town reserves the right without incurring any liability therefore to suspend service without notice to the customer for such periods as may be reasonably necessary.

SECTION 2-214 CUSTOMER REGULATIONS AND RESPONSIBILITIES.

A. The customer will not sell the utility service purchased from the town to any other person unless the rate schedule under which he is served provides for such a resale. The customer will not be permitted to extend or connect the installation of lines across or under a street, alley or other public space in order to obtain service for adjacent property through one meter or tap unless such adjacent property is a part of the same business, actually continuous except for intervening public space.

B. The customer will be responsible for all damage to, or loss of, the town's property located upon his premises, unless occasioned by causes beyond his control, and shall not permit anyone who is not an agent of the town to remove or tamper with the town's property.

SECTION 2-215 INSUFFICIENT FUNDS.

All checks returned for insufficient funds must be picked up and full payment made in cash within forty-eight (48) hours from the postmarked date on the envelope from the Town of Coyle notifying the customer that a check was returned or water service shall be terminated.

ARTICLE 3

WATER SERVICE

SECTION 17-301 APPLICATION FOR WATER SERVICE.

When any person desires to connect with the water system of the town, he shall apply to the office of the Utility Superintendent for a written permit, which shall bear the name of the applicant, the location of the property to be served, including the street name, lot and block number, and the class or kind of service for which it is to be used, together with the name of the plumber or contractor who has been employed to do the work. The Board will provide a water meter of appropriate size and necessary hardware and meter equipment to include meter can and cover, this equipment to be provided to the plumbing contractor of such person's choice.

SECTION 17-302 METERS.

A. All tapping shall be paid for by the consumer, including all necessary fittings, work and material used in connection therewith. The town will furnish all meters and necessary fittings for installing same together with suitable box for same where necessary, excepting where meter of larger capacity than one inch is required, and in such case the consumer will be required to purchase and install same at his own expense under the supervision of the superintendent. The meter shall be of

standard manufacture and of a type approved by the department, and shall apply to all present and future users of meters.

B. The town will keep in good repair at its own expense all water meters of its own installation, excepting where meters have been damaged by carelessness or wrong doing of the user, when same shall be repaired and charged against the consumer.

SECTION 17-303 THEFT OF WATER.

Any person, firm, or corporation who shall by fraud or stealth in any way obtain water service without having first made application to the office of the department in regular form, shall be guilty of an offense, and upon conviction thereof shall be punished accordingly. The amount of water that has been obtained by any person, firm or corporation without such water having been permitted to go through the meter designated and placed for such person, firm, or corporation shall be estimated by the average amount used by such person, firm, or corporation during the past three (3) months that meter operated, and the person, firm or corporation shall pay for same at the rate fixed by authority of the town. In any case where theft is committed, the town shall have the right at the expense of the owner to install a boot and lock for the water meter and pit as a precaution against further theft.

SECTION 17-304 FAILURE OF WATER SUPPLY.

In case the supply of water shall fail, whether from natural causes or accidents of any kind, the town shall not be liable for any damage of any kind by reason of such failure.

SECTION 17-305 TOWN LIABILITY.

The town is merely a supplier of water delivered at the curb valve of the consumer's installation, and is not responsible for any damage to apparatus, equipment, or other property of the consumer, either from wear or tear or inherent defects in the installation.

SECTION 17-306 WATER METER LOCATION.

The location of the water meter will be at a location on the line extension to be designated by the water department of the town.

SECTION 17-307 MAIN VALVES.

All main valves throughout the entire water system are for the exclusive use of the town in making repairs, extensions, and

other improvements; and no person, firm, or corporation shall, under any circumstance, use or tamper with them without written consent of the superintendent of the departments. All fire hydrants and public hydrants of all kinds are directly under the control of the town. Any person, firm, or corporation who shall tamper with or secure water from any of these places in any other way than that for which they are intended shall be guilty of an offense and shall be punished accordingly.

SECTION 17-308 RESERVOIR, PUMPING AND FILTER PLANTS, TANKS AND TOWERS.

It is an offense and unlawful for any party or parties to loiter around, climb upon, or tamper in anyway with the tower and pressure tank or pumping station and filter plant. No party or parties shall loiter about the reservoir or drainage canals, climb upon the dam, hunt, fish, use boats on, or bathe, or wade in the reservoirs or drainage canals; and the reservoirs or drainage canals shall be under the supervision of the town. Any party or parties guilty of such offense shall, upon conviction thereof, be punished accordingly, except that the mayor and board of trustees may at their pleasure grant hunting, fishing, and boating privileges on the reservoir or drainage canals from season to season and at such rates as they see fit.

SECTION 17-309 REMOVAL BILLS; SPECIAL BILLS.

Bill rendered on vacation of premises or bills rendered to person discontinued service must be paid on presentation.

SECTION 17-310 SERVICE REGULATION.

The authority reserves the right, in cases of emergency, to govern and regulate the use of water to all consumers by resolution or proclamation as they deem proper for the public health and safety.

SECTION 17-311 RESERVED.

SECTION 17-312 RESTRICTING THE USE OF WATER DURING AN EMERGENCY.

Water restrictions imposed by mayor. In case of emergency caused by a shortage of water in the town water system, it shall be the duty of the mayor to give immediate notice, by publication in a newspaper of general circulation in the town, to the customers of the water system, restricting the use of water obtained from the water system, as the mayor may designate for so long as such water shortage shall last. Thereafter, and until the mayor proclaims that the emergency is at an end, it shall be unlawful for any person, corporation or entity, directly or

indirectly, to use water obtained from the water system for any purpose or use specifically prohibited by the public notice.

SECTION 17-313 WATER RATES.

The following water rates shall be monthly determined and charged as follows:

\$12.42	Minimum Rate (first 1000 gallons)
\$11.73	2 nd 1000 gallons
\$9.66	Over 2000 gallons up to 10,000 gallons (per 1000 gallons)
\$8.97	Over 10,000 up to 15,000 gallons (per 1000 gallons)
\$8.28	Over 15,000 gallons (per 1000 gallons)

The rates may hereinafter be amended by resolution of the Town Board of Trustees or the Coyle Public Works Authority.

SECTION 17-314 MANDATORY WATER CONNECTION.

A. The owners of all houses, building or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the town and abutting on any street, alley or right-of-way in which there is located a public water lines, are hereby required at their own expense, to install suitable facilities therein, and to have such facilities connected directly with the proper public water within sixty (60) days after the date of official notice to do so; provided, that such public water line is within three hundred (300) feet of the property line.

B. Said notice shall be served by a designated agent of the Authority by delivering a true and correct copy to the property owner, or leaving the same at his usual place of residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

C. Any person who shall fail, neglect or refuse to comply with the terms of this section after having been notified to do so as provided herein shall be guilty of an offense. In the event of a continuous violation of this Section by any property owner, the Authority may discontinue the furnishing of water to such property owner, until such time as a proper water connection has been made to the dwelling.

D. In the event the owner of any house, building or property used for human occupancy, employment, recreation or other purpose (which property is more than three hundred feet (300) from the public water line) makes application for the Town

to extend the water service at his or her property, then the Town shall do so at the sole cost of the owner with such cost to be prepaid by the owner.

ARTICLE 4

SEWER SERVICE

SECTION 17-401 MANDATORY SEWER CONNECTIONS.

A. The owners of all houses, building or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Authority, are hereby required at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within sixty (60) days after the date of official notice to do so; provided, that such public sewer is within three hundred (300) feet of the property line.

B. Said notice shall be served by a designated agent of the Authority by delivering a true and correct copy to the property owner, or leaving the same at his usual place of residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

C. Any person who shall fail, neglect or refuse to comply with the terms of this section after having been notified to do so as provided herein shall be guilty of an offense. In the event of a continuous violation of this Section by any property owner, the Authority may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made to the dwelling.

D. In the event the owner of any house, building or property used for human occupancy, employment, recreation or other purpose (which property is more than three hundred feet (300) from the public sewer) makes application for the Town to extend the sewer service at his or her property, then the Town shall do so at the sole cost of the owner with such cost to be prepaid by the owner.

SECTION 17-402 SANITARY SEWERS, ALTERNATE DISPOSAL.

A. Except as hereinafter provided in this Section, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage within the corporate limits of the Town.

B. Where a connection to a public sanitary sewer line is not required under the provisions of 17-507, a private septic tank or cesspool facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the Health Officer and in compliance with the recommendations and requirements of the Oklahoma State Department of Health. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

C. In the event geographical, topical, or other terrain features prevent direct connecting into the public sewage disposal system, no private sewage disposal system will be authorized when a lift station will suffice.

D. Construction of a private sewage disposal system, is prohibited unless and until authorization is granted by the Authority or until he proposed construction has been approved by the Oklahoma State Department of Health.

E. The owner of private septic tanks or cesspools shall operate and maintain the same in a sanitary manner at all times, at no expense to the Town, Authority, and no statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the State Health Officer.

F. At such times as a public sewer becomes available to a property served by a septic tank or cesspool, a direct connection shall be made to such public sewer in compliance with Section 17-507, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

SECTION 17-403 PENALTIES.

A. It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

B. Any person found to be violating any provision of this chapter shall be served by the owner with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who shall continue any violation beyond the time limit provided for in this section shall be deemed guilty of

a violation thereof, and upon conviction thereof shall be punished as provided in Section 1-108 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

D. Failure to pay monthly bills for water or sanitary sewer service when due or repeated discharge of prohibited waste to the sanitary sewer shall result in disconnection of any and all services to the water or sanitary sewer lines of the owner.

SECTION 17-404 SEWER RATES

The rates may be set by motion or by resolution of the Town Board of Trustees or the Coyle Public Works Authority.

ARTICLE 5

SOLID WASTE COLLECTION AND DISPOSAL

Section 17-501 SOLID WASTE PICKUP.

The Town will commence a solid waste pickup and disposal service for people residing in and businesses located within and without the Town of Coyle. The Town shall contract with a third party to provide the service. The contractor will provide collection of garbage once a week or at such other schedule as negotiated in the contract with the third party vendor. Each owner or occupant of a residence or business is required to place the garbage in the provided receptacle in front or to the side of his or her premises for collection by the Town. Any person not doing so is required to dispose of his or her own garbage in a suitable, legal and sanitary manner outside of the limits of the Town

Section 17-502 DEFINITIONS.

For the purpose of this Article, the following terms shall have the following meanings:

"Garbage" shall mean every accumulation of animal or vegetable matter, or both; that is, the refuse matter from kitchens, pantries, dining rooms or other parts of hotels, restaurants, boarding houses, dwelling houses, tenement houses, butcher shops, poultry or fish stores, and all other places in the Town of Coyle.

"Rubbish" shall mean ashes, cinders, paper, broken ware, discarded shoes and clothing, tin cans, lawn cuttings and weeds from yards, small limbs from trees and hedges, and such other refuse as may be termed the natural accumulation of residences

and businesses, and not falling within the meaning of the word "garbage" as defined herein.

Section 17-503 UNLAWFUL TO ALLOW GARBAGE AND RUBBISH TO ACCUMULATE.

It shall be unlawful for the owners or occupants of any premises in the Town of Coyle to allow garbage and rubbish, or either of them, or to suffer or permit water or putrid substances, whether animal or vegetable, to accumulate thereon so as to cause an offensive odor to be emitted therefrom, or to become in a condition injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared to be a violation of this article, and in addition, is declared to be a nuisance and may be abated as such.

Section 17-504 RECEPTACLES.

The owners or occupants of all residences and business premises in the Town of Coyle, shall place all garbage in provided polycarts or containers.

Section 17-505 CHARGE FOR REFUSE COLLECTION SERVICE.

Charges for collections from residents, businesses, churches, and other establishments shall be approved by resolution of the Board of Trustees or the Authority.

Section 17-506 ACCUMULATION OF REFUSE NOT PERMITTED.

No person shall place any solid waste on any street, alley, or other public place and shall not permit solid waste to accumulate without preparing the same for the regular collection. Any unauthorized accumulation of solid waste is hereby declared to be a nuisance and is prohibited.

Section 17-507 DELINQUENT ACCOUNTS; LATE CHARGE.

If the charge for the collection is not paid as set forth in the fee schedule, it shall be considered delinquent and a penalty charge as provided herein. If the charge is not paid within 30 days from its due date, the town shall have authority to discontinue additional water, sewer and collection service to the person or firm owing the delinquent account.

Section 17-508 OPEN BURNING NOT PERMITTED.

A. It is unlawful for any person, firm or corporation to burn trash, lumber, leaves or other combustible material within the Town

limits of the Town of Coyle unless such burning shall be done in a properly screened or otherwise enclosed receptacle with a responsible person at least sixteen (16) years of age in constant attendance.

B. It is unlawful for any person, firm or corporation to set fire to any grass, weeds, brush or trees within the Town limits of the Town of Coyle, unless approval in writing is first secured from the Fire Chief or police chief. Such written approval shall prescribe the times at which such burning may take place and the conditions under which it shall be done and must be complied with if such burning of grass is done.

C. In addition to the requirements imposed by subsection B, no burning of grass, weeds, brush or trees within the Town of Coyle may be done by any person, firm or corporation without first securing the written consent of the owners of the property where such grass, weeds, brush or trees are located, and of all adjoining property owners.

D. Nothing contained herein shall affect the civil liability of any person for any damages done to the property of another by the burning of grass, weeds, brush or trees.

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CHAPTER 18. FEE SCHEDULE

SECTION 18-101 FEES

Pursuant to Section 1-112 of this code and for purpose of providing a clear and concise listing of the fees and charges authorized by the provisions of this code in payment for licenses, permits and services performed in accordance with the regulations and controls upon which the licenses and permits are conditioned and to provide uniformity in the supervision and administration of the issuance of licenses and permits and the collection of the amounts prescribed, a schedule of fees and charges, or fee schedule, is hereby set forth in this section. The heading gives the titles of the appropriate chapters and articles as applicable.

Code Section		Fee
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Administration and Government

Town Records

2-611	Search fee	Actual cost to Town
2-612	Prepayment of estimate fee	
2-613	Copies of ordinance and other public records	

1. Twenty-five cents (\$.25) for all pages to be copied;
2. One Dollar (\$1.00) for the first computer printout and fifty cents (\$.50) for each additional page of computer printout;
3. For certified copies, One Dollar (\$1.00) per copied page;
4. For copies of documents having dimensions of eight and one half (8 ½) by fourteen (14) inches or smaller, twenty-five cents (\$.25);

This section shall not apply to the following so long as another fee has been established for same:

1. Complete copies of the Town code of ordinances;
2. Copies of chapters or similar parts of this code which have been prepared in booklet form; or
3. Ordinances which have been prepared in booklet form.

If the request for copies of public records is:

- 1. Solely for commercial purposes; or
- 2. Clearly would cause excessive disruption of the public body's essential functions;

then the following document search fees shall be charged to recover the direct cost of the document search:

- 1. Ten Dollars (\$10.00) per hour.
- 2. Twenty Dollars (\$20.00) per hour for computer searches.

In no case shall a search fee be charged when the release of the documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully and competently performing their duties as public servants.

The Town clerk-treasurer shall post a copy of the fee schedule on the public bulletin board in the Town hall and with the county clerk.

~~BUILDING REGULATIONS AND CODES~~

5-106	Building permit	10.00
5-108	Moving a building permit	25.00
	Moving a mobile home	10.00

Plumbing Code

5-203	Contractors annual registration	50.00
	Journeyman and apprentices	No fee
	Permit inspection fee	15.00

Electrical Code

5-306	Contractors Registration	50.00
	(per contractor)	
	Permit inspection fee	15.00

Mechanical Code

5-403	Mechanical contractor	
	Annual registration (unlimited)	50.00
	Permit inspection fee	15.00

Fair Housing

5-805	Transcribe testimony cost to be paid by requesting party	
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COURT

Municipal Court

6-120	All offenses (plus as provided by bond schedule or Section 1-108)	
6-126	Witness fee per day	5.00
	Witness fee per mile	0.05
	Court costs	30.00
	CLEET (as set by state law)	
	OSBI fee AFIS (as set by state law)	
	Forensic fees (asset by state law)	

HEALTH AND SANITATION

Weeds and Trash

8-105	Cleaning of weeds and trash or grass cut or mowed; actual costs will be assessed the owner	
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Dilapidated Building

8-503	Dismantling and removal; actual cost will be assessed the owner	
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LICENSING AND BUSINESS REGULATIONS

Occupational Licenses Fees

9-101	Certain occupations	
9-102	Separate licenses required	

Itinerate Vendors

9-207 Itinerate vendors 15.00

OFFENSES AND CRIMES

Offenses Against the Public

10-704 Supervised public displays of fireworks permit

PUBLIC SAFETY

Fire Department and Service

13-211 Rate per call (with contract)

STREETS, SIDEWALKS AND PUBLIC WORKS

Excavating or Cutting Streets and Alleys

14-202 Cutting, boring or excavation, Curb Building permit fee

TRAFFIC AND VEHICLES

~~Vehicle Equipment, Inspection~~

~~15-305 Width, height, length, weight or load which exceeds State Law permit~~

~~Stopping, Standing and Parking Generally~~

~~15-709 Special permits for loading or unloading at curb~~

~~Impoundment of Vehicles~~

~~15-1303 Impoundment costs and storage charges to be paid prior to release~~

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Chapter 19

Franchise Agreements

ARTICLE 1

TELEPHONE EXCHANGES

SECTION 19-101 INSPECTION FEE AND SERVICE CHARGE SECTION 19-102
EXEMPTION FROM OTHER FEES

SECTION 19-102 EXEMPTION FROM OTHER FEES

ARTICLE 2

RESERVED

ARTICLE 3

OKLAHOMA GAS AND ELECTRIC COMPANY FRANCHISE

SECTION	19-301	DEFINITIONS
SECTION	19-302	FRANCHISE GRANTED
SECTION	19-303	OPERATION NOT TO IMPEDE TRAFFIC
SECTION	19-304	INDEMNIFICATION
SECTION	19-305	RATES
SECTION	19-306	RIGHT OF ASSIGNMENT
SECTION	19-307	FRANCHISE TAX
SECTION	19-308	USE OF ELECTRICAL CURRENT BY THE TOWN
SECTION	19-309	FAVORED NATION CLAUSE
SECTION	19-310	ELECTION
SECTION	19-311	ACCEPTANCE OF FRANCHISE
SECTION	19-312	SUPERSEDE AND TERMINATE FRANCHISE
SECTION	19-313	EMERGENCY

CHAPTER 19

FRANCHISE AGREEMENTS

ARTICLE 1

TELEPHONE EXCHANGES

SECTION 19-101 INSPECTION FEES, AND SERVICE CHARGE.

An annual inspection fee and service charge shall be levied by the town upon every person in the amount of two percent (2%) of the gross revenues for the current year for exchange telephone transmission service rendered wholly within the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of said telephone company in the town. The inspection fee and charge shall be due and payable to the town on or before May 1 of each year.

SECTION 19-102 EXEMPTION FROM OTHER FEES.

During contained substantial compliance with the terms of this Article by the owner of any telephone exchange, the charge levied thereby shall be and shall continue to be in lieu of all concessions, charges, excise, franchise, license, privilege and permit fees or taxes or assessments except ad valorem taxes; provided, however, that it is not intended hereby to extinguish or abdicate any existing arrangements, whereby the town is permitted to use underground conduit, duct space, or pole contracts of said company for the fire alarm and police call systems of the town.

ARTICLE 2

RESERVED

ARTICLE 3

OKLAHOMA GAS AND ELECTRIC COMPANY FRANCHISE

SECTION 19-301 DEFINITIONS.

The Word "Town" as hereinafter used shall mean and designate the Town of Coyle, Logan County, Oklahoma, and the word "Company" as hereinafter used shall mean and designate the Oklahoma Gas and Electric Company, a corporation organized and existing under and by

virtue of the laws of the State of Oklahoma and its successors and assigns.

SECTION 19-302 FRANCHISE GRANTED.

A. The Town hereby grants to the Company the right, privilege and authority to produce, transmit, distribute and sell electricity within the corporate limits of the Town for all purposes for which it may be used, to the Town, its inhabitants and the public generally, and the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds and other places in each and every part of said Town for the purpose of producing, transmitting, distributing and selling electricity to the Town, its inhabitants, and to the public generally.

B. The franchise hereby granted shall be effective from and after the date of approval of this Ordinance by the qualified electors of the Town and acceptance by the Company, and shall remain in full force and effect for a period of twenty-five (25) years. Nothing in this Ordinance shall be construed to prevent the Town from granting an electric franchise to any other person, firm, or corporation.

C. The Company shall construct, operate and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly. In case of any disturbance of pavement, sidewalk, driveway or other surface, the Company shall at its own cost and expense, and in the manner approved by the Town, replace and restore the portion disturbed in as good a condition as before said work was commenced.

D. The Company's electrical system shall be erected, placed, laid, or otherwise installed. operated and maintained in such manner as will, consistent with reasonable necessity provide the least interference with other public uses of the public way.

E. The Town shall make and enforce reasonable regulations concerning the construction of the Company's electrical system located within, along, across, over or under the public ways and to reasonably designate where the electrical system's works, poles, and lines shall be placed so long as such regulations are not in conflict with the laws of the State of Oklahoma and the United States, or the orders, rules, or regulations of the Oklahoma Corporation Commission or other regulatory authority having jurisdiction over the Company.

F. The Town reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines and to do or permit to be done any underground work deemed necessary and proper by the Town along, across, over or under the Public Ways. In permitting such work to be done, the Town shall not be liable to the Company for any damage to the Company's electric system unless the Town or its agents or contractors are negligent in causing said damage.

G. Whenever by reason of establishing or changing a grade of any street or in the location or manner of construction of any public way, cables, water, sewer, gas or other underground structures, it shall be deemed necessary by the Town to alter, change, adapt or conform any portion of the Company's electrical system located in the public ways, such alterations or changes shall be made within a reasonable time by the Company, after notice in writing by the Town, without claim for reimbursement or compensation by the Town. Provided, however, that this provision of the franchise is not intended to require the Company to alter, change, adapt or conform any portion of its electrical system, without reimbursement or compensation, where the right to locate the same (whether by private right-of-way grant, utility easement, or other conveyance) was acquired prior to its location in the public way.

H. If the Town shall require the Company to adapt or conform its system or in any way to alter, relocate, or change its property to enable any person, firm, corporation or entity (whether public or private), other than the Town, to use the public ways, the Company shall be reimbursed for any and all loss, cost, or expense occasioned by the person, firm, corporation, or entity desiring or needing such change. "Person", "firm", "corporation", and "entity" as used in this section shall not include the Town, or any other trust or authority formed by or for the benefit of Town for public utility purposes.

SECTION 19-303 OPERATION NOT TO IMPEDE TRAFFIC.

The Company shall construct, operate and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly.

SECTION 19-304 INDEMNIFICATION.

The Company shall defend and indemnify the Town, its officers and employees from any liability for all claims, including injury to any person or property caused by the negligence of the Company, its officers, employees, agents, Contractors, and subcontractors in the

construction, operation and maintenance of its property, including the conduct of all of its operations within the Town. The Company shall indemnify and become responsible for and forever hold harmless the Town from any and all damages, judgments, reasonable costs and expenses, including attorney fees, which the Town may suffer or incur, or which may be legally obtained against the Town, for or by reason of the negligent use, repair or occupation of any public way within the Town pursuant to the terms of this Ordinance or resulting from the negligent exercise by the Company of any of its privileges or by reason of it carrying on its business in the Town (except where such damages, judgments, reasonable costs and expenses, including attorney fees, result from the negligence of the Town, its officers or employees. Provided, however, that in the event of such claim or claims being prosecuted against the Town, the Company shall have the right to defend against the same and to settle or discharged, the same in such manner as it may see fit. and the Town shall give prompt written notice to the Company of any such claim.

SECTION 19-305 RATES.

Electric service provided hereunder to the Town, its inhabitants, and to the public generally, and rates charged therefor shall be in accordance with orders, rules and regulations of the Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction.

SECTION 19-306 RIGHT OF ASSIGNMENT.

The Company shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound by all the provisions hereof. An authenticated copy of such assignment and acceptance shall be filed with the Clerk of the Town.

SECTION 19-307 FRANCHISE TAX.

A. From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the Company agrees to pay and shall pay to the Town an annual franchise fee in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the Town, such payment to be made on or before the 25th day of July of each year, after deducting therefrom any amount due the Company from the Town.

B. The Company shall abide by any order, rule or regulation of

the Corporation Commission of the State of Oklahoma requiring the listing separately of all or any portion of such franchise fee on electric bills to customers.

C. Such franchise fees paid by the Company to the Town shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit, or other fees, taxes or assessments, except ad valorem taxes.

SECTION 19-308 USE OF ELECTRICAL CURRENT BY THE TOWN.

The Company shall furnish to the Town without charge each fiscal year during the term hereof electric current to be used exclusively by the Town for operation of traffic signal lights and buildings occupied and operated by the Town for municipal purposes, to be applied by the Company as a credit to billings to the Town, provided that such electric current shall not exceed one-half of one percent (0.5%) of the kilowatt-hours sold by the Company to customers within the corporate limits of the Town during the preceding fiscal year.

SECTION 19-309 FAVORED NATION CLAUSE.

Should the Company accept any franchise from any other municipality in Oklahoma in which the Company provides consumers with electric service. and should such other franchise provide for a franchise fee, exaction fee or other similar assessment greater than the applicable rate specified above in this section, then the franchise fee rate provided for in the Town shall be automatically increased as of the date of Company's acceptance of the other franchise to such higher rate. Company will promptly notify the Town of the acceptance of such franchise by such other municipality and the effective date thereof.

SECTION 19-310 ELECTION.

A special election is hereby called for the purpose of submitting this Ordinance to the qualified electors of the Town residing within its corporate limits for their approval or disapproval, provided the Company shall pay the cost of such election. The election shall be held on the ___ day of _____ 2024, between the hours of 7:00 a.m. and 7:00 p.m. The Mayor of the Board of Trustees is authorized and directed to issue an election proclamation calling such election and is further directed to take all steps that may be necessary for holding the election and for the submission of this Ordinance to the

qualified electors of the Town. If a majority of the qualified electors of the Town voting thereon fail to approve this franchise at said election, no rights shall accrue hereunder.

SECTION 19-311 ACCEPTANCE OF FRANCHISE.

In case the franchise hereby granted is approved at said election, the Company shall, within thirty (30) days from the date of such approval, file with the Clerk of the Town, in writing, its acceptance. In the event the Company fails to accept within the said period, such failure shall be deemed a rejection of the franchise.

SECTION 19-312 SUPERSEDE AND TERMINATE PREVIOUS FRANCHISE.

The franchise hereby granted shall, on its effective date, supersede and terminate any previous franchise granted to or held by the Company.

SECTION 19-313 EMERGENCY.

An emergency is hereby deemed and declared to exist whereby it is necessary for the preservation of the public health, safety and welfare of the inhabitants of the Town of Coyle that this Ordinance take effect immediately from and after its approval, adoption and publication as provided by law.